

PUBLIC MEETING – May 4, 2005

The Public Meeting was called to order at 1:30 p.m. by Chair Jean Curtiss. Also present were Commissioner Barbara Evans, Deputy County Attorney Colleen Dowdall, County Public Works Assistant Director Chuck Wright and County Public Works Director Greg Robertson. Commissioner Bill Carey was attending a Senior Cooperative Housing Conference in Minneapolis.

Pledge of Allegiance

Public Comment

None

Routine Administrative Actions

Commissioner Evans 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 \$388,899.29. Chair Curtiss seconded the motion. The motion carried on a vote of 2-0.

Bid Award: ADA Ramp (Facilities Management)

Doreen Culver, Bidding Officer, presented the staff report.

Bids were let for the construction of an ADA Ramp between the old and new sections of the Missoula County Courthouse, with two contractors responding: P & L Homes in the amount of \$143,654.00 and Pew Construction in the amount of \$208,200.00. Bids were evaluated by Paul Filicetti of A & E Architects. It is the recommendation of Facilities Management to award the bid to P & L Homes in the amount of \$143,654.00 as the lowest and most responsive bidder.

Currently there is no handicapped access between the Annex portion and the old portion of the Courthouse. The only way to get between the two halves of the building is to go outside and around. In order to comply with ADA, this ramp has been proposed and designed by A & E Architects.

Paul Filicetti, A & E Architects, stated that Architect's Estimate was \$147,000. The amount bid by P & L Homes is within the 10% range of the estimate and is reasonable. He spoke with them this morning and they seem confident they can do the work for that price. Just past the Deli on the main floor, a one story addition with some windows will be added with a ramp for wheel chair access. It seems like a small project, but there is an old unused chimney that needs to be removed, which involves a lot of structural work. It is the most cost effective solution and has the least impact to both buildings. The old Courthouse is on the National Register of Historic Places, which was taken into consideration when designing the connection.

Commissioner Evans stated that motorized ramps and other methods have been investigated, but this was the most cost effective and least intrusive solution.

Commissioner Evans moved that the Board of County Commissioners approve awarding the bid for ADA Ramp Construction to P & L Homes in the amount of \$143,654.00, as the lowest responsible bidder. Chair Curtiss seconded the motion.

Chair Curtiss asked for public comments. There were none.

The motion carried on a vote of 2-0.

Bid Award: Dust Abatement (Public Works)

Greg Robertson presented the staff report.

Bids were let for the Dust Abatement contract with three agencies responding as follows: Dust Busters, Inc. in the amount of \$70,047.75; Pulici Contracting in the amount of \$105,578.00 and WE Dust Control in the amount of \$64,900.00. The bids have been evaluated and it is the recommendation of the Public Works Department to award the bid to WE Dust Control in the amount of \$64,900.00 as the lowest responsible bidder. During the budget process last year, money was specifically allocated to Public Works for dust abatement on County roads. This request covers approximately 28.5 miles of existing County roads, based on a plan prepared earlier this spring. The

estimate was in the \$90,000 range. The cost savings may potentially allow some additional miles of abatement on County roads. The palliative to be used is magnesium chloride. Roads are currently being prepared and the work should be done by the end of May.

Chair Curtiss asked for public comments. There were none.

Commissioner Evans moved that the Board of County Commissioners approve awarding the bid for Dust Abatement to WE Dust Control in the amount of \$64,900.00, as the lowest responsible bidder. Chair Curtiss seconded the motion. The motion carried on a vote of 2-0.

Decision: Petition to Abandon a Portion of Road Plat Book 1 Road, GLO Road and GLO Trail – North of Highway 12 (Lolo Creek Trails)

The public hearing on this petition was opened on April 27, 2005. A site inspection was conducted on Monday, May 2, 2005 by Commissioner Evans and Public Works Assistant Director Chuck Wright.

This is a petition to abandon portions of these roadways as they cross a recently approved subdivision, Lolo Creek Trails, specifically described as:

Road Plat Book 1, GLO Road and GLO Trail in Section 34, Township 12 North, Range 20 West. From the East Boundary of the West 1/2 Northwest 1/4 of Section 34, lying North of Highway 12 to the West Boundary of the West 1/2 Northwest 1/4 of Section 34, lying North of Highway 12.

And further described in the Road Book of the Missoula County Surveyor as: A GLO trail is depicted on the official plat by W. H. Baker – depicting the partial subdivision of Township 12 North, Range 20 West, dated November, 1870. A GLO road shown on the official plat by James M. Page depicting the partial subdivision of Township 12 North, Range 20 West, dated October, 1879. Road Plat Book 1 – Page 46 (Sheet 116) – File A-141, Commissioners Journal G, Page 205 – Petitioned by C.E. Muzzie, viewed 4/23/1895 and accepted and declared a County Road 6/4/1895.

The reason for the request is as follows: 1) The Road Plat Book 1, GLO Road and GLO Trail are not in use, nor is there any definitive evidence as to their location on the ground. The following landowners have been notified: Mustang Holdings, LLC, 2503 Windermere Court, Missoula, MT 59804.

Chuck Wright stated that he and Commissioner Evans visited the area and viewed approximately where these old easements exist. This subdivision has already been approved with a 10 foot right-of-way to MDT for utilities, an additional 50 foot wide primary travel corridor easement and an additional 10 foot non-motorized easement. That is a total of 70 feet and the road right-of-way is only 60 feet. There are two options in regards to the disposition of these road rights-of-way. One would be to move them down and put them on top of the easements granted with the subdivision. The other option would be to abandon them. With all the work done with the subdivision, he believed it would be in the best interest to abandon the road rights-of-way.

Commissioner Evans stated she agreed with Chuck Wright. The easements granted with the subdivision leave adequate room for a trail along the highway.

Commissioner Evans moved that the Board of County Commissioners grant the petition to abandon portions of these roadways as they cross a recently approved subdivision, Lolo Creek Trails, specifically described as: Road Plat Book 1, GLO Road and GLO Trail in Section 34, Township 12 North, Range 20 West. From the East Boundary of the West 1/2 Northwest 1/4 of Section 34, lying North of Highway 12 to the West Boundary of the West 1/2 Northwest 1/4 of Section 34, lying North of Highway 12. And further described in the Road Book of the Missoula County Surveyor as: A GLO trail is depicted on the official plat by W. H. Baker – depicting the partial subdivision of Township 12 North, Range 20 West, dated November, 1870. A GLO road shown on the official plat by James M. Page depicting the partial subdivision of Township 12 North, Range 20 West, dated October, 1879. Road Plat Book 1 – Page 46 (Sheet 116) – File A-141, Commissioners Journal G, Page 205 – Petitioned by C.E. Muzzie, viewed 4/23/1895 and accepted and declared a County Road 6/4/1895. Chair Curtiss seconded the motion.

Chair Curtiss stated that Chuck was to check with the Highway Department to see if they needed any additional right-of-way.

Chuck Wright stated that he did contact the Highway Department. Their response was that these rights-of-way would probably never be needed. If at some time in the future, work was needed on Highway 12, it would only be for about the first three miles; but that would not happen for a very long time.

Chair Curtiss asked for public comments.

Michele Landquist stated that, as Chuck said, this subdivision has already been approved. For the developer to be finally submitting the paperwork to abandon the GLO road and trail is putting the cart before the horse. This is something that should have been done much sooner, before he had already obliterated so much of it. History says that trail was much more before it was named a GLO road or trail. It used to be the old Lolo Creek Trail, before that it was used by the Native Americans. The developer had agreed during subdivision review to keep the trail in tact and install interpretive markers. In the sales flyer for the property, the historic trail is mentioned and shown. She is questioning whether he is still responsible for the historic trail if this abandonment is granted; will it still be open to the public. Will he also be putting a path along the highway. How will this affect property owners to the east and west.

Chair Curtiss stated the Board met with the developer this week. The historic trail is a separate issue from this petition to abandon and the developer is still obligated to provide interpretative signage along the historic trail.

Colleen Dowdall stated these are old County road rights-of-way that are not necessarily appropriate for trails. County road rights-of-way are required to be opened for cause. The developer is still dedicating public trails to replace these old County road rights-of-way. This subdivision will have the historic marked trail and a trail along the highway when the plat is filed.

Michele Landquist stated that these are being called public trails within a private subdivision. Does that mean that anybody can use them?

Colleen Dowdall stated the roads are County roads and the trail was conditioned to be a public trail so that it could be used by the general public interested in the journeys of Lewis and Clark. The challenge right now is to find an appropriate agency to be in charge of the trail.

Chuck Wright stated the developer is giving two trails to the public through this subdivision, one is the historic trail and the other is a trail along the highway. The easement width granted with the subdivision is greater than the old road rights-of-way width, so they are not needed and should be abandoned. The confusion is that one of the road rights-of-way is shown as a "GLO Trail" on the old GLO plat. Neither of the trails dedicated with the subdivision are involved with this abandonment.

Michele Landquist asked where people were supposed to park if they want to utilize this public trail and what measures are being taken to protect the private property owners to the east and west of this subdivision.

Colleen Dowdall stated the trail doesn't continue, it will loop back and hook up with the County roads. There is access from the County road to the trail at two locations, forming a loop. The trail doesn't go to private property, so it shouldn't impact private property. The developer is required to create this public access at his expense.

Chair Curtiss stated the subdivision plat shows access points from the public road to the public trail.

Toby Dumont, PCI, stated there are two accesses to the public trail. The Holts have requested that access from the trail be give to their property.

Commissioner Evans stated this developer cannot be required to take care of trails on property outside of this subdivision.

Colleen Dowdall stated that the decision on the trail was made with the subdivision. This decision is whether to abandon County road rights-of-way that crisscross this property. There isn't a way to condition the trial with this process. An entirely different set of statutes address abandonment of road right-of-ways that might be needed for vehicles.

Michele Landquist stated again that this process should have been brought forward during the preliminary subdivision review process.

Chair Curtiss stated that these old County road rights-of-way exist all over the County. Michele may even have one on her property. These are rights-of-way on old maps and the County is required to investigate whether or not there is a need for them to be used by the public for a road in the future. A title search may reveal such old rights-of-way and this is the process used to abandon them.

John Shulman, Ecosystem Research Group, asked if the Highway 12 right-of-way was 70 feet and if that was adequate for the bikeway and trail.

Chuck Wright stated there is 100 feet of right-of-way for the State highway, 50 feet on each side of the centerline. This subdivision has dedicated an additional 70 feet north of the highway right-of-way for utilities, primary travel corridor and walkways.

There were no further public comments.

The motion carried on a vote of 2-0.

Hearing (Certificate of Survey): Cummins Family Transfer

Colleen Dowdall presented the staff report.

This is a consideration of a request to create a family transfer parcel for all that portion of the north half of the northeast quarter, Section 20, Township 14 North, Range 20 West, P.M.M., lying west of Interstate Highway 90 and that portion of the north half of the northwest quarter of Section 20, Township 14 North, Range 20 West, P.M.M., lying east of Old U.S. Highway 10, Rec. ref. 349-2044.

Robert and Linda Cummins have submitted a request to create one parcel using the family transfer exemption to the Montana Subdivision and Platting Act. The current parcel is approximately 60 acres in size located near the Wye, Missoula, Montana. Robert and Linda propose to create one approximately three acre parcel for transfer to their son and daughter-in-law, Robert D. Cummins Jr. and Rachel A. Cummins, for residential purposes and keep the remaining approximately 57 acre parcel for residential purposes as well.

The history of the parcel is as follows: This property has been in the family since the 1940's. A Decree of Distribution was filed in May, 1991, distributing this parcel of land to Linda Lee Cummins.

According to the records kept by the Missoula County Surveyor, the applicant has not previously used exemptions to the Subdivision and Platting Act.

Linda Lucier Cummins was present and came forward to answer questions.

Chair Curtiss stated the Board is responsible to make sure these exemptions to the Subdivision and Platting Act are legitimate family transfers as the law allows and not an attempt to evade subdivision review. The Deputy County Attorney would ask a series of questions to determine her intentions.

Colleen Dowdall stated they have owned the property since the 1940's.

Linda Cummins stated that was correct.

Colleen Dowdall asked if her son and daughter-in-law intend to live on the property.

Linda Cummins stated they did intend to live there.

Colleen Dowdall asked if they intend to transfer the property within the next year.

Linda Cummins stated they did not.

Colleen Dowdall asked if they were going to build on the property and if there was a house on the remainder.

Linda Cummins stated there is a house on the remainder and she lives there.

Colleen Dowdall stated that they would be residing on the property.

Linda Cummins stated that was correct.

Colleen Dowdall asked where they lived now.

Linda Cummins stated they currently live in Huson.

Colleen Dowdall asked if she talked to anyone about going through subdivision review.

Linda Cummins stated that she and her husband picked up the book of regulations a few years ago. She owns 186 acres across the roads and her brother is developing his property adjacent to it.

Colleen Dowdall asked if she was in the business of building or developing property.

Linda Cummins stated she was not.

Colleen Dowdall asked if she was going to develop the remainder.

Linda Cummins stated she may develop the property across the road someday. Right now, there are no plans.

Colleen Dowdall asked if she was attempting to evade subdivision review.

Linda Cummins stated she was not.

Colleen Dowdall asked if she understood that this request is not being reviewed for adequate access in all weather for all vehicles, including emergency vehicles.

Linda Cummins stated she understood that.

Colleen Dowdall asked if she understood that she would still need to get a zoning compliance permit, a septic permit, floodplain approval, etc.; this approval does not provide for any of those things.

Linda Cummins stated she understood that. She mentioned that her father was a County Commissioner when the annex addition was built; it was ugly then!

Chair Curtiss opened the public hearing. There being no comments, the public hearing was closed.

Commissioner Evans moved that the Board of County Commissioners approve the request by Robert and Linda Cummins to create one parcel by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Chair Curtiss seconded the motion. The motion carried on a vote of 2-0.

Hearing (Certificate of Survey): Frick Family Transfer

Colleen Dowdall presented the staff report.

This is a consideration of a request to create three additional family transfer parcels for that parcel located in the southeast one-quarter of the southeast one-quarter of Section 31, Township 11 North, Range 19 West.

Sandra Frick has submitted a request to create three additional parcels using the family transfer exemption to the Montana Subdivision and Platting Act. The current parcel is approximately 40 acre in size located near Florence, Montana. Sandra proposes to create three additional parcels for residential purposes and keep the remaining parcel for residential purposes as well. Sandra proposes to give an approximately 5.4 acre parcel to her husband, John W. Frick, an approximately 3.6 acre parcel to her daughter, Amelia Elizabeth Porter, and an approximately 2.9 acre parcel to her daughter, Sarah Margorie Frick Smith.

The history of the parcel is as follows: A Quitclaim Deed was filed in February, 1997, from the Trustees and Successor's of the Ewald and Carrie Grether Family Trust, deeding the property to Sagebrush Investments, LLP. Sagebrush Investments filed a Warranty Deed in July, 2000, deeding the property to John A. and Sandra K. Frick. John Frick filed a Quitclaim Deed April 4, 2005, deeding the property to Sandra K. Frick. The Family Transfer request was filed the same day.

According to the records kept by the Missoula County Surveyor, the applicant has not previously used exemptions to the Subdivision and Platting Act.

Sandra Frick was present and came forward to answer questions.

Chair Curtiss stated the Board is responsible to make sure these exemptions to the Subdivision and Platting Act are legitimate family transfers as the law allows and not an attempt to evade subdivision review. The Deputy County Attorney would ask a series of questions to determine her intentions.

Colleen Dowdall stated she has owned the property since 2000.

Sandra Frick stated that was correct.

Colleen Dowdall asked if she had any interest in Sagebrush Investments.

Sandra Frick stated she did not.

Colleen Dowdall asked if she purchased the property with the intention of dividing it.

Sandra Frick stated she did not.

Colleen Dowdall asked if she lived on the property now.

Sandra Frick stated she did live there now.

Colleen Dowdall asked if any of the transferees intend to live there.

Sandra Frick stated they might in the future. This is for her two daughters.

Colleen Dowdall asked what her husband's intent was.

Sandra Frick stated he may build on it in the future also.

Colleen Dowdall asked if she intended to build on it in the next year.

Sandra Frick stated she did not.

Colleen Dowdall asked if she intends to sell the property.

Sandra Frick stated she did not.

Colleen Dowdall asked why she wanted to divide the property.

Sandra Frick stated it was for her children for the future.

Colleen Dowdall asked why she was creating a parcel for her husband.

Sandra Frick stated she had to give him part of it too.

Colleen Dowdall explained that this process can get nose because the Commissioners have to determine whether she is attempting to evade subdivision review. The Board needs to know why she isn't going through subdivision review and why she qualifies for a family transfer.

Sandra Frick stated it is nice property and they want to keep it in the family and do something that would be of value for the children for their future possible use. They like the open space and want to keep it that way.

Colleen Dowdall asked if the children were planning on developing the property.

Sandra Frick stated they were not.

Colleen Dowdall asked if she and her husband live on the property now.

Sandra Frick stated they live on the 40 acres.

Colleen Dowdall asked if the home was on the remainder parcel.

Sandra Frick stated that was correct.

Colleen Dowdall asked where her daughters live.

Sandra Frick stated one lives in New York City and one lives in Missoula. The daughter in Missoula will probably be moving out of the area soon. They felt that, with the price of land in the Bitterroot, now would be a good time for her children to have some property.

Colleen Dowdall asked if her daughters intend to sell the property.

Sandra Frick stated her daughters did not intend to sell. One would like to come back from New York and live here.

Colleen Dowdall asked if she had talked to anyone at the Planning Office or Missoula County about going through subdivision review.

Sandra Frick stated she had not.

Colleen Dowdall asked if she was in the business of building or developing property.

Sandra Frick stated she was not.

Colleen Dowdall asked if her husband was in the business.

Sandra Frick stated her husband was a builder, he builds houses.

Colleen Dowdall asked if she was attempting to evade subdivision review.

Sandra Frick stated she was not.

Colleen Dowdall asked if she understood the request is not being reviewed for adequate access, etc. and this approval does not mean approval for septic or zoning compliance or floodplain, etc.

Sandra Frick stated she understood that.

Chair Curtiss stated the Board is accountable to make this decision. It peaks their interest when, as in this case, a husband quit claims land to his wife, only to have his wife turn right around and transfer a parcel back to him. She asked why they both did not keep the parcel proposed to be transferred to her husband as part of the remainder. Why is she giving the parcel to her husband if he isn't planning on building a house and selling it.

Sandra Frick stated if a house is built on the parcel it will be hers.

Chair Curtiss stated that she could then sell the larger remainder.

Sandra Frick stated that is probably what they would do, but it isn't going to happen anytime soon. She would rather not sell it. This just seemed like a good thing to do for the children and at the same time make the property desirable.

Colleen Dowdall asked if she understood that violation of the Subdivision and Platting Act is a misdemeanor that is punishable by minimal jail time and a fine.

Sandra Frick stated she was not aware of that, but it wouldn't make any difference. This is her property and this is the way they want to divide it, for the children's future.

Commissioner Evans asked if they built a house on the lot going to her husband and live in it, it is legal for them to sell the remainder.

Colleen Dowdall stated if that happened in the very near future or if there is a sale pending on any of the lots, she would view that as evidence that this is an evasion and would begin the investigative subpoena process. The County Attorney's Office has begun that process on another family transfer done earlier this year.

Commissioner Evans stated the Missoula/Ravalli County line is on the edge of the property and asked where the old highway is in relation to this property. She is just curious because it might be some land on which she spent a good portion of her life.

Sandra Frick stated Highway 93 is below this property. The land is on the other side of the river where the Schrader ranch is.

Commissioner Evans stated that it was not the same piece of land.

Chair Curtiss opened the public hearing. There being no comments, the public hearing was closed.

Commissioner Evans moved that the Board of County Commissioners approve the request by Sandra Frick to create three additional parcels by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Chair Curtiss seconded the motion. The motion carried on a vote of 2-0.

Consideration: Chaparral Lots (5 lots on 11.05 acres) – off Roller Coaster Road

Tim Worley presented the staff report.

This is a proposal by Harry Anderson, represented by Ron Ewart of Eli & Associates, to create 5 lots on 11.05 acres off Roller Coaster road between Highway 10 and Deschamps Lane. Lots range in size from 1.87 acres to 3.25 acres. Staff recommends approval of the subdivision.

The property is zoned C-RR1 with a maximum residential density of 1 dwelling unit per acre. The density of this project is 1 dwelling unit per 2.21 acres.

The subdivision is accessed by Roller Coaster Road, a gravel County maintained road. Chaparral Lane now provides access to the home on the property. It will be widened to the County standard of 24 feet. A gravel surface is proposed; however, the Health Department will likely require a paved surface according to their regulations.

Chaparral Lane is within a 60 foot private access easement, one-half of which is on the neighboring property to the east. Staff recommends that the developer provide proof of legal access across neighboring property since it will be affected by road widening.

A cul-de-sac turnaround is proposed. Because of the location of the cul-de-sac, between Lots 3 and 4, the developer will need to obtain access for the cul-de-sac easement, a portion of which is on the neighboring property. If that access cannot be obtained, then the cul-de-sac will have to be contained entirely on this property.

Because Chaparral Lane provides access to other properties outside of this subdivision, staff recommends dedication of the 30 feet of easement on the property as a conditional public access easement. This will make Chaparral Lane available for development as a County road when the property to the east is developed and the remaining 30 feet of the easement is dedicated. Changes to the language of the condition pertaining to this dedication are shown on the memo from Tim Worley dated May 4, 2005, on the blue paper. As Chaparral Lane is currently a private road, staff recommends a private road maintenance disclaimer.

The Subdivision Regulations require walkways along both Roller Coaster Road and Chaparral Lane. The applicant is not proposing sidewalks. Therefore, two separate variances are requested from walkway standards. Staff recommends approval of both walkway variances because of the substantial distance from existing facilities. Changes to the original variance request and findings for the Chaparral Lane walkway variance have been provided, based on discussions at Planning Status. An RSID/SID waiver is on the plat that addresses pedestrian facilities for both Chaparral Lane and Roller Coaster Road.

The applicant proposes to install fire sprinklers systems in the new homes. Staff recommends a condition that plans for the fire sprinklers be reviewed and approved by the Missoula Rural Fire District, prior to final plat approval.

The property is located within the Airport Influence Area. Staff recommends that an Avigation Easement be filed in compliance with the Airport Influence Area Resolution. They also recommend that a note be placed on the plat indicating that the subdivision is within the Airport Influence Area. The southern part of the property is within the Extended Approach and Departure Area (EADA) for the proposed second airport runway. The Airport Authority commented that if the subdivision is developed as proposed, that there be written disclosure that the property is within the Extended Approach and Departure Area for a proposed second runway. Staff recommends that this information be included with the Airport Influence Area note on the plat. Staff originally suggested combining Lots 4 and 5 based on the EADA, but has stricken that recommendation.

The County Weed District recommends a Revegetation Plan for site disturbance. They also recommend that the private road maintenance agreement address noxious weeds and revegetation.

Ron Ewart, Eli & Associates, Inc., developer's representative, thanked Tim for his time on this proposal. There is agreement with all the conditions of approval in the staff report and as amended on the memo dated May 4, 2005 on the blue paper.

Chair Curtiss asked for public comments. There were none.

Commissioner Evans moved that the Board of County Commissioners approve the variance request from Article 3-2(8)(A)(ii) of the Missoula County Subdivision Regulations to construct pedestrian facilities on Roller Coaster Road, based on the findings of fact set forth in the staff report. Chair Curtiss seconded the motion. The motion carried on a vote of 2-0.

Commissioner Evans moved that the Board of County Commissioners approve the variance request from Section 3-2(8)(A)(ii) of the Missoula County Subdivision Regulations to not provide concrete boulevard sidewalks or paved boulevard walkways on one side of the street for rural subdivisions with lot frontage of more than 175 feet or less than 500 Average Daily Trips, based on the findings of fact set forth in the staff report and as amended.

Commissioner Evans moved that the Board of County Commissioners approve Chaparral Lots subject to the conditions in the staff report, the deletion of Condition 1 and amendments to Conditions 3 and 4 as set forth in the memo dated May 4, 2005 from Tim Worley, based on the findings of fact in the staff report and as amended in the memo dated May 4, 2005 from Tim Worley. Chair Curtiss seconded the motion. The motion carried on a vote of 2-0.

Chaparral Lots Conditions of Approval:

1. An avigation easement shall be recorded for this subdivision, in compliance with the Airport Influence Area Resolution and subject to review and approval of the Missoula County Airport Authority prior to final plat approval. *Subdivision Regulations Article 3-1(2), MCA 67-4-201 and Airport Authority recommendation.*
2. A note shall be placed on the face of the plat that states the following:

"This property is in the Airport Influence Area and subject to the requirements of the Airport Influence Area Resolution. Chaparral Lots may also be within an Extended Approach and Departure Area for a proposed second runway as shown in the Airport Authority's 2004 Airport Layout Plan and lot owners should be aware of the potential safety risk. Lot owners should consult the Airport Layout Plan and any relevant documents to determine the status of the proposed runway location at the time of purchase." *MCA 67-4-201, Missoula County Airport Authority and OPG recommendation.*
3. The on-site portion of the Chaparral Lane private access easement shall be dedicated as a "conditional public access easement," subject to review and approval of County Public Works prior to final plat approval. Dedication language for the conditional public access easement on the plat shall be reviewed and approved by the County Attorney's Office prior to final plat approval. *Subdivision Regulations Article 3-1(6), County Public Works and OPG recommendation.*
4. Proof of legal access to the subdivision across Tract 7 of COS 2586 shall be provided prior to final plat approval, subject to review by the County Attorney's office. *Subdivision Regulations Article 3-6, County Attorney's Office and OPG recommendation.*
5. The developer shall provide evidence of legal access for the off-site portion of the cul-de-sac that is outside the existing private access easement. If proof of legal access cannot be obtained, the cul-de-sac easement shall be wholly contained within the Chaparral Lots Subdivision, subject to review and approval by County Public Works prior to final plat approval. *Subdivision Regulations Article 3-2(6)(C), 3-6 and OPG recommendation.*
6. A private road disclaimer shall appear on the face of the plat that states the following:

"The owners of the lots in Chaparral Lots understand and agree that private road construction, maintenance and snow removal shall be the obligation of the owners of these lots and that the County of Missoula is in no way obligated to perform such maintenance or upkeep until the roads are built to County standards and accepted by the County of Missoula as right-of-way." *Subdivision Regulations 5-2(4)(J) and OPG recommendation.*

7. Plans for residential fire sprinklers for the new homes in Chaparral Lots shall be reviewed and approved by the Missoula Rural Fire Department, prior to Zoning Compliance Permit submittal. *Subdivision Regulations Article 3-7(1) and OPG recommendation.*
8. A Revegetation Plan for disturbed sites shall be approved by the Missoula County Weed Board prior to final plat approval. The private road maintenance agreement shall be revised to address noxious weed control and revegetation, subject to review and approval of the Missoula County Weed Board prior to final plat approval. *Subdivision Regulations Article 3-1(1)(B) and Missoula County Weed District recommendation.*
9. Article II, Section 2 of the covenants ("Amendments") shall include Interior Residential Fire Sprinklers, Address Signs and Driveways as sections of the covenants that may not be amended without Governing Body approval. *Subdivision Regulations Article 3-1(10) and OPG recommendation.*

There being no further business to come before the Board, the Commissioners were in recess at 2:25 p.m.