

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, MARCH 26, 2026 – 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 Josh Slotnick
Commissioner Juanita Vero
Commissioner David Strohmaier

Staff Present:

Cheryl Hartman, Administrative Assistant, Commissioners' Office
John Hart, Civil County Attorney, County Attorneys' Office
Erik Dickson, Transportation Engineer, Public Works
Jennie Dixon, Planner, Planning, Development, and Sustainability
Kevin Dantic, Planner, Planning, Development, and Sustainability
Tim Worley, Senior Planner, Planning, Development, and Sustainability
Mel Fisher, Strategic Initiatives Manager, Commissioners' Office
Elena Evans, Environmental Health Manager, Health Department
Tenzin Lhaze, Community Engagement Coordinator, Communications
Patricia Spotted Wolf, Administrative Specialist, Commissioners' Office
Carey Powers, Communications Coordinator, Communications
Kyla Lehnerz, Office Administrator, Lands and Communities
Kathleen Arthur, Planner, Planning, Development, and Sustainability
Allison Franz, Manager, Communications
Mattie Scott, Administrative Assistant, Commissioners' Office/Facilities
Patrick Swart, Planner, Planning, Development, and Sustainability
Chris Lounsbury, Chief Administrative Officer, Missoula County
Izzie Varley, Planning Manager, Planning, Development, and Sustainability

1. **CALL TO ORDER** *[Time stamp – 0:02]*
2. **PLEDGE OF ALLEGIANCE** *[Time stamp – 0:05]*

3. LAND ACKNOWLEDGEMENT [Time stamp – 0:22]

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

4. PUBLIC ANNOUNCEMENTS [Time stamp – 0:30]

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

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA [Time stamp –4:20]

6. CURRENT CLAIMS LIST

Claims received as of March 04, 2026 to March 16, 2026 by the Commissioners' Office total \$7,280,939.77.

7. HEARINGS

a. Crawford Family Transfer [Time stamp – 11:05]

Kevin Dantic, Planning, Development, and Sustainability

Commissioner Strohmaier made the motion that the Board of County Commissioners of Missoula County approve the request by Kristin L. Crawford to utilize the family transfer exemption to create and transfer a 5.00-acre tract to her father, Michael J. Robinson, as presented in the exemption application and affidavit.

Commissioner Vero seconded.

[Motion Passed 3-0.]

[Letter 2026-084 was sent to Missoula Engineering in c/o Jenna Sage.]

b. Open Hearing to Establish a School Zone and Speed Limit for Potomac Elementary

Erik Dickson, Public Works [Time stamp – 29:54]

Commissioner Vero made the motion that the Missoula Board of County Commissioners open a hearing for public comment to establish a school zone and speed limit for Potomac Elementary School.

Commissioner Strohmaier seconded.

[Motion Passed 3-0.]

[Signed RCA was sent to Erik Dickson]

c. Missoula County Chapter 8 Zoning Amendment/Sign Regulations

Jennie Dixon, Planning, Development, and Sustainability [Time stamp – 35:08]

Commissioner Strohmaier made the motion that the Missoula Board of County Commissioners approve amendments to Chapter 8 Missoula County Zoning Regulations, including billboard signs and electronic message displays on billboards.

Commissioner Vero seconded.

[Motion Passed 3-0.]

[Resolution 2026-054 Book:1126 Page:448]

d. Subdivision Regulations Maintenance Amendments

Tim Worley, Planning, Development, and Sustainability [Time stamp – 1:04:53]

[Postponed to April 02, 2026 Commissioners' Public Meeting]

e. Ranch Club Phasing Plan Extension

Kevin Dantic, Planning, Development, and Sustainability [Time stamp –1 23:25]

[Postponed to May 28, 2026 Commissioners' Public Meeting]

f. Fire Bucket Meadows Subdivision

Patrick Swart, Planning, Development, and Sustainability [Time stamp –2: 13:57]

Commissioner Strohmaier made the motion that the Missoula Board of County Commissioners approve Fire Bucket Meadows Subdivision based on the findings of fact and conclusions of law in the staff report and the Supplemental Groundwater and Stormwater Findings Memo. This approval is subject to the recommended conditions of approval as amended in the Supplemental Groundwater and Stormwater Findings Memo

Commissioner Vero seconded.

[Motion Passed 3-0.]

[Letter will be sent to PCI, Inc. In c/o of Ron Wetzsteon at a later date that will be notated in the Commissioners' Journal]

8. OTHER BUSINESS

[None]

9. ADJOURN

Chair Slotnick – Called the meeting to adjourn at 5:13 p.m.

BCC Public Meeting March 26, 2026 – Transcription

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

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

0:02

Would you please join me in the pledge?

0:05

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.

0:22

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

0:30

We have some public announcements.

0:34

Hello everyone.

0:35

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

0:41

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

0:46

Just a friendly reminder that there will be multiple chances during the meeting for public comment in person and virtually.

0:53

The Chair will open discussion for public comment after each staff presentation.

0:57

Please respectfully keep your comments to 3 minutes.

1:00

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

1:04

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

1:06

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

1:10

When once called upon, you'll need to push *6 to unmute.

1:14

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

1:17

Thank you.

1:19

Thanks Cheryl.

1:19

We have a proclamation.

1:22

This is a proclamation in regards to Fair Housing month.

1:27

WHEREAS Title 8 of the Civil Rights Act, commonly known as the Federal Fair Housing Act, which guarantees fair housing for all residents of the United States, was signed into law in April 1968.

1:40

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

2:01

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

2:21

And WHEREAS, according to the most recent annual report published by HUD, housing discrimination complaints reached the highest level ever recorded in 19 or 2023, with more than half of those complaints relating to discrimination on the basis of disability status.

2:40

And WHEREAS, recent reductions to federal fair housing funding have significantly impacted organizations responsible for enforcing the Fair Housing Act, including cuts that eliminated roughly 80% of the operating budget for the Montana Fair Housing Organization, severely limiting resources available for education, investigation, and enforcement of Fair housing protection statewide, and weakening the systems that protect residents from housing discrimination.

3:10

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

3:22

And WHEREAS, Missoula County and the City of Missoula welcome this opportunity to celebrate the 58th anniversary of the adoption of the Fair Housing Act and to rededicate our commitment to the principle of Fair housing for all by strengthening efforts that address discrimination in our communities, supporting programs that will educate the public concerning their rights to equal housing opportunity, and ensuring every person their right to live free of the fear of housing discrimination.

3:52

NOW, therefore, we, the Missoula County Commissioners in the State of Montana and the Mayor

of Missoula, the City of Missoula, do hereby proclaim the month of April 2026 as Fair Housing Month in Missoula, Mt.

4:05

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

4:12

Signed by Andrea Davis, the Mayor of Missoula, and your three Missoula County commissioners.

4:17

Thank you, Dave.

4:20

Now it's time for public comment on items not on the agenda.

4:23

You get to speak for three minutes on anything you'd like.

4:25

Travis, Nice to see you again.

4:28

Travis Metier, Missoula resident That proclamation makes me want to vomit.

4:34

Like, real, real, real hard.

4:37

In part because I still talk to the people that have tents as housing.

4:41

I'm still interested in like, dead bodies that was found down the Kim Williams Trail in November.

4:46

And I'm still concerned about things like the Missoula Development Authority since we're in the county.

4:50

This, you know, I'm trying to remember where I am jurisdictionally since I've been making so many public comments lately and anything like a like a Ted or a tiff that degrades the ability of law enforcement to deal with serious things like human trafficking.

5:04

I've re examined the nonprofit world and the sort of Christian special OPS LARP of saving, saving human trafficking victims.

5:11

And I'm so so so concerned about what we actually have the ability to do as a county and as a city.

5:17

I've also been suggesting that people should check out Instagram.

5:19

I've been trying to learn how to speak Instagram and I really hate myself letting know what frame logging is.

5:24

I don't think anyone should ever have to be forced into learning what frame logging is.

5:27

I think that's actually, I think that's violence to my, to my cognition and my psyche and my soul perhaps.

5:32

But now that I do know what frame logging is and I know about sigil cult and I know about Salvi June and how Salvi June came in and like really disrupted at God's ability to be in, in subsidized housing in Los Angeles.

5:45

I'm just worried about the reality of drug addiction is continuing to escape people with suits who like to congratulate themselves so they can wear ties as they try and extract more public money from MRA and MDA with Teds and Tiffs.

5:58

I wanna support discrimination against acronyms, Discrimination against meth addicts who are in housing and destroying it because that wrecks investments.

6:07

So I just really, really emphasize that reality is a thing that does exist despite passing laws.

6:13

I also want to recommend that the sheriff is one of the most powerful roles.

6:17

That's why my puppet in he's in my bag.

6:19

He's not going to come out today, but that's why my puppet wants to bring attention to the fact that the sheriff's role is really critical.

6:25

So for example, in Riverside, CA, again, California, you have a sheriff that has like hundreds of thousands of ballots because he took them and he's counting them himself.

6:34

Our sheriff back in the day, they weren't able to count when it came to a offender who committed 2 misdemeanor assaults.

6:41

He was only actually charged with one.

6:42

And that's when I started getting concerned that our Sheriff's Office couldn't like, like do addition that they thought $1 + 1$ equaled 1.

6:48

I always thought that $1 + 1$ equal 2.

6:50

But so, but I have a problem myself with talking too much.

6:53

And that's why I'm glad to, to see the numbers counting down because you guys only have like 30 seconds left and I might just like keep on rambling for that amount of time just so you can hear my voice.

7:03

I like to hear my voice.

7:04

I like attention.

7:05

I desperately seek it.

7:06

Once Upon a time, I told Sam Tripoli, he has this really popular podcast.

7:11

It was a 2021 and I told him to not give money to drug addicts.

7:15

He didn't listen to me.

7:16

He still does that.

7:17

And then he was on Joe Rogan, kind of like Luke Grimes and he was crying.

7:20

Did you guys see Luke Grimes crying on Joe Rogan?

7:22

The locals don't like Californians.

7:24

The end.

7:25

Thanks, Travis.

7:27

Anyone else like to speak on anything you like for three minutes?

7:31

Here comes somebody and see the shot clock.

7:34

Then you then you'll know where you're at.

7:39

You got to tell us who you are though.

7:41

Turn your mic off please.

7:46

Hi there, I'm Carrie Britton, I am a local farmer and I'm a long time exhibitor at the Western Montana Fair and Agriculture Culinary in Home Arts.

7:58

I did write a letter to the Commissioners in January and Commissioner Barrow did respond back to me, which I appreciate and I'm sure you all had maybe something to do with it, but I appreciate that.

8:09

But anyways, I wanted to make the public appeal since I had done the private appeal at to put the culinary and agricultural exhibits back into the culinary building.

8:26

I've been doing.

8:26

I was, I've been an exhibitor since probably around 2008.

8:29

So I've had that experience and that building would be full with exhibitors, culinary agriculture and then 4H culinary and agriculture too in the between.

8:40

And it was lovely, it was good fun.

8:44

But for the last four or five years, maybe more, it has been the culinary and agriculture has been dispersed throughout the grounds.

8:53

It would be in flora culture for a couple years, a small corner and then be told, you know, you have to take your stuff away and because there isn't enough room and then lashed and then wasn't home arts building and now it's in the new exploration building, the county extension office.

9:08

Last year it was in a small room, the lupine room.

9:11

And for both exhibits it was cramped.

9:15

It wasn't in fighting.

9:17

You couldn't walk around, you couldn't.

9:20

It was like claustrophobic.

9:21

It wasn't right.

9:23

So I guess I'm asking for that it go back to the culinary building.

9:29

The building was vacant last year except for some two people giving out beverages and selling them.

9:36

And I was told that they were adult beverages, which is really not a good space for adult beverages when it's so close to it is the mainstream of the fair.

9:45

And I can tell you, I talked to 4H parents and FFA parents and they weren't too thrilled about that being there.

9:52

But it's amazing that building was empty and the taxpayer money when to rehab it and empty.

9:58

And it's a great resource.

10:00

And it should be.

10:01

Agriculture should be in the front and foreground of the fair, not some room in an office building.

10:10

And I've, you know, I appreciate the building.

10:12

I mean, I work hard.

10:13

I'm a chair for the Healthy Acres and I appreciate the building.

10:18

I appreciate what it does for our community, but it is not a place to exhibit such large classes.

10:25

Oh, I guess I do like to hear my self speak large classes, large exhibits like agriculture, which is so important to our community.

10:32

So thank you very much for your consideration and I appreciate it.

10:35

Thank you.

10:35

Thanks, Kerry.

10:37

Anyone else?

10:40

Anybody online?

10:44

OK, we have 123456 public hearings today that are not quite entirely a cross section of everything the county does, but is a pretty interesting representation of the diversity of things.

10:57

We get to think about school zones, family transfers, zoning amendments, subdivision regs and some land use decisions.

11:05

So we will start off with the Crawford family transfer and Kevin Dantic will present.

11:33

Thank you, commissioners.

11:34

For the record, my name is Kevin Dantic, planner with the Missoula County Department of Planning Development, Sustainability.

11:41

Today I will be presenting the Crawford family transfer.

11:45

This is a request from Chris and all Crawford to use the family transfer exemption to the Montana Subdivision and Planning Act to create and transfer one parcel to her.

11:55

The recipient, Michael J Robinson technical representative, is Jenna Sage from Missoula Engineering, LLC.

12:04

For reference, the parcel lies in the western part of the Missoula Valley.

12:07

Over here we have the Y interchange of Hwy.

12:10

93 and I-90.

12:12

Commonly known as the Grass Valley area over here off of Western Farms.

12:15

Little close up view here.

12:17

The property is accessed via Pulp Mill Rd.

12:21

State Route 474 which is a Missoula County maintained roadway.

12:26

Western Farms Rd.

12:27

is comes down off of Pulp Mill Road to the subject parcel.

12:32

A little bit of background, the subject property is zoned Agriculture Rural Residential, commonly known as AGRR 5.

12:41

Per the Missoula County Zoning regulations within the zoning district, maximum residential density of 1 dwelling per five acres is allowed.

12:50

The parcel is currently developed with one existing single family home.

12:55

The subject property is designated as a split designation for the from the 2019 Missoula Land Use element which is the amendment of the 2016 growth policy.

13:06

We have it zoned designated both rural residential and agriculture and then also strictly agriculture because of this parcel right here closer to the railroad tracks.

13:16

That's the agricultural part of it.

13:19

These designations recommend preserving natural landscapes and waterways while also providing for rural residential uses in areas with proximity to little higher levels of infrastructure and services.

13:31

The residential density ranges between 1 unit per two acres to 1 unit per 40.

13:36

That's just dependent on site conditions.

13:39

In addition, development is designed to protect important resources such as agricultural lands, sensitive natural landscapes and waterways and avoid hazards such as floodplains, wildfire.

13:50

Protecting public health and safety in identified hazard areas such as floodplains as a goal for the growth policy.

13:57

And residential buildings are always predominantly single family dwellings.

14:03

Subject parcel was created in 1978 and by the filing of Certificate of Survey 1725.

14:11

We're looking at this top part here, Parcel 9A which is created by occasional sale back in the 70s.

14:19

The claimants proposals to utilize the family transfer exemption to divide the 11.59 acre subject property located on Western Farms Rd., currently owned by Kristen and Steven Crawford, into two tracks.

14:33

The proposed family transfer is intended to facilitate plans to construct a new single family residence on the newly created tract.

14:41

The parent parcel will continue to be occupied and used by the claimant as their full time residence.

14:49

The family transfer result in the division of Lot 9A into Lot 9A1 which is the northwestern side of the parent parcel.

14:58

Here, that's going to be 6.60 acres that's gonna be retained in ownership by Kristen and Steven Crawford.

15:04

Lot 982 on the bottom here, that's gonna be 5 acres and that'll be owned by the claimant's father, Michael J Robinson.

15:14

The exemption requested is in accordance with MCA 76.3 dot two O 7.1 dot B divisions made outside of platted subdivisions for the purpose of a single gift or sale to a family member.

15:29

The application was sent out to Missoula County agencies for comment and we received these back.

15:35

WE Cassidy Leno from Missoula County Environmental Health did state that the proposed home will require applicable sanitation review or cite the applicable exemptions for wastewater.

15:48

Rita Hagler from the Missoula County Public Works Building Division did note that there are three expired open permits that need final inspections, and she suggested that they reach out to the office to get those final inspections scheduled as soon as possible in to avoid a notice of violation being placed on the parent parcel.

16:06

And any new construction, of course, will require all permitting.

16:12

The Family Transfer exemption is intended to allow a landowner to divide land exempt from subdivision review to convey as a gift or sale 1 parcel to each immediate family member.

16:23

Chapter 8 of the Missoula County Subdivision Regulations does provide general evasion criteria and rebuttable presumptions to determine whether an exemption request is an attempt to evade subdivision review.

16:35

Missoula County PDS staff did identify 3 criteria that may be presumed to have been used for the purpose of evading subdivision review, including the claim and acquired interest in the tract of land via quitclaim deed from another family member #2 the parcel was transferred to the claimant within the past two years and #3 the aforementioned existing violations on the property.

16:59

However, based on those facts as presented in the exemption application and affidavit and those contained within the Staff report today, Staff has concluded there does not appear to be an attempt to evade subdivision review in the claimants request for a family transfer and that the existing violations on the property will not be made worse or left unremedied by this proposed division.

17:28

Commissioners, Staff has a recommended motion on the screen before you.

17:33

Thank you.

17:39

Is the applicant or their representative here like to speak to this?

17:48

Hi Commissioners, Jenna Sage with Missoula Engineering.

17:51

Kevin, thank you for working with us on this project and getting this rescheduled last minute.

17:57

We're here to answer any questions you guys may have, but don't have any comments at this time.

18:05

Yes, I do have a question for you or the applicant.

18:08

What the what is the plan to remedy the violations?

18:14

Probably to contact the could the could the applicant come up and speak to this?

18:19

Kristen.

18:20

Hi.

18:20

Hi, Kristen.

18:21

Yeah, specifically what what are you planning to do to take care of the violations that are outstanding?

18:29

I don't know what the violations are.

18:31

I think there's some just from the Kevin, do you do you want to elaborate?

18:39

Yes, to the applicant.

18:42

So the building division did identify most likely when you built the residence that there are some final inspections for #1 there's a building permit for a house and shop addition to the existing garage #2 looks like an electrical permit for the new single family residence.

19:03

And #3 it looks like in final inspection for a 96 percent efficient gas furnace system and gas piping for the furnace range and BBQ dryer bath fans in kitchen hood.

19:17

Looks like a lot of inspections that were overlooked when the residence was originally constructed.

19:27

OK, well, we are not finished.

19:29

Yeah, that's OK.

19:33

It's just reaching out to the building department and figuring out what they need, if they can come out and do a final inspection, getting those permits extended, certainly.

19:46

So, so I would recommend like today, tomorrow, reaching out to staff to figure out a path forward to make that happen.

19:54

OK, Thank you.

19:58

Thanks.

19:58

Can you be able to do that?

19:59

Yep.

20:00

Great.

20:00

Thank you.

20:01

Thanks.

20:05

OK.

20:05

Anything else?

20:06

No.

20:07

Public comment.

20:08

Thank you.

20:09

Any public comment on this?

20:14

OK, seeing none.

20:17

OK, I would move to approve the request by Kristen L Crawford to utilize the family transfer exemption to create and transfer A5 acre track to her father, Michael J Robinson as presented in the exemption application and affidavit.

20:33

Any public comments?

20:35

OK.

20:36

All in favor.

20:37

Hi.

20:38

Good luck.

20:39

Thank you.

20:43

OK, next is Eric Dixon.

20:45

We're going to hear about a school zone in Potomac.

20:54

Yes.

20:54

Good afternoon.

20:55

Eric Dixon for the Public Works Department.

20:58

In January of this year, I was contacted by Justin Iverson.

21:01

He is a member of the Potomac Elementary School safety team and they were reaching out with concerns about the speed limit and existing signing around the Potomac Elementary School.

21:16

The signs that are in place are pretty minimal in nature and inconsistent from one end to the other.

21:21

As you can see on this layout of the existing signs.

21:26

You have a school zone sign and then a speed limit, a speed limit, then a school zone and there is nothing on Potomac Loop indicating that there is a school zone on that side.

21:35

Rd.

21:37

Current state law requires that we work with a with the with the school district when establishing or altering a school zone speed limit and we have no record that this action was ever taken prior to this request.

21:52

So I gave some recommendations to doctor Emily Solis.

21:55

She is the Superintendent of the school and she took that information to the school board and they

ultimately requested a permanent 15 mile an hour speed limit in the proposed school zone, which on the draft resolution is this extent pretty much matches where the signs are now.

22:14

But again, with the resolution officially establishes the school zone and so again back to the existing signs.

22:23

Again, pretty minimal.

22:24

They don't meet current standards.

22:26

They were established over the years and I don't have a good reason why.

22:32

They are inconsistent from one end to the other, but certainly don't meet the current standards.

22:37

So our proposed proposed signage plan would look like I can't get around my screen, would look a little more robust.

22:54

These signs would meet the current MUTCD standards.

22:57

And at the same time, you'll notice that we're proposing to add some intersection control at each end of the school where none exists.

23:05

This, this corner down here is very busy every part of the day with the school using the Community Center for activities and lunches, things like that.

23:15

So the existing signs and traffic control that are in place now, I believe the school installed with a grant a few years ago.

23:23

So that particular area is is well identified, but the remainder of the school zone is not.

23:29

So this brings us to the request to open the hearing and I believe that we have a few members from the school district online if they wanted to comment.

23:39

Great.

23:40

Thanks Eric.

23:41

Any other members of the school district?

23:44

There's there's Doctor Sally and Justin Iverson.

23:49

Yeah, 1 of the time, but we're excited to hear from you.

23:52

Well, we appreciate you having us.

23:54

And we sure appreciate Eric and all of his support and bringing it to this point.

23:59

My name is Doctor Emily.

24:00

Sally.

24:00

I'm the principal and Superintendent at Potomac School.

24:03

This is my first year at within the school community and I've been working hard with Justin Iverson as well as our SRO Deputy Brad Webber, who's also on this call, to address lots of different aspects of school safety.

24:18

Potomac is a really unique school in lots of ways.

24:22

You've probably passed by it and never known there's a school hidden not far off the highway, but as Eric identified, the school is goes beyond just our building.

24:34

We utilize the Community Center, which I know it's hard to see here on the map or it's not particularly identified, but we use it throughout the day for breakfast, for lunch, for PE, for full school assemblies, for athletics, and then for after school events as well.

24:54

So it's not just at arrival and dismissal that our students are crossing these roads.

25:00

I will say that although there are some speed limit signs posted asking drivers to slow down, it's common that they are speeding right through that space, even as we have staff, including myself, out at crosswalks, particularly in the morning when students are getting off the bus, going to breakfast and then coming back over to the main school building.

25:23

There you can see that that brown roof is our Community Center.

25:27

So our request for that permanent speed limit is due in large part to how much student traffic, student and staff traffic is moving across those roads throughout the day.

25:43

And I think Justin's going to talk a bit more about this too.

25:45

But we are the only playground and park area between Bonner and Seeley, so about 15 to 20 miles in either direction.

25:54

So when school isn't in session, our facilities are often used by community members, particularly really coming to the playground, but also utilizing the Community Center in various ways.

26:05

So while our focus and our our initial priority and talking to Eric was around student and staff safety, certainly these considerations will help keep the entire community safe in those off school hours and days.

26:21

Justin, I might pass it over to you if you don't mind and and then see if officer, whoever has anything to say before we wrap up as well.

26:28

But thank you again, Thanks Doctor Silly.

26:34

Good afternoon commissioners, this is Justin Iverson.

26:37

I manage the facilities here at the school and also sit on the safety committee.

26:41

Thank you for your time and and consideration on this matter.

26:45

Since I was a kid, Potomac Loop has been used as a quick cut off to pass someone on Potomac Rd.

26:52

Potomac Rd.

26:53

is on the West and South side of the schools.

26:56

Potomac Loop is on the east side and the north side through that residential neighborhood.

27:01

As you can see to the east we have our ball field and track that gets used both by the school and by the public throughout the year and throughout holiday season all the time.

27:11

There's usually someone out there.

27:13

Same thing with the playground.

27:14

As Doctor Solis said, that is open to the public.

27:16

We do not lock it up and we have had county impact grants to help us with funding for some park spaces inside that as well.

27:24

So it is intended to be used at all times, not just cool.

27:28

One other piece I would like to throw in there that's Eric had mentioned all the confusing signage.

27:35

The southwest corner there that 90 by the school playground is also marked as already 15 mph for that corner.

27:43

So folks are coming in at 35, then assigned for 25, then for 15.

27:48

It's quite confusing, so we're looking for some consistency across that.

27:53

That corner up in the northeast, being a member of the Volunteer Fire Department as well.

27:58

We have had crashes there as people come cruising across that's that 9095° corner there right into neighborhood parking.

28:06

Often times there are vehicles on both sides of the road that respects it, especially in the winter time.

28:11

It narrows that road quite significantly and becomes 1 to 1 1/2 lanes through there at least in the winter time.

28:18

And we do have winter for for many months in Potomac.

28:20

So that is our ask.

28:23

Again, we appreciate your time and we feel like to clean this up for the users in the Valley.

28:28

Thank you.

28:29

Thank you, Justin.

28:32

Anybody else from the public like to speak on this?

28:34

Oh, somebody else.

28:36

Sorry about that.

28:39

James.

28:40

Jane.

28:41

Jane, Hello.

28:42

Can you hear me?

28:43

Yes, great.

28:45

Hi, Josh.

28:46

Hi, everybody.

28:47

So I am the resident that lives on that bend that Justin just mentioned on the northeast corner.

28:55

And it was my car that got totaled because someone went flying around that bend and smashed into my car and knocked it right into the middle of the road, smashed their car as well.

29:10

And so the I'm one of seven residents along this along the loop.

29:17

And when school is not in session, it's really quiet except for when people come flying through there.

29:25

There's kids that live on the ball field side.

29:27

We've had dead cats, dead dogs, dead chickens.

29:32

It's ridiculous.

29:33

If people were going 15 miles an hour they would have slowed down to a stop and let let the creatures who live here be able to not worry about someone flying around that bend trying to beat.

29:47

Usually it's people trying to beat people on the main road and cut them off where the Community Center is.

29:53

I'd also like to add that the church is on the southeast corner and the church ladies park there and kids are crossing there going to the ball fields.

30:09

A lot of the old timers I've noticed refer to the Potomac Loop and the Potomac Rd.

30:14

as the village and so for a village to not have 15 mile an hour signs just doesn't make sense.

30:23

So I realize this is probably a no brainer for everyone, but I thought I would chime in anyway and thank you for considering us up here in our humble little village.

30:35

Thank you, everybody.

30:36

Thanks, Jane, and sorry to hear about your car, Angela.

30:43

Hi, I'm Angela Naomo.

30:45

So I live right next door to the school and we have little, we have little ones that play outside and we have definitely, we've been living there for two years and have definitely noticed how fast people just drive through there.

31:02

My youngest is 2 years old, so she's a little runner, so we definitely have to always be cautious, especially when crossing the road.

31:09

But we do utilize the school a lot for her playing and we use the baseball field across the street.

31:16

And yeah, it's just a crazy how fast people drive through there.

31:19

Very concerning, especially with the little ones that have to cross the road to the Community Center to go to lunch.

31:27

So this would definitely help out a lot and especially calm a lot of our nerves, especially having kids and living right next door to the school.

31:36

Thanks, Angela.

31:38

Yeah, Elmer.

31:46

Elmer, you may be muted *6 or undo that.

31:53

Yeah, I'm Elmer Cahone and I live on the loop.

31:57

Also.

31:59

I've just, I grew up in Potomac and that has always kind of been a problem area.

32:06

I am very much in support of this is night day.

32:09

Anytime there is traffic that goes through there at I would say high speeds and with the school being there, it's a matter of time before we have an issue that one of the kids gets hit.

32:26

People use the Potomac loop because of they want to try to beat somebody or they think it's faster instead of having to take that 15 mile an hour, 90° turn because it's not such a drastic turn.

32:42

Like Jane said, there was that accident there and it was pretty major and everybody around there uses that whole area.

32:55

The community uses the ball field, the school, the Community Center always has events going of some kind.

33:03

And it's just, it would, it would at least I don't know that it would actually stop people, but it would at least give law enforcement an ability to try to slow it down but and give them a reason to enforce the law.

33:25

So I just appreciate you guys taking the opportunity to hear us.

33:35

Thank you.

33:35

Elmer, anybody else online or in the room?

33:43

So if I understand it right, we would be voting today just to open a hearing, is that correct?

33:50

There's a motion, OK, I move that we open a hearing to consider the establishment of a school zone and school zone speed limit on a portion of Potomac Road and all of Potomac Loop at Potomac Elementary School.

34:04

Second, any further public comment on this?

34:08

Just one quick mention that the second hearing is already scheduled for April 23rd.

34:12

Thank you so much, Eric.

34:13

So make sure you all heard that April 20th would be the final hearing, 23rd, 23rd, when we would vote on making this real.

34:20

And between now and then, if you feel like you'd like to reach out, we will be continually accepting comments.

34:26

Send us a note.

34:28

OK, All in favor.

34:31

Aye, aye.

34:32

Thanks a lot, Eric.

34:33

Thanks to you all from Potomac.

34:36

OK, Next, Jenny Dixon's going to talk to us about zoning amendments.

35:06

Thank you, Commissioners.

35:08

For the record, my name is Jenny Dixon with Planning Development, Sustainability, Department of Missoula County.

35:14

This is a second public hearing on a proposal to amend the zoning regulations pertaining to signs, in particular billboards and electronic message displays.

35:35

1st, I want to talk about the policy guidance relative to the proposal, which is to prohibit any new installation of any new billboards in the zone portion of Missoula County and also conversion of electronic message display billboards.

35:52

The Growth Policy highlights preserving the County's natural landscapes, open spaces and scenic corridors and rural character.

36:01

Billboards create visual intrusions into scenic landscapes, open spaces and rural corridors, thus undermining the community's long term vision for preserving those scenic and rural character qualities described in the Growth Policy.

36:19

The one community approach which is advocated in our Growth Policy calls for coordinating growth along the edges between the city and the county.

36:28

The city has prohibited billboards for decades, and in fact, just last month we adopted a prohibition of the of billboards with the passage of their new zoning code.

36:43

From 1974 to 2022.

36:46

Billboards were allowed in commercial and industrial zoning districts in 19 or sorry, 2022, the zoning regulations were amended to allow billboards only in industrial districts which are ICL and ICH and were only authorized 1 billboard per parcel.

37:09

As I mentioned at the beginning, if this proposal is approved, it will prohibit the installation of new billboards on the zone portions of Missoula County, including adding a second face on an opposite side of an existing billboard.

37:22

It will also prohibit the conversion of existing billboards to electronic message displays or even to be lit with internal lighting.

37:30

In other words, that they may only be externally lit.

37:35

Note that this does not prohibit digital on premise types of signs, non billboard types of signs.

37:42

So like when you see a, let's say a gas station has the internally lit, they're much smaller.

37:49

They're like 10% the size of a billboards.

37:53

Existing billboards may remain in wherever they might exist currently and concerns expressed by state and local businesses that the opportunities for billboards will cease to exist is just simply not accurate.

38:09

We have, I mean uncountable number of billboards.

38:13

I haven't counted, but we have a lot of billboards and opportunities will continue to exist on those existing billboards.

38:21

The most directly affected areas are those zoned ICL and ICH, the industrial districts.

38:27

These areas cover 323 separate tracks and outside of these areas, these industrial zoned areas wherever they may be billboards, they are already considered non conforming billboards and that is what would happen if this amendment is approved today.

38:44

The signs in these nine areas will also be treated that way.

38:48

And that's, that means that actually let me jump ahead here.

38:53

That means that they will be able to do normal maintenance and upkeep, but not structural alterations to the billboards.

39:02

And if the Billboard is destroyed or damaged, you can less than 50% of the replacement cost, then you can actually replace it.

39:13

But if it's destroyed more than 50% of that replacement cost, it then needs to go away according to our regulations.

39:22

I just want to hit on a few things regarding the legal framework and some studies relative to a billboard safety.

39:30

Off premise sign advertising, commonly known as billboards is regulated by the Highway Beautification Act of 1965.

39:39

And that makes that act, makes the distinction between billboards which are on premise or, excuse me, off premise advertising, and on premise advertising, which is something different.

39:49

That highway act then authorized local or state departments of transportation to regulate and license billboards as off premise signs.

40:00

Missoula, MT's law mirrors that federal framework.

40:06

A 2016 DC Circuit Court case reaffirmed the role of the Federal Highway Administration.

40:13

And the Highway Beautification Act in regulating off premise signs.

40:18

And the 7th Circuit upheld a ban on digital billboards in Madison, WI, acknowledging that regulations placed on billboards locations are content neutral and therefore compliant with freedom of speech provisions that signs normally enjoy.

40:38

And finally, long standing federal law and Supreme Court precedent recognized that governments may regulate billboard structures more strictly because of their unique Traffic Safety and aesthetic impacts.

40:52

The strongest study relative to billboard safety found in 2019 that removing highway billboards was associated with a 30 to 40% decrease in injury involved crashes.

41:09

A 2015 government funded study found that crash rates indicative of driver distraction were 25 to

29% higher near billboard signs along high speed roadways and then at control sites further down the road.

41:26

A 2022 analysis found that driving past a digital billboard increased A motorist's chance of being involved in a crash by about 4 1/2 percent.

41:36

Broadly speaking, some studies find increased crash risk, while some find no statistically significant change.

41:46

And that is usually in a low complexity roadway environment.

41:49

Nonetheless, findings are not uniform across all studies.

41:56

A 22,000 and six Highway Traffic safety analysis showed that taking one's eyes off of the road for more than two seconds for any reason not directly related to driving significantly increases your crash risk.

42:12

A study by the Swedish government found that digital billboards took driver's eyes off the road for significant periods of time, often exceeding that 2 seconds in August.

42:25

Another study in 20/20/12 published by the Traffic Injury Prevention Journal found that billboards, especially electronic billboards, influenced the gaze of behavior by attracting more and longer glances than regular traffic signs, capturing drivers attention for just long enough to double the chance of a crash.

42:46

Finally, some studies have shown that glare from digital billboards can be harmful as the changing messages elicit an involuntary distraction response, similar to the effects of using your cell phone, which is which are now banned while driving in most areas, including the city of Missoula.

43:05

Digital billboards project light outward and can illuminate the landscape for quite some distance, introducing light intrusion into homes and other unwanted areas.

43:15

They can also flood the night sky with ambient light.

43:19

This light pollution disrupts circadian rhythms and related behaviors of local wildlife.

43:24

People are also not immune to this effect, and residents exposed to these billboards can experience similar disruptive effects.

43:33

These studies provide evidence for your reliance should you choose to recommend approval of the proposed amendments, citing public safety.

43:43

Digital billboards are commercial advertising platforms that rotate messages at timed intervals, designed to attract visual attention through brightness, contrast, and periodic changes.

43:56

They are not designed as traffic control devices.

44:00

The Montana Department of Transportation regulates electronic billboards, as I mentioned earlier, through the Highway Beautification Act.

44:06

And according to MDT staff, electronic billboards were introduced to into Missoula in last year, in 2025 and prior to that we had seen no permit requests for digital billboards.

44:19

Missoula County has issued permits for two digital billboards, which I believe have yet to be constructed, and a third is in review pending flood floodplain permit approval.

44:30

As a result, the county commissioners asked planning staff to investigate the possibility of

prohibiting new billboards and particularly EMD conversions, Electronic message, message display conversions.

44:48

Other technologies exist to convey messages in a safer fashion, including navigational devices and vehicles and notifications.

44:56

Modern communication technologies include Geo targeted wireless emergency alerts and navigation based hazard notifications capable of delivering time sensitive information directly to drivers based on their location.

45:11

Advanced driver assistance systems and connected vehicle technologies are designed to provide audible or minimally intrusive visual warnings integrated into the driving task, rather than external roadside stimuli competing for visual attention.

45:31

Transportation agencies use these type of dynamic message signs to convey standardized, limited and situation specific information such as crash alerts, weather hazards, lane closure.

45:43

These purpose built traffic control control devices are designed expressly to minimize visual distraction, maximize comprehension and are preferred by transportation transportation agencies to convey that critical public safety information.

46:00

I would note that we have received written comment either via letter, e-mail or a Missoula County voice with eight commenters opposed to these changes and 12 commenters in favor.

46:16

You should have, and I do you do have all of those comments in your record and those have been available for your, for your review.

46:25

Given the evidence in the record that both static and digital billboards have the potential to distract drivers, increase visual and cognitive workload, and contribute to crash risk, it is reasonable and supportable under acceptable traffic Traffic Safety research to prohibit new

billboards and digital billboards as a land use measure in Missoula County to protect public health and safety.

46:48

We have a recommended motion here.

46:50

But first, I would note that on March 4th of this year, the Missoula County Consolidated Land Use Board voted 4:00 to 3:00 to recommend approval of staff's recommended motion shown here.

47:02

The inline changes to the sign amendments, the sign regulations are shown in attachment A so you can see exactly how the regulations would change that was attached in your packet.

47:13

And then a summary table.

47:15

Some people prefer to see rather than inline changes, a table of what are the things that are changing that was provided as attachment B.

47:22

Other than these substantive changes, all other changes are non substantive, do not change content or intent of the current regulations, but are just clarification, language clarifications.

47:33

And with that, try to finish in 7 minutes.

47:37

Thank you so much.

47:38

Do you guys have any questions for Jenny?

47:43

Awesome.

47:43

Do we have any public comment on this?

47:52

Hello, thank you for the floor.

47:54

My name is Jesse Hyatt.

47:56

I work with Lamar Advertising and his account executive selling billboard advertising to Missoula County, small businesses in Missoula County.

48:04

First, I wanted to point out when I was looking at the project proposal today or the report today, and they're actually more than 8 comments against this amendment.

48:13

I saw that people were allowed to leave comments until yesterday, so there were several more that were made.

48:19

I went ahead and printed those out in case you need to see them.

48:22

If you don't have them, I have them for you here.

48:25

I feel like it's important that people's voices who took time to speak about this issue that they care about is heard.

48:33

Second, I want to, after coming to four meetings about this, it seems clear to me that this is, you know, it seems like a witch hunt against the Billboard industry and billboards as a media and advertising media in general.

48:51

Yes, there are some studies that show possibly that billboards could have increased safety risk, but you can find just as many studies that say that that's inconclusive.

49:00

They're placed at eye level.

49:02

They're placed where, you know, people aren't going to be glancing down at the radio or down at their phones to see them.

49:07

They're not meant to be navigational.

49:09

They have a lot of other purposes.

49:11

So there was a comment made that said that, you know, at the land board meeting that somebody thought billboards might go the way of Yellow Pages, which is just false, and that people have other ways to get where they're going, like their phones.

49:24

But if you're encouraging someone to use their phone instead of a billboard to find some place that's contradictory in my opinion, that you would say, you know, billboards are posing a safety risk, but then ask somebody to use their phone instead.

49:37

So as well, there were other things pointed out.

49:42

You know, some of these studies you have to take into account where they're being done.

49:45

I know some of them were done in Israel or other countries where the traffic is much more complicated.

49:51

And so you don't have necessarily a controlled study.

49:55

We already meet all the regulations that are in place for billboards in this county.

50:00

And the digital boards are specifically only, I'm running on time.

50:06

They're only place in small industrial areas, so there's already a lot of other obstructions and things in those areas that you say the billboards would be taking away from the natural landscape.

50:19

But if they're only in industrial areas, that seems contradictory as well because it doesn't seem that they could do that if they're in an industrial area.

50:27

There's other, you know, on premise signs with lighting in this county that have very bright lights that have moving pictures, things like that, moving letters.

50:37

The digital billboards don't do that.

50:39

You know, we can control the lighting.

50:41

It's less of a safety risk when we're sending less people out to install the billboards and they can accommodate more small businesses and more advertisers who need an affordable way to advertise their business and get their name out there on less space than the static billboards.

50:58

So I just feel like a lot of there's a lot of misconceptions about billboard signs and what their purpose is.

51:04

And we have a record for it's almost all small businesses in Missoula.

51:09

So that's all the time I have.

51:10

But thank you for hearing me out.

51:12

Thanks a lot.

51:13

Anybody else like to speak on this issue?

51:16

I have these.

51:18

Oh, please.

51:19

Absolutely.

51:19

We we're in no hurry.

51:20

Take your time, Jesse.

51:23

Yeah.

51:24

Thank you so much.

51:31

Anyone else like to speak to this?

51:36

OK, OK, I'll gladly make a motion.

51:40

I will just say that I am supportive of this I think.

51:47

Oh, I'm so sorry, Sorry Dave.

51:49

OK, yeah, I will, I will call that premature that I that I messed that up not seeing them.

51:54

So #1ES.

51:58

Eric, please speak.

52:00

You have 3 minutes.

52:03

Thank you so much.

52:04

Good evening commissioners and I appreciate everybody's time this evening.

52:08

Quick introduction on myself just because I'm on the online platform.

52:12

I grew up on a ranch in a small town near Grand Forks, ND before moving to Montana.

52:17

I grew up in a family that was a strong 4H family and also of law enforcement, Fish and Wildlife.

52:25

I've seen first hand how billboards provide many benefits to these types of organizations.

52:31

As a real estate manager for Lamar Advertising, I'm strongly opposed to the proposed text amendment because it does not allow for the aesthetic improvement of billboards that are in place today.

52:43

Today, if I wanted to upgrade an existing billboard or provide market attrition, the current regulations that have been adopted often require a net reduction in the total number of billboards by the the one per parcel rule or current MBT spacing.

53:02

That means fewer structures overall and better looking structures for the community.

53:06

The proposed amendment removes that pathway.

53:09

It freezes the existing structures in place, locking in older more visually dated structures indefinitely with no practical opportunity for aesthetic upgrades or any net reduction.

53:22

I have to say as the that the opposed the proposed amendment appears to be a knee jerk reaction by the applicant specifically related to a site that we had proposed last year at 5175 Highway 93, the same app.

53:38

The applicant for today's publicly the the applicant for today's proposal had publicly misrepresented our application on on the platforms and many, many sites that were required to go forth with a variance application.

53:59

In fact, your very own legal counsel, John Hart has spoke before the Board of Adjustments to retract these false claims that were made by the applicant of today's text amendment.

54:09

Knowing this history, I strongly believe that many of the facts that are presented today are also misleading and very biased studies.

54:17

Lamar Advertising.

54:18

We operate in municipalities throughout the United States, across Montana.

54:22

There's no credible data demonstrating that billboards create public safety concerns.

54:28

If billboards were as harmful as Mystics and claims, we would expect to see clear, consistent local evidence.

54:36

I have a few other questions hope to have addressed tonight.

54:40

1 Where are the rest of the comments that were that were on the Missoula voice up until yesterday that were not presented?

54:48

The materials that you've been provided this evening appear to be up to March 11th.

54:54

2 Where are the letters about to run out of time that were provided?

54:58

So you just hit the three minute mark, Sir.

55:01

Sorry about that.

55:03

We just And now, yeah.

55:05

Thank you, Mr.

55:06

Sweet.

55:07

Thank you.

55:08

And there's another person online.

55:11

Ally.

55:13

Hi.

55:13

Thank you so much.

55:14

Can you hear me?

55:15

I'm online, and I don't have a screen, so just making sure.

55:17

No worries.

55:18

What?

55:18

Maybe you might wanna look at your phone and just check on your 3 minutes.

55:22

I don't want to interrupt you.

55:23

I know that's rude.

55:23

No, no problem.

55:25

Thank you so much.

55:26

Well, I just wanted to say thank you for your time.

55:27

My name is Ali.

55:28

Carly.

55:28

I'm with Lamar Advertising, you know, Eric mentioned that some of the public comment wasn't made available anymore and was redacted.

55:36

So please let me know that or please know that you should read those and make sure that those are validated because those are voices within your community.

55:44

So I just wanted to give, you know, finish his his last statement.

55:49

One thing I want to say about Montana is it's a beautiful area, right?

55:51

We live in one of the most beautiful areas in the country.

55:54

However, there's not always service in Montana.

55:56

So some of the comments made by Miss Dixon regarding, you know, the new technology and how it can help with emergency alerts, all of that.

56:05

It's not always available to us because we live in a beautiful area that doesn't always have the best service.

56:10

So this is another channel for businesses alike and or emergency services to communicate on.

56:15

If my child goes missing, I'm a mother.

56:17

I hope to God my child's face is on every structure in the entire country, as I'm sure all of you do for your own children.

56:23

If there's a weather emergency, heaven forbid, a tornado, whatever it may be, those can be immediately put on there when we don't always have service as we're driving.

56:31

So it's a great tool for your community to communicate on.

56:34

I also think, you know, there's a comment or there's a note about the being able to rebuild your our structures in there.

56:43

If there's 50% damage, sometimes there's damage that we're is out of our control, a vehicle may drive into it.

56:50

I feel like that's unforeseen events and that should be completely addressed.

56:54

We can't control if a truck drives into our structure.

56:57

So I think that needs to be addressed.

56:58

So I just wanted to bring that up as well as, you know, considering a lot of the public comment wasn't or not a lot, some of the public comment wasn't showing up anymore online, there is potentially a legal argument to invalidate any vote that happens today because of that.

57:14

So I just wanted to bring that up as well.

57:17

And just let you know, we're not trying to fight against Missoula County.

57:20

And by any means, as far as changes are going, we want to work with the county and help write the ordinance to work for not only our industry, just for the the community as a whole.

57:31

And we appreciate your time.

57:33

We want to help elevate the Missoula community.

57:36

And thank you so much.

57:38

Thank you, Ali.

57:41

Oh, sure, please.

57:42

Thank you.

57:43

This is Cheryl.

57:45

Hi.

57:46

I work for the commissioners.

57:47

This is Cheryl, Administrative Assistant.

57:49

And we were having some technical difficulties as of last evening and it was corrected immediately this morning and the agenda was republished and updated in all comments where new comments were added to the package.

58:04

Thanks.

58:04

And I would clarify that as people have been sending in comments in writing or by e-mail, those have been forwarded immediately, usually same day to the county commissioners for their review.

58:17

And Missoula County Voice comments have been available in a real time manner ongoingly since February, all of which have been made available to the county commissioners for their review.

58:29

Thanks, John.

58:31

Can I ask you a question?

58:36

You can try.

58:38

Thank you, Sir.

58:39

So given what we just heard from Cheryl and Jenny in terms of public comment, do you believe we're OK making a decision today on this?

58:49

I'll be honest with you.

58:50

I wasn't listening to what Cheryl said because I was trying to find the facts and circumstances or from what the last gentleman talked about.

58:59

Tell me what, Cheryl, would you please Microphone, our civic clerk platform that we use for publishing was down yesterday due to some technical difficulties, but then was corrected this morning and the agenda packet was republished and updated with all public comment.

59:23

But that didn't prohibit or preclude folks from commenting.

59:27

That was just what was available for inspection.

59:30

They still were able to comment on the Missoula County Boys page.

59:40

My question, but folks were not able to see those comments, only the ones that were previously on the packet from last publishing what was last Friday.

59:51

So it had to be regenerated this morning and then was republished.

59:56

So everything, any comments that were made this week weren't able to be viewed until this morning.

1:00:01

There's no requirement that they be viewed until this morning.

1:00:04

Until this morning.

1:00:06

What would be if we waited?

1:00:09

I don't know.

1:00:11

I get notifications when there are comments on Missoula County Voice, and perhaps because of this malfunction, I didn't get any.

1:00:19

But there were no Missoula County Voice comments that I was notified about this week.

1:00:24

They were all either mailed letters or emailed letters, which, as I said, we made available to you immediately.

1:00:31

And those public comments on Missoula County Voice, just clarifying, Cheryl, we're available to everybody to see and to comment until when the Missoula County Voice website page was not affected by our publishing platform, which is civic clerk was having the issue.

1:00:50

In fact, we have right now our very own Allison Franz who manages our Missoula County Voice, Yes, and our coms team.

1:00:57

I was going to clarify that we're not aware of any issues, issues with people being able to comment on Missoula County Voice this week.

1:01:03

I can see comments from 21 hours ago, 17 hours ago.

1:01:07

So I don't think that platform was impacted.

1:01:11

Thank you, Allison.

1:01:13

What do you think, John?

1:01:17

Well, I guess I'm still confused about the state of affairs between maybe Friday and this morning.

1:01:23

What, what?

1:01:24

What was what would not have been available to people.

1:01:27

Perhaps it was only for yesterday, yesterday afternoon.

1:01:32

The packet was not online until this morning.

1:01:37

And this was only the agenda packet through Civic Clerk, which is published on the website for every project.

1:01:48

I'm inclined to say that that's not a legal infirmity, but you, you all can use your judgement and exercise caution if you want, but I, I think we're OK.

1:02:04

Thank you.

1:02:04

Thank you for the explanation, Cheryl, and thanks, Allison for the update.

1:02:10

OK, so I just want to clarify, so the, you could look at the packet up until yesterday afternoon, correct.

1:02:21

So there was, it was OK.

1:02:22

It wasn't from Friday to today the the packet was only unavailable for viewing yesterday afternoon to this morning.

1:02:29

This morning they corrected it immediately.

1:02:34

OK, so from yesterday afternoon to this morning the packet wasn't wasn't visible, but as of this morning it was.

1:02:41

So it was correct.

1:02:43

It was not visible for 2/3 of a day and it had been visible since Friday.

1:02:50

No.

1:02:51

When do we publish it?

1:02:53

The publishing was on Friday, and it's visible then and exactly all the way until yesterday afternoon.

1:02:59

Correct.

1:03:00

People had the opportunity to comment regardless of whether the packet was visible late afternoon yesterday.

1:03:06

We read plenty.

1:03:08

Thanks, everybody.

1:03:09

OK, Thank you.

1:03:11

OK.

1:03:11

I'm ready for a motion.

1:03:12

And I'll just say I, I think billboards are a blight on the face of Big Sky country and I am happy that Missoula County is getting out in front of this.

1:03:21

And and if you want to consider this a nail in a the coffin to billboards in Missoula County, then so be it.

1:03:28

So I move that we approve amendments to Chapter 8 of the Missoula County zoning regulations as shown in attachment a prohibiting new billboards and electronic message display billboards and treating existing billboards as non conforming along with other non substantive clarifications and corrections based on the findings of fact and conclusions and public testimony.

1:03:50

Second, any further public comment on this?

1:03:56

OK, all in favor.

1:03:58

Aye, aye, Jenny, thanks for all the scholarly research on this.

1:04:02

That was super helpful.

1:04:04

Thank you.

1:04:08

OK.

1:04:08

Next up, our very own Tim Worley to talk about some subdivision regs maintenance amendments.

1:04:45

Thanks, Commissioners.

1:04:46

For the record, Tim Worley with Missoula County Planning, Development and Sustainability.

1:04:53

Yes, these are maintenance amendments coming before you today over the Missoula County subdivision regulations.

1:05:00

And what we're talking about mainly is what constitutes the what's defined as the urban area in the sub regs.

1:05:11

The urban area is unincorporated Missoula County.

1:05:15

It's typically, however, served by municipal water and sewer.

1:05:19

It's defined by higher intensity land use designations in the growth policy and the requirements in the subdivision regulations for the urban area are typically urban scale roads, curbs, gutters and sidewalks.

1:05:34

And we have a map of the urban area at the rear of our regulations in Appendix A.

1:05:39

It's these yellow areas sort of on the urban fringe, but this is all unincorporated Missoula County.

1:05:46

The goal of defining the urban area and the rural area is appropriate road and non motorized infrastructure where higher intensity land use designations are the location of what we would like to see as urban scale facilities.

1:06:01

Whereas in suburban and rural locations we want to see facilities tailored more for those types of landscapes.

1:06:10

So I think a photo is worth 1000 words when it comes to these distinctions.

1:06:15

On the left is an illustration of the urban area in the Y vicinity where you have paved roads, curbs, gutters and concrete Blvd.

1:06:25

sidewalks.

1:06:27

And on the right you have a rural area example north of Houston where you have a paved Rd.

1:06:33

still, but you have swales and asphalt pathways typically just on one side of the road.

1:06:41

So how all this started was that we discovered some mapping areas in late 2025 S.

1:06:48

In addition to correcting these, we felt some clarifications were in order.

1:06:52

So we chose to update the urban area and rural area definitions in Chapter 2 of the subdivision regulations and we felt it was appropriate to update actually the text in Chapter 3, which is the design standards chapter of our subdivision regulations.

1:07:09

The biggest updates probably are to Appendix A, with the current Appendix A map being what's on the left and the proposed changes to the urban area being on the right.

1:07:26

So starting with amendments to definitions in Chapter 2, the recommendation is really to define Lolo's urban area by RSAD 9 O1 very specifically.

1:07:39

The take away here is that we are no longer defining the Lolo urban area by the Lolo Water Study area.

1:07:46

Instead we want to define the urban area by RSID 9 O1 confirm connections which are shown on the right.

1:07:55

A will serve letter also triggers urban area requirements.

1:08:00

The basis of this change is that the study area, that yellow area around Lolo, dates back at least 20 years, and also up until recently, the potential for future water and sewer connections within RSID Nine O 1 was kind of uncertain.

1:08:19

So we felt it was better to be more conservative about what defines Lolo's urban area.

1:08:27

So the rural area definition just has a slight change, again, a reference to RSID nine O 1.

1:08:32

But really, the rural area is everything that's not the urban area, everything outside the urban area.

1:08:39

So moving on to design standards in Chapter 3, we wanted to make it clear that text governs over the map.

1:08:47

If there are any future errors that show up in the map, the text always governs as to what constitutes either the urban area or the rural area.

1:08:58

And moving ahead to section 3.4 point 2.1 again we want to define urban standards as being applicable with an RSID nine O 1 and to folks who have will serve letters.

1:09:11

Other subdivisions can trigger urban standards if they have community water or sewer connections or at least a 2 per acre density.

1:09:20

So if you have a really intense scale subdivision, it could be in Frenchtown as a for instance, that would actually trigger the urban area standards as well for curbs, gutters, sidewalks, non motorized or non motorized facilities, roads, etcetera.

1:09:41

So in 3.4 point 9.1, just a clarification that it's really the land use designations that define the urban area that's been in the regs up to this point.

1:09:53

But we just wanted to make it clear.

1:09:56

And of course, the biggest change is Appendix A, where we're defining RSID 9 O1 as Lolo's urban area.

1:10:06

This was noticed in the Mizzouian per the subdivision regulations requirements.

1:10:13

We basically got one comment from the local DEQ.

1:10:17

They recommended changes to water, wastewater, and stormwater standards in a different section of Chapter 3.

1:10:24

And since we're not really covering those issues, we'll document those for a future maintenance update.

1:10:31

So commissioners, there's your recommended motion.

1:10:35

Hey, Tim, what was the sentence you used about text clarifying over images?

1:10:40

Or what was that slide?

1:10:41

Is that somewhere in the document or is it next to images of the map?

1:10:47

So that it's actually not next to the Appendix A, it's just it's within the body of Chapter 3 where and basically what we want to do, and we had to do it for some recent projects, is that if there's a question about applicability, the text of the regs pointing to certain land use designations, that's what governs as to what the urban area is and really the rural area too.

1:11:13

And that's just a fail safe in case there's a lag in updating the urban area map.

1:11:20

That's one of the issues we had too.

1:11:21

We just had an older map that needed some updates.

1:11:24

So we don't need to have that sentence like next to the map.

1:11:28

I don't believe so.

1:11:28

OK, great.

1:11:29

Thanks.

1:11:34

Any other questions for Tim?

1:11:37

Anybody want to speak to this from the public?

1:11:42

Hey, Andy.

1:11:45

Hi, how are you?

1:11:46

My name is Andy Myford with PCI.

1:11:48

Tim, I was wondering if you could pop up that definition with the text back one more.

1:11:56

Maybe I was just trying to understand.

1:11:59

I appreciate the idea of 901 kind of going from the study area down to the actual areas being served, which kind of meets the intent.

1:12:08

And that's actually not the one I was looking for, but I was looking for the one that defines what is urban by the idea of connection.

1:12:15

It said to water, sewer and two a 2 units per acre.

1:12:20

And I can speak to that, that actually that's a standard that was in the regulations, but was really vague before and we just wanted to make sure it was clear.

1:12:33

So that definition, the way it's written there, it says municipal water or sewer.

1:12:38

So if you're one or the other that says and a density of 2 units per acre or if you have a density of 2 units per acre.

1:12:52

So if you weren't connected to water or sewer, but you had two houses per acre, then urban standards would apply.

1:12:59

Community or municipal?

1:13:00

Yes, and it says community or municipal.

1:13:03

So I'm wondering about some of these systems that might be, we get into terminologies of community in public and those don't go synonymous always.

1:13:12

And then there's areas that are the private water companies that aren't municipal.

1:13:16

So I think there could be some ambiguity in these terms, I guess is my point moving forward.

1:13:21

Still, that's probably fair.

1:13:22

So thank you.

1:13:24

Do you have Andy?

1:13:25

Oh, sorry.

1:13:27

If you don't mind, Andy, any suggestions that would be if it would help with this.

1:13:32

I guess I'm trying to understand exactly what the intent is because it seems like the intent is if you put more than two houses on an acre, urban standards apply.

1:13:40

And I'd assume that's looking at a subdivision and its overall density.

1:13:44

So that would make it apply.

1:13:46

But then it could also apply if you're connected to sewer or water, either one it appears.

1:13:52

But it says municipal.

1:13:54

So if I put in a subdivision and I put 8 units on it, it's not municipal.

1:13:59

Even if I put 25 units, it's not municipal, it's private.

1:14:03

So I guess I'm trying to understand exactly what the intent is.

1:14:06

If you're looking for intent, if you put more than I guess it's OK on my time.

1:14:13

So OK, so I it's just a little ambiguous still in the terminology, I guess.

1:14:18

And I and I-9 O1's great because it was this expansive area that was underserved and yet you were imposing an urban standards, which makes sense.

1:14:27

But this addition to try to encompass it.

1:14:29

I guess I'm still not sure what the goal is.

1:14:31

22 units to the acre is a clear goal to me.

1:14:34

If you're going to any more than two units an acre, you're saying urban standards apply, but that connection to water or sewer, sewer and then use a municipal may not hit what your intent is.

1:14:45

I'm not sure.

1:14:47

Josh can I ask Clark Absolutely Tim.

1:14:50

Tim so is the is the definition of community.

1:14:58

I'm assuming it's inclusive of private facilities and is it more than one would be served.

1:15:05

So if you have yes, two, OK, like 2 units on a single system, we may have some health department folks here that could more particularly define it.

1:15:18

But yeah, it's usually if if you have a multi user type of setup for multiple units.

1:15:27

But the term OK, so the term community captures the concern about private, multi unit, private systems, municipal obviously that that is a government.

1:15:42

Then what was Andy?

1:15:43

So right, just have a, a, a question, I guess, Tim.

1:15:47

So imagine a situation where you have two units on one acre with a shared septic, a community system.

1:15:55

But this entire development of 2 units on one acre is far from the urban center, far from anything else.

1:16:05

Would those two units be required to meet urban standards in terms of roads and and non motorized paths?

1:16:14

Like technically you might be able to address the site specific issue through a variance, but I think it would trigger it.

1:16:24

What are what are your thoughts there?

1:16:26

Do you feel like this is worthy of some more fine tuning?

1:16:30

Well, I think getting at Andy's concern and maybe some concerns that have been raised if if you turn the and slash or into an and then you basically have to meet both those triggers, the density trigger and in the community or municipal water system.

1:16:48

I like that because then you don't end up in the with the scenario I just described.

1:16:52

Yeah, I think that would be a good change.

1:16:57

And just, and just so folks are aware, these are exceedingly rare scenarios.

1:17:02

In fact, I was robing around trying to think, is there an example of one of these outside the what we think of as the urban area?

1:17:10

And I honestly could not think of one, but somebody could, could do this if they had the right water and sewer.

1:17:19

John, can we make these conjunction changes on the fly right here and now?

1:17:24

Let's let's do that.

1:17:25

And Andy, thank you for your thoughtful remarks.

1:17:33

I'm not 100% sure.

1:17:35

It's clear to me still because we've hinged on this word of community.

1:17:40

That word community is usually tied to public water systems in a classification community, non transient, transient.

1:17:47

So we're also mixing some terms in there.

1:17:48

And then I think we just heard that we said you have to be on water and sewer and two acres, which and two per acre.

1:17:55

The whole intent of that rule that said or two acres and, and to it'd be and to and that's kind of substantial change right there.

1:18:03

So I feel like there would be a little bit, I don't know.

1:18:06

I mean, I don't know if there's a rush, but it seems like a little time to maybe get to the intent of that a little clearer.

1:18:11

Because community, a non community system can be commercial.

1:18:16

That's not community, that's transient, that's your town pumps.

1:18:19

Those are transient.

1:18:19

Those are not community systems.

1:18:21

So I, I personally don't like that word community and how it's being used very vaguely.

1:18:29

And then I think there was a substantial change just made.

1:18:31

If you said you have to be 2 units to the acre and water and it says water slash sewer.

1:18:36

So is that both or is that one or the other?

1:18:39

Does water and two 2 units to the acre trigger it or is it take water and sewer and two units to the acre?

1:18:46

I think it's water or sewer.

1:18:48

So I don't know.

1:18:49

That's just, I'm not sure personally that it's not going to create.

1:18:52

And I hate to see variances just being created coming down the road and just say we'll just go get a variance because that's a cumbersome, expensive, timely process to clarify the rule later, there was someone who was on the Oh, and Chris Smith popped up online.

1:19:12

All right.

1:19:12

Yeah.

1:19:12

My name is Christopher Smith.

1:19:14

I'm a senior geophysicist.

1:19:15

I've worked with Andy Mefford on some other projects and specifically along that wording.

1:19:22

I, I dealt with this in Texas actually.

1:19:25

And so when a home is connected to a city, provide service is I think this is where we're getting at is if it is connected to the city provided sewer or city city provided water, then at that point you trigger as an urban standard changing just the word to end has a density of two dwelling units.

1:19:46

You could do the converse of that and say, well, then I could be connected to city water or city sewer.

1:19:50

But since I do not have a density of greater than two units per acre, I do not have to have those urban standards, right.

1:19:57

So I just wanted to point out the converse that it's, it's specifically supposed to be the connection is the criteria to the system and not so much the density.

1:20:09

But I think if the density criteria is put in there, it probably has to have something that says it's within the urban boundary or something like that because.

1:20:19

Like I said, the converse right, so if you say and density of greater than two, I could be a house on one acre connect the city water and sewer and not have to meet those urban standards.

1:20:31

That's all I got to say.

1:20:31

Thanks, Tim Elena.

1:20:40

Elena works with our health department.

1:20:42

Hi everybody, Elena Evans Health Department And one thing that is often confusing in some ways is that a municipal water supply is sometimes termed that even if it's a privately owned water supply.

1:20:57

So one way to clarify maybe just saying connected to a public water supply.

1:21:02

I was thinking the same thing.

1:21:05

I'd be comfortable Tim.

1:21:06

Oh, please say it.

1:21:07

Oh, Oh, yes, maybe we wordsmith this a bit before we make a decision so that we get some clarification.

1:21:14

Is that or are we up against a timeline?

1:21:18

We're not up against any sort of absolute timeline.

1:21:21

I'm just wondering if maybe we can do this here.

1:21:28

And I'm trying to, I'm wondering, Tim, if if we just do this next week and take your time, you need to do it.

1:21:35

Also, I was wondering if you just, if we just got rid of the density and just said if you're connected to a public sewer or water system and just left it at that.

1:21:44

I, I think Elena's comments were helpful.

1:21:47

I guess my inclination it would be rather than gaming out unintended consequences right now to, to take another week or so and fine tune this and then bring it back.

1:21:57

Unless there's something else in here that unless we take action on it, catastrophe will ensue.

1:22:06

You guys can certainly be in contact with each other next week, too.

1:22:09

Yeah, this was one of the tougher.

1:22:11

It was kind of a later edition because we wanted to make sure we acknowledge what was already in there.

1:22:15

But, yeah, the word Smithing, we're getting close.

1:22:18

Better.

1:22:18

Yeah.

1:22:18

Be like we're getting close.

1:22:19

Yep.

1:22:19

Andy, you'll be around this week.

1:22:21

You're not taking off on spring break.

1:22:23

OK.

1:22:23

Thanks for coming to chat today.

1:22:25

And thanks, Mr.

1:22:26

Smith.

1:22:29

OK, we'll just revisit this next week.

1:22:32

Or.

1:22:33

I'm sorry, I'm going to be premature.

1:22:36

Maybe we should ask Cheryl when the next hearing is.

1:22:42

The next hearing would be April 2nd.

1:22:46

OK.

1:22:46

Does that work for you, Tim?

1:22:47

Yeah, let's do it April 2nd.

1:22:49

OK.

1:22:49

Maybe you guys could connect between now and then.

1:22:51

Thank you.

1:22:53

OK, thanks a lot, Tim.

1:22:56

Next up, Kevin is back for phasing plan extension from the Ranch Club.

1:23:17

Good afternoon again, Commissioners.

1:23:19

For the record, Kevin Dantic, Missoula County Department of Planning, Development and Sustainability.

1:23:25

Today I will present my staff report for the Ranch Club Subdivision phasing plan extension.

1:23:31

This applies to Phases 10 and 11 of the Ranch Club Subdivision.

1:23:37

The applicant is Ranch Club Investments LLC.

1:23:39

The technical representative is Chris Wash of Genesis Engineering and I am Kevin.

1:23:47

Just to get our bearings here, we are in the Ranch Club subdivision West of Missoula off of Mullen Rd.

1:23:54

As we can see here, we have the Reserve St., I-90 interchange, Reserve St.

1:23:58

going north-south approximately 3 miles West of Reserve St.

1:24:04

and it's the eastern side of this Ranch Club subdivision.

1:24:07

These are phases 10 and 11 are the last two phases of the original approved subdivision.

1:24:15

The Ranch Club subdivision was originally approved for 323 lots on about 343.93 acres.

1:24:23

That's an overall density about 1 dwelling per one point O 6 acres.

1:24:27

Again, the project was proposed in 11 phases.

1:24:31

It was originally approved as Phantom Hills Subdivision on May 7, 2003 by the Board of County Commissioners.

1:24:39

The original phasing plan was approved for 2008.

1:24:44

Final plat submittal deadline for Phases 10 and 11 at issued today.

1:24:50

Phasing plan extensions and amendments have been approved in 2007, 2009, 2014, 2017, 2023 and 2025.

1:25:00

Again, those are not all phasing plan extensions, that is the whole group.

1:25:06

Some of them were actually such as 2007 renaming Phantom Hills 2 Ranch Club the most recent extension set of final plat submittal deadline for Phase 10 on December 31 of 2025 and Phase 11 on December 31st of this year, 2026.

1:25:24

This current application for the phasing plan extension, it was submitted to Missoula County PDS on December 22nd of 2025, which assured that this request could actually be considered today.

1:25:42

The Missoula County Subdivision Regulation Chapter 8 allows for extensions of at least one year, but no more than three years.

1:25:49

So again, applying A2 year extension to Phase 10 would establish a December 31, 2027 final plat submittal deadline.

1:25:58

Applying a full 3 year to phase 11 that moves that to December 31 of 2029 for a final plat seminal deadline.

1:26:08

The subject property is has been annexed into the city of Missoula.

1:26:12

There's the zoning there is per the city is SD Ranch Club, SD Phantom Hills, SD Ranch Club B and SD Ranch Club C.

1:26:22

There are some surrounding Missoula County zoning involved here to areas that have not been annexed such as country Crest to the east.

1:26:31

Those surrounding zones we have RS1 RMRS .5 residential small agricultural zones.

1:26:42

Subject property is developed.

1:26:44

Developed subdivision has a golf course.

1:26:47

Phases 10 and 11 are currently undeveloped and again, this was annexed into the City of Missoula.

1:26:54

So their new Our Missoula 2045 land use plan that shows the subdivision as limited urban residential.

1:27:02

There's no designation from the 2019 Missoula County land use element, the amendment to the growth policy, because it's been annexed into the city, so our growth policy does not apply.

1:27:18

Each phase of the subdivision includes fully functional infrastructure, and that's review of the time of preliminary plat that would have been prior to the 2003.

1:27:28

This request, as merely an extension, does not include an amendment to the phases at all.

1:27:33

On the screen here, you'll see phase 10 right here with that second permanent egress out onto Mullen Rd.

1:27:40

included.

1:27:41

Phase 11 is to the northeastern side of the entire subdivision.

1:27:47

The applicant's request did note that the project infrastructure for Phase 10 is currently in review by the City of Missoula and the Montana Department of Environmental Quality.

1:27:58

There's a delay due to the applicant not returning requested information back to the city in time and the applicant affirms that the new deadlines can be met with this extension.

1:28:11

However, Missoula County PDS staff has identified that phases 10 and 11 have been approved for four previous phasing plan extensions dating back to 2009 that have not been executed at this point.

1:28:27

As this of this phasing plan extension request the original preliminary plat approval and conditions are they still exist, they're relevant, they're valid site conditions have a changed since the time of the approval in 2003 and most of the lots in the existing approved phases are built out with housing.

1:28:46

The surrounding areas have experienced increased development as we all know on Mullen Rd.

1:28:52

due to that increased development on Mullen staff findings for the original subdivision in 2003.

1:28:59

Those don't reflect the increase in vehicular traffic that has occurred on the western side of the Missoula Valley.

1:29:06

Again, the original approval set a 2008 filing plat deadline for Phases 10/11, Phase 10 down here on the bottom that was to include that second point of egress again from the subdivision to Mullen Rd.

1:29:20

Rancho Colbert was originally called Turnberry St.

1:29:24

It's been renamed.

1:29:25

So the previously approved phasing plan extensions for Phase 10, especially 10 here, that has delayed that second point of egress into the in and out of the subdivision ingress and egress.

1:29:42

So the City of Missoula, once again, this whole subdivision has been annexed into the City of Missoula.

1:29:47

The City of Missoula Department of Public Works and Nobility and the City of Missoula Fire Department did comment that there is a fire code requirement for two ways in and out of a development, but of at least 30 units.

1:29:59

However, this second point of permanent egress and egress ingress and egress depends on Phase 10.

1:30:09

Engineers from the city noted they had expectations that that emergency access would be built as part of previous phasing plan extensions.

1:30:17

I have some updates on that.

1:30:20

Last year, the 2025 phasing plan extension.

1:30:24

The public hearing did include testimony from the developer to confirm that the emergency access would be constructed again, extending the Phase 10 deadline for Phase 10 of the subdivision.

1:30:39

It if it extends an extra 2 years that further delays this implementation of a basic public health and safety feature.

1:30:47

So the City of Missoula requested that the temporary emergency access be installed prior to granting the phasing plan extension or that the construction cost because secured an improvement agreement prior to governing body approval.

1:31:02

A little bit of history on that.

1:31:03

Ranch Club experienced the residential structure fire in 2023.

1:31:07

Responding units obstructed the single way in and out of the subdivision for four hours.

1:31:12

Residents behind the obstruction were unable to leave the development.

1:31:17

Any subsequent emergency would have disrupted firefighting operations, delayed other responders, etcetera.

1:31:26

Moving into some public comment here.

1:31:27

I do have some updates for you folks.

1:31:30

Public comment received, of course, noted concern that the second point, access points in the neighborhood, had not yet been completed.

1:31:38

Citizens have stated that this poses a safety concern.

1:31:41

They've noted that during the 2023 fire, people, including residents and the general public using the Ranch Club facilities had no way to enter or leave the subdivision for the Civic Clerk packet that is available.

1:31:57

We have received three additional comments that I would like to go over right now.

1:32:03

One day ago, via Missoula County Voice, we did have a citizen comment that the second entrance and exit needs to progress this year.

1:32:13

There have been too many delays.

1:32:15

Noted the increased traffic along Ranch Club Rd.

1:32:20

about two hours ago received a a citizen comment on Missoula County Voice stating the second access should have been built after 30 residences were built.

1:32:32

You know how we're where we're at today, etcetera.

1:32:36

The emergency access, according to the citizen does not improve date safe daily safety and it was supposed to be constructed before and it was not.

1:32:48

And the City of Missoula, I had been forwarded a comment that went to the Missoula City of Missoula Public Works.

1:32:57

Again, this was just received.

1:33:01

They understand that the County is considering another extension that would include construction of Emergency Access Rd.

1:33:07

while continuing to defer the permanent secondary access.

1:33:12

This approach does not adequately adequately address the safety risks facing current residents.

1:33:20

They request that the County require immediate construction of permanent secondary access, independent of future phases to ensure this obligation is fulfilled based on existing occupancy and prior agreements, and can or condition and deny any extension without enforceable guidelines.

1:33:37

They want the commissioners to know that emergency access alone is not sufficient and continued delays place residents at unnecessary risk.

1:33:47

Again, those three comments were recent and not available on the civic clerk packet as it was published last Friday.

1:33:56

Kevin, hope that last comment you made, you said that was from the city.

1:33:59

Yes, that was actually.

1:34:01

Who was that from, the residence or the city employee?

1:34:06

The city employee that was from Troy.

1:34:08

OK Trey Monroe, thank you.

1:34:09

Yep, Yep.

1:34:12

And.

1:34:18

As we move on, we do have this approved emergency approach permit and this actually came into the Missoula County Planning, Development Sustainability Department while staff was completing the review of this project and working on their staff report.

1:34:36

This is an approved emergency approach permit that was submitted from the developer to PDS staff.

1:34:43

This will construct a temporary emergency only gravel driveway from the end of the cul-de-sac on Poniolo Place out onto Mullen Rd.

1:34:54

This is included within a previous phase.

1:34:56

This is phase 9B of the subdivision.

1:34:58

If we go back to the map, we can see the end of Poniolo Place right here and this is where the approved Montana Department of Transportation Emergency Access is currently being constructed.

1:35:11

These pictures were just forwarded to me from the technical representative for the project that show current construction as of today.

1:35:19

According to the representative we are looking, which I would assume would be looking N northwest from Mullen Rd.

1:35:29

onto the cul-de-sac of Pontiollo Place here with groundwork happening currently as we speak here this afternoon.

1:35:38

Another picture that has been submitted again just recently was this one too.

1:35:45

This is looking out onto Mullen Rd.

1:35:48

crossing through the golf course part itself onto and Mullen.

1:35:54

Again, this is an emergency egress that would be used for emergencies only.

1:36:02

According to the MDT approach permit that was approved on February 26th.

1:36:08

They were requesting this for temporary emergency access until Ranch Club Phase 10 is complete.

1:36:15

Some remarks here from the permit.

1:36:17

Again, after the access is removed, the conditions must be returned to prior to construction conditions.

1:36:25

Of note that the gate must be installed to keep anything except emergency access traffic coming going.

1:36:31

It's not a construction access and it's for emergency situations.

1:36:35

Montana Department of Transportation actually went far enough to see that if anything other than an emergency access traffic is using this approach, MDT will require it to be removed.

1:36:47

The applicant is responsible for weed control after construction for full full two years after the removal of the emergency access.

1:37:00

So the end date of that temporary approach permit, according to MDT is October 29 of 2027.

1:37:09

Also condition #10 of that approach permit states that it all disturbed area again must be returned to original conditions.

1:37:24

Staff recommends a continuance until the May 28th, 2026 Board of County Commissioners meeting in order for this temporary emergency access to be completed.

1:37:37

We want to do that before a governing body motion is passed.

1:37:45

A question for you.

1:37:47

So you described a situation where there was a structure fire and 1st responders attended to the fire and in so doing blocked egress from for the neighbors, they couldn't get out of the neighborhood.

1:38:00

Is that did I get that correct?

1:38:02

That is correct.

1:38:03

So thanks.

1:38:05

I just want to kind of set the stage.

1:38:06

So let's say there's another type of emergency and the first responders go and they drive up the paved Rd.

1:38:13

they don't use the emergency access because there's a paved Rd.

1:38:16

it's going to go a lot faster.

1:38:18

Would the same situation happen even though there's this emergency exit from what's the MDT permit actually states?

1:38:28

It's for emergency access only.

1:38:32

I so in the case I'm describing, the fire department or the police or whoever it is would actually drive in the emergency access even though the paved Rd.

1:38:40

was open?

1:38:41

Not necessarily, but if they went in the paved Rd.

1:38:43

they would block.

1:38:44

It Could be that they would block the neighbors just like it happened in the prior structure fire and any subsequent emergency would be able to use the temporary emergency access but neighbors would still be stuck.

1:38:55

They couldn't they couldn't use the emergency access as a way to get to the store.

1:39:00

Given let's say the fire truck is blocking the paved Rd.

1:39:03

for four hours.

1:39:05

That is correct.

1:39:09

So to address the situation that Josh is describing, if if you were contempl and I'm not well versed in, in state regulations along these lines, if you were wanting this emergency access point to accommodate emergency egress for residents, would that require a new and a different permit

from the Montana Department of Transportation and or maybe the applicant eventually can speak to this?

1:39:42

But I'm I'm just wondering if that is even a possibility because that I think it's a very real concern that Commissioner Slotnick points out and Commissioner Strohmeier from what I'm understanding is moving the permit from emergency ingress egress only to more of a public, public.

1:40:01

Second point is that, and I guess I'm talking public emergency for public egress, not not So for the folks that were stuck behind that, they can get out, yes.

1:40:13

And there was a public health and safety would be kept in mind and if there was an emergency such as.

1:40:21

Grass fire, Yeah, they can get out.

1:40:23

The second ambulance needs to get in.

1:40:26

Heaven forbid there would be a second residential fire.

1:40:28

This second access would be able to be used to that.

1:40:32

It'll actually have a lock on it.

1:40:36

And City of Missoula has an emergency access code that has been given to the developer for emergency access.

1:40:46

I guess eventually I like to hear from the developer because that's little solace for someone who might need to get out.

1:40:55

And unless they have the code themselves or the key to access it, I certainly would not be wanting to wait around for someone else to show up to open the gate for me.

1:41:07

So what up?

1:41:08

Thanks.

1:41:09

I'm going to ask our attorney a quick question here, but I asked you, Kevin, who, who, which, which city employee wrote those words?

1:41:17

It was Troy Monroe.

1:41:18

He said because that was kind of moving.

1:41:20

He didn't equivocate.

1:41:21

He didn't say, oh, you know, it's going to be vinyl, we'll work something out.

1:41:25

And he said build the Dang Rd.

1:41:27

the real Rd.

1:41:28

per agency comment, that is correct, Yeah.

1:41:31

So, John, do we have a tool at our disposal that could force that to happen?

1:41:41

Before I answer that, I, I, I would like to hear from the applicant.

1:41:45

OK.

1:41:46

And, and perhaps the applicant will voluntarily.

1:41:51

Thank you, Tom, for something awesome.

1:41:53

Come on up, Sir.

1:42:02

Hello.

1:42:02

I'm Kirby Christian, one of the developers in the development group.

1:42:07

First of all, thank you commissioners for hearing this.

1:42:09

I am sorry that we're here discussing it again after a year delay.

1:42:15

I guess to the first point that you made, the request that we made of the DEQ is that it's for ingress and egress during an emergency.

1:42:23

What they're worried about is just traffic going on and off of Mullen without all of the protections they would do with the permanent easement.

1:42:32

So I believe we could get a clarification before the next meeting that if the road, the main road is blocked, we would have to man the emergency access.

1:42:42

But that was intended to provide a secondary access during an emergency situation, which I would submit should be any type of Rd.

1:42:50

blockage that's keeping people trapped in the subdivision.

1:42:53

But I will take that responsibility to make those calls and try to have that information for you later.

1:43:00

As far as where we are on the subdivision in general, the road easement and access on the Mullen Rd.

1:43:07

has been one of the most significant issues that we've faced.

1:43:10

When this was approved in 2003, we were not the developers.

1:43:15

Our group purchased the property in 2015.

1:43:20

So quite a ways into it.

1:43:21

And when we put in our application for Phase 10, I have our technical representative here that can visit with you about that.

1:43:30

The MDT standards changed substantially.

1:43:33

And so we've been having to try to figure out exactly what that means, whether or not we can meet those standards.

1:43:40

We don't have the benefit of build grants.

1:43:42

We don't have the benefit of a lot of the public funding that's been used to enhance Mullen Road.

1:43:47

And then it comes down to whether or not the project is viable when you're building loop roads, connecting construction for by joining subdivisions.

1:43:59

I mean, it changed the project fairly substantially with what they're asking for.

1:44:04

Having said all that, I committed to this board last year that we would get an emergency access built so that people were not going to be trapped in this subdivision if there was a problem, even though probably 3/4 of the subdivision was built by another developer.

1:44:21

And so we were, we intend to live up to that.

1:44:23

I, I have purchased a lot with the help of our partners.

1:44:28

We've got the road now permitted as of February.

1:44:32

It's in the process of being constructed.

1:44:34

I think it will be easily constructed by the next meeting so that we will at least have the emergency component handled.

1:44:42

I do think it's going to take at least a year.

1:44:45

Hopefully we can get it done before that to get through the MDT process.

1:44:49

I mean we're probably 6 months out, Chris, on that.

1:44:52

And then depending on how the construction schedule goes, whether or not we can get that completed or not in this construction season, given where we are right now, I don't know.

1:45:02

And so that was the reason for the request that was made.

1:45:06

Wanted to make myself available.

1:45:09

Have Chris here for for your questions or for any of the public comments or questions that you have.

1:45:15

Thanks.

1:45:20

So Mr.

1:45:21

Christian, could I ask you a question?

1:45:24

Absolutely.

1:45:24

Thanks a lot for coming.

1:45:25

And I just want to make sure I understood clearly what you were saying.

1:45:29

And if I heard you right, you're saying and we saw the photos so and good on you.

1:45:33

It's being built.

1:45:34

Most likely it'll be done pretty quick.

1:45:36

It's not that big of a deal.

1:45:38

At the same time, you are moving forward with the with the construction of a paved Rd.

1:45:44

with an approach on Tamalin, is that correct?

1:45:46

It's just going to take a while because of the size of the project.

1:45:49

We're moving forward with our request to have Phase 10 approved go through the city process, which will include a paved Rd.

1:45:56

on Tamalin if that extension of the subdivision is granted.

1:46:01

So the city would have to provide an approval.

1:46:04

I think just this board would have to provide me with an approval for the extension.

1:46:09

And then the city's going to have to approve whatever infrastructure they're going to require for the actual pavement of that road.

1:46:19

Yeah, Kirby's correct.

1:46:21

Because this subdivision has been annexed, the infrastructure improvements have to be built to city standards and approved, inspected and accepted by the city.

1:46:33

So Kirby and his team work with the city on those aspects.

1:46:38

But for purposes of extending the phasing plan, that's still, that's still was in the county because you were the original governing body that granted preliminary approval.

1:46:48

OK.

1:46:48

So you would have to, you have to get a permit specifically to build this road with the city.

1:46:56

Well, the, I mean, I should like Kirby speak.

1:46:59

I think he's talking about a permit with MDT and for, you know, for the road tax access permanently an approach permit for for, for MDT, right.

1:47:10

But to the extent the other permits that he needs from the city, I'm I'm not Privy to that and I might actually have Chris talk to that specifically.

1:47:18

I have what my understandings are he would be a more accurate source of that.

1:47:22

But my understanding is if we get a plat extension from this body, then we apply to the city for our infrastructure, which is the subdivision infrastructure to to approve basically the plot that was originally approved by this by this board.

1:47:40

Part of that is the road that would intersect into Mullen Rd.

1:47:45

We need an approach permit from the DEQ, but they have added Mullen Rd.

1:47:50

improvements to our approach permit.

1:47:52

No longer can we just hook into it.

1:47:54

They've got things that Chris can talk about that are part of that process.

1:47:59

As soon as that's approved and we improve, improve Mullen, the Mullen Rd.

1:48:05

intersection, then we can build the road once the city approves the standard for the subdivision.

1:48:10

OK, I think I got it.

1:48:11

So I guess our our question and I don't know if we have any real leverage or we just shake hands on this, but the idea being that we grant this extension, you finish building this emergency road and you immediately move forward with the city, the DQMDT post haste and get this road built as soon as you possibly can.

1:48:33

Yeah, I mean the road would be constructed as part of the construction of Phase 10.

1:48:39

So I mean, to answer your question directly, obviously we wouldn't be here asking for an extension if we didn't intend to build the phase.

1:48:47

The timeline that you give us for the phase would be the outside timeline that we have to complete the road.

1:48:53

I see.

1:48:54

All right, thank you, Dave.

1:48:56

And just for clarification on our action today, it's not taking action on the the phasing plan extension.

1:49:06

It's granting A continuance until the end of May to complete the emergency access, and at that point we will determine whether or not to grant the extension.

1:49:19

Is that correct?

1:49:21

That is correct, Commissioner Strohmeier.

1:49:24

There would be no motion today.

1:49:27

We would just further continue this until May 28th, at which time the applicant and the technical representative have assured us that the temporary emergency access would be completed and available for use.

1:49:42

And if I could speak to that, we committed to to this group that that emergency access would be completed before we asked for the extension.

1:49:51

I agree with staff.

1:49:53

I have no problem with Troy's condition and I have no problem with delaying a decision until it's done.

1:49:58

We we said we would do it.

1:50:00

We will do it and it will be done.

1:50:01

OK.

1:50:03

Thank you.

1:50:03

Yes.

1:50:06

OK.

1:50:07

So we don't need to.

1:50:07

Oh, sorry.

1:50:09

Yeah, any public comment on this, please?

1:50:16

My name is Michelle McHugh and I live in the Ranch Club subdivision.

1:50:19

I'm the one who discovered the fire and called it into the fire department.

1:50:23

My elderly mother lives across the street, and I can tell you that I find it unacceptable that it's been this long.

1:50:29

I'm not in favor of an emergency Rd.

1:50:31

only that has a gate.

1:50:32

A permanent Rd.

1:50:33

should be put in immediately and I don't feel like it should be tied to phase 10 being built.

1:50:38

And I'm sorry I have to go.

1:50:40

I have a meeting at 4:00.

1:50:41

But I'll just say that the developers feed have been held to the fire, pun intended.

1:50:47

The road is going in, but it should be a permanent Rd.

1:50:51

immediately.

1:50:52

Thank you.

1:50:52

Thank you.

1:51:01

Good afternoon.

1:51:02

I'm Troy Monroe, city engineer for development review.

1:51:05

Just a quick clarify, Troy Monroe.

1:51:06

Hi.

1:51:08

The comment that was sent this morning was not from me.

1:51:12

It was from a citizen that sent it to the city versus the county.

1:51:15

So we just forwarded it on to Kevin.

1:51:17

Oh, thank you.

1:51:18

I was attributing it to you.

1:51:19

Yeah, no problem.

1:51:22

So just some of the the things that we want to touch on is that we, we definitely appreciate the developer putting in the emergency access.

1:51:30

We did view it today and the they were working hard on that.

1:51:34

That deals with the immediate life safety issues we have out there in the fact of what you guys had talked about with the road being blocked by 1 emergency.

1:51:48

We could still get in an ambulance, something else for a second emergency, but it doesn't solve the two accesses that we have been asking for for years.

1:51:58

So what we were hoping and what we had put in our public comment was somehow we would like to ensure that that second access happens and there's not a good way to make that happen.

1:52:12

So ideally by the May 28th or the May deadline that we would like to see the easement that that road would take through private property out to Mullen be secured and ideally the cost of that be put into an improvements agreement.

1:52:31

Our fear is that phase 10 and 11 never happens, not by the fault of the developer, just if the market shows that it's not feasible.

1:52:41

We will never get that second access for the subdivision unless we somehow can get it locked in.

1:52:47

So that's where we're at right now.

1:52:50

As you can tell, for years we've been asking and needing for that second access.

1:52:54

What's being constructed today is just emergency.

1:52:57

It's not a true second access, but it does help with the life safety issues immediately.

1:53:03

Thanks, Troy.

1:53:06

John Troy, you, our attorney may be asking you questions.

1:53:09

I just, I'm sorry, I have a question for Mr.

1:53:12

Monroe.

1:53:13

I read the comment that you submitted a few weeks ago and I, I wondered this proposal for the grant of a right of way easement for Ranch Club Rd., the second ingress Egress Rd.

1:53:33

and the security through an improvements agreement.

1:53:39

Would that be an agreement between are, are you proposing that agreement between the city of Missoula and the developer?

1:53:46

Is that how that would work?

1:53:48

And, and that would be something that the city reviews and holds the security in the event that this this road doesn't, doesn't for, you know, the world ends and the road doesn't get built.

1:54:00

Thank you for the question.

1:54:01

I don't know this whole coming to the county commissioners for a city subdivision is new to me.

1:54:07

So I'd hope to look to you to see where that is held.

1:54:10

But what the issue is is that we're Ranch Club Rd.

1:54:13

needs to extend through is private property.

1:54:16

So we need an easement through that private property, an easement to the public and then the improvements agreements would be with whichever entity can enforce it.

1:54:26

So I do believe that other when final plats come in and there's an improvement agreements for infrastructure that's not complete that that that is through the city.

1:54:36

I just don't know in this Ranch Club case if it is through the city or if it's through the county.

1:54:44

Thank you.

1:54:45

All right, thanks for joining us.

1:54:47

Always good to have folks from the city here to see how well oiled of a machine we are in Missoula County.

1:54:53

But anyway, maybe I'm thinking too simplistically about this, but if as you mentioned, 11 concern is that we have an emergency access point and that doesn't address the a second way in

and out and years elapse and and yet to be determined if if this whole thing will fully come to fruition.

1:55:18

Is, is it even a possibility to make this what is now be being considered an emergency access Rd.

1:55:27

out of phase 9B, basically a temporary public access point.

1:55:34

And at the point in time where phase 10 is actually completed and and a road extends through there, then this public access point would be retired.

1:55:45

But this would be a way to to, I guess, kill two birds with one stone.

1:55:51

You have, you have both the emergency ingress and egress, but you also just, it's just open right now to the public.

1:55:58

And I recognize this is probably something that MDT would have to approve, but it's not a it's not permanent in so far as once Phase 10 is platted and that road is constructed this point, this road would be retired.

1:56:14

Yeah.

1:56:14

And I can let the engineer of record speak on that.

1:56:17

But we know it's not in a good location.

1:56:19

And that's why MDT is limiting, limiting it to just emergency traffic.

1:56:24

So that's, you know, fire trucks and and ambulances with their lights and sirens on can use this point, but it's on a curb.

1:56:31

It's not a very good location for our streets.

1:56:33

So that's why they've been working so hard with MDT is to get that second approved access point.

1:56:40

And it sounds like there's has to be improvements to Mullen Rd.

1:56:43

itself in order to get that access point to be done safely.

1:56:46

OK, well, that might explain it for me.

1:56:49

So thank you.

1:56:50

Thank you, Troy.

1:56:51

John, do you think between now and May 28th, you'd be able to talk with your someone at the city and and figure out this question about who could hold a developments agreement and and if it's possible for us to use such a tool with Mr.

1:57:09

Christian and his team?

1:57:12

Yeah, I mean, that's plenty of time to have those discussions, whether or not it can be done.

1:57:17

I I'm not going to make any promise for sure.

1:57:19

I guess we won't know until we have those discussions.

1:57:21

Right.

1:57:22

OK, All right.

1:57:24

So we'll, I, I, I don't think the, the technical representative had an opportunity to talk about some of these issues that might be helpful in terms of great, you know, setting the table between now and May 28th too.

1:57:37

Well, we're in no way we're letting that guy talk.

1:57:39

Please come on up man.

1:57:48

And, and given you're the technical representative, you don't have to do the three minutes, you can do your thing.

1:57:54

Thank you.

1:57:54

Chris Wasio with Genesis Engineering Troy, I think it alluded to the the issue with respect to trying to make a a permanent access out of the emergency access.

1:58:04

It's in a terrible location.

1:58:07

The phase 10 location is is of course much better speaking to that they are we are talking about I

want to say it was close to 1000 foot of center turn lane and will be constructed as part of this access improvement on on Mullen Rd.

1:58:21

on Mullen Rd.

1:58:22

As a matter of fact, there also will be AD cell lane for the right turn lane in that's I think 500 feet.

1:58:27

So this is some significant changes that we hadn't anticipated early on.

1:58:31

I'm sure the original development hadn't contemplated this.

1:58:35

Those are definitely right now.

1:58:38

We resurrected the the permit.

1:58:40

We ended up finding out that MDT lost it quite frankly.

1:58:46

And so we've now been in communication with MDT in the last couple months and we've made some significant headway for that access point.

1:58:57

What else?

1:58:58

The original, the original or the permit for that we have received for the emergency access, it was ingress and egress.

1:59:05

It was not limited to the the the submittal and the application.

1:59:09

And we have to obviously dissect the fine print, but the intent was for folks to be able to leave the subdivision because that's only half the equation, right?

1:59:20

And so I think Kirby had admitted or had alluded to possibly getting clarification from MDT you about that.

1:59:27

We can definitely do that.

1:59:28

I, I know that the permit as submitted and approved included both ingress and egress, hence the reason there's a lock too.

1:59:40

Yeah, it's been a challenge, there's no doubt.

1:59:42

And I think not extending this doesn't get us Phase 10s access any quicker.

1:59:51

We definitely want to extend it so we can move forward and actually finalize Phase 10 and get that commitment done.

1:59:57

So you have a a permanent secondary access today.

2:00:00

That setup that we have right now is very atypical.

2:00:06

You wouldn't see that that's something is coming from early 2000s and we'd like to correct it.

2:00:11

It it is a challenge I guess at this point.

2:00:16

My full commitment, and I apologize for having to be here again to explain this, really thought we would have the emergency access built prior to the end of last year.

2:00:26

We didn't.

2:00:27

We do know that we want to get it built obviously within the next.

2:00:30

It's currently about half built and it'll be done within the next week or so.

2:00:37

The again, I can't express my apologies enough for for delaying this and we have people in place now where that won't happen again.

2:00:49

So I hope that between now and May 28th, we can explore the idea of a developments agreement, a development agreement or developers agreement that would feel like give us some feeling of security that you all were fully committed.

2:01:07

Because we all know business conditions out there that way beyond our control can change radically.

2:01:12

And maybe now it's just not the time to do phase 10 or phase 11 if the interest rates are 20% or gas is 6 bucks a gallon.

2:01:19

And that's all real.

2:01:21

And nobody would want to be financed up to their eyeballs in those conditions.

2:01:24

And yet there are a whole bunch of people who live in this neighborhood that really need regular ingress and egress, not just for, for the rent for the the rare emergency.

2:01:32

So figuring out a way to do a development agreement would give us a lot of security.

2:01:38

Thanks.

2:01:39

Thank you.

2:01:40

Any other questions?

2:01:43

Oh, Mr.

2:01:44

Dantic and commissioners, just to clarify, the focus has been on egress out of the subdivision due to past events and the life and safety of residents and visitors to the Ranch Club complex.

2:01:58

However, the approved permit does say that it's for temporary emergency access.

2:02:06

The focus has been on egress, but the permit reads that it can be used to get into the subdivision ingress as well.

2:02:14

Thank you.

2:02:14

That's helpful.

2:02:16

All right, we will talk about this again on May 28th.

2:02:18

I'm totally sorry.

2:02:21

Any other public comment?

2:02:23

Who's this lady?

2:02:26

Commissioners.

2:02:27

Good afternoon.

2:02:30

I, I am probably gonna, oh, for the record, Mirta Becerra, I sit on the Missoula City Council representing Ward 2 and the Ranch Club is in Ward two.

2:02:42

I am.

2:02:42

Thank you to Kevin for answering all my questions in the past couple of days.

2:02:48

I just wanted to refresh my memory a little bit about this subdivision.

2:02:51

And I'm probably going to date myself by telling you that in 2003, when this subdivision was approved, I did work as a planner for the city and county when we had the Office of Planning and Grant.

2:03:04

So I'm familiar with the the subdivision originally when it came before the county for approval.

2:03:14

Since I became a city councillor and communicated with my constituents, this has been an issue.

2:03:22

They have been waiting for this road to be built since 2007 when the first extension was granted.

2:03:31

This body has already approved 6 extensions 2007, 2009, 2014, 2017, 2023 and most recently last year.

2:03:46

Last year an eager, an emergency access was supposed to be in put in place by the end of last year.

2:03:56

That hasn't happened and I'm glad to see that that is happening.

2:03:59

But that is no replacement for what in this community is much needed.

2:04:06

It's needed not just for access in case of an emergency or egress in case of an emergency, but the Ranch Club has expanded in terms of membership for their Golf Club.

2:04:19

The number of members and the number of people who visit this subdivision has increased significantly as a result of our community just growing and wanting to have access to some of these services.

2:04:30

So on a busy summer day, you can see cars that are parked along the road, you know, exacerbating the potential issue of axes and egress from the subdivision.

2:04:45

Let's see here, I also happen to sit as the chair of the Public Works and Mobility Committee for the City of Missoula.

2:04:54

One of the main goals of the city is to provide its citizens with safe and well connected infrastructure.

2:05:02

We're failing at you with that if we're the subdivision because we don't have the two ways for people to get in and out of the city right now.

2:05:12

And another extension would delay that even further.

2:05:19

Let's see what else here?

2:05:20

Sorry I'm here to you.

2:05:20

You're just about out of time.

2:05:22

I know.

2:05:22

I am trying to convey the message from my constituents that this is a much, much needed piece of infrastructure.

2:05:30

We agree.

2:05:31

Thank you.

2:05:34

Any other public comment?

2:05:40

Yeah, just hello, commissioners staff.

2:05:44

My name is Justin Ponte and I'm the other representative for Ward 2 on the Missoula City Council, which of course does include the Ranch Club as well.

2:05:50

I want to just make some brief comments today and just speak in opposition to these extension requests.

2:05:57

As you know, there's been several requests already dating back to it almost 2 decades in the past.

2:06:02

And if you think back to the January 9th, 2025 meeting, it was just over a year ago, there was a very similar request that was heard before this board where commitments were continuing made by the applicant to have at a minimum a temporary emergency access Rd.

2:06:18

installed and constructed, if not also the permanent Rd.

2:06:21

installed and constructed by October of 2025.

2:06:24

So that obviously hasn't happened.

2:06:25

And we're here today hearing a very similar type of request.

2:06:29

It's good to see that there's some work being done on the temporary, on the temporary access Rd.

2:06:35

but I just want to, you know, speak in opposition, encourage you to, you know, factor in the public comment, in the public sentiment of residents in that neighborhood.

2:06:44

I like my colleague Miss Becerra.

2:06:46

I haven't been on council quite as long, but I've continued to hear feedback from, you know, residents of that area and citizens in that area that there just simply isn't, you know, there isn't the the secondary means of egress to handle the volume of traffic based on the number of lots.

2:07:00

I think we've already talked and covered the bit about the emergency aspect of it.

2:07:05

So again, just wanted to speak for residents of that neighborhood who have shared this sentiment and encourage you to oppose the extension.

2:07:11

So thank you.

2:07:17

Anybody else like to speak to this in the room or online?

2:07:23

OK, we'll take this up again May 28th and encourage you to come back then.

2:07:28

Thanks.

2:07:30

Last hearing of the day, Patrick Swart fire bucket.

2:07:37

Thanks for coming, Troy.

2:07:38

We're going to have Patrick.

2:08:11

We'll do a 2 minute break.

2:08:13

Sounds good.

2:08:13

Perfect.

2:08:14

I time you.

2:11:19

I'm going to, I'm going to, I'll bet you lunch.

2:11:22

They're going to sue us.

2:11:23

Oh, yeah, we're going to.

2:11:24

I feel like, I feel like they're just yeah, they're going to say we didn't read the stuff.

2:11:29

Your comments were a witch hunt.

2:11:31

We didn't reference the same.

2:11:32

I know I was like, oh, your girl might just get a little spicy, but I've never been a fan of signage.

2:13:32

We're not seeing Chris or what?

2:13:33

We'll see Chris next week.

2:13:34

Yeah, OK.

2:13:36

And Dave and Chris will connect on their issue.

2:13:40

OK, we're back Fire bucket.

2:13:45

Thanks, Patrick.

2:13:46

Yeah, of course.

2:13:49

Pull my presentation up real quick.

2:13:55

All right, good afternoon.

2:13:57

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

2:14:02

And today we're having the 6th hearing for the Fire Bucket Meadows subdivision request.

2:14:09

This request comes to us from the property owners, Dale Sparks and Tammy Beach, who are represented by PCI.

2:14:18

On the screen we can see the subject property here.

2:14:21

It's addressed 11109 Fire Bucket Loop.

2:14:24

It's this Half Moon shaped parcel.

2:14:26

We're just in the residential development kind of northwest of the Y interchange of Interstate 90 and Hwy.

2:14:32

93 N Proposals for A5 lot residential subdivision on the parcel was 19.82 acres.

2:14:40

The results and density here would be 1 dwelling per 3.96 acres and access will be provided directly off of Fire Bucket Loop.

2:14:48

Being a minor subdivision in the rural area of Missoula County, there's no Parkland dedication requirements or non motorized facilities and they are not requesting any variances.

2:15:00

Just a quick recap, as I mentioned, this is the 6th hearing we've had.

2:15:03

The first hearing dated back to March 27th, just about a year ago, 2025.

2:15:12

At that first hearing, we heard a significant amount of public comment and concern about groundwater availability in this area.

2:15:19

And as a result, we've had several subsequent hearings and they've worked with various other consultants to address those concerns.

2:15:27

And that's what brings us to today's hearing.

2:15:30

Since it's been about a year since we did the original staff report, I'm going to try and as briefly as possible go back through all of the the broader context here.

2:15:39

So you have all the information to make a decision if you choose to do that today.

2:15:45

So here is a look at the amended plat and lot layout here.

2:15:49

As I mentioned, it's five lots.

2:15:51

They range in size from just about 3 1/4 acres to almost 4 1/2 acres.

2:15:57

The proposed lot 3 currently contains a home and some accessory structures.

2:16:00

It's where the the applicants currently reside and the remaining lots are undeveloped.

2:16:06

As you can see on the preliminary plot here, they're proposing building envelopes specifically to address some concerns about steep slope in this natural drainage goalie that exists on the property.

2:16:16

So this would keep the building sites for each of these new lots off of any slopes of 25% or greater.

2:16:26

The property is subject to the 2019 Missoula Area Land Use Element where it gets its land use designation of rural residential and agriculture.

2:16:34

The purpose and intent of this designation really is for residential uses and protecting natural areas, agriculture, grazing and timber production.

2:16:43

It does allow for scattered low density residential development and density ranges.

2:16:48

It recommends between 1 dwelling per 10 acres all the way up to 1 dwelling per 2 acres.

2:16:55

And that land use designation is consistent with the zoning we see out there.

2:16:58

It's zoned AGR 2 or AG rural residential 2 dwellings per acre.

2:17:06

And staff found that the proposal is substantially compliant with both growth policy and zoning and evaluating impacts to agriculture.

2:17:16

The property's not currently in agricultural production was noted in the application that it was part of the old historic Kate's family ranch that took up much of this broader residential area that was subdivided on Certificate of Survey 1925 back in the 1970s.

2:17:34

Looking at NRCS soils data, we can see there's two separate map units on here.

2:17:39

There's a small section of soils of local importance in this map unit 8 that runs up along the road on the eastern end of the property.

2:17:47

And then the vast majority is this big arm gravelly loam, which is considered not prime farmland.

2:17:56

There are no traditional agricultural water user facilities like irrigation ditches on the property.

2:18:00

But there is a historic water right for stock water dating back to 1865.

2:18:07

It's attributed to an unnamed tributary of O'Keefe Creek.

2:18:11

And it's for 30 gallons per day per animal with a maximum flow rate of 40 gallons per minute, per the sub regs.

2:18:18

We're recommending a condition of approval that that water right either be reserved, divided or severed from the property.

2:18:25

So that just the how that's going to be divided is clarified prior to final plat approval.

2:18:34

The roads and access as I mentioned access to the subdivisions to be provided from fire bucket loop.

2:18:40

This is considered an off side Rd., not uniquely attributable to the subdivision, which will need to be improved to provide basic year round access for emergency vehicles.

2:18:50

They're proposing to, as you can kind of see on the image here, at the corner of Fire Bucket Loop in O'Keefe Creek is the end of the public right of way section.

2:19:00

It's paved up to this point and then it's currently a 14 foot wide gravel Rd.

2:19:05

within this O'Keefe or pardon me, Fire Bucket Loop Rd.

2:19:08

parcel.

2:19:09

They're proposing to improve that road and extend the distance, as you can see on the screen here, to 24 feet wide and build a cul-de-sac.

2:19:17

Turn around.

2:19:19

We're recommending a condition that the road construction obviously be done as proposed and it would be subject to review and approval by public works prior to final plat approval.

2:19:32

In addition to that, these, the section of Rd.

2:19:34

that you can see highlighted in the dark Gray would be subject to another condition requiring a road maintenance agreement.

2:19:40

They're proposing that all of the lot owners will be members of that road maintenance agreement, and there is opportunity for lot owners outside of the subdivision who use this portion of the road to join voluntarily if they'd like, but they're proposing maintenance to be handled from the lot owners in the subdivision specifically.

2:20:00

Legal access here is.

2:20:03

There was a a bit of a question about whether or not legal access existed in that Fire Bucket Loop Rd.

2:20:09

parcel and whether or not it allowed for future subdivision.

2:20:13

The question arose again going back to the original survey that created this property was a little bit non traditional certificate of Survey 1925.

2:20:21

It didn't show any actual access easements on the survey.

2:20:25

They created the road parcel as its own separate tract of record.

2:20:29

To date, many portions of it have been dedicated as public right of way.

2:20:33

But from this intersection with O'Keefe Creek up and around the subdivision, it still is a separate Rd.

2:20:38

parcel.

2:20:39

So we had asked the applicants to work with an attorney to prepare a legal opinion on state of legal access for this subdivision and they evaluated the original development plans and the developer's original development covenants which contemplated future subdivision.

2:20:54

And they made a case that satisfied our requirements to show that these Rd.

2:20:58

parcels were clearly intended to provide legal access to the broader development scheme that was shown in 19 Cos 1925.

2:21:10

Also not included on that original survey were utility easements within those Rd.

2:21:14

parcels.

2:21:15

So those are required for the subdivision regulations and we're recommending a condition of approval that prior to final plat they demonstrate that they have utility easements extended to the

property through that road parcel and meeting all of those dimensional standards for utility easements.

2:21:33

There is currently a Missoula electric cooperative easement that is about 10 feet wide and runs along that inside property boundary where there are electrical and I believe telephone cables and the ground.

2:21:47

So this would just be a broader public utility easement for any future utility installation and maintenance.

2:21:58

Moving into the fire hazard assessment, they completed the fire hazard assessment from Appendix C of the subdivision regulations and returned to score 44, which indicates A moderate hazard.

2:22:09

Within that assessment, the applicants have made commitments to using Class A fire rated roofing for new residential structures, non combustibile siding and deck materials, and all the utilities being installed underground.

2:22:23

The property is located in the Wildland urban interface Intermix and it has an integrated wildfire hazard level of high.

2:22:31

Because of this hazard assessment score, they are required to comply with the Hazard area standards in the subdivision regulations, including the establishing and maintaining defensible space, which is required to be included in the covenants per conditions of approval.

2:22:49

And then their fire suppression plan for the structures.

2:22:51

Notes that it's located within the French Town rural fire district.

2:22:55

There's a station about a mile and a half away.

2:22:58

They're proposing interior residential fire sprinkler requirements for new residential structures and compliance with driveway standards for emergency response vehicles.

2:23:07

And again, we just have a few conditions of approval reinforcing those requirements in the covenants to be reviewed at the time of building permit and some notice requirements about hazard area standards both in the covenants and on the plat.

2:23:26

Solid waste disposal is provided by both Grizzly Disposal and Republic Services.

2:23:30

In this area.

2:23:32

We're recommending a condition of approval for the use of bear resistant garbage garbage containers.

2:23:38

It's the property's also located in the Frenchtown School District and it's estimated that two school age children per lot will be added into the district and police responses provided by the Sheriff's Department in evaluating impacts to the natural environment.

2:23:57

It was noted in the review that the Montana Natural Heritage Wetland and Riparian resource mapping data shows a mapped wetland, which you can see in this green color on the screen, associated with an unnamed tributary of O'Keefe Creek.

2:24:14

Per the subdivision regulations, a riparian resource protection plan and no build zone designations are generally required only when there is an actual riparian resource on the ground staffed in a site visit to the property and the applicants also contracted with Salix Environmental who prepared a resource survey, went out and walked the property and stated they did not identify any actual riparian vegetation or any indicators of a wetland in this mapped area on the property.

2:24:45

And sometimes with this Natural Heritage program data, it can be pretty coarse grained.

2:24:53

So because of the resource survey that they provided were not requiring any sort of riparian resource management plan on the property.

2:25:02

But I would note that just based on their subdivision design and these building envelopes, what we do see mapped on the screen here is outside of any development area and for all intents and purposes wouldn't allow any any sort of structural development where that mapped what land is located.

2:25:22

We did receive some initial comments from the water Missoula Valley Water Quality District in the initial sufficiency review stage and they noted that this area has seen some artesian wells and that groundwater levels can be sensitive to new development.

2:25:39

As a result of those initial comments, we're just recommending notice be included on the plat and in the covenants to future owners that there could potentially be some groundwater issues in the area and encouraging them to consult with qualified professionals when designing their homes to ensure that they're not going to have any sort of issues with groundwater.

2:26:03

As we require with most subdivisions here, we're requiring A revegetation plan for disturbed sites to be attached to the covenants must be approved by the Weed District again prior to final plat approval.

2:26:15

And we're also recommending a condition of approval for a weed management plan, partly in response to the staff site visit where we noticed the significant amount of noxious weeds on the property.

2:26:26

And then again that Salix Environmental Riparian resource report noted a pretty significant amount of noxious weeds on the property moving into wildlife and wildlife habitat.

2:26:41

FWP maps this property in their whitetail deer winner range.

2:26:47

They commented that the property owner should expect wildlife on or adjacent to the subdivision and a condition of approval requires that those FWP recommended living with wildlife covenants be incorporated into the subdivision development covenants.

2:27:02

And as mentioned before, we are also recommending a condition for requiring bear resistant garbage containers.

2:27:14

This next section, Commissioners, we're moving into some new information on the water, sanitation and storm water as a result of the comments we've received.

2:27:24

I'm trying to in here recap some information we've heard at prior meetings, but wasn't formally included in the original staff report.

2:27:32

So this will cover that information.

2:27:39

Just a refresher, the original proposal for water and sanitation on this lot was 5 individual wells, one for each lot.

2:27:49

There's an existing well serving the home on the property that has a water right assigned to it.

2:27:53

And then it would be 4 new exempt wells for the undeveloped lots.

2:27:56

And they're also proposing individual drain fields.

2:28:00

As you can see on this lot layout as well, their original storm water plans consisted of a single detention pond located here on Lot 5 with a conveyance whale running across lot 4 and five that would capture any runoff from these lots and then it would utilize the natural goal way to direct other stormwater into this shared facility.

2:28:23

Both of these plans have changed as a result of some additional investigation and pump tests that they've done to evaluate groundwater availability for the subdivision.

2:28:35

So the first, the set of additional information which we have discussed prior is the Water Rights Inc report.

2:28:43

The applicants contracted with both Water Rights Inc and an independent hydrogeologist named Howard Newman who has worked in the area of the subdivision.

2:28:53

At prior hearings, we heard the findings of these reports and what the Water Rights Inc report essentially evaluated area well logs and a couple of aquifer tests dating back to 2007 and concluded that per their analysis of the existing literature that a sufficient water source existed and did not, that they did not anticipate any impacts to neighboring wells.

2:29:15

The Howard Newman report also relied on area well logs and commented on the complex geological makeup of the aquifer, which has some pretty significant variations in subsurface geology.

2:29:28

And he talked about these specific isolated water bearing units in that report, noting that it would be unlikely for wells in the area to communicate with other wells due to the nature of that geology.

2:29:41

Some of that prior discussion that was raised specifically it was discussed that these reports didn't really bring much new information beyond 2007, which was a concern because of a significant amount of development we've seen in the area.

2:29:56

And it we also noted that there was some concern about the reliance just on well logged data where you get this snapshot in time about well performance at the time that it's drilled, but that can change over time as well.

2:30:09

So we felt that those scenarios or those specific factors in conjunction with the broad amount of neighborhood concern that we've heard and some concern that we heard from the Water quality District that we'd like to see some additional information.

2:30:23

So from there the applicants then contracted with Willow Stick to provide a well siding study on the property.

2:30:32

The Willow Stick report, essentially what they did is they they mapped the subsurface geology on the site using radiometric gamma rays and micro seismic resonance to identify areas with the highest probability of storing groundwater.

2:30:46

And from there they identified we can see these new targeted well locations that were used to amend their lot layout for water and sanitation.

2:31:01

So using that information from the Willow Stick report, the applicants chose the T3 well location that we saw on the last side and had that well drilled on September 17th of 2025.

2:31:13

The well logged data from the well driller noted a static water level of 56 feet.

2:31:20

It was pump tested or it was air tested for two hours at 30 gallons per minute and they noted that the water level recovered 56 feet within an hour of that pump test.

2:31:32

From there they moved into a more formal pump test in coordination with some of the neighbors in the Water Quality District, largely following guidelines that we see for a DNRC water rights application that took place between October 27th, 2025 and November 3rd, 2025.

2:31:51

So that T3 well that they drilled served as the pumping well and they had some neighbor participation.

2:31:57

It was 6 off site wells.

2:32:00

We had neighbors volunteer to have their wells monitored and transducers put in there to monitor water levels during the pump test.

2:32:07

And then the sparks on site existing well also served as a 7th monitoring well.

2:32:12

So water levels were evaluated for two days prior to the pump test and then there was a 24 hour pump test with an average flow rate of 29 gallons per minute that was done.

2:32:23

And then for four days after the pump test, recovery was measured in the pumping well and all of the neighboring wells.

2:32:33

And based on the data that was submitted, there was no measurable drawdown reported in any of the seven monitoring wells.

2:32:42

As a result of that 24 hours of pumping at an average rate of 29 gallons per minute, the maximum draw down that was recorded in that pump test was 104 feet, 101 feet of that recovered within the 1st 24 hours and then it recovered 103 feet.

2:32:59

So within one foot of the original the groundwater elevation within the 96 hours when they stopped monitoring recovery.

2:33:09

The pump test data was then analyzed by another consultant at Geo Syntec who essentially did some forward modeling using various aquifer characteristics to evaluate, based upon the proposed water usage of the subdivision, what potential impacts could exist outside of the subdivision boundary to groundwater and and to surface water.

2:33:32

We received comments from the water quality district that evaluated both the pump test and the Geo Syntech report and noted that the pump test and analysis followed commonly accepted water availability analysis.

2:33:45

The consultants provide to DNRC and the water rights Application process test generally adhered to pumping requirements in Form 660, which I believe is the DNRC form, the data log that you have to provide during the pump test and fill out.

2:34:00

They noted.

2:34:00

They noted that no impacts were seen in neighboring wells, which limits the strength of the test, but demonstrates first hand that extreme use of a well does not alter neighboring water levels.

2:34:11

And then lastly, they noted that issues with the pump test did not impact the analysis that was prepared by Geo Syntec, which relied upon conservative assumptions in order to be the most protective.

2:34:24

So based on that additional information the applicants have provided, staff has concluded that they've demonstrated A sufficient water source exists and that it's highly unlikely that there will be adverse impacts to offsite wells based upon the subdivision proposal.

2:34:43

One thing to note in all of this process, they did slightly amend their overall water use plan.

2:34:49

The initial proposal had a subdivision annual allocation of 9.93 acre feet per year.

2:34:56

They are reducing that allocation down to 8.5 acre feet per year for the entire subdivision.

2:35:04

We're recommending conditions of approval again based on their amended plan to restrict irrigation to 183 day season between April 1st and October 1st and consistent with the old plan, irrigation is limited to 1/2 acre of lawn and garden around the home site.

2:35:23

A second condition of approval, again volunteered by the applicants here, is to reduce their

existing groundwater certificate with the water right in the existing well from 3.25 acre feet down to 1.7 acre feet per year to align with the other 4 proposed wells.

2:35:40

And then the last new condition that would come into play here is a requirement for them to provide DNRC authorized notices of intent to appropriate groundwater.

2:35:49

This is a result of a recent change to state statutes that was effective July, Nope, January 1 of 2026.

2:35:59

So this is similar to the old predetermination letters we've seen, a little bit different, but they'll have to provide those for all of the wells prior to final plat approval.

2:36:11

And with some of those changes in moving around well locations that resulted in shifting drain field locations and some significant amendments to their storm water plans as well.

2:36:24

As I mentioned earlier, the initial proposal was for a single detention pond and conveyance whale.

2:36:30

They've moved away from that and now they're proposing these individual retention swales on each lot to capture run off from development on each site and then facilities within the roadway as well to capture run off from the roadway improvements.

2:36:46

This one through a few iterations.

2:36:47

And at the time that we published the staff report that was made available to you, we did not yet have comments from Public Works.

2:36:54

But Brent O'Connor with Public Works has since got back to me and has signed off on the storm water plans.

2:36:59

And he said he's comfortable with the proposal and compliance with the Public Works manual standards.

2:37:06

We made a couple slight adjustments to these recommended conditions of approval, again, just notifying future owners of maintenance responsibilities for their individual facilities, drainage facilities on site and then establishing a maintenance agreement for the drainage facilities that fall within that roadway parcel.

2:37:27

And that is not the end.

2:37:30

I thought that was my last side.

2:37:31

I, I apologize.

2:37:33

We have received one other public comment since our last public hearing and this was posted to Missoula County voice.

2:37:42

And based on the context of the comment here, it appears that this was around the time that the pump testing work was going on.

2:37:48

And I can just read this for the record real quick.

2:37:49

They noted that over the summer, the Missoula Valley Water Quality District conducted several recordings of our well water levels.

2:37:57

Our well produces only four to 6 gallons per minute.

2:38:00

To ensure our home functions properly, we have had to install a cistern, well monitoring equipment, and water alarms.

2:38:06

We have also had to have our well blown out due to silt issues.

2:38:10

We have already lost water levels due to this issue.

2:38:14

Following the recent water testing conducted by the Fire Bucket Meadow Subdivision over the past few days, October 28th to 30th, a representative from the Missoula Valley Water Quality District measured our well levels again and found that the water level had dropped approximately 20 feet since the previous recording.

2:38:33

When we purchased our property, we applied for and secured a water right.

2:38:37

Approval of the subdivision will directly impact our households water supply and our established water right.

2:38:49

And that is the end of my presentation.

2:38:53

Thank you, Elena.

2:38:54

Please as a staff person, add some more.

2:38:59

Elena Evans, Hydrogeologist, Missoula Valley Water Quality District.

2:39:03

I just wanted to speak specifically to that last Missoula voice comment.

2:39:08

One of the reasons that the Missoula Valley Water Quality District is measuring wells in this area is because unlike the main Missoula aquifer, if somebody takes a shower, runs a load of laundry, runs a dishwasher, that really draws down there well, a lot.

2:39:24

And so well, our staff did go out and measure how far down that water was.

2:39:32

They came back later and measured it and it was recovering to the level that they thought it would.

2:39:38

So the measurement was that that was an anomalous measurement.

2:39:44

It wasn't necessarily indicative of that being the case for the full measurement.

2:39:49

Part of the reason that we requested that both the applicant and ourselves use pressure transducers in order to measure the water is because when you have a small well casing, when the pump turns on and there's not as high of hydraulic conductivity, it can really suck all the water in the well down quickly.

2:40:12

But that doesn't necessarily mean that it's drawing all of the water out from the surrounding area.

2:40:17

So we did reach back out to that individual.

2:40:20

We did remeasure, and so well there was.

2:40:24

A measurement that was, you know, seemingly concerning we a previous measurement saw it return back to normal levels within what time I believe it was within a day.

2:40:38

OK.

2:40:39

Oh, go ahead Dave.

2:40:42

So no causal connection between the the pumping of the the test well within the subdivision and the drawdown, the 20 foot drawdown of this one adjoining properties well.

2:40:57

So in the houses that so, so PCI and PCI put in some transducers and some of the neighboring wells, there were some folks who wanted pressure transducers in their wells in addition to that.

2:41:14

And so we put in an additional, I think it was 6 or 7 pressure transducers and we did not see a drawdown associated with the PCI effort.

2:41:26

OK, thank you.

2:41:28

So, Landy, you feel confident that this person's well wouldn't be impacted by the subdivision.

2:41:35

The cause of that drawdown was not associated with the pump test.

2:41:39

OK.

2:41:40

Thank you, Ron.

2:41:53

Good afternoon everyone.

2:41:55

My name is Ron Whetstone with PCI.

2:41:58

This afternoon we have with us Dale and Tammy, the the property owners and online we have some of our experts in case you have any questions.

2:42:06

First of all, I want to state that we are in agreement with the recommended motions and conditions of approval.

2:42:13

I think Patrick's done an excellent job sort of tying everything together, documenting the chronology of all the meetings and what happened and all the information that that we have provided, which he shared with the rest of the county folks that we're working with, as well as the members of the public.

2:42:31

So all this information is available.

2:42:34

It's been available.

2:42:35

And we've been very candid as far as sharing that with everyone.

2:42:39

And as Patrick stated, he, you know, he, he believes that you have the information that you need to make a decision.

2:42:48

And we'd hope, hope for that hope for a good decision on this.

2:42:53

Thank you.

2:42:53

Thanks, Ron.

2:42:54

Do you guys have any questions for Patrick?

2:42:59

Elena?

2:43:00

No, Any public comment?

2:43:07

Oh, shoot, sorry, Patrick.

2:43:09

If I may, the hydrogeologist that prepared the aquifer analysis, I believe is online and did send me some slides that they would like to share as well.

2:43:20

So I don't know if we want to do that before or after a public comment.

2:43:23

I think we should do all the technical stuff first.

2:43:25

Sorry, Sir.

2:43:28

Adam, I see you're online.

2:43:30

If now is a good time.

2:43:33

Yeah, absolutely.

2:43:36

Is Chris also going to talk or he's just here for questions?

2:43:39

I'm not sure.

2:43:40

He has his hand raised.

2:43:41

Mr.

2:43:41

Smith.

2:43:43

Yeah, I just wanted to talk about that.

2:43:46

Well, that mentioned the 20 foot draw down.

2:43:49

So I again, my name is Christopher Smith.

2:43:51

I'm a senior geophysicist with Willow Stick Technologies.

2:43:55

I basically do well sightings and well completions around the world.

2:43:59

We've all operated in every continent except Antarctica.

2:44:02

The situation that that homeowner specifically is describing with having to blow out the well and deal with that silk and the showing a value of 4 to 6 gallons per minute.

2:44:13

That is basically telling you that that well is specifically placed in a in like an anomaly where they have a lot a higher clay content.

2:44:23

And so as the GAL mentioned, the PCI gal that just talked with the draw down of the well.

2:44:29

I just wanted to confirm and reiterate when that pump first triggers on and you're in an environment like that where the the water coming into your wellbore or your Packer is reduced because of the clay content and the silk that they encounter.

2:44:43

Exactly what she said.

2:44:44

When you turn on that pump, you're going to draw down the whole well basically 1st and then it's going to trickle back in.

2:44:49

So there's many things that they could do to remediate that and to optimize their well and have no drawdown, but that would be something that they do later.

2:44:58

The last comment I'd make is that we, we are in.

2:45:03

I'm trying to pull it up right now this specific.

2:45:05

Let me turn this back on.

2:45:11

I just wanted to make sure that we all know that we are in an aquifer that is the North Northern Rocky Mountains Intermountain Basin aquifer system.

2:45:21

And this is actually about 650 miles of footprint which covers all of Missoula up in this area and down to the Bitterroot Valley.

2:45:30

So it is a large aquifer system, which is substantially large amounts of water.

2:45:34

And that's all I have to say.

2:45:35

Thank you.

2:45:36

Thank you.

2:45:40

Elena doesn't work for PCI, she works for Adam.

2:45:44

If you want to go ahead, I've got a slide set.

2:45:48

Yes, she's been fired already.

2:45:50

She had the shortest PCI career on record.

2:45:53

Ron, you're ruthless.

2:45:55

You're welcome, guys.

2:45:57

Good job.

2:45:59

Can you folks hear me OK?

2:46:00

Yes.

2:46:01

Yes, Sir.

2:46:02

OK.

2:46:03

Well, good afternoon, commissioners, Everyone else.

2:46:05

My name is Adam Perrine.

2:46:06

I'm a hydrogeologist with Geo Syntex Consultants.

2:46:10

Just a little background.

2:46:11

I've been practicing as a consultant hydrogeologist in Montana, you know, since I finished my master's degree here at UM in 2000.

2:46:21

And that includes a lot of work in the Y area, for example, siding, installing, testing and permitting the Y area water company wells, which aren't too far from from here and tap into the deeper portion of the aquifer that most of these wells out here that we're talking about tapped into.

2:46:41

Now I'll get back just to the analysis that we did.

2:46:47

Patrick did such a good job covering it.

2:46:48

I'm trying to figure out what he didn't say.

2:46:53

So our our analysis basically had three main parts was evaluation of the aquifer, meaning the physical properties and we're talking there primarily about transmissivity and storeativity.

2:47:07

And those aquifer parameters are are derived from the aquifer test.

2:47:12

We'll talk more about that then.

2:47:14

We took those parameters and we simulated aquifer drawdown based on the proposed pumping of the five wells in the development.

2:47:25

Basically the total water use at full build out, which in this case is is estimated at what Patrick mentioned, 1.7 acre feet per year per lot.

2:47:36

It's kind of an important number and you'll see where that comes from in a minute too.

2:47:40

And then the third part was to just basically to evaluate the magnitude of that simulated drawdown outside of the property boundary at the end of the period of diversion to try to get at this question of, you know, will this development or will this development not have impacts on the neighbors, which is obviously the fundamental question.

2:48:02

So the slide that we're looking at now just shows the wells that were involved in the aquifer test with the pumping well there in the middle and then court, you know, obviously all the other yellow pens are the observation wells.

2:48:16

I will say this is this was AI don't think I've ever seen a a aquifer test with this many observation wells for a water add application in Montana.

2:48:26

So it's very, very thorough.

2:48:29

But the punch line is none of these wells responded, not that I would have expected them to, but you know, the closest one is 380 feet away and no response whatsoever in that.

2:48:46

Well.

2:48:47

This gets back to I think Howard Newman was talking about it in in his paper.

2:48:51

This, this is a really complex aquifer system with many made different layers deposited on top of each other going from coarse grain material right into fine grain material.

2:49:04

And it kind of it divvies up the aquifer, sort of compartmentalizes it if you will, which you know further inhibits the communication among the wells, the impacts that one well may have on another well.

2:49:20

The other reason why you don't see drawdown response in a lot of these observation wells is the transmissivity is pretty low.

2:49:27

So when you have low transmissivity, your cone of depression or the the three-dimensional influence that you have on the aquifer around the pumping well is deep and steep, meaning those these wells draw down really deep.

2:49:41

But aerially that cone of depression doesn't propagate out very far from the well.

2:49:47

And so that's that's sort of a benefit when you're talking about having impacts on your neighbors.

2:49:53

Let's go.

2:49:53

Can we go to the second, second slide?

2:50:01

Excuse me, I apologize.

2:50:02

It's lagging a little bit.

2:50:04

It's OK.

2:50:04

Tell me when you can see a plot there.

2:50:06

OK, so this is, I'm not going to show all 8 observation wells because they're all kind of flat lines, but this is pretty interesting.

2:50:15

This is the pumping well and the Y axis is water level elevation.

2:50:20

You know, so we started about 30 to 70 feet and the well drew down about 100 feet during the test.

2:50:28

The blue line is the pumping well.

2:50:29

So boom, turn the well pump on.

2:50:31

It draws down 95% of the draw down right away and then it continues to draw down over the 24 hour period.

2:50:40

And then you turn the pump off.

2:50:42

The the dashed red line is when the test ended.

2:50:45

The dashed green line is when the the test started.

2:50:48

This is the background monitoring.

2:50:50

And this is the recovery.

2:50:52

So this is how much drawdown we saw in the pumping.

2:50:54

Well, and then if we go to the next one, this is just let me know when it pops up.

2:51:10

Looks like it's showing on the screen in the room here.

2:51:12

Is that showing up for you?

2:51:13

Yeah, we got it.

2:51:14

Oh, no, I can see it.

2:51:15

I can see it.

2:51:16

So this is this is the plot of that, that closest welder we're talking about that's 380 feet away.

2:51:23

If you were going to see draw down, this is the one you would, you know, expect it in again, water level elevation here and you can see it's chugging along here.

2:51:32

The pump comes on, doesn't draw down at all.

2:51:36

Pump goes off, it doesn't recover at all.

2:51:40

These little spikes.

2:51:41

People were asked not to use their wells, I think during the test.

2:51:44

So this is probably a well somewhere near this one that after the test was over they began using their well or it could be the well itself coming on, serving the house, coming on, serving the house.

2:51:56

Same thing here at the beginning.

2:51:57

But most of the people cooperated pretty well, did not use their wells during this background.

2:52:03

Did not use them during the test and did not use them for the first at least 24 hours of the recovery period.

2:52:09

So it was a good test.

2:52:12

As Patrick mentioned, we put it into it's Form 633, that's the DNRC, it's a cross, cross form between DNRC and DEQ.

2:52:20

That's the form that you have to put the data on to submit it to the state.

2:52:23

So this test was done very well by TCI.

2:52:27

It was done to the current standards would be accepted by the state as a test in a water ID application, which this is not because we know that these are exempt wells, meaning these wells are exempt from a water right application process.

2:52:44

So let's see, let's go to the next, next slide.

2:52:50

It's, it's, this is just a plot of the curve match that we did to, to derive a transmissivity value for the aquifer because we didn't have any observation well response to typically consider the, the recovery response in the pumping well to be the best, the most representative of your aquifer transmissivity.

2:53:10

So after you turn the pump off, as the water level in the aquifer around the well comes back up, the rate at which that water recovers comes back up is an indication of how transmissive that aquifer is.

2:53:23

And you can actually, you know, assign a value to that transmissivity, in this case feet squared per day, so 140 feet squared per day.

2:53:33

One of the unfortunate side effects of not having an observation, well response during the test is you need one to derive the second important value, which is storativity.

2:53:44

So we weren't able to derive a storativity estimate from the aquifer test.

2:53:50

However, it's it's obvious from the lack of response that we're talking about an unconfined aquifer.

2:53:56

So we chose a representative storativity number of .01 for the store activity for the to move on with the analysis.

2:54:07

So then we take those numbers and oh, next slide, let's see here.

2:54:17

This is this just goes back to the water use, how much water these wells are going to use and what rates we use to to simulate draw down.

2:54:28

And this shows that, you know, all 5 wells are going to use the same amount of water.

2:54:34

These are based on the latest standards from DNRC, which changed while we were working on this.

2:54:40

There were new standards effective the end November and November 2025.

2:54:47

So they changed a little bit, but these are the standards.

2:54:51

So each lot will be restricted to 1/2 of an acre of lawn and garden use.

2:54:56

So that's the irrigation component.

2:54:59

And then here is the the domestic use the year round domestic there under the blue each each home will use an estimated amount of .45 acre feet per year.

2:55:10

And so that's based on A5 bedroom home.

2:55:14

So under this new system that DNRC has, these rates and values right here are going to be tied to each lot.

2:55:23

Moving forward.

2:55:24

What we'll do is we'll file a notice of intent with DNRC on each lot saying whoever buys this lot in the future, when you put a well in, you go and they do the title search, there's going to be a notice of intent attached to that deed that's going to say, oh, OK, you can't have more than 1/2 acre of irrigated ground and you can't have a home that has more than 5 bedrooms in it.

2:55:48

So that's, that's the mechanism by which this this is enforced.

2:55:54

So we calculate these numbers and then we use the average annual amount of water diverted next slide please and turn those annual volumes into rates.

2:56:12

And we're always kind of when we do an analysis like this, we know that there's, you know, there's error associated with everything, right?

2:56:18

And a model is a representation of reality.

2:56:21

So there's, there's always some uncertainty.

2:56:24

So we try to look for opportunities to make conservative assumptions.

2:56:27

And here's 1:00, we, we divide the, the pumping rate up into the irrigation and non irrigation season.

2:56:36

And when we're looking at drawdown, which we contour, we do contour so that we'll see that in a second.

2:56:42

We choose the end of the irrigation season.

2:56:45

So this is at the very last day of the irrigation season when the most water has been pumped from these wells.

2:56:51

That's the draw down impact that we're looking at when we're talking about impacts to surrounding wells.

2:56:59

And then to go further, this is you could call this sort of a sensitivity analysis.

2:57:04

We say, OK, this, I'm talking about Table 5 now, sorry, this is our 140 feet squared per day and our storeativity of .01.

2:57:16

These are the values we're hanging our hat on right here.

2:57:19

And this shows the amount of draw down outside the property boundary in two locations, which we're going to see on a map in a second.

2:57:27

But you can see these are really small numbers.

2:57:29

These are feet, right?

2:57:31

So we're talking millimeters here.

2:57:33

But then we vary those parameters, say, OK, well, what if, what if we're wrong about the store tivity?

2:57:37

What if it's an order of magnitude lower than that?

2:57:40

What would the draw down look like?

2:57:42

So we present that too.

2:57:44

We present maps of it, present values of it.

2:57:48

What if we're scenario 3:00?

2:57:49

What if we're wrong in the other direction?

2:57:51

And really the, the storage is 10% or yeah .1 what would the draw down look like then?

2:57:59

And on and on.

2:57:59

We then we vary the transmissivity if we were wrong in order of magnitude in each direction.

2:58:05

So it's just, it's just more, you know, methodology to let the reader know where this, this number

that we're presenting what, what's the error bar, what, what's the variability around that, around that result.

2:58:22

So I think with that we can go to the last figure and this is in the memo, there's a series of you got the contour.

2:58:35

Yeah, there it is.

2:58:37

So in in the memo, there's a series of these contour maps that show each of those five scenarios that we were just looking at in the table.

2:58:46

This is scenario one, the one with the our best estimates of aquifer properties at the end of the irrigation season.

2:58:54

And you can see the the smallest contour here is .01 feet and the drawdown you know increases as it goes to the well.

2:59:04

So this is each of the five wells pumping at their total annual rate 365 days.

2:59:13

And this is tells us that we we don't expect very much maybe not even measurable amounts of drawdown impact outside the property boundary of the subdivision.

2:59:25

And that goes back to the table of the water use.

2:59:27

This is the way that this property is being developed and restricted with a half acre of lawn and garden.

2:59:35

That's where most of the consumptive use comes from.

2:59:39

This is very, very little water use, less than 10 acre feet for five homes in an enforceable system.

2:59:46

So this is kind of what you would expect .01 feet, right?

2:59:53

That's a quarter of a millimeter.

2:59:55

It's not, it's not measurable.

2:59:57

So that's pretty quick summary, but I'm happy to take questions for comments if anyone has them.

3:00:03

Thank you.

3:00:04

Thank you.

3:00:06

Now we're good to public comment.

3:00:08

Sorry for the delay, Sir.

3:00:09

No worries.

3:00:14

Yes.

3:00:14

Oh, you have to hit.

3:00:15

There you are.

3:00:15

Now you are.

3:00:16

It was green in the first place.

3:00:19

My name is Gordon Shmuel.

3:00:20

I'm one of the properties that are up against this property here.

3:00:24

From the very beginning, real quick, I had two concerns.

3:00:28

One with water viability, sustainability, all that stuff.

3:00:33

They've done their homework.

3:00:34

They brought in a lot of professionals in here.

3:00:37

They show that they that there's water, that it's viable and they believe that they can tap four more wells there and get more water.

3:00:45

The second part of the whole, this whole process, I had concerns and that I brought before you guys when this started at the very beginning is their, their vision of this plan was there going to be 3 tracks #1 track is the one that we're talking about now, putting 4 houses in #2 track could be just to the West of that, there'd be 5 more houses and then five more houses down to that.

3:01:12

My, my concern to that was as are they mitigating doing small portions, making minor subdivisions versus a large subdivisions, which you guys will know that there are other provisions that you have to do to subsidize that.

3:01:34

And, and Mr.

3:01:36

Strongmeyer, you, you asked Ron right from the beginning, is this what we're looking at?

3:01:42

Are you, are you looking at trying to sidestep a process here?

3:01:47

And I can't remember his words identically, but I can paraphrase it to the fact that, well, I don't, I'm not sure what the, what the neighboring person's going to do.

3:01:58

You know, it's not for me to say, but I could tell you what's going to happen with this first track.

3:02:03

Well, heard me.

3:02:05

That's BS because Dale Sparks owns that the other 20.05 acres.

3:02:11

And I guarantee you in three years from now, that's going to be Ron's next step is we're going to now have another minor subdivision.

3:02:23

Then the other one West and down from that is Leon Hayward's property and that's 20.28 acres.

3:02:34

And that's the third track that that that they're looking at doing here.

3:02:39

And so and, and of course that's somebody else.

3:02:41

And who knows if that will actually follow through or not, but that would be my only concern.

3:02:46

And in this whole process is, are we sidestepping?

3:02:50

Are we, are we, are we giving it up to a point where we don't have to do so much stuff, but we're satisfying county commissioners here in, in doing this small subdivision.

3:03:03

If that's the case, we're setting precedence.

3:03:05

I'll just take money out of my money market.

3:03:07

I'll go buy a couple 20 acre tracks.

3:03:09

I'll make a bunch of little minor subdivisions and make money too.

3:03:13

So I guess that's my concern of all this as well.

3:03:19

My time's up.

3:03:20

But obviously they did their work with the with the water and I'm very appreciative of that.

3:03:25

So are the neighbors.

3:03:26

But my big all right, we got we got to be done.

3:03:28

The big one is I get it.

3:03:29

The big one is thanks a lot.

3:03:30

We're we're good.

3:03:31

We got we got 3 minutes.

3:03:32

We hold everybody to it.

3:03:34

Thank you.

3:03:34

That's my concern.

3:03:43

Good afternoon, commissioners.

3:03:44

My name is Sarah Curtis.

3:03:46

I am to the South of all of this, not attached to the current subdivisions or the current lots that are being presented, but like Gordon said, the ones that we believe are coming in the future.

3:03:59

The original packet that they submitted had phase 1-2 and three written right on the cover of it.

3:04:10

Last time this was in front of you, my understanding of your answer was your decision on this was they could have approval if either they did cisterns and they trucked water in or they drilled all the wells up front before you approved a subdivision.

3:04:29

And that approval was based on whether or not the water was there in all 5 wells or 4 wells I guess before you would approve it.

3:04:40

I it's back there in the notes of last time we were all here.

3:04:52

I have the same questions that Gordon does about the minor versus major subdivision.

3:04:58

Yes, they seem to have found quantity of water in this wall that they have drilled and they talked about silt and draw downs.

3:05:08

The draw down is a real thing.

3:05:10

I understand the concept of you're going to get all the water out of your drill casing and it's going to go down and then the water, your actual water level is what's refilling.

3:05:19

That's a thing.

3:05:20

But all of our wells are really salty.

3:05:23

I know that everybody has hundreds of dollars worth of filtering systems in their homes just to have drinkable water.

3:05:33

It's salty.

3:05:34

It's irony.

3:05:36

Our cisterns all look like crap for not a better word.

3:05:41

And my neighbors are probably going through a pump, a well pump every two years because of water quality.

3:05:50

I know that we spend hundreds of dollars a year just to filter our water so it's drinkable.

3:05:57

And that is, I think I got all of my points quickly.

3:06:01

Great.

3:06:01

Thank you.

3:06:02

Thank you.

3:06:05

Any other public comment?

3:06:12

You guys have any other questions?

3:06:19

OK, So I'm going to ask a question I could ask this of Patrick or of John.

3:06:40

So if this family owns multiple large pieces of land, is there something improper about doing a minor subdivision and then a couple years later on another piece of adjacent land doing another minor subdivision as opposed to doing one major subdivision?

3:07:10

In a perfect world, you'd see the entire development plan at one time if there is an entire development plan.

3:07:18

But there isn't anything in the Montana Subdivision and Platting Act that would prohibit the these applicants from coming forward in the future on adjacent land that they own with another subdivision proposal that would be that would have to be evaluated on its own terms and within the facts and circumstances of that application.

3:07:44

Obviously that is not the way that that's not the way that we would like to see development happen.

3:07:53

You as as a planning office they want to see you know the full meal deal, but what's in front of you today is 5 lot minor subdivision.

3:08:06

Great, thank you.

3:08:09

Yeah.

3:08:10

Just a follow on that point well taken that we are hamstrung a bit by state law.

3:08:19

And so far as this is the proposal list before us and absolutely there are cumulative effects with a larger development proposal.

3:08:30

And if it is a major subdivision as opposed to a minor subdivision, there could very well be

additional requirements that would need to be imposed or that could be imposed upon that subdivision.

3:08:45

That's not the scenario before us today and I think it is what it is.

3:08:51

And so I think we're and I was just going to say the same concerns around water would exist if there was to be another minor subdivision in the future on land that's adjacent to this.

3:09:04

And given the Broadwater decision and the specific characteristics around this area around water, I would encourage you all to expect the same type of scrutiny and ask for evidence around water for any any on any land that's adjacent to it'll be process.

3:09:20

This would be similar to this.

3:09:22

But as John pointed out, we're only talking about what's in front of us today.

3:09:27

Process would be similar unless the legislature addresses groundwater and service water issues that are very pressing in the state of Montana.

3:09:36

Great, good call.

3:09:37

And we have a session coming up this winter.

3:09:40

OK, I, I with that, I would move to approve Fire Bucket Subdivision, Meadow Subdivision based on the findings of fact and conclusions of law in the staff report and the supplemental groundwater and stormwater Findings memo.

3:09:53

This approval is subject to the recommended conditions of approval as amended in the supplemental Groundwater and Stormwater Findings Memo.

3:10:01

Second, any further public comment, Sir Curtis again, so when they do come back with their next subdivisions and it affects our water or it affects our water in the future, is the county responsible or liable for the damages that that causes to our properties.

3:10:27

So if if they came forward with another subdivision we would use this, we would apply the same level of scrutiny we do right now.

3:10:35

And so if any subdivision hold on a SEC, so any subdivision in this area where water isn't a very real issue, we would apply the exact same level of scrutiny.

3:10:47

And if the test wells and all the monitoring had come back that there's not enough water, we wouldn't be going forward.

3:10:54

And we would again apply the same level of scrutiny in the future to any, any future proposal on land that is under consideration, but not before us today.

3:11:04

I can't answer liability questions.

3:11:06

I would, I would ask our attorney.

3:11:09

So if our homes and our fixtures and all of our things are affected by this poor water quality, changing pumps regularly, our property alone has three wells drilled on it, 4 wells drilled on it.

3:11:23

Is the county then responsible by making this decision to move forward with that?

3:11:28

There's enough water.

3:11:31

Does that come down to a county liability issue?

3:11:33

Is that the Broadwater lawsuit situation?

3:11:40

I'm not going to speculate on the county's liability.

3:11:44

The Broadwater decision determined that Broadwater County had not followed the law and their own regulations and they were just box checking and and, and that's why the the court made changes to that subdivision.

3:12:03

OK, thank you and more comment.

3:12:08

I just want to thank the applicant and Ron and your team for the due diligence that you've you've done.

3:12:14

You guys did what we asked and and satisfied to my satisfaction today that that the adjoining property owners will not be adversely impacted.

3:12:25

I want I want to reiterate that I understand that was a lot of expense and time and quite unusual in the world of subdivision, but the right thing to do given where this was.

3:12:34

But we appreciate that you guys went to those great lengths and I appreciate everyone who everybody involved, all the public comment, everybody.

3:12:43

This has been an arduous process and we recognize that it's a unique area, so it required that.

3:12:49

So thank you.

3:12:52

All right.

3:12:52

All in favor.

3:12:53

Aye.

3:13:00

You have to adjourn us.

3:13:01

We're adjourned.