

## **PUBLIC MEETING – January 19, 2005**

The Public Meeting was called to order at 1:30 p.m. by Chair Jean Curtiss. Also present were Commissioner Bill Carey, Commissioner Barbara Evans, Chief Civil Deputy County Attorney Mike Sehestedt and Deputy County Attorney Colleen Dowdall.

### **Pledge of Allegiance**

### **Public Comment**

Greg Martinsen, stated he was present to tell the Board about last year's activities of the Missoula Conservation District. He is a member of the Board of Supervisors. The other Board members are Tim Hall, Chairman; Libby Maclay, Vice-Chairman; Rick Ramberg, Treasurer; Bob Schroeder; Sid Wills and Art Pencek. Employees are Tara Comfort, District Administrator and Lori Zeiser, Administrative Assistant. Tara Comfort has been with the District for 30 years. Legal aid from the County Attorney's Office is provided by Marnie McClain. One of the major responsibilities of the Conservation District is administer the 310 Law. In 2004, sixty-seven 310 application, 28 complaints and violations and one emergency project were processed. The District staff followed up on 47 of the projects to make sure they were done correctly. A program that was instituted a few years ago, which has been very successful, is a Cost Share Program. Funds that are not needed at a specific point are cost-shared with other projects such as fencing, range land restoration, weed spraying, timber thinning, etc., anything to do with conservation. The District also partners with DNRC and does a lot of work on the National Fire Plan and administers some of the cost share projects. The District co-sponsored an emergency watershed project for the Black Mountain fire. Various education programs are also sponsored. The District feels that education is one of the best way to achieve good conservation in the County.

Mike Sehestedt stated that the Missoula Conservation District is probably one of the best run Conservation Districts in the state, which speaks a lot to the Board and Tara Comfort. When he has the rare opportunity to cover a meeting for Marnie, he is impressed with the efficiency and effective administration of the laws under their charge and the friendly manner in which they conduct themselves.

Chair Curtiss stated the Lolo Watershed Group is a good example of involving the people affected in the planning and solution of problems.

### **Routine Administrative Actions**

Commissioner Carey moved that the Board of County Commissioners approve the routine administrative items adopted the past week and approve the weekly claims lists in the amount of \$409,723.17. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

### **Hearing: Annexation to Missoula Rural Fire District (Portions of Property on Lorraine Drive, Gharrett Avenue and Terrace Drive**

Mike Sehestedt presented the staff report.

A petition has been received by the Clerk & Records Office to annex a parcel of land, located in Missoula County, into the Missoula Rural Fire District.

The petition has been checked and verified. It contains signatures of more than 50% of owners of the privately owned land in the area to be annexed and a majority of taxpaying freeholders within the area described, thereby meeting the requirements of 7-33-2125 MCA for annexation of adjacent territory.

The area to be annexed is described as follows:

"All those parcels of land situated in the southeast one-quarter of Section 7, and the north one-half of Section 18, Township 12 North, Range 19 West, Principal Meridian, County of Missoula, State of Montana, being more particularly described as follows and as shown on Exhibit A: Parcels A-1 and A-2 of Certificate of Survey (COS) 3206; Parcels B-1 and B-2 of COS 3204; Tracts a-1-B and a-2-B of COS 4088; Tracts A-1 and C2B2 of COS 2694; Tract C2B1 of COS 2626; Tracts A-1, C2-Ba and B2a of COS 2093; Tract A-2 of COS 3032; Tract 2 of COS 3733; Tract B-1 of COS 1058, all records of the County of Missoula, State of Montana; TOGETHER WITH: Lots 1 and 2 of Terrace Drive Addition, a recorded subdivision in Missoula County, Montana."

A letter from the Missoula Rural Fire District has been received agreeing to annex this property. The purpose of today's action is to hear protests, if any, to the annexation. Protests may be made by person(s) in the current district or by any person(s) in the area to be annexed.

Kathy Wahl, Clerk & Records Office, confirmed for the record that the petition has been received, checked and verified.

Chair Curtiss opened the public hearing.

Curt Belts, Missoula Rural Fire District, stated that about a year and a half ago it was brought to his attention by a realtor that this particular area did not appear to have fire protection. After doing some research, it was discovered that somehow this area was left out of the Missoula Rural Fire District when it was initially formed and is not protected by Missoula City Fire. The property owners were contacted to inform them of the situation. Sufficient petitions were received to proceed with annexation.

There being no further comments, the public hearing was closed.

Commissioner Carey moved that the Board of County Commissioners approve the petition to annex a parcel of land, located in Missoula County, into the Missoula Rural Fire District, described as follows: "All those parcels of land situated in the southeast one-quarter of Section 7, and the north one-half of Section 18, Township 12 North, Range 19 West, Principal Meridian, County of Missoula, State of Montana, being more particularly described as follows and as shown on Exhibit A: Parcels A-1 and A-2 of Certificate of Survey (COS) 3206; Parcels B-1 and B-2 of COS 3204; Tracts a-1-B and a-2-B of COS 4088; Tracts A-1 and C2B2 of COS 2694; Tract C2B1 of COS 2626; Tracts A-1, C2-Ba and B2a of COS 2093; Tract A-2 of COS 3032; Tract 2 of COS 3733; Tract B-1 of COS 1058, all records of the County of Missoula, State of Montana; TOGETHER WITH: Lots 1 and 2 of Terrace Drive Addition, a recorded subdivision in Missoula County, Montana." Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

#### **Hearing: Mannix Addition (9 lots on 2.3 acres) – Ridgeway Drive in Lolo**

Tim Worley, Office of Planning and Grants, presented the staff report.

This is a request from Ryan Mannix, represented by Professional Consultants, Inc., for 9 townhouse lots on 2.3 acres, located on Ridgeway Drive in Lolo. The total acreage in the parcel is 4.0 acres. 2.3 acres is related to this development, with a 1.7 acre remainder.

The property is unzoned and the Lolo Regional Plan recommends urban residential densities at 6 units per acre. This proposal has a density of 3.9 units per acre, less dense than recommended by the Lolo Regional Plan. Lots will be served by the Lolo Water and Sewer District. The 9 lots will range in size from 2,842 square feet to 5,141 square feet. Because these are townhouse lots, there will be less than 60 feet of frontage per lot on Ridgeway Drive and the lots will exceed the 3:1 depth to width ratio. A variance from the Subdivision Regulations standard is being requested. Staff recommends approval of the variance and there are no objections from County Public Works or Missoula Rural Fire. Staff also noted that this design will minimize hillside cuts in a location that is fairly steep.

There is a 1.7 acre remainder adjacent to the subdivision. The remainder has not been approved through subdivision review or through Certificate of Survey according to State law. Staff recommends a note on the final plat indicating it cannot be transferred nor included in the Mannix Subdivision perimeter description.

Access to the subdivision is via Ridgeway Drive, proposed as a 32 foot paved road with curb, gutter and a 6 foot boulevard sidewalk on the west side of the street, which meets Subdivision Regulations. Staff recommends that the covenants be amended to require homeowner responsibility for both sidewalk and boulevard maintenance. Near the southern end of the parcel a temporary cul-de-sac is planned, requiring a temporary public access easement, a portion of which will be on-site and a portion needs to be off-site on County parkland. The County Park Board supports the public access easement for the cul-de-sac on County parkland. Staff recommends that the entire temporary public access easement for the cul-de-sac be shown on the final plat, both the on-site and off-site portions. This condition requires that the public access easement remain in effect until Ridgeway is potentially extended to the south to a new cul-de-sac, with the eventual vacation of the public access easement reviewed by the governing body. Staff is recommending that an instrument be recorded documenting the location and terms of the public access easement. This is to be separate from the plat so information can be tied to the County park parcel by itself. There is also a recommendation for RSID waiver language to be included on the plat for Ridgeway Drive.

There is a 1.5 acre Common Area dedication which satisfies the parkland requirement. Because this area has fairly substantial slopes, the Park Board noted that there is limited use potential and recommended a restoration and maintenance plan be included in the covenants. Bill Otten from the County Weed District noted that this parcel has a substantial noxious weed invasion and recommended that a revegetation plan and weed control information be placed in the covenants. The Common Area takes up the majority of this parcel but the label on the plat is a little confusing. Planning Board recommended that the Common Area label be denoted in the area that surrounds the residential lots.

The nearest fire station is approximately 3.2 miles away on the south side of Lolo. The nearest fire hydrant is approximately 1,100 feet away. Missoula Rural Fire District recommends a hydrant location within 500 feet of the nearest structure. Staff is recommending that Missoula Rural Fire District review and approve the hydrant location. Staff is also recommending that address signage for the townhouse lots be approved by Missoula Rural Fire and the approved plans be placed in the covenants.

This area has been impacted by urban-scale development for some time, but it is adjacent to open space with elk and deer winter range. As a result, Fish, Wildlife and Parks had specific recommendations for existing covenant language. FWP also recommended Living with Wildlife information be included.

This is an area of fairly steep slopes. It was described in a geo-technical report as colluvium, overlying bedrock. Bedrock exposures are evident on-site and some bedrock removal will be required. Footing drains were one of the specific recommendation in the geo-technical report. Because of the hillside constraints, staff recommends compliance with all the recommendations of the geo-technical report and that a geo-technical engineer supervise the work done on-site. The engineer certification should emphasize that work was done under their supervision and that any required changes, as a result of encountering issues on-site, be part of the certification. Staff is also recommending that Public Works review the final grading, excavation and drainage plans.

The Health Department noted that the wood burning stove information in the covenants is not in compliance with the Air Quality Regulations for the County. Planning Board recommended the covenants be corrected to correspond with the regulations.

There is a recommendation for a 10 foot utility easement across the front of the lots. There is also a condition that cites portions of the covenants that cannot be amended without governing body approval.

A letter dated January 3, 2005 was received from Nancy Adams, discussing pedestrian connections through the area. She notes that, traditionally, there has been a path through the park east of Ridgeway Drive which continues through this parcel up to the water tower on the hill. She would like to see this pedestrian connection maintained. Staff is not prepared to make any specific recommendations but felt the information should be brought to the Board's attention.

Gilbert Larson, PCI, developer's representative, thanked staff for their work on this proposal. Tim Worley picked the project up mid-stream from Monte Sipe, who also did a great job. Because of their work, the developer is in support of all the recommended conditions of approval. He wanted the Board to know that in this case, the process went well and he appreciated the hard work done by everyone involved. Planning Board did not recommend approval of the 3:1 depth to width ratio variance. Denial of the variance would create a hardship in this particular instance. The ratio standard does not have much application to townhouse lots in any subdivision and particularly in this subdivision. The Lolo Plan encouraged an innovative design that fits this area. Townhomes will lessen cuts into the hillside, lessen the developer's costs connected with the bedrock, save energy and is a more efficient design for this setting. There is a hardship present that is unusual and unique to this site. The Lolo Plan allows up to 13 units and encourages the type of innovation Mr. Mannix is proposing. They were made aware of the letter regarding the pedestrian trail yesterday. There has not been an opportunity to discuss the proposal with experts to see if it makes sense or not. It is hard to argue against a pedestrian trail and the owner would not oppose a pedestrian trail through the Common Area. However, there is some concern with it coming up at this late date. The orientation of the trail would be directly uphill which would be an erosion and maintenance problem. AWWA (American Water Works Association) is trying to eliminate pedestrian traffic to water towers. The Association is encouraging the exact opposite by using chain link fences, barbed wire and security cameras, due in large part to the 9/11 attacks. He could not encourage a pedestrian trail to a water tank. At the Lolo Community Council meeting, one of the primary objections heard from neighbors was the bicycles, motorcycles, four wheelers and full size four wheel drive pickups going up and down the mountain. It would be difficult to limit that use if a pedestrian trail is built. He could not, in good conscience, support this particular pedestrian trail, he felt it was a bad idea in a bad location.

Chair Curtiss opened the public hearing.

Mindy Palmer, 11350 Cherokee Lane, stated she and her husband are adjacent property owners. The neighbors feel that Gilbert Larson and his company are doing a good job and applaud their efforts. There are still some concerns. Noxious weeds cover the hillside proposed for development and control should be for the Common Area and also the 1.7 acre remainder parcel. The remainder should be designated as a lot so there will be mandatory maintenance of the weeds. This is the first time the idea of a pedestrian trail had been presented. She felt it would be an extremely bad idea. There is already major motocross action on the hill. Curb and gutter and sidewalks should be installed on the east side of Ridgeway as well, adjacent to Westview Park. Double car garages should be mandatory also so that no parking can be encouraged on Ridgeway. There is some concern regarding the excavation of the exposed bedrock and she was glad to hear an expert is being brought on board. The covenants should also strongly encourage owner occupancy to maintain quality of lifestyle. If at all possible, the area should be blocked off until construction can begin so that further erosion doesn't take place.

Nadine Tiebald, 600 Ridgeway, stated her property is immediately adjacent to the proposal. One of her concerns is that there is only one vehicular egress road to Highway 93. In the event of an emergency, it may be difficult to get everyone off the hill. She would also like to see double car garages required. She likes the idea of sidewalks. Also, the motorcycles are tearing up the hillside. She would like to see County maintenance of the road. Weed control is another concern.

Commissioner Evans stated that she had lived on the hillside and understands the concern of cars parking on Ridgeway. She did not think the covenants should mandate 2 car garages, but off street parking could be required. She agreed with Gilbert that a path to the water tower would not be in anyone's best interest.

Chair Curtiss stated that garages would almost have to be constructed to provide off street parking for townhomes but she did not see in the covenants that garages are required.

Gilbert Larson stated garages are not included in the covenants, but the plans do include a double garage for every unit. If the Board wants that included in the covenants, that would be acceptable as it is their intent to provide them anyway.

Chair Curtiss stated that she spoke with Colleen about a requirement for garages. Article 7, Section 5 currently states that the building height shall be limited to 36 feet. That could be amended to add that each unit shall also include a double car garage.

Colleen Dowdall stated that Don MacArthur's concerns were off street parking and the height of buildings. Based on the other zoning district requirements, the height of 36 feet seemed appropriate.

Gilbert Larson stated the double car garage requirement is not a problem as that has always been the intent of the developer. He has very little experience in determining building heights, that is usually up to the builder. The plans are currently being developed and he felt the 36 foot height restriction should not cause any problems, but, to be honest, he did not really know. The garage would be the bottom floor, then the units would step up and follow the hillside, so the building moves back with the townhouse lot. Including the garage, there are a total of 3 levels, two for living, then the garage below.

Commissioner Evans asked how the developer would react to requiring adequate parking for all residents.

Gilbert Larson stated that the design includes 2 off-street parking spaces. The garages would not have driveways that could be used for additional parking.

Tim Worley stated Subdivision Regulations 3-2(10)(B) says the area of the driveway shall be sufficient for two off-street parking spaces located outside of the right-of-way.

Colleen Dowdall stated that the remainder parcel is not undergoing subdivision review. It is part of the contiguous ownership, but it is not part of the subdivision. Subdivision provides property descriptions and the remainder will not have a legal description. Therefore, it cannot be transferred and it also cannot be conditioned through subdivision review.

Chair Curtiss asked if it could be included in the weed management plan.

Colleen Dowdall stated the parcel is not under the Board's jurisdiction.

Commissioner Evans stated there are laws that address noxious weeds on private property.

Gilbert Larson stated he spoke with Ryan Mannix after this came up at the Planning Board hearing. This is not part of the subdivision and cannot be conditioned, but Ryan will meet with Bill Otten in regard to weed control. Weed control will be voluntarily provided for the entire site, even though it is not a requirement tied to the subdivision. Mr. Mannix felt it was appropriate, however, and that was his intention.

Commissioner Carey stated that the trail idea was presented at the last minute. He asked Gilbert if any kind of trail connectivity had been or could be considered. He is concerned about the destruction of the hillside.

Gilbert Larson stated that, as he said initially, this is not an appropriate place to encourage pedestrian traffic. Of course, there are lots of ways it could be addressed and a trail could be installed to the water tower. It wouldn't be as suggested by Ms. Adams to go straight up the hill. It could wind back and forth using the Common Area, but that would disturb a lot of the hillside, and again, he did not feel this was an area for pedestrian access. It would be preferable to have people walking through native grasses, after the knapweed has been taken care of, plus it would not encourage bicycles or motorcycles like a gravel or paved trail would. Having a public trail crossing private property brings up another set of issues: liability, handicapped accessibility, 8% grade limitation, etc.

Colleen Dowdall stated that the Subdivision Regulations don't support requiring sidewalks on both sides of Ridgeway. If the subdivision was larger, findings could be made to support sidewalks on both side of the street. However, in this case the regulations only support that the improvements occur on property owned by the developer.

Chair Curtiss stated that the County is working on a code enforcement program. If and when that goes into effect, it would be expected that single family homes in subdivisions be inspected.

There being no further comments, the public hearing was closed.

Commissioner Carey stated there is assurance from the developer that 2 car garages will be included with these townhomes so he did not feel it was necessary to amend the covenants to require that.

Commissioner Carey moved that the Board of County Commissioners approve the variance request from Article 3-3(1)(E) of the Missoula County Subdivision Regulations requiring a minimum lot width of 60 feet and a maximum depth to width ration of 3:1, based on the findings of fact set forth in the staff report and subject to the recommended condition of approval. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners approve the Mannix Addition Subdivision, based on the findings of fact in the staff report and subject to the conditions as recommended by Planning Board. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

### **Mannix Addition Subdivision Conditions of Approval:**

#### **Roads**

1. The following statement shall appear on the face of the plat and in each instrument of conveyance:

"Acceptance of a deed for a lot within this subdivision constitutes assent of the lot owner to waive the right to protest a future RSID/SID for improvements, including but not limited to, the installation of paving, drainage facilities, curbs and gutters, pedestrian walkways or bikeways to Ridgeway Drive, based on benefit. The waiver shall run with the land and shall be binding on the transferees, successors, and assigns of the owners of the land." *Subdivision Regulations Article 3-2(3)(E) and OPG recommendation.*

2. The off-site, as well as the on-site, temporary public access easement for the Ridgeway Drive cul-de-sac shall be shown on the final plat. A note shall also appear on the face of the plat that states the following:

"The temporary public access easement for the Ridgeway Drive cul-de-sac shall remain in effect until such time improvements to Ridgeway Drive are extended south with a new cul-de-sac. Vacation of the temporary public access easement shall be reviewed and approved by the governing body." *Subdivision Regulations Articles 3-2(6), 3-6 and OPG recommendation.*

3. An instrument shall be recorded with the final plat documenting the location and terms of the temporary public access easement located on the County parkland, subject to review and approval of County Parks and the County Attorney's Office. *Subdivision Regulations Article 3-2(2)(D) and OPG recommendation.*

#### **Fire**

4. The design and placement of fire hydrants within the subdivision shall be reviewed and approved by the Missoula Rural Fire District prior to final plat approval. *Subdivision Regulations Article 3-7 and Missoula Rural Fire District recommendation.*
5. Plans for address signage shall be reviewed and approved by Missoula Rural Fire District prior to final plat approval. The approved plans for signage shall be included as a section in the covenants. *Subdivision Regulations Article 3-1(6) and Missoula Rural Fire District recommendation.*

#### **Public Utility Easement**

6. A 10 foot Public Utility Easement shall be shown on the face of the final plat along the front of the lots. *Subdivision Regulations Article 3-6 and OPG recommendation.*

#### **Remainder**

7. The remainder shown on the plat shall not be transferred without going through subdivision review and this shall be indicated by a note on the final plat, to be reviewed and approved by the County Attorney's Office prior to final plat approval. The perimeter description of the Mannix Subdivision shall not include the remainder shown on the plat. *MCA 76-3-301-302 and OPG recommendation.*

#### **Weeds**

8. A Revegetation Plan for disturbed sites shall be reviewed and approved by the Missoula County Weed District prior to final plat approval. The covenants shall be amended to require lot owners to maintain their lots in compliance with the Montana County Weed Control Act and the Missoula County Noxious Weed Management Plan. The covenants shall further require lot owners to revegetate any ground disturbance created by construction or maintenance with beneficial species at the first appropriate opportunity after construction or maintenance is completed. These covenant amendments shall be approved by the Missoula County Weed District prior to final plat approval. *Subdivision Regulations Article 3-1(1)(B) and Missoula County Weed District recommendation.*
9. A maintenance plan for the Common Area shall be reviewed and approved by County Parks and the Missoula County Weed District and shall be amended to the covenants prior to final plat approval. *Subdivision Regulations Article 5-1(5)(K)(iv) and OPG recommendation.*

#### **Hillsides**

10. The developer shall comply with all recommendations of the geo-technical report dated July 15, 2004. A qualified geo-technical engineer shall be on-site during construction of the slope/excavation work. Accompanying the as-built record drawings, the geo-technical engineer shall certify in writing that all work was satisfactorily completed under their supervision. Any changes in conditions shall be outlined in his certification. Any engineering remedy employed to address the change in conditions shall be included. *Subdivision Regulations Articles 3-1(2) and 3-15(4).*
11. The final grading/excavation and drainage design shall be reviewed and approved by Missoula County Public Works prior to commencing any excavation/construction, or final plat approval, whichever occurs first. *Subdivision Regulations Article 3-2(F) and OPG recommendation.*

#### **Covenants**

12. The Covenants shall be amended to state that homeowners are responsible for boulevard and sidewalk maintenance, subject to review and approval by OPG prior to final plat approval. *Subdivision Regulations Article 3-8 and OPG recommendation.*
13. Prior to final plat approval, Article VIII of the covenants shall be amended to include the following: "Covenants relating to noxious weed control or revegetation, address signage, boulevard and Common Area maintenance, and Living with Wildlife may not be amended, modified, added to or deleted without the written consent of the governing body." *Subdivision Regulations Article 3-1 and OPG recommendation.*
14. Article VII, Section 22 of the protective covenants (Solid Fuel Burning Appliances) shall be amended to be in accordance with the Missoula City-County Air Pollution Control regulations, to be reviewed and approved by the City-County Health Department prior to final plat approval. *Planning Board recommendation.*
15. The Animal and Pets section of the covenants (Article VII, Section 17) shall be amended as follows: "Pet food should be fed indoors or only within kennel areas and pet food must be stored indoors or in a closed shed."
16. The protective covenants shall be amended to provide for the following:

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bears, mountain lions, coyotes, foxes, skunks and raccoons. Contact the Montana Fish, Wildlife and Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners “live with wildlife.”

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for vegetation damage by wildlife, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. Gardens and fruit trees can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries
- c. Do not feed wildlife or offer supplements (such as salt blocks), attractants or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against State law (MCA 87-3-130) to provide supplemental feed attractants if it results in a “concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.” Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- d. Bird feeders attract bears. Consider not using them in this area between the months of April through October. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level; b) be at least 4 feet from any support poles or points; and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- e. Barbecue grills should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on the grill, lid, etc., can attract bears and other wildlife.
- f. Consider boundary fencing that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer or elk becoming entangled in the fence or injuring themselves when trying to jump the fence.

**Plat**

17. The portion of the Common Area surrounding the residential lots shall be labeled “Common Area” on the final plat. *Planning Board recommendation.*

There being no further business to come before the Board, the Commissioners were in recess at 2:30 p.m.