

PUBLIC MEETING – JUNE 1, 2005

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

Pledge of Allegiance

Public Comment

None

Routine Administrative Actions

Commissioner Evans moved that the Board of County Commissioners approve the weekly claims list in the amount of \$551,618.02. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

Hearing (Certificate of Survey): Stafford Family Transfer

Colleen Dowdall presented the staff report.

This is a consideration of a request to create a family transfer parcel for that parcel described as COS 104, located in the northeast one-half of the northeast one-quarter, west of Highway 93, of Section 6, Township 15 North, Range 19 West.

Donald and Sandra Stafford 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 20 acres in size located near Arlee, Montana. Donald and Sandra propose to create one approximately two (2) acre parcel for transfer to their son and daughter-in-law, Anthony and Stephanie Stafford, for residential purposes and keep the remaining 18 acre parcel for residential purposes as well.

The history of the parcel is as follows: COS #104 was filed in 1973, creating this parcel. The parcel was deeded at the time as the COS filing to Richard Killien by Louis B and Ann Appleton. In January, 1983, Mr. Killien filed a deed, deeding the property to both himself and his wife, Carol B. Killien. The Killien's filed a warranty deed in October, 1983, deeding the property to Donald and Sandra Stafford. The Stafford's allowed their son to erect a trailer on the property, not realizing that his septic would be considered the primary residence. The Stafford's are now ready to start construction on their retirement home and wish to convey property to their son in order to obtain a new septic permit for their new home.

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

Sandra Stafford was present and came forward to answer questions.

Chair Curtiss: We have a list of questions that we have the Deputy County Attorney ask for us, for you to respond on the record.

Colleen Dowdall: Some of the questions have already been answered or are not relevant, one of them is did you buy the property with the intent of dividing it.

Sandra Stafford: Absolutely not.

Colleen Dowdall: Do you or your son intend to transfer your portions within the next year.

Sandra Stafford: It is our agreement, between the four of us, husbands and wives, that there will be no transfer in our lifetime.

Colleen Dowdall: Are each developing the property for their own homes.

Sandra Stafford: My son already has a home there with all the amenities and we did not know that this would cause a problem when we started building our retirement home.

Colleen Dowdall: Was that when you went for the septic permit.

Sandra Stafford: That was the first time. In fact, last year on his birthday in July, we had given him this as a birthday present. We were just now getting around to the paperwork and then all this happened at the same time, it was like wow.

Colleen Dowdall: Does Anthony lives on the property now.

Sandra Stafford: He does.

Colleen Dowdall: Will he continue to live on the property.

Anthony Stafford: Yes, he will.

Colleen Dowdall: Have you talked to anyone at Missoula County about going through subdivision review as opposed to a family transfer.

Sandra Stafford: No.

Colleen Dowdall: Are you in the business of developing property, either one of you.

Sandra Stafford: No.

Colleen Dowdall: Do you understand that this request is not being reviewed for adequate access in all weather? That is a review that we would do if you were going through subdivision review?

Sandra Stafford stated she understood that.

Colleen Dowdall: You may need other permits in order to build your house. You already know you need a septic permit, this is just permission to divide your land, and it isn't permission to build on it, you will still need to do that.

Sandra Stafford stated she understood that.

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 to create one parcel for a family transfer for the Stafford's, in that it does not appear to be an attempt to evade subdivision review. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

Chair Curtiss: You will receive a letter from our office saying that this has been approved. It'll be a few weeks because the secretary who does that is on vacation.

Sandra Stafford: That is very agreeable, just within the next three months would be terrific. Are we needed further here?

Chair Curtiss: You are not needed any further and are excused if you would like to leave.

Hearing (Certificate of Survey): Biggins Family Transfer

Colleen Dowdall presented the staff report.

This is a consideration of a request to create a family transfer parcel for that parcel described as Tract 2 of COS 5417, located in Section 1, Township 16 North, Range 15 West.

Michael R. Biggins has submitted a request to create two additional parcels using the family transfer exemption to the Montana Subdivision and Platting Act. The current parcel is approximately five acres in size located near Seeley Lake, Montana. Michael proposes to create two approximately one acre parcels for transfer to his daughter and son, Katie E. Biggins, age 20 and Michael J. Biggins, age 16, for residential purposes, and keep the remaining approximately three acre parcel for residential purposes as well.

The history of the parcel is as follows:

Parcel history	Year	Exemption Used	Owner	Transferee
COS 1424	1978	Occasional Sale	Western Montana Properties	
COS 1237	1993	20 acres or greater	Loren H. Otto	Michael Biggins
COS 5417	2003	Family Transfer	Michael Biggins	Autumn E. Biggins

According to the records kept by the Missoula County Surveyor, the applicant has not previously used exemptions to the Subdivision and Platting Act except as listed below:

COS 5417 2003 Family Transfer to Daughter, Autumn E. Biggins

Michael Biggins was present and came forward to answer questions.

Chair Curtiss: Who is Autumn?

Michael Biggins: Autumn is my oldest daughter.

Chair Curtiss: Colleen will also ask you some other questions.

Colleen Dowdall: How long have you owned the property.

Michael Biggins: Since 1994 or 1995.

Colleen Dowdall: Did you buy the property with the intent of dividing it.

Michael Biggins: No.

Colleen Dowdall: Do you or your daughter or son intend to transfer the property within the next year.

Michael Biggins: No, they don't.

Colleen Dowdall: One of your children is a minor. Has a trust been established for that child to hold the property?

Michael Biggins: I have contacted an attorney in Seeley, but they have not completed the process.

Colleen Dowdall: Do you know who the trustee will be.

Michael Biggins: No, do you mean who the attorney is?

Colleen Dowdall: No, who the trustee for the trust would be?

Michael Biggins stated that he did not know.

Colleen Dowdall asked if Michael understood what that means; because his son is a minor, some adult has to be the trustee.

Michael Biggins stated he contacted an attorney, saying he would be going through this and that he would probably be coming back to set up a trust for the youngest boy.

Colleen Dowdall: It would probably be Michael or the child's mother acting as a trustee.

Michael Biggins: Probably.

Colleen Dowdall: If the property is sold, do you intend to hold the money in trust for the minor child.

Michael Biggins stated that there were no plans to sell it.

Colleen Dowdall asked if they intended to develop the property.

Michael Biggins: No.

Colleen Dowdall asked if any of the recipients were intending to develop the property.

Michael Biggins: Hopefully, eventually, these are pieces of property for them to live on.

Colleen Dowdall asked where the children live now.

Michael Biggins stated they live in the family home which is on the five acres.

Colleen Dowdall: Is Tract 2 the remainder parcel from the previous family transfer.

Michael Biggins: Yes.

Colleen Dowdall asked if Autumn lives on the other parcel.

Michael Biggins stated that Autumn is a student in Missoula.

Colleen Dowdall asked if Autumn still owns her parcel.

Michael Biggins stated that she does.

Colleen Dowdall asked if he had talked to anyone at Missoula County about taking this through subdivision review as opposed to a family transfer.

Michael Biggins stated he had not.

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

Michael Biggins stated that he was not.

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

Michael Biggins stated that he was not.

Colleen Dowdall asked if he understood that a violation of the Subdivision and Platting Act could be a misdemeanor crime.

Michael Biggins stated that he wasn't aware of that fact, but he wasn't even thinking that way.

Colleen Dowdall: Do you understand that this request is not being reviewed for access, like we do in subdivisions, so we can't guarantee to you or make any representation that there is legal or physical access?

Michael Biggins stated he was aware of that.

Colleen Dowdall: Do you understand that if you are intending to develop the property, you have to apply for and receive other permits.

Michael Biggins stated he was aware of that.

Colleen Dowdall: The division of land only gives you permission to divide the land, but it doesn't give you permission to build on it.

Michael Biggins stated he was aware of that.

Chair Curtiss: These questions seem intrusive and the reason we have to ask them is because the law sticks us with the choice of determining whether you are trying to evade the Subdivision Act or not. That's why we have to do it, it isn't fun. Thank you.

Colleen Dowdall stated that they are not assuming guilt, but need his answers on the record.

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

Commissioner Carey moved that the Board of County Commissioners approve the request by Michael R. Biggins to create two additional parcels by use of the family transfer exemption based on the fact that it does not appear to be an attempt to evade subdivision review. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Chair Curtiss stated that Mr. Biggins would receive a letter within the next month.

Hearing: Avalon Meadows (71 lot residential subdivision) - off Farm Lane in Lolo

Chair Curtiss opened the public hearing.

Dale McCormick, Office of Planning and Grants, presented the staff report.

Rocky Mountain Development Group, Inc., represented by WGM Group, Inc., is proposing to create a 71 lot subdivision on a 13.24 acre parcel of unzoned land. The property is north of Farm Lane in Lolo. Two existing houses are currently on the property that will remain on proposed Lots 34 and 70. Residential development is located to the north and east of the property. The Missoula Consolidated Planning Board, with 7 members present, conducted a public hearing on this request on Tuesday, May 17, 2005, and voted unanimously to recommend denial of this subdivision. The basis for this denial was primarily based on a unanimous recommendation of denial of the variance requested from the requirement that no lot be less than 60 feet in width. Prior to the vote on the subdivision, the Planning Board considered staff's recommended motions and conditions of approval and recommended changes to Conditions 4 and 5. The 2002 Lolo Regional Plan recommends a land use designation of Urban Residential – 6 dwelling units per acre. The property is located east of the Rossignol Orchard Tracts subdivision that has a density of approximately 4.5 dwelling units per acre and south of the recently approved Allomont Subdivision that has an overall density of 4.8 dwelling units per acre. This proposal for 71 lots on 13.24 acres results in an overall density of 5.36 dwelling units per acre. Lots vary between 3,646 square feet and 11,443 square feet, with an average lot size of 5,123 square feet. County Subdivision Regulations requires no lot be less than 60 feet wide. Some proposed lots are less than 60 feet in width. The 2002 Lolo Regional Plan states that the urban residential land use types are intended for areas where public infrastructure and services are available. The subdivision is proposed to connect to public water and sewer service through the Lolo Sewer and Water District RSID No. 901. The applicant is requesting a variance from the 60 foot minimum lot width requirement and staff recommended approval of the variance request. Farm Lane, south of the subdivision, is paved to the width of 34 feet in a 60 foot wide right-of-way west of the property. The portion of Farm Lane adjacent to the property is an unpaved County road. The applicant is proposing to pave Farm Lane adjacent to the subdivision to continue the width of 34 feet, back-of-curb to back-of-curb. Allomont Drive is currently a 20 foot wide unpaved County road in a 30 foot wide right-of-way. North of the subdivision, Allomont Drive will be paved to a 34 foot width with curbs and gutters as a result of the Allomont Subdivision, approved on October 6, 2004. The applicant is proposing to improve Allomont Drive to be a 34 foot wide paved County road with curbs in a 60 foot wide public access easement, which meets the standards of the County Subdivision Regulations. A 60 foot wide conditional public access easement for the extension of Deetes Lane in the Allomont Subdivision was required as a final plat approval for the Allomont Subdivision. This easement was conditioned upon its use as roadway at the time it was needed to serve future subdivision of the land proposed as Avalon Meadows. The condition also states that lot owners and future owners of lots in the Allomont Subdivision would not be responsible for the construction of the future roadway. Staff recommended a condition that this road construction be the responsibility of the developer of the Avalon Meadows. Lancelot Lane and Excalibur Way provide access to most of the lots within the subdivision. These roads are proposed as 34 foot wide back-of-curb to back-of-curb public roads in 60 foot rights-of-way. Proposed Lots 68-71 would access from Farm Lane. Lots 13-18, 20, 21, 23-36, 37 and 39-45 will access from Avalon Lane, a 21 foot wide paved alley with curbs in a 28 foot wide public access easement. County Public Works commented that the alley would not be accepted as a public right-of-way unless the street was named and constructed to minimum County road standards. The applicant modified the road design between agency review and final submittal by providing a name for the alley and providing a section that meets County road standards. Missoula Rural Fire District commented that the alley must be designed as a fire lane. Staff recommended a condition of approval that plans for no parking/fire lane and address signage for Avalon Lane be reviewed and approved by Missoula Rural Fire District prior to final plat approval. Lots 1 and 3 of the Lower Lolo Addition, which is 4.92 acres, is accessed by the Lolo View Lane cul-de-sac to the north of the property, east of Allomont Drive. The Lolo Regional Plan states that connections are needed between different neighborhoods and between neighborhoods and schools, parks and stores and that new development should provide connections. The Lolo Community Council noted that the land to the north of the eastern third of the subdivision is likely to be developed soon. Farm Lane fronts on property to the south of

this subdivision. On the south side of Farm Lane is property owned by the Lolo School District that could be used for playing fields or school facilities in the future. Staff recommended a 60 foot wide conditional public access easement that extends north from proposed Lancelot Lane. Lot 53, which is impacted by this conditional public access easement, may be located elsewhere in the Avalon Meadows Subdivision at the location acceptable to the developer. Hughs Court is a 24 foot wide paved road in a 60 foot wide private access easement that connects to the east end of Farm Lane and runs parallel to the east boundary of the subdivision. The applicant has proposed a conditional public road easement at the east end of the Excalibur Way cul-de-sac that could connect to Hughs Court if it is accepted as a County road in the future. The applicant has not provided a statement describing the condition that would require it to be a public road easement. Staff recommended a condition requiring a statement on the plat that this 60 foot easement is for the purpose of a public roadway as shown on the subdivision plat of the Avalon Meadows Subdivision, conditioned upon Hughs Court, to the east of Excalibur Way, becoming a public road. The Planning Board recommended an amendment of Condition 4 requiring an RSID waiver for Hughs Court, a private road, if and when it becomes a public road. The applicant initially proposed injection sumps as the means to accommodate on-site storm water drainage. County Public Works commented that injection sumps were unacceptable and that other storm water treatment alternatives needed to be considered. The County Park Board commented that if storm water drainage is to be contained in above-ground storage, those facilities should be outside of the park area. The subdivision design was modified to include 10 foot wide landscaped boulevards on the streets within the subdivision that function as 1 foot deep swales to provide channelization and filtration of storm water to sumps within the landscaped boulevards. This is a design acceptable to the Public Works Department. The applicant is proposing 5 foot wide concrete boulevard sidewalks with 10 foot wide landscaped boulevards along the north side of Farm Lane, both sides of Allomont Drive and on both sides of all streets within the subdivision. The applicant has proposed a 15 foot wide north/south linear park along the west boundary of the subdivision to provide a pedestrian connection between Farm Lane and Excalibur Way. The Missoula County Parks Coordinator recommended that the easement be widened to 20 feet. Staff recommended a condition that the north/south linear park be 20 feet wide with an 8 foot wide asphalt path. The Planning Board is recommending the deletion of Condition 5, allowing a 15 foot wide linear park along the east side of the subdivision as proposed. County Subdivision Regulations requires the subdivider to dedicate to the County, parkland, or cash-in-lieu of parkland, totaling 11% of the lands proposed to be subdivided into lots less than one-half acre in size. The park area requirement for this subdivision, containing 8.35 acres of net lotted area, is 0.92 acres. The applicant has proposed 1.07 acres of parkland through a combination of two parks; 0.97 acres at the intersection of Farm Lane and Allomont Drive and an 0.10 acre linear park along the west boundary of the subdivision. The County Parks Coordinator and the Lolo Community Council commented that the developer should initiate the creation of an RSID/SID for maintenance of the park area. The applicant is proposing to create an RSID/SID for such a purpose. Staff recommended a condition that the developer should waive the right to protest a future RSID/SID for maintenance of the park area and that maintenance of the park is the responsibility of the Homeowners Association. The Montana Department of Fish, Wildlife and Parks (FWP) commented that the Bitterroot River and its associated riparian areas are located close to this subdivision and that amendments to the Covenants are recommended. The Missoula County Weed District commented that ground disturbance created by construction requires a revegetation plan for the areas disturbed by construction. Staff recommended these as conditions of approval. A neighborhood meeting was held November 10, 2004, and the minutes from that meeting are included within the application packet. A comment letter from the Lolo Community Council was received on March 15, 2005 and is attached to the staff report.

Commissioner Evans asked if Dale could clarify one thing, on Avalon Lane, are only the houses south of that going to access from the alley?

Dale McCormick: The covenant says, the way they are currently worded, that any lot which has access to that alley will be required to use that alley for access to their garages. So the houses that are on the north, as well as the south, would be required to use the alley.

Colleen Dowdall stated that she thought he said something about the alley being one way. Are they one way?

Dale McCormick: That is correct and the proposal, although sometimes these are difficult things to enforce, is that the east portion of Avalon Lane would travel to the east and the west portion of Avalon Lane would travel to the west.

Chair Curtiss asked if the developer's representative were ready to present.

Nick Kaufman: For the record my name is Nick Kaufman, I'm a land use planner with the engineering firm of WGM Group. I'm here today representing Rocky Mountain Development and I think we need a little bit of background. The Missoula Consolidated Housing Plan tells us that this community needs about 732 homes a

year, so about 732 households traded in the greater Missoula area every year. All of those people need a place to live, whether it's a subdivided lot or whether it's an apartment somewhere. But that's 732 and we fall short of creating that many households every year. In Lolo, if you go and try to buy a single family home today, whether it's north of Mr. Grover's subdivision, or done in the late 70's with no curbs, gutters or sidewalks – these homes are in excess of \$170,000. If you go into Ken Allen's subdivision, which his lots are just west of this subdivision, you'll find that the homes are \$170,000. So the challenge today that developers face, and what Rocky Mountain Development Company faces, is how to provide homes, market rate homes that are affordable with the appropriate infrastructure that makes and creates neighborhoods. So what we are trying to do today is look at this proposed Avalon Subdivision and to do some of that balancing act for infrastructure and to keep housing affordable and not do things that would overly burden the future residents of this particular subdivision. So, one of the design features of this subdivision that I think is really critical, and I want you to get a mental picture of what a street with concrete curbs and gutters, grass boulevards and street trees looks like. So the best vision that you have in the Missoula area is something that would be over in the University area. So where do people like to walk? People like to walk along those sidewalks separated from the street by boulevards. It's not necessarily convenient or safe to walk down paths. As an example, let's say that I am a young girl, use your imagination on that one, or let's say I'm a parent of a young girl – I don't have to use my imagination for that one. I want that child to walk along a public street, on a boulevard sidewalk, separated from traffic by a grassy boulevard and street trees. I don't necessarily want that child walking down a path somewhere. The reason I want that child next to the street is because that's where the public is, that's where there are eyes on the sidewalk. What makes a park work very well, like Bonner Park, and what makes it safe for children and adults is the fact that people live across the street from the park, their front porches face the park and there are public eyes on the park. Streets with boulevards, grass boulevards with street trees and sidewalks beyond them make great places for people to walk. Pathways separated from the traveling public that go between homes that are narrow are not the safest places for people to walk. So I want you to look at this subdivision and notice that every street in the subdivision has a sidewalk on each side of the street and in this case the boulevards are 10 feet wide. Now why are the boulevards 10 feet wide and why is that an extra 3 feet a lot? The reason is, is because the Missoula County Public Works Department has had some difficulties in maintaining sumps in the past. So, in order not to take lots out of this subdivision and make them drainage basins, we've designed a storm drainage system that utilizes the boulevard areas, and allows them to still have street trees and still be grassed. So the boulevards in this subdivision are wider, making the sidewalks function even better than some of the subdivisions with let's say 6 foot sidewalks. The staff has done a great job, and I want to thank Dale McCormick for his review of this subdivision. There are only two areas of concern that we have. The area of greatest concern for us is the extension of Deetes Lane. Now that is within 180 feet of an existing road. Your subdivision regulations have a block width recommendation of 480 feet, which is right out of your regulations, if we were to put streets within 180 feet from each other I want you to imagine once again what the University area looks like, but now imagine building a new street between those blocks, between every block out there. Not only does it take out lots, it increases the costs of infrastructure. Let's talk about that, so what the staff is recommending here are two additional street connections to the north. That would take two lots out of the subdivision. A lot is worth about \$50,000 each, the improvement for that 100 feet of road with curb, gutter and sidewalk and potentially sewer, water and storm drainage, is about \$25,000 for each road connections. So we are talking about \$150,000 of additional costs. Take the potential for two lots out of there, now that's all got to be forward shifted back to the lots in the subdivision, so when you buy a lot, now you add on the extra \$150,000 for those two connections to the north and the road improvements in those two connections. You know if you are paying a mortgage you are probably paying a 30 year mortgage on your home, and if you figure out what the price of your home is, I'll bet it wasn't \$170,000, right? Then you figure out what your total payment to that mortgage company is, it's about twice what your realtor sold your home for. Now take that \$150,000 and rap it back into a 30 year mortgage on a \$170,000 home and you are paying for it twice with the interest rates. So suddenly we've gone from what seems to be a simple recommendation for two connections to the north, one certainly which is not needed because it's only within 180 feet of Allomont Drive, the other I would argue is also not needed. If you look at the real cost of that, it may provide some neighborhood connectivity. I would argue that Deetes Lane doesn't, because all it can be is a pedestrian path, because the road is not going to be completed to the north. I don't think a pedestrian path between homes is a good idea when only 180 feet away is a boulevard sidewalk which has the safety associated with it. Now suddenly what we are doing is adding about \$300,000 of cost to the residents who will occupy the subdivision. Now if you, the Commissioners, look very carefully and see if the benefit from the connections proposed is worth that cost? As a professional land use planner, in this case, I do not believe it is. I think that Avalon Subdivision functions very well without the connection with Deetes Lane and without the removal of Lot 53. So the first request is that Condition 1 in the subdivision report be deleted and that's the connection for the roadway to the north on Lot 53. In addition, I would ask the Commissioners to restore a lot where Deetes Lane is shown on the preliminary plat. The last thing I want to talk to you about today is parkland. I would like to put up an illustration. This is an illustration of the land use in and around Avalon and you can see that there is a large piece of green, it's not a park, it's owned by the school district. We are directly across the street from that

school property and we are providing a park. The issue around parkland relates to who will maintain those. I've been before the Commissioners before a number of times and one of the main issues in Lolo is maintaining parks. It has been a huge issue, and the County government is helpful in terms of financing and approving some of the parks. This is a great park, it's flat, it's useable, and my client is proposing about \$60,000 worth of improvements to that park, including some landscaping brims, rock walls, playground equipment and other things. Condition 6 of the staff report requires that the center boulevards proposed in the access roads, as well as the park, be maintained by a Homeowners Association. I think this is where County government has a role; I think the role of County government here is to assist future residents of this subdivision in providing adequately maintained parkland. So what has the developer done to achieve his responsibility? They've dedicated the land and they are going to improve the parkland. So the dedication and the improvement is being handled by the developers, the issue becomes maintenance. If you turn that over to the Homeowners Association and remember they are going to be paying for their home plus possibly the future connections to the north and some improvements there. They will also be saddled with voluntarily an assessment to their Homeowners Association to maintain that park. So as time goes on, will they maintain that park or will they not maintain that park? You think of your own history with Homeowners Association with parks in Missoula County and you tell me what the propensity is, that the park will be maintained the way it should be maintained? However, there are a number of parks in Missoula County that are maintained through an RSID maintenance district. The beauty of the RSID maintenance district is that you have to pay for that maintenance district with your taxes, you don't have a choice. You can't call a special homeowner's meeting and say, hey let's vote out the maintenance of this Homeowners Association that was five years ago, the Commissioners approved this, they aren't going to notice, and then suddenly, the parks becomes weeds and the \$60,000 worth of improvements is down the drain. However, local government can help with this. If you change Condition 6 to read, I will give you some proposed language to consider, "That parks and central boulevards shall be maintained by an RSID or by a Homeowners Association. Documents associated with park maintenance shall be approved by the County Attorney prior to final plot approval." What that lets you do is think about whether or not Missoula County has a staff to administer an additional maintenance RSID or whether Missoula County doesn't have the staff to do that. If it is true indeed that Missoula County doesn't have the staff to assist these future citizens of Missoula County with collecting the money to maintain the park, then I am dismayed, because I truly think that is a function of government. It's not government money we are using, the government is just the collection source here. I think what it does is guarantees that money will be available for maintenance of the park. So once again, the developer is donating land, the developer is improving the park and what we are asking is the option to maintain the park either with an RSID or with a Homeowners Association. When it comes time to final plat, if we can't work out an RSID, then we will do it with a Homeowners Association. So once again, the language that we propose for Condition 6 is "Parks in the central boulevard shall be maintained by an RSID or by a Homeowners Association; documents associated with park maintenance shall be approved by the County Attorney prior to the final plat approval." If you have any questions, I would be happy to try to answer them, and the developers are also in the audience. Thank you for your time and attention.

Chair Curtiss opened the public hearing.

Elmer Palmer: Lolo Community Council, thank you, Mr. Kaufman, for those kind words about our RSID's. We at the Lolo Community Council know that RSID's are important. Just yesterday, Lisa Moisey, the County Parks person, contacted me and asked me to go about and see if I could find some folks that would mow Westview Park, a park that does not have an RSID on it. Mr. Dan Cahalan had lived next to that park for years and had been the maintainer of that park. He has been through financial difficulties and had to move out of his home and he is currently living in Missoula so the park has not been mowed, so now we are going to have to find some folks to go down there and mow it and it is a fairly good sized park. We definitely believe that an RSID is the way to handle a park and I am sure that I believe with Mr. Kaufman that there should be absolutely no problem finding the way to collect those monies and we can always hire somebody to come in and do the parks. We feel that this is a requirement for all the parks in Missoula. Mr. Kaufman stated that there are 720 homes in Missoula that need to be developed and right now we are pushing 500 of those in Lolo and we would like to see the rest of the County get some of those homes. We've talked about the fact that Highway 93 is full and yet we are considering putting 71 more homes in. We spoke last week about this subdivision and we spoke about East Meadows. The total of the two developments brings about 704 trips a day onto the streets and roads of Lolo, the majority of which will end up on Highway 93. We too worried about the alley and we thought that the 22 feet was not sufficient for the alleyway. I believe you have widened that. We did not feel that these large pickup trucks, that there would be a possibility of getting one in on each side of that alley. We also worry about the 34 foot streets just as we did last time. We know that all the developers come in and say nobody will be parking on the streets, but that lasts until about the time the first resident moves in and then we have parking on the streets, we have parking on both sides of the street bringing that down. I have a 34 foot road where I live and right now you cannot at times pass or meet traffic on that road. Again, we are in favor of Lancelot Road being pushed to the north. My

understanding is that Mr. Twite is now in the process of trying to buy out some of those neighbors out in there and so it is very likely that that area out there will be developed within the next year. With that happening, we need to have more than one street running from Farm Lane running out into that area. We feel that the extension of Lancelot Lane to accommodate whatever traffic is coming in and out of the other developments would be a benefit to the community. We have already come in and requested that Mr. Grover put the other end of, I don't know what your lane is called, but the one that meets on the west end where that stub is coming up. We have somehow, the Commission and the Planning Board, has failed to catch the one on the other end, simply because someone stood up and said, no that road that we made Mr. Rossignol put in is our own private driveway, we missed the connection over there. I think we need to have those roads connected because we have too many dead spots now that are hard to get around in Lolo. Again, we feel that dropping one or two dwellings out of this would possibly be room left over from the lots that we have used part of for a road would take care of the requirement to be able to bring these homes up to the 60 foot yard width which is required. We appreciated these young gentlemen and their development, they came in and they displayed to us a very nice looking subdivision. With these minor changes that we have suggested we think that it would be a big benefit to Lolo to have the subdivision. But, we also need some relief on Highway 93 before we get too much more of this. I just spoke with one of the gentlemen that are working on the development on the north end of Ravalli County, that's going to be in excess of 500 homes that will also be dumping onto there. We are getting overloaded on Highway 93. Thank you.

Chair Curtiss asked for additional public comment.

Nick Kaufman: The most important thing that we are asking for in the subdivision, truthfully, is that Deetes Lane not be required as a street and that we not be required to put that improvement in, that is congruent with the recommendation of the Public Works Director. On that side of Allomont, called the west side of Allomont, if that does not go in as a street, those lots will all become wider? Condition 1 of the staff report was that it asked to be removed, it does cost us a lot, it cost us Lot 53. I want you to look carefully at Plat 2 and notice that Hughs Court is a potential travel way along the east side of this subdivision and it can also be a connection to the north. Mark Twite, who was sitting behind me, tells me that no Twite has been involved in the acquisition of any property to the north of this subdivision. I'll talk just a minute about the lot widths because I think it's critical. I got my Masters Degree in Land Use Planning in 1984; I had already been a land use planner for 7 years. It was in the 70's that someone discovered the concept of suburban sprawl. What we are trying to do here is not create suburban sprawl. What we are trying to do is create homes that are affordable for average two person families who are working perhaps in their initial family formation stage, maybe one is a clerk at the grocery store in Lolo and maybe the other one is working at the gas station. Those folks who are just starting out don't need to pay for a 60 foot lot that has 60 feet of curb, gutter and sidewalk and 60 feet of sewer and water. They can get an adequate size home on the lots proposed in this subdivision; there is a variety of lot sizes so it adds variety to this neighborhood which is also important. The subdivision regulation that Elmer talked about was adopted in 1975-1976 and it stuck in, I think very unwisely, a minimum lot width of 60 feet. The minimum lot width of 60 feet creates a homogeneity in terms of lot sizes in neighborhoods and that's called lack of diversity and lack of interest and lack of what makes neighborhoods places that people want to go and want to see. It takes away their interest. We need to have the lot widths proposed in this subdivision. Somehow we need to get away from thinking that the Missoula County Subdivision Regulations, that were adopted in 1977, are somehow sacred with a minimum lot width of 60 feet. That needs to be changed in the subdivision regulations so we can have diversity in our neighborhoods. Thank you very much.

Dale McCormick: Mr. Kaufman, with all due respect, you just said the recommendation to not make the connection with Deetes Lane was congruent with the Director of Public Works recommendation. I have no documentation to that effect. I was wondering if you could provide that documentation.

Nick Kaufman: I think, from my understanding, and I am filling in for Mr. John Gass who is the case planner on this today, my understanding, talking to John, that Greg Robertson sent correspondence to the County Attorney's office to speak in his stead. If I am not correct in that, then I apologize, but I believe that's the case.

Chair Curtiss: Before Colleen answers that question, could I ask one other thing. When you were making your presentation you also said something in regards to Deetes Lane wouldn't be continued to the north?

Nick Kaufman: Correct. How would we get Deetes Lane improved to the north?

Chair Curtiss asked if it would be done through the other subdivision.

Nick Kaufman stated that there was no requirement to improve Deetes Lane on the other subdivision. There is only a requirement to provide an easement.

Colleen Dowdall: I did receive a phone call from Greg Robertson, I think last Thursday, in which he asked me to convey to the Commissioners that he does not favor either of the connections being requested on Deetes Lane or the one to Lancelot Lane. He was preparing to go on vacation and he said he did not have time to prepare anything in writing but he asked me to convey his concerns that they had not requested this connection in their agency review and did not favor it. I told him that I was going to write him an e-mail that reflected our conversation and for him to write back if that reflected our conversation. I did send the e-mail to him and I did not hear back from him. As I read it, what I think I told him was to make corrections if this doesn't reflect what we talked about. So Carol just brought me a copy of the e-mail and his concerns are that, I'm reading, okay. I say that your objection to this connection includes the fact that connecting Deetes Lane to this location was only 175 feet from Allomont Drive. This distance between the two roads running parallel to each other does not justify the conditions. The other concern is the extension of Lancelot Lane requires going through Lot 53 of Avalon to the central future subdivisions to the north. You do not favor making this connection which was not recommended by Public Works and we are not in favor of it.

Chair Curtiss asked what his reasons for not being in favor of it, other than the 150?

Colleen Dowdall stated that what she is telling them was what he said to her. That's usually what we get in an agency review letter, we do not support these. I think the Planning Board added the Lancelot Lane one, is that correct?

Dale McCormick stated that they did not and Greg did not comment either in support or in favor of the connection in either the Allomont or the Avalon Meadows Subdivisions. That was a recommendation that came from planning staff and was forwarded by the Planning Board.

Chair Curtiss asked if the Lancelot one was a condition recommended by the planning staff or was that from the Planning Department.

Dale McCormick stated it was recommended by the planning staff and forwarded by the Planning Board.

Chair Curtiss: Did Greg have an opportunity to look at what you were recommending or what the planning staff was recommending, the one on Lancelot.

Dale McCormick: Greg didn't receive a copy of the staff report, so he may not have seen that. As I said, he did not express that there not be a connection made to Deetes Lane and the Allomont Subdivision was approved with the condition of public access easement, so it would surprise me if he wasn't aware that this connection would continue into this subdivision.

Chair Curtiss: He would have seen the Deetes Lane one, because the proposed plat had it. The other one he would not see because it came out of conditions of approval, the Lancelot Lane one. Elmer didn't say some of the things that were in his letter, so I just wanted to go to the number 1 comment that you put in there they had changed that, they did widen the alley. Number 3 was about the RSID, the RSID was on the part of Farm Lane that has already been paved.

Elmer Palmer: The north part of this one fronts onto the paved portion of Farm Lane, the bottom half, I forget the directions, east of Allomont is not paved, but from Allomont west along the west portion of that subdivision, Farm Lane is paved and again as we expressed in the one across the street, East Meadows review, that these folks have already paid an RSID and they want to make sure the lane comes back out of there in as good of shape as when the folks that started working on it.

Chair Curtiss: They are planning to pave Farm Lane all the way in front of your subdivision, right.

Rick Wishcamper: I'm president of Rocky Mountain Development Group. I just wanted to say that Farm Lane, the improvements to Farm Lane, the paving on Farm Lane extends to just our borders and none of our subdivision fronts onto any Farm Lane that has been paved. So we will be paving and improving the entire length of Farm Lane that runs along our subdivision. In other words, for clarity, it is not paved to Allomont Road, it starts from above our subdivision to Allomont Road. Thank you.

Chair Curtiss: This is a public hearing, is there anyone else that would like to make a comment?

Commissioner Carey asked how the developers would propose to reword Condition 6 to add language about an RSID to maintain the parks.

Dale McCormick: The planning staff does not have any issue with that. Our initial desire was to go with what the applicant had proposed, which was to have an RSID in place. It was at the advice of the County Attorney's Office that we put the current addition in, so that would be fine from our perspective.

Colleen Dowdall: My comment, when I reviewed the staff report, was we had better check with Public Works because we have made this a condition of approval in the past, the applicant goes to Public Works and Public Works says we don't do these kinds of RSID's or we can't do this RSID so we better not make it a recommendation if Public Works can't do it. If adding or makes up, and it does, but I want to be on record for both the Lolo Community Council and for the developer that even if an RSID is created there has to be a mechanism to spend that money. We don't have a Parks Department and someone has to be in charge of making sure the park is maintained. I raised other issues yesterday, when we talked about the concept of one neighborhood maintaining a park that's actually open to the public and doing that even through an RSID is not necessarily an improvement that is only beneficial to these residents, which makes an RSID difficult also.

Chair Curtiss: Does the language that the Nick proposed allow for the concept that we've talked about more than once in the Lolo area is somehow forming a maintenance RSID that could apply to all the parks or more parks at least in Lolo area.

Colleen Dowdall stated that she thought it allowed maximum flexibility.

Chair Curtiss asked if they require a vote.

Colleen Dowdall: They do not require a vote for a maintenance RSID, I believe. That was a temporary, the one I talked about yesterday, I don't believe it requires a vote for this type.

Chair Curtiss asked Nick if he would like to respond to how spending might be authorized.

Nick Kaufman: If we go with the RSID route, what we would want to do is dedicate the park to Missoula County, we would want to create an advisory group which would be the Homeowners Association and they would work with the Park Board, this is how it works in other areas where we have maintenance RSID's for parks. They work with the Park Board for the annual maintenance budget and then the Park Board approves that budget each year and then that sets the yearly assessment for the RSID and then that is collected with the tax rolls. So there is a bit of work with your Parks Director Lisa Moisey, a bit of work with the RSID Administrator that is under the Public Works Department and the Park Board makes the recommendation for the expenditure and you dedicate the park. So you've got a dedicated park that the public can use, it's adjacent to the public right away Farm Lane, but it is maintained through RSID assessments in this subdivision and it's not perfect equity, but it's about as close as it's going to get.

Commissioner Evans asked the how many phasings were they intending to get on this subdivision?

Nick Kaufman asked the phasing of what?

Commissioner Evans: How many lots and when? Will this be proposed in phases?

Nick Kaufman: Yes it is. It is in phases and then –

Justin Metcalf: Rocky Mountain Development Group. 28 lots in the first phase which is the western quarter. It's just as Dale showed, there are 28 lots in Phase One west of Allomont Lane, Phase Two is east of Allomont Lane to Lancelot Lane and then Phase Three is east of there.

Chair Curtiss asked if the parks were in Phase One or at least half of the park in Phase One and the other half in Phase Two.

Justin Metcalf stated that they would be putting the infrastructure for the parks in when the lots are being built out, not after the fact.

Commissioner Evans: I am concerned about the Homeowners Association, that they don't last very well, and it seems to me and please argue with me, that the developer should be responsible for the maintenance of the park until such time as an RSID can be formed. That way at least somebody would be taking care of it, if it is done before you start selling lots.

Nick Kaufman: That is the way it's done. You create the RSID and it's spread with the lot owners.

Commissioner Evans: The concern I had was that the Public Works Department is having a difficult time getting them all done, that if you had to wait a year, they would be responsible until the RSID was done.

Nick Kaufman stated that he didn't have any trouble with that.

Commissioner Evans: It seems safer to me, Homeowners Associations likely would not be formed until you have homeowners in there in the first place. If they are like me, they don't want one any how. I would prefer that.

Nick Kaufman: Could I make a suggestion so that maybe the Commissioners could make a decision on this subdivision and move onto the next. So this is Lancelot Drive and the staff has asked that a connection be provided here. We are asking that a connection not be provided there and that Elmer is asking that a connection be provided there. This is Hughs Court and we think that Allomont and Hughs provide adequate connections to the north. So you just need to make a decision on what you're going to do there. This one is the one that is really important, the condition on Frank Grover's subdivision is that he provides an easement. If we finish the road to here there is no requirement, legally you can't require this developer to build this piece of road nor can you require Frank to do that. To build this piece of road then, makes this a private parking lot. I don't think we should do that. I think you should decide whether to take this out and widen these lots or make it a 20 foot wide pedestrian connection and have these developers build a pedestrian connection. I really don't think you should improve that road there. So you can take this out entirely or you can make it a 20 foot wide pedestrian connection or do the same there.

Colleen Dowdall: In your explanation of how you see us doing this park RSID, the only maintenance RSID that I am aware of is Pineview Park which has its own little board, I guess, is there one up in Linda Vista? Do you have an example of such an item in Montana?

Nick Kaufman: Back sometime ago when we were doing work for T&T Construction on Cottage Court, near the four way stop at Mount Avenue and Eaton, there is also an RSID for the maintenance of that little park. It works so well that I thought we had done it in the Rattlesnake for T&T, but I would have to go back and check.

Commissioner Evans: The one in the Rattlesnake that I remember is Pineview Park and it does work well.

Nick Kaufman: They may have done them up at Cornerstone, also, but I would have to check. It's ... north of Lincoln Hills.

Commissioner Evans: If there is one, it's working so well that they never hear about it.

Nick Kaufman: I don't want to rely on my memory for that, but I know we did one on Mount and Eaton.

Commissioner Evans: We never hear about that one either. The concern that I've got, Elmer we've got ourselves in a pickle here. This we have no means of fixing because all we got from the developers was an easement. We can't make these people pave something that is on land that isn't theirs. I do not wish the County to pay for it and therefore I'm going to suggest we don't do those.

Elmer Palmer: I would like to make a compromise on this one. Nick was just talking about how much that piece of road was going to cost them to push that in and the loss of a full house, or a full lot there. If we were to take and give you back all but 20 feet of that, you would get back quite a bit of space and a 20 foot path in there is certainly a whole lot, or a 10 foot path on a 20 foot easement, would be quite a bit of savings. How about if we were to agree that a path through there would be fine and with what you save maybe I think it's a shorter distance on the other side and put the 20 foot path all the way through at your expense and keep the rest of the lot.

Commissioner Evans: I'm not willing to do that. I'm sorry, Elmer, I'm not willing to ask them to put something on someone else's land.

Colleen Dowdall: I think that Mr. Grover has said he is willing to do a pedestrian walkway.

Elmer Palmer: The problem with Lancelot is that road on the other end down there is a private road and who knows when it is going to become public. By pushing Lancelot on through we do know that we have a public road that is going to provide access back into there. We feel that this is important. The one that got away from us is on the other end of Avalon where the top road comes across Avalon, right here, where this road comes into this corner. Right over here coming in from Rossignol's, right there is a road that came in and the people stood up and said that's our driveway and we don't want to use it. When Rossignol put that development in over there, that was put in as a condition so that there could be a connecting road from over on Lakeside right on into Avalon. Currently to get there, you have to wander on out here and catch Tyler Way and come around to come down in there. Any time we are doing that, we are putting more traffic out on the road than we need too. If someone wants to travel from in here over to here, they would either have to come clear down to Farm Lane across and back up and in or up onto Tyler Way and back around and back in. That's the kind of thing that we are trying to prevent, anybody that has driven out in the south end of Missoula is aware of that, you drive down a street and all of a sudden it comes up and it ends because somebody has got a block in there that they had been given the right to build the whole thing without any further consideration. An example is one street north of Palmer, where you start out and there is a street light where you turn to go to Home Depot or turn to the east to come along by Best Buy and you come driving back and there is a three way stop there and right straight ahead is a great big apartment house right smack in the middle. That means that somebody's got to travel around in circles to get out there. We are trying to eliminate traffic, not to create traffic, not create miles and miles of driving. So that is why we feel it is necessary to go ahead and push Lancelot along through.

Commissioner Evans: That's the dilemma that they've got, as I see it. We are not asking them to pave this. If we do the same thing we did on this one, we will get an easement and no paving. I'm not willing to do that.

Elmer Palmer: When the County Commissioners asked Rossignol to put it in, this piece right there on Rossignol's development is paved right up to the fence. When Nick was talking about the amount of cost, he included the cost of paving that piece of ground. If paving it up to the fence, the next developer can hook right onto it and run it right on out to that other street on the other side. If I recall, we have another street coming in there on Allomont Block 2, that little one across the street from Allomont, that happened here in a couple months ago.

Dale McCormick: In the four years I have worked for the Office of Planning and Grants, the conditional public access easement language that we have used has been consistent. I'm a little mystified of why this subdivision for some reason has brought that to the surface. That being said, the connection that was approved with this subdivision is not dissimilar from the connection that was approved with the Beyer Meadows Subdivision to the Longhorn Flat Subdivision located off Highway 12 in Lolo. The Beyer Meadows Subdivision was approved and there was a conditional public access easement, the Longhorn Flat Subdivision to the east of that and subsequent to the Beyer Meadows Subdivision was approved and the developer of the Longhorn Flat Subdivision was required to and agreed to make the connection off-site to the Beyer Meadows Subdivision. Another thing that I'm a little bit confused by is that Mr. Kaufman speaks about this distance being unacceptable, this block is not that dissimilar from this block, nor are these blocks that are established in the surrounding neighborhood. So to me the development pattern seems very consistent with what is in the surrounding neighborhood and the third point I wanted to make is that Lolo View Lane, which is a County public road, is very different from a private road and the potential of close to five acres, six dwelling units per land use designation, 30 dwelling units having access to one cul-de-sac, this would be the opportunity to allow not pedestrian connection but vehicular connection to create a grid in the neighborhood. The way to keep traffic down on Allomont Drive is to create a grid in the neighborhood and not concentrate traffic onto Allomont Drive.

Commissioner Evans asked why there is a problem with putting traffic on Allomont Drive.

Dale McCormick: I didn't say there was a problem. But what I said was that if you want to lessen the congestion on Allomont Drive, one way to do that is to defuse the traffic into the adjacent neighborhoods, by creating more opportunities to circulate between the properties. Thank you.

Chair Curtiss: Colleen, legally can we require someone to pay for something off-site that benefits them, basically Farm Lane is not on their property but they have to do that. Can we require this developer to pay for this section on Allomont and can we require in the future whoever does the one off of Lolo View Lane to pave into this one?

Colleen Dowdall: The conditional public access easement is something of my creation, from my attempt to provide these accesses for future use. So how they have been used is something that I am very familiar with over the past ten years. I believe, what we can require of a developer is first to provide legal and physical access to the subdivision and we can require the developer to mitigate the impact of their subdivision on others. That is

typically where we come up with the requirement for a conditional public access easement. What is frustrating about this subdivision is that these were in the Planning Office at the same time and it would have made sense to ask this developer to build Deetes Lane to its boundary line and to have Allomont's developer build Deetes Lane to its boundary line. When I reviewed the Allomont Subdivision, I didn't know that Avalon was coming into the south. To require this developer to build a subdivision road that is also being developed at the same time, struck this developer as unfair. That's the difference between this and Beyer Meadows and Longhorn. We rely upon these conditions, in many cases, upon the good will of the developers who are unwilling to fight about something. In this case, this developer does not want to do it. Frank Grover to the north does not want to do it and that's why the issue has arisen. We have developers who are saying, wait a minute, what are you doing and sometimes that doesn't happen and when it does, we have to look at why we are doing it and justify it and this one is harder to justify.

Chair Curtiss: Can you require someone to do something off-site.

Colleen Dowdall: If we can make the argument that this subdivision is making an impact that requires that connection to be made. Typically, when we make that condition and maybe Avalon comes along in a couple of years, five years, and so we are saying you are the new development and you have to build the road. But because they are coming through together, it's harder to make that argument.

Chair Curtiss: If you look at the record from Allomont, we knew this other one was coming in, it was discussed.

Colleen Dowdall: I didn't know it was coming in this soon. I don't know if we can make that argument at all on Lancelot that there is, that connection is to a cul-de-sac with half a bulb that is a three lot subdivision. I have, as I've been going through my work here, a mortgage exemption on one of those lots to create an additional parcel for a mother-in-law house. So I don't think it will be going through subdivision review in the near future.

Chair Curtiss: Why would it be any different than Hughs, which isn't going through subdivision right now, the Hughs Lane on the side – the connection to that private road?

Colleen Dowdall: In order to make the Lancelot Lane connection, eventually someone is going to have to bring those parcels in for subdivision review. We look at the likelihood of whether it's going to develop, it's already a subdivision, it's probably going to come in as two lots split or something like that, because some of the lots are developed. One of them is about to become developed more with the mother-in-law house if this mortgage exemption gets approved. So we have to look at the facts of each case, not every subdivision is identical with identical surroundings, when we request a conditional public access easement. Lancelot Lane is night and day from Deetes Lane in terms of the justification for it. We have an easement on the other side, we have a subdivision coming on the other side. The only problem that I have with Deetes Lane is the condition that we did not better prepare by asking Frank Grover to build to his property line. The Lancelot one, what we need to do is look at whether there is a likelihood of a future connection.

Chair Curtiss: With sewer and water available, I would think there probably is.

Colleen Dowdall: If you look at the subdivision and you look at a two lot split, are we going to make them build a road on this subdivision to connect their two lot split? I don't know if we will have the justification, I don't know if we'll be able to argue that they are creating such an impact that they have to build a road in Avalon Meadows. That's what we are relying on the mitigation of impact.

Dale McCormick: Barbara had a question about the planning status of Pertile Lane. There is a subdivision that has been scheduled for a couple of months from now and is located on this property and according to that application, Pertile Lane is a public road and they are proposing a pedestrian connection to the south along this connection, pedestrian from there south and vehicular from there north. This is another situation where when that subdivision comes in, staff will most likely be recommending at least half of the right-of-way for a road connection being established through there that would connect to a road connection being established here that would connect to an existing public road that is here. That property located there, we have had a pre-application with that gentleman and given that sewer is available, I would be very surprised if people would not capitalize on that potential in the near future. I did check and Pertile Lane is a County road.

Commissioner Evans: The whole thing, no arguments, nobody questioning whether we own the entire right-of-way. I think we need to check that out, because I remember the contentious problem we had with it.

Dale McCormick: That's correct and it may come up in the review of the subdivision for that property on the east side of Allomont Drive. It is presented as a County road.

Nick Kaufman: If you read Condition 3 in your staff report, it says, "Plans for the construction of the off-site portion of Deetes Lane, connecting to Deetes Lane and the Allomont subdivision, shall be provided subject to review and approval of the County Public Works Department. This road construction shall be the responsibility of the developer of the Avalon Meadows subdivision." So did we get an answer on whether or not that condition is a legal condition?

Chair Curtiss: I thought Colleen said it was legal, but this was different.

Colleen Dowdall: In these kinds of things, there are no laws that say the Board of County Commissioners may do this or may not do this. What it says is that you evaluate whether or not you believe it's justified to require it because this subdivision is creating an impact that causes us to require them to build a road to make the connection in their subdivision.

Chair Curtiss: In Allomont Park, which is considered a neighborhood park which would benefit this subdivision, they have to be able to get there.

Nick Kaufman: If you were to change Condition 3 to read, "Provide a 20 foot walkway easement and construct the walkway from the neighborhood park in Allomont south to the east-west road," that would provide you with the pedestrian connection.

Chair Curtiss: The pedestrian connection.

Nick Kaufman: No homes front on that roadway so if you could see again, just to try to boil down the connection to the park, if we made that a pedestrian connection and we constructed the walkway, that would seem to solve the issues.

Commissioner Evans: I was dismayed when the Planning Board voted to deny this subdivision based on the fact that a couple of the lots were not 60 feet wide. We had the additional problem of a conditional easement, but we don't have a paved road from Allomont down to Avalon. So if we do the 20 foot walkway that's fine. But it seems to me if we take out the additional footage needed to do a road, that would give you the capability of making your lots more conformed to the 60 feet. That makes sense to me. I don't care to have another problem on Lancelot Lane, either we tell them you put it in and you put it to your property line or we don't have them put it in. I don't want to have another problem where we've got a conditional piece of land for a road and nobody to build it and if Greg has not indicated that he wants it and is willing to pay for it, then somebody is going to have to pay for it. Either that or we don't require it. I would prefer not to require it.

Curt Belts: Missoula Rural Fire District. I have come before the Commissioners before on road widths and road design as far as public safety and I speak on behalf of public safety again today. Any chance that we have for connectivities within subdivisions, that opportunity needs to be taken on behalf of public safety. Making fire trucks and police officers go around and round in circles to try to get to neighborhoods is not in the best interest of public safety.

Chair Curtiss: Curt, are you speaking in favor of both Deetes and Lancelot?

Curt Belts: What I am speaking in favor of is the ability to have connectivity, I can't honestly tell you because as Colleen mentioned, they kind of came in at the same time, they didn't come in at exactly the same time, so we are able to piece those together, had I seen those at the time, I would have certainly looked at the connectivity for those. For Lancelot, I would suggest that be there because for the same reason that Dale mentioned, other subdivisions are coming and we need the ability to get through the subdivisions without going around, back and forth as Elmer talked about, as we have down there in the Lolo area anyway.

Commissioner Evans: I want to point out to Curt that this would be joined, Allomont Drive and whether we have this and this as a walkway or we make them put in a road and no one responsible for putting this in, and I'm certainly not willing to make these people pay to put in a road to benefit this group as well. If we wanted them, we should pay for them since we did the wrong. Either we tell them you put it into the property line or we don't tell them to do it. Because somebody comes in and develops here, we've got a piece of land with no road on it, who's going to pay for it? These people, that's not fair.

Curt Belts: I understand what Commissioner Evans is saying but what I am saying is that when you have the ability for connectivity, then we need to take availability of that opportunity. If Lancelot needs to be paved to the line for the next one to connect to it, then that's what I would have to propose.

Commissioner Evans: Colleen, for an RSID waiver, when the next subdivision comes in and these people have to pay for that section of road and the people coming in with the next subdivision have to pay for their section of road and they don't have to put it in if there is no subdivision. I realize it ties up a lot.

Colleen Dowdall: That is something you could consider, but at this point, it's in your hands.

Chair Curtiss: Curt, from your perspective, is the Allomont subdivision better served for public safety reasons if that Deetes connection is there.

Curt Belts: From the design, the Deetes connection is not critical for us. The Lancelot would be more important for future development.

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

Colleen Dowdall stated that before continuing, the Board needs to make a determination on whether or not they have heard anything new that the public hasn't had an opportunity to comment on that would warrant scheduling another public meeting. The Board could ask members of the public if they want another hearing or ask the developer if they want another hearing.

Commissioner Evans: Was there any information that we got today that was not presented to the Planning Board.

Chair Curtiss: Is there anyone from the public, or developers, that feel there is anything new that we need to wait. This is a new law that had an immediate effective date that we have to comply with.

Commissioner Carey: I appreciate the developers offering to make Deetes into a pedestrian, what did they say, a 20 foot easement on that. I would support that.

Chair Curtiss: Would that be Condition 3; is that correct Dale?

Dale McCormick: That is the condition that says plans for the off-site portion of Deetes Lane, connecting Deetes Lane to the Allomont Subdivision, shall be provided. So the question that I have – does that mean that the developer is willing to construct that pedestrian path and landscape it in that 20 foot easement.

Chair Curtiss: Then we only have to decide if that's on-site or off-site. Didn't someone say yesterday, I think Frank Grover, if he didn't have to have a road, he would be happy to build a pedestrian on his side.

Commissioner Carey: I wouldn't support the developers having to do it off-site. These developers have to do it off-site.

Chair Curtiss: Did Frank Grover said that? Justin, could you say so on the microphone please.

Justin Metcalf: John Gass talked to Frank about that and that is where that conversation came and John is the one who mentioned yesterday that Frank talked to him and mentioned that in no uncertain terms that he was opposed to the road connection but that he would support a pedestrian connection and I can't speak for Frank and say that he would definitely pay for it, but I've dealt with him on the Allomont Road issue and I think we can come to some type of agreement, I don't think it will be a problem.

Chair Curtiss: Frank would have to come before the Commission in order to change that easement requirement from his subdivision anyway, right? So, at that time we would have the opportunity to condition him doing that. So we could change number 3 to say that the developer would build an 8 foot path within a 20 foot easement.

Dale McCormick: For verification, if Mr. Belts could just respond to this, in some situations where we've had these pedestrian access easements, they have also doubled as an emergency vehicle access easement if other access is not available. That affects the construction of that and is that something that you would desire in that or does it make no difference.

Curt Belts: We have done that in the past. But I don't see a need for it in this particular case for Deetes Lane.

Chair Curtiss: This would be in the area of Deetes Lane. You would also spread that additional width within the other lots.

Commissioner Carey moved that the Board of County Commissioners approve the variance request from Article 3-3(1)(D) of the Missoula County Subdivision Regulations requiring a minimum lot width of 60 feet, based on the findings of fact set forth in the staff report. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey: I would like to go to pedestrian access, Condition 5. I would like us to go with the Park Board and have a 20 foot wide easement with an 8 foot wide asphalt path and landscaping along the linear park, east side of the subdivision.

Chair Curtiss: Why did the Park Board say 15?

Dale McCormick: The Park Board, in response to a proposal for a 15 foot wide linear park on the east side of the subdivision, wanted to apply a design similar to what was approved with the Allomont Subdivision in this location, which is 20 feet wide with an 8 foot wide path. What the applicant has stated is that they would prefer to keep it at 15 feet because it is adjacent to Hughs Court, but as we have discussed before, that is a private road, so it will likely be a fence on one side against a property with a fence on the other side. In the long run, if Hughs Court were to become a public road then the 20 foot may be considered excessive as opposed to 15.

Chair Curtiss: Would it be like the boulevard area.

Dale McCormick: Correct.

Nick Kaufman: Their preference is to leave the language the way it looks without the cross outs, accept the 15 foot wide easement as what we propose, not 20. The reason is, is because the east side will be a road and not a house and what makes the walkway undesirable is when you have a house that's close and not a 3 foot fence that's close. If you could see your way through to keeping that a 15 foot wide easement, because it is a road on one side, which is an open space, I would appreciate it.

Commissioner Carey: Planning Board Condition 4, looks like they added Hughs Court becoming a public road language.

Nick Kaufman: Condition 4 is fine.

Chair Curtiss: Number 5 – take the strike outs off, but it would say 15 foot wide linear park, 15 foot wide with an 8 foot.

Nick Kaufman: Just cross out “shall be 20 feet wide.” The 15 foot wide linear park on the east side of the subdivision shall be developed with an 8 foot wide asphalt and landscaping. Cross off the 20 foot wide.

Colleen Dowdall: I think the Planning Board's striking of that language accomplishes the same thing.

Commissioner Carey: Condition 6, the park condition, to provide an option for an RSID to be created. Do we have the precise wording of that now?

Nick Kaufman: The proposed language for Condition 6: “Parks in the central boulevards shall be maintained by an RSID or by the Homeowners Association. Documents associated with park maintenance shall be approved by the County Attorney prior plat approval.”

Commissioner Evans: That is not what we discussed and what I thought your developers agreed to, which was that it would be maintained either by the developers or by an RSID.

Nick Kaufman: I said the parks and central boulevard shall be maintained by an RSID or by a Homeowners Association.

Chair Curtiss: You keep in the part that says until the RSID is created or until the Homeowners Association, that the developers will maintain it.

Commissioner Carey: We need to deal with Lancelot Lane, Condition 1.

Commissioner Evans: I would prefer on Condition 1 that they have the developers agree to an RSID waiver that if and when the land beyond what Lancelot would be developed, then they would pay to put in their section of road through Lot 53 and if it never develops then they don't have to do anything with it, it just becomes their lot. That's the only way to see doing that, that's fair. You certainly have the opportunity to argue with me.

Colleen Dowdall: I think that would require changing the statement on the plat, the last two lines of the condition say that lot owners and future owners of lots in Avalon Meadows will not be responsible and instead say the lot owners waive their right to protest an RSID for future connections. Then, if and when the subdivisions come to the north, we would have that same waiver on theirs and we could build a road.

Commissioner Evans: Would it be possible to do a time frame on that, within ten years or something.

Colleen Dowdall: I would rather just have them build it right to the property line. The Fire Department just said that they need that connection in the future, I think that we are being really naïve if we don't think those three lots are someday going to end up looking just like the rest of this area, which I think is good. I think this is urban development and it's going to need a road at that point, it's not 150 feet from the existing street, it's more like 300 feet, more like a block. We already know that there is another one coming in.

Commissioner Carey: I agree and feel that is the least expensive way to do it to as long as they are building the other roads to the fence or to the property line.

Commissioner Evans: Does anyone want to argue.

Nick Kaufman: I sympathize with Assistant Chief Belts and also with Elmer and with the two County Commissioners, but if you are wrong and we build that improvement and nothing happens to the north and somebody comes in to the north and someone comes in and does a mortgage survey and puts a house right in the middle of the right-of-way, will Mr. Belts, Elmer and the County Commissioners then pay for that improvement or refund the money? So we are the ones at risk.

Colleen Dowdall: This is similar to what happened over there with Mr. Rossignol's sitting there when we should have made that connection too, it looks like. This mortgage exemption is not on the property touching your proposal, it's on the one across.

Nick Kaufman: I agree, but it doesn't prevent it. There is no right-of-way to the north. What I am saying is the developer is the one at risk here, if nothing happens to the north – not the folks that are requesting the improvements.

Commissioner Evans: How much will it cost to pave and do what you have to do on that one little section of road.

Nick Kaufman: Approximately \$25,000.

Commissioner Evans: Plus he loses a lot.

Nick Kaufman: I believe the way Mr. McCormick has written Condition 1, the lot can be replaced in another location.

Chair Curtiss: Dale, could you help us reword Condition 1 to accomplish what we've discussed. This is one of the staff's recommendations anyway and you were just holding it and now we want them to build it.

Colleen Dowdall: I think you would say that they provide the easement and build the road.

Dale McCormick: That is correct. So the last sentence, it should say, rather than lot owners that these are owners of lots in Avalon Meadows, say the developer of Avalon Meadows shall be responsible for the construction of the future roadway in the Avalon Subdivision.

Chair Curtiss: It isn't going to be the future roadway, it's going to be a roadway. So we don't need any of the conditional public access easement, it's going to be County road right-of-way that ends at the fence.

Dale McCormick: Correct. So rather than a conditional public access easement it should just be a 60 foot wide public access easement.

Commissioner Evans: Would there be room for the snow plow to turn around, if it's a County maintained road.

Chair Curtiss: Should a turnaround be required.

Commissioner Evans: I think Greg would like one. This is why we would like an RSID because if it develops to the north that you will then be responsible for putting your piece of road in, if there isn't you don't have to.

Chair Curtiss: What would the road width have to be there – if it's more of a neighborhood road.

Dale McCormick: It should be consistent with the rest of the subdivision, which is 34 feet in width.

Chair Curtiss: Is that 34 feet paved.

Dale McCormick: Correct.

Chair Curtiss: We could then add the RSID waiver for the boulevard sidewalks or for sidewalks. We still want to leave in Lot 53 which, if impacted, could be relocated. So we don't need a bunch of this stuff on the plat, right.

Colleen Dowdall: You don't need any of it except for the RSID waiver for the sidewalk.

Chair Curtiss: It would read, "a 60 foot wide public access easement shall be –

Colleen Dowdall: We should call it "County dedicated right-of-way."

Chair Curtiss: "County dedicated right-of-way extending north along Lancelot Lane to the property line shall be built to County standards or to a 34 foot width.

Dale McCormick: A 34 foot width, back-to-curb to back-to-curb.

Chair Curtiss: There would be an RSID waiver for sidewalks on this road if future connections are made.

Commissioner Carey moved that the Board of County Commissioners approve the Avalon Meadows Subdivision, based on the findings of fact found in the staff report and subject to the amended conditions of today's hearings.

Commissioner Evans: I would prefer you do the last condition that the two of you agreed to separately because I would like to vote for the subdivision but I can't vote for that.

Commissioner Carey amended his motion to delete Condition 1.

Chair Curtiss: Are we voting on Conditions 2 through 11.

Colleen Dowdall: I think you can just vote on amendments to Condition 1 first.

Commissioner Carey moved that the Board of County Commissioners amend Condition 1: "Dedicate the right-of-way to construct the road to 34 feet with an RSID waiver for sidewalks, at such time as future connections are made. Chair Curtiss seconded the motion. The motion carried on a vote of 2-1 (Commissioner Evans opposed).

Commissioner Carey moved that the Board of County Commissioners approve the Avalon Subdivision based on the findings of fact in the staff report and subject to the amended conditions. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Chair Curtiss stated they would take five minutes to transition to the hearing on the Wye-Mullan Plan.

Avalon Meadows Subdivision Conditions of Approval:

Roads

1. The developer shall provide a 60 foot wide County dedicated right-of-way extending from Lancelot Lane to the north property line. The developer shall improve the road to a 34 foot width, back-of-curb to back-of-curb. Lot

53 will be eliminated by this dedication but may be located at a different location in the Avalon Meadows Subdivision acceptable to the developer. 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 sidewalks on this County dedicated right-of-way if future connections to the north occur.

2. The following statement shall appear on the face of the plat and refer to the 60 foot wide conditional public road easement at the east end of the Excalibur Way cul-de-sac:

“This 60 foot easement is for the purpose of a public roadway as shown on the subdivision plat of the Avalon Meadows Subdivision, conditioned upon said easement being used as a roadway in the event Hughs Court, to the east of Excalibur Way, becomes a public road. No structures, permanent improvements or utilities shall be placed within said easement so as to interfere with the eventual use of the right-of-way as a public roadway.”

3. The developer shall provide a 20 foot walkway easement in the area shown on the Preliminary Plat as an extension of Deetes Lane. The developer shall also build an 8 foot pathway from the east-west road in Avalon Subdivision, north to the edge of the subdivision.
4. 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 Farm Lane, Allomont Drive, Hughs Court (at such time it becomes a public road), and all streets within the Avalon Meadows subdivision, 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.”

Pedestrian Access

5. The 15 foot wide linear park on the east side of the subdivision shall be developed with an 8 foot wide asphalt pat and landscaping. Final plans for design of the path shall be reviewed and approved by County Parks prior to final plat approval.

Parks

6. Parks and the central boulevards shall be maintained by an RSID or by the Homeowners Association. Documents associated with park maintenance shall be approved by the County Attorney’s Office prior to final plat approval. A development agreement shall be filed prior to final plat approval subject to review and approval of the County Attorney’s Office, stating that the developer shall provide all maintenance of the park and central boulevard areas until an RSID is formed or enough development to support the Homeowners Association has taken place. The development agreement shall be filed prior to final plat approval of Phase 1.
7. 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, maintenance of the parks and central boulevards within the Avalon Meadows Subdivision, 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.”

Fire

8. Plans for “No Parking/Fire Lane” and address signage shall be reviewed and approved by the Missoula Rural Fire District prior to final plat approval. The approved plans for signage shall be included as a section in the covenants.

Covenants

9. The covenants shall be amended to include the following language, prior to final plat approval:
 - i. Amend Section (VI.19b), by adding the following after the fourth sentence ending, “... To reduce conflicts with wild animals.”: When feeding pets, do not leave food out overnight.
 - ii. Replace Section 28 with the following language:

Section 28: Wildlife

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, black bears, mountain lions, foxes, skunks and raccoons. Contact the Montana Fish, Wildlife and Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for help or brochures that can help homeowners “live with wildlife.” Alternatively, see the Education portion of FWP’s web site at www.fwp.mt.gov. **In addition to the previous Garbage and Animals and Pets sections**, 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. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because ripe and 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.
- b. **Bird feeders** attract bears. If used, bird feeders should: 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) 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.
- c. **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.
- d. **Compost piles** can attract skunks and bears. If used, they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves and garden clippings and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil).
- e. Purchasers of lots within this subdivision must recognize the subdivision is located near the Bitterroot River where **lawful waterfowl hunting** and the associated discharge of shotguns could occur from early morning until sunset, and the season can run from September into January.

10. A Revegetation Plan for disturbed sites shall be reviewed and approved by the Missoula County Weed Board prior to final plat approval.

11. Article VIII, Section 4 of the covenants shall require that sections pertaining to garbage, pets, wildlife, signage, noxious weeds and radon may not be amended or deleted without governing body approval.

Hearing: Wye-Mullan Plan

Chair Curtiss asked Laval Means to distribute handouts of the Wye-Mullan Comprehensive Plan Summary of Issues Update Worksheet.

Chair Curtiss: We have a list of the issues that we have already acted upon and the issues that we have discussed in our work sessions but haven’t acted on in a public meeting yet. So we will begin with those today and then there are also some other issues that we still have to discuss and work through in another work session. Laval Means, Issue 4 is the proposed language changes for the fire section in Chapter 6-B – Emergency Services. This is language that has been discussed before that City Fire, Frenchtown Fire and I can’t remember if Missoula Rural added a few words or not.

Curt Belts: We are fine with the language.

Chair Curtiss: Does anyone need a copy of the changes in the fire language or the cleaned up version. Vicky, I don’t think you were here at the work session, did you want a copy. Chapter 6-B, we added a statement at the beginning that kind of clarified the general statement of what happens when annexation takes place.

Laval Means: With the legal citations for the code that it comes from – from State law and it's actually in the Missoula Fire Department section because that is the place that they are actually talking about adjusting service delivery in the event of annexation, so that's where it is located. Montana Code Annotated 7-2-4732. Then we have also added an extra explanation of what the Missoula County Fire Protection Association is. We've talked about the fact that the mutual aid agreements already exist. We changed a little bit of language at the bottom of the last paragraph under the heading Fire, just to clarify some things there. We again talked about automatic aid agreement, under Missoula Fire that's where the most changes happen. We talked about in the event of an annexation and coordinating with Missoula Rural and Frenchtown Fire.

Chair Curtiss: Does anyone want to make any comments about this version or we are ready to make a motion on it.

Laval Means: This has been a process of real great coordination and negotiation back and forth between three different agencies on what would be the appropriate language and attempt to be specific where appropriate where it needs to be to alert people to the types of response goals, especially for the City, that they were striving for. The process of getting feedback from Rural Fire and Frenchtown Fire and City Fire and Frenchtown Fire again, so there has been a great back and forth process on all of this that nets the clean version the way you see it now.

Chair Curtiss: I feel we are very fortunate to have good agencies that do work together already, so thank you for their input. Issue 4.

Commissioner Carey moved that the Board of County Commissioners adopt the proposed language changes for the fire section in Chapter 6-B, Emergency Services. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Chair Curtis: We are now at issue 11a, this is the issue sheet. You just need some additional clarification on this.

Laval Means: That issue 11a has to do with a comment during early public hearings about the desire to see linkage across the Clark Fork River added back to the plan. You have talked about it in previous work sessions and you suggested and made comments about due to the concerns over the cost and the feasibility of a crossing over an occurring impasse, natural resources impacts to residents of neighboring areas. The preference is that we delete any reference to any future road across the Clark Fork River. There was also the clarification was because in work sessions I was talking to other staff and I wasn't sure if it was delete the last sentence of that particular paragraph or deleting really any reference to the Clark Fork River crossing. So I just needed some clarification on that and then any other dialogue and direction on the action.

Chair Curtiss: What kind of clarification is needed.

Laval Means: I have a worksheet that had an excerpt from the plan that describes the facts of where it was looked at with the Missoula Urban Transportation Plan but deemed unfunded and modeled but considered only illustrative. Other language was added into the plan by the Planning Board that went on to say that this plan seriously questions the motorized crossing. We still had the final statement in there in terms of efforts to find alternative locations should be explored and I just needed a clarification of how much you think we needed to delete. When you talked about it on the 17th, the term, the statement that says specifically the 2004 Transportation Plan, what we had written said suggested route crossing. Did you want us to change that to be considered? So that was one piece that was clear for me.

Colleen Dowdall: I don't know if you want to delete everything because I think it's good background. Vicky, I know that this was one of your concerns, would you like to say anything today.

Vicky Bostick: 2051 Flynn Lane, I apologize, I had written a letter to the Commissioners that, due to some family issues, did not get sent to you, and so I would like to read to you what I have. I will actually leave a copy for you as well.

To the County Commissioners and City Council Members:

It is my understanding that the Wye-Mullan Plan is a working document that will guide that area for possibly 20 years. With that in mind, I ask the County Commissioners and City Council members to explain how this plan can be complete with no mention of another crossing of the Clark Fork River? During the first work session held, Commissioner Evans told the audience and me that she will not stand behind language that suggests another river crossing that can never be funded and would upset neighbors south of the river. In past meetings, Mike

Kress made similar comments regarding the impossibility of funding such a project. I have been told, however, I don't have information to verify at this time, that one way to fund another crossing is by removing the Highway 93 designation from Reserve. It has also been said that George Elmer Boulevard would be a great link between Mullan Road and Highway 10 or the freeway. I ask the Commissioners and Council members how they envision moving our growing population across the river in the next 20 years. Are there plans for future expansion of existing bridges? What is the plan if not another crossing? I don't claim to have the expertise of information to know what the answer may be. However, what I am absolutely sure of is the need for proactive thinking to the future of Missoula. Ignoring the issue will not stop the problem. The current crossings are all extremely busy and Reserve is already far above capacities that were predicted far into the future. It is my expectation that it is the responsibility as our City and County leaders to look forward and plan for our growth. Currently, with these questions unanswered, that does not appear to be happening. I would welcome your answer to my questions. -- Vicky Bostick

Chair Curtiss: Most of this would be done through the Transportation Plan, so maybe we could consider just talking about how the future transportation plans will need to look at moving traffic, some version of that.

Commissioner Evans: It was discussed in the transportation meeting, but it was discarded because there is no funding mechanism.

Chair Curtiss: What I meant was that they should make some reference to this, and that she thought it would come up in the future in the transportation planning. I think Laval, Bill and my notes say "consider" and we just struck that last sentence, not the whole thing. Is there something else that we want to add to the transportation issues and this area will continue to be addressed through transportation planning. Transportation planning in the Wye-Mullan area will continue to be addressed through the Transportation Plan. Is there a five year plan?

Jeff Schalow: The Urban Transportation Plan is a five year scale and amended about every five years. That's a very project specific plan that identifies specific things needed. There is also, in the current Unified Work Plan (UWP) proposal to do a transportation study in this Wye-Mullan area as a follow up to this plan. That was put on hold and we would have been into that already other than TPCC put that on hold in favor of the NPO assessments which is currently going on. So, there is that in the works and there will be that opportunity to revisit this issue of crossing the Clark Fork designated. So we will be getting a little more detail of the transportation system in the Wye-Mullan area when we get to that transportation site.

Commissioner Evans: If this transportation committee understood that doing the NPO study would take money away from Wye-Mullan plan study, they would of never done it. But they didn't know that.

Chair Curtiss: Maybe it should say, "Transportation issues in this area will continue to be addressed in future Transportation Plans." But before that we could put a sentence that says, "A detailed transportation study of the Wye-Mullan area is in the UWP for transportation planning."

Laval Means: To tie this together as the focus of the paragraph, we could also say, "An opportunity to look at this overall system." This paragraph is primarily focusing on a north-south system, the north-south arterial collector. An opportunity to look at this overall system will be in the detailed transportation study as a part of the UWP. Or even say "the analysis" of this, instead of calling it just "an opportunity," that might sound a little fuzzier, but "an analysis of this arterial or collector system, as well as others in the area, will be part of a detailed transportation study."

Chair Curtiss: It reads, "The analysis of this collector system, as well as others in the area, will be part of a detailed transportation study of the Wye-Mullan area which is in the Unified Work Plan for transportation planning." Maybe it shouldn't say, "which is in," but "which is"

Commissioner Evans: I'm worried that it should also make reference to the fact that the Corps of Engineers makes decisions as to whether there can be crossings at the river, based on whether there are other ways to accomplish the need. I don't care what kind of wording we use, but there is a definite Corps of Engineers stipulation on whether you can do something in the river if you have other options available.

Chair Curtiss asked if Barbara just wants a simple statement that says the Corps of Engineers approves.

Laval Means: Other agencies, such as the Army Corps of Engineers, would also have to weigh in on the acceptability of such an ability of river crossing.

Chair Curtiss: Vicky, does that address some of your concerns. That is in the work plan, to begin as soon as they are done with the NPO thing, which is expected to be July or August, but they will begin that soon. Is there any other discussion on this item, 11a?

Commissioner Evans: Can I correct what I just said as they are already working on the Transportation Improvement Plan. We are having hearings on it and it's in the works. It isn't just, we are getting started.

Chair Curtiss: We are discussing the detailed study that Mike Kress is going to do that was set aside for the NPO thing, that's all I meant. Are we ready for a motion on this?

Commissioner Carey moved that the Board of County Commissioners adopt the language just created. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Chair Curtiss: On 12, has any information been received back from Public Works on the intersection.

Laval Means: We have not received any information yet, we've sent e-mails but I believe that Greg is on vacation right now.

Chair Curtiss: We will delay issue 12 regarding road problems. So 13, this is the one that the plan has the indicators for the potential neighborhood and community parks that are consistent with the Master Parks Plan. There were no recommended changes, based on this issue. Is there anybody that would like to talk about the Master Parks Plan indicators? Bonnie, I think this was your issue, did you have anything that you wanted to add today?

Bonnie Snavelly: Kona Ranch. It had to deal with, I think at one point, we were showing parks and open space east of the Grant Creek area and there was public comment that rather than there, couldn't we show something for parks further west. Then we had dialogue and have also changed land uses. I think consistently we've been treating the concept of neighborhoods or any kind of park indicator consistently throughout the plan area, so that was how that one came about.

Chair Curtiss: The recommendation is not to change anything.

Colleen Dowdall: That was part of your dialogue. As far as other types of parks and open spaces using the open space designation for land use anywhere else, right.

Bonnie Snavelly: Am I to now understand that you have removed the two neighborhood parks that were not on my property all the way through until the end. So if they are not on there, that would satisfy.

Chair Curtiss: One was actually in regard to finding a bigger piece of park to put further west.

Laval Means asked if they could look at park area further west than the type of parks and open space designation that was considered east of Grant Creek.

Chair Curtiss: Have we already made the decision on the indicator.

Laval Means answered that the neighborhood park issue was 5a and you had talked about it previously and the direction was to move one of the park indicators to be reflective of the Master Parks Plan, but keep the other one on Kona Ranch.

Chair Curtiss: There is one indicator on Kona Ranch that can be incorporated park in some of your plan.

Bonnie Snavelly: The category of a neighborhood park is inconsistent with the type of project we are bringing in. There was a letter that was submitted to you all from the planners that are working on the conceptual master planning of Kona Ranch at this point. We are anticipating either the population base to require this type of park, this type of park was never shown throughout the entire planning process. It just simply appeared in the last couple months out of the blue. I mean literally, it was never there to even comment about.

Chair Curtiss: Have we already made that decision in what we were going to take forward as a Resolution of Intent to Create. At the time that we vote to adopt the whole plan, you can again make your statement.

Bonnie Snavelly: That it is taking of land and there is no adequate provision to accommodate us.

Commissioner Evans: I think that we need to state clearly here that when you bring in your ranch and want it subdivided, there is going to be park requirement based on State law. So to identify, if I understand you correctly, a specific place, even an indicator spot now, is inappropriate. If you want to put something down in regards to the Kona Ranch, it seems to me that you would say that you would meet the legal requirements for parkland.

Colleen Dowdall: I think the indicator is okay because we have language that indicates what it is. It's conceptual and that it's like our wish list, this would be the best place, but if the developer has a different plan, that's what we would look at and then evaluate the subdivision based on that.

Commissioner Evans: I didn't know that she has a preferred place for their park. To set a preferred place for their park, even with a conceptual star, would be a lie, I don't have a particular place.

Colleen Dowdall: I don't think of it so much as a preferred place as we know that this area will be subdivided and that a park will be going there.

Commissioner Evans: Why don't you just say that.

Colleen Dowdall: Indicating it on the map gives us the opportunity to look at the whole map and say that when this comes in, we will have a park here, will have a park here, will have a park here, and it gives you some ability to visualize it.

Laval Means: The indicator doesn't say that the park has to be where the star is at, it's just that general area.

Colleen Dowdall: It is for more than one subdivision at a time. It's as neighborhoods develop and people come to live in those areas and there is a separation between parks, that the parks look for, which is somewhere between a one-half mile radius between them, to come to yet another neighborhood park.

Commissioner Evans: It seems to me that they don't have anything from them, but we know State law is going to require that, we simply should state that State law will require them to put in parkland. When they bring in the plan, we'll look at it and determine if it is acceptable. I still think putting a conceptual star somewhere sends a message to somebody that this is the location that we're likely going to want a park, when I don't have a clue if that's a likely place to put a park.

Colleen Dowdall: Is our Parks Plan more detailed than State law. In other words, we've kind of identified through our Parks Plan, we know that subdivisions are required to do "X" amount of parks, but the Parks Plans identifies the types of plans that we need and the population and such.

Laval Means: The Parks Plan uses the same concept of an elective symbol through their study area. This study area, our Wye-Mullan area, goes beyond that. So this is the particular illustrated spot we are talking about right now, is beyond the boundary of the Master Parks Plan, but continues the same concept of what they did with the Master Parks Plan.

Commissioner Evans: You are making it up.

Laval Means: With the same radius that we use, and the same form of level of service that was used with the Master Parks Plan, but the boundary did not go further.

Commissioner Evans: Why quote the Master Parks Plan that says there should be parks if it isn't even in that boundary. This makes no sense to me.

Laval Means: They refer to the Master Parks Plan for the overall Wye-Mullan plan, and there is a portion off to the west that isn't within the Master Parks Plan boundaries.

Commissioner Evans: Why wouldn't you say that the Kona Ranch will be developing and that State law will require 1/11th or whatever the rule is, parkland would be developed in their subdivision. I don't want to put a spot down as a potential for a park when I haven't even seen what they are going to develop.

Vicky Bostick: This is another area that I have spoken about time and time again throughout this process. Barbara, I truly appreciate that you are looking to the large land owners and not looking at trying to tell them what to do. I don't think as individual homeowners we have that right either. But this, to my way of looking at it, is a

much bigger – we are not trying to, this is a plan, this is only a plan to try to look to the future of what we are doing with this entire area. I think it would be impossible to say, well, we can't put a designation of wanting to look to the future of what we are going to do with the neighborhood park, or hopefully a community park that is larger, or the road grids. All of this is somewhat conceptual. You said that you don't want to do something that is just conceptual. The Wye-Mullan Plan is conceptual in it's entirety to most of the ways that we are looking at this. If there is not some type of look to the future, of what we can do or possibly should do with parks out there, it's no different with roads or with any of the other things that have to be in place. I think just the opposite is going to happen of what you are saying. All we are going to end up with are small, little parks that meet the State requirements. I don't necessarily think that it should have to be on Snavely's land or Flynn's land, that's not what I am looking too. But I really think that all we are going to end up with are these little, tiny parks that accomplish nothing in the end, if there aren't some conceptual looks at the larger picture 20 years down the road.

Commissioner Evans: I think a statement that we encourage a larger park without saying, here is where the star is going to go, on a piece of land that's a map up here, that I do not have a clue what is where and where putting a star there saying we need to put a park somewhere in there. That makes no sense to me. I just say we need to say what we would like is a nicer, larger park and when the ranch develops, she'll have that statement that this is what we would prefer and if she wants it approved, she's likely going to do what we ask.

Laval Means: That is what the indicator language does.

Commissioner Evans: The language is fine, it's putting a star somewhere as an identified conceptual place to put it that makes no sense to me.

Chair Curtiss: I will let Bonnie comment again, but we have already made that decision.

Bonnie Snavely: You made a decision that I would really point out, which was brought up in the letter that was sent to all of you on April 7, 2005, about the inconsistency of these two parks suddenly being put on Kona Ranch.

Chair Curtiss: I think Laval just explained what that is.

Bonnie Snavely: What the problem is was a mapping error and these parks were shown north of Mullan Road for years. In no way did I know that there was a mapping error, never was I given the opportunity of public comment. It does not comply with –

Chair Curtiss: You had three opportunities for public comment on it. Can we just move to the next issue.

Bonnie Snavely: It is a taking of private property.

Chair Curtiss: It isn't taking, it's an indicator.

Commission Evans: Don't argue with her, please.

Chair Curtiss: The one we are looking at is 13 and this is the one that recommended that we try to find neighborhood community parks, there are no recommended changes. Could we just have a motion to go with that?

Commissioner Carey moved that the Board of County Commissioners adopt the language and make no changes.

Commissioner Evans: Please put this on the record, that it says that is consistent with the Master Parks Plan and the Master Parks Plan does not extend there, so I cannot second your motion.

Chair Curtiss seconded the motion. The motion carried on a vote of 2-1 (Commissioner Evans opposed)

Chair Curtiss: The Commission questioned how the new Grant Creek drainage plan would affect this plan. So you gave us an issue sheet earlier on that. Points to Consider: Currently, the floodplain for the Grant Creek area is represented using the DNRC mapping of the floodplain. The Grant Creek Restoration Project is still ongoing; however, County Public Works has worked with consultants to develop a preferred alternative design solution for the area. The project is currently within a stage of seeking funding to implement the design. A proposed post-project floodplain has been developed and could be included as an appendix to this plan. The proposed approach would be to add that as an appendix and that would clarify it.

Laval Means: (inaudible – end of tape) ... background showed previously a copy of information out of the planning document that was prepared. I think it was out of Appendix D from the documents from February of 2005. This showed the proposed project floodplain and then I think that with some of the mapping work that you probably have out front there ... has also digitized that post-project floodplain for you all to see what it would look like. So the idea of what we would end up in as an appendix would be something similar, it could be figure 16 that's in the Appendix D or some version of that, that also includes the easements that are being established adjacent to some of the more narrow places along this potential floodplain. Then we would also need to make a reference to such an appendix back in the water section that would just kind of have to come with it.

Chair Curtiss: Any public comment. Seeing none.

Commissioner Evans moved that the Board of County Commissioners approve this issue. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

Chair Curtiss: Issue 15, this is the one with proposed language changes to the transportation section. There was interest in the proposed George Elmer connection all the way to Airway Boulevard and prioritizing the need for this road to be developed. Do we need to put on record this letter from MDOT?

Colleen Dowdall: At some point we need to talk about the MDOT letter. We haven't talked about it in any work session yet, so that's up to you. What this does is just state what you are considering as proposed additional language in the document to emphasize George Elmer Road and England Boulevard through the language in the plan as well as the strategy under Objective 7 on page 6830.

Chair Curtiss: This is mostly to focus on the fact that we should prioritize these to develop the transportation grid. Is there any public comment on this, prioritizing George Elmer Road and England Boulevard to begin the grid and complete the grid.

Laval Means: You did ask us to check with County Public Works about using the name and it's cleared with the Public Works Department. So, I think earlier I was saying that when you talk about an arterial we will have to introduce it as that name or some way of being consistent in bringing that name into it. That is something else I can do, in the very first paragraph under that excerpts from the plan portion, the part that says Collector Roadway Resolution proposes a main east-west collector (England Boulevard) and a north-south collector (George Elmer) and then create that link between what we mean by the north-south and this name.

Chair Curtiss: Nick, did you have a comment that you would like to make.

Nick Kaufman: I just have some questions, I think I'm okay with the language Commissioners, it's a background question. That question is, is in terms of the extension of England Boulevard to Airway. Is that not part of this language Laval?

Chair Curtiss: George Elmer Road connecting Mullan Road to Airway Boulevard. So are you questioning whether it should say Airway or –

Nick Kaufman: No, if George Elmer isn't mentioned in the Resolution, I'm fine. Thank you.

Chair Curtiss: My only concern about seeing George Elmer connecting to Airway Boulevard, that while it's a great dream, it's expensive. So should it say somewhere or to Highway 10 West, I mean in case that's where it has to go to start with or does it matter?

Commissioner Evans: Why don't we say to Highway 10 West or Airway Boulevard. That at least covers both options.

Laval Means: The excerpts from the documents part, the place where we refer to the north-south collector, we say, like, in the very first paragraph, a north-south collector to enable a connection between Highway 10 West and Interstate 90 and Mullan Road. The next place where we talk about it is when we say that route is being explored for possible connection to Airway Boulevard. That is still in the exploration stage, it isn't a commitment.

Chair Curtiss asked if in the place where they have to connect Airway Boulevard is just in the question itself.

Laval Means: In the discussion-points-to-consider piece, Mike has worked on this, where he talks about the points to consider. They are not the language in the plan right now. Unless in the first paragraph again, are you comfortable with including Interstate 90 in there? Collector Roadway Resolution, yes it starts with that.

Chair Curtiss: Is there any additional discussion on this item? We are ready for a motion on that one.

Commissioner Evans: I would also like to suggest that the end of the sentence that says the estimated cost is \$10,000,000, that we put in a number such as, approximately in 2005, if those numbers are correct?

Laval Means: This isn't the part of the document, these are just points to consider again. It's not actually in the document. So, Mike was just providing background information.

Commissioner Carey moved to adopt this language. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Chair Curtiss: Issue 16 is the proposed language for neighborhood center indicators and potential locations on the land use map. We discussed this in our work session yesterday. I guess our best reference is the map you did yesterday, because not everybody was here.

Laval Means: There are some land use pieces that you looked at previously that we could be able to get into pretty shortly.

Chair Curtiss: For anyone that was not at the work session, what these stars are, are indicators similar to the indicators for parks. We have two colors up there, the white show the indicators for either existing Neighborhood Centers or lots that are already designated through subdivision for that use and the red show need for some in the future. So there are seven on there, total. Are there any other comments or questions on the indicators or did you want to give any more background Laval, about what we mean by them?

Laval Means: What we are proposing, which is being handed out to folks in the audience that may not have had a copy of it, I think you guys have right now – it's the one that has the grey shaded as well as underlined. So this shows some proposed language and the idea here was, while looking at some other land use revisions for the area east of Grant Creek, we were recognizing that neighborhoods center type uses could occur in greater intensity type commercial or mixed use uses. We felt that communicating division for the idea of neighborhood center still should be incorporated, so we came back to you all with the idea of adding, in addition to the land use neighborhood centers that we have in a few places already, that we would also use the idea of a symbol as an indicator to show the potential for it occurring in some future areas. So the new language that is a part of the neighborhood center primarily focuses on that indicator as an overlay where the underlined land use still stays in place. It also emphasizes that the value of that indicator worked best when it is in the transition area between where more primarily commercial uses occur and more primarily residential uses occur or transitions closer to crossroads or something to that. So, that's the kind of language that you see added into this neighborhood center piece, as well as the suggestion for a few other uses that could be a part of neighborhood centers such as a daycare or we were thinking a civic space such as a mail pickup area. With that in mind, we met with landowners in the areas that were primarily residential to talk with them about potential ideas on where those locations could be. Out of that process, which was reviewed by you, we've seen these two red locations show up. One place closer to the commercial neighborhood and one place kind of opposite of it, and closer to the intersection between where we have urban residential and Mullan Road. So that's as far as we got with the idea of neighborhood indicators to help communicate a vision for a neighborhood.

Commissioner Evans: Laval, would you have a problem with adding the word "reasonable" in front of proximity? I'm at land use overlays neighborhood centers, the indicator is a symbol that describes an intention to support or plan for a neighborhood center, uses allowing for flexibility regarding their exact location as long as they are established in proximity, and that's where I would like it to say in "reasonable proximity."

Laval Means: I would not have a problem with that, this is language that I've worked pretty closely with some of the representatives and landowners as well.

Commissioner Evans: I would feel better if proximity could be tied down to what, 50 feet, 100 feet, 200 feet or "reasonable proximity." I just like "reasonable."

Nick Kaufman: We used to say "close proximity" and the word "close" was taken out, I have a huge problem trying to put a distance. Obviously, that develops residentially somewhere in the area as indicated by the star that

will be a neighborhood center. Representing Shelter West and also representing the Flynn family and where that's Mike Flynn, there is too many Flynn's – it's hard to keep track of them. I just don't want a distance in there. Allan McCormick can speak if you would like, with the star on the north, but I'm quite happy and the landowners are quite happy with the word "proximity," because we just don't know. Putting any kind of a distance in there pins it down to something that is already uncertain.

Chair Curtiss: I think you missed what she just said. She just wanted to add the word "reasonable" proximity.

Nick Kaufman: Oh, I thought you said 200 feet or 500 feet.

Commissioner Evans: No, that was my whole point, proximity should be narrowed down. "Reasonable" is a little broader, I'm just trying to help you guys.

Nick Kaufman: I don't know, I think you could interpret "reasonable" as narrower.

Allen McCormick: I'm sorry, I interrupted Nick while he was trying to pay attention to Barbara and I will take the blame for that one. "Reasonable proximity" is fine with us, or "proximity," whichever one you want to use is fine. The question I have is the white star on Mullan Road, the one on the east side, we are trying to figure out what that is. Nick tells me that that is Hellgate Store, M-F (Maryfrances) says that's not Hellgate Store – the one on the east side.

Laval Means: I think it's a sub-district of a neighborhood center, isn't that a neighborhood sub-district with Hellgate Meadows?

Allen McCormick: That dark green there is also Flynn property, we can't figure out what that white star is and apparently it is a new neighborhood center that is sitting on top of a piece of farm land.

Chair Curtiss: Is this suppose to be on one of the Holling Farms proposals?

Laval Means: It's reflective, and I could be in error, but this is reflective of the Hellgate Special District and they're, being a neighborhood center, sub-district right at the – or close to the intersection – close to Mullan Road in that vicinity.

Nick Kaufman: As I recall, there is a neighborhood center zoning district and a park over in this corner, half of which is in what (inaudible) platted, half is in the master plan over here ...

Laval Means: Could I check on that, the intent is to be reflective of the Hellgate Special District and if I am wrong, that was the intent.

Allen McCormick: Our understanding was that the white stars were to reflect existing neighborhood center type areas and we were just sitting back there and couldn't figure out what that one was, so we just wanted to make sure that (inaudible) as an existing one.

Chair Curtiss: We will make sure that this particular star is reflective of Hellgate Meadows Special District.

Laval Means: So it's reflective of either existing in use or existing in zoning and we will check on confirming a location like that.

Chair Curtiss: They put it there because they believed there is one in the Hellgate Meadows Special District – planned. So maybe if that zone hasn't been adopted, it should be red rather than white. The zoning district is adopted it. Is there any other discussion about the neighborhood center indicator concept? Can we put a map with this then, or will it end up having a map, does it say that in this language?

Laval Means: Like being added to the land use map. It's a component that I could actually also add to the potential neighborhoods map, but we've been working with it on land use so it's probably the place we are most familiar seeing it.

Commissioner Carey moved that the Board of County Commissioners adopt the language. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Chair Curtiss: Water supply. We've talked about this at our work session yesterday and we are recommending no changes to the language partly because this concern came from City Council and Councilman Nicholson was here, and I believe it was his concern, and we believe the reference to the fire code addresses the need for adequate water for fire protection. That was what his concern was, to make sure that there was adequate fire protection. So that is 17. Is there any discussion about that? None.

Commissioner Carey moved that the Board of County Commissioners adopt the language. Commissioner Evans seconded the motion.

Chair Curtiss: In other words, no change, right?

The motion carried on a vote of 3-0.

Chair Curtiss: Next we have the MDOT, we have not discussed this in a work session yet.

Laval Means: The part they had discussed was the technical revisions that they were proposing, it's from a letter that came in on May 4th. I probably have some spare copies if I can find them for you. So there was a series of comments regarding technical review of the Wye-Mullan Plan, it was 1-9 of making those revisions as they had suggested. That's the technical pieces I was talking about.

Chair Curtiss: Laval is correct and that was just more language, when to capitalize and different things. Highway 93, and those kinds of things. Missoula International Airport should be capitalized. Is there any discussion on those – the technical changes that MDOT recommended? I see none.

Commissioner Carey moved that the Board of County Commissioners accept them. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Chair Curtiss: We have had a work session on the Dougherty land use potential? Are there any changes and are they reflected? They are mostly the cross hatches up there in the commercial industrial

Laval Means: Correct, the land uses show commercial and industrial from Highway 10 approximately around the current configuration of the Grant Creek floodplain here, coming along the east side of the airport as a buffer and extending from the airport to what would be proposed as Dougherty Drive, that is all commercial and industrial and through into and across England Boulevard for the next twenty. As you go further east of the land use designation of highway heavy commercial. This is a slight revision from the plan the way it was previously, we were showing it as an angle, but we are proposing to stair step it to be a little more reflective of existing zoning as well as existing subdivision in that particular area. The mixed uses and land use designation we were proposing previously and that continues to stay in the vicinity across from Pleasant View and on the west side of Flynn Lane and then into an area where we are getting closer to the area of extended flight path of the existing runway. The community commercial is what is being proposed. There is a slight revision which is because, well actually one of the City Commissioners brought it to my attention – go back and check the amount of land that is shown as school and the conservation area and all that, because he recalls behind the school land that there was still some Dougherty-owned land, and he was right. We were showing public – what was owned by the schools through this line here and actually this partial just to the underside of England Boulevard is also within the school ownership. So that is a revision to that I actually hadn't brought to your attention yet. But that is school-owned, so we were extending the public project land line for that. Then, when you get to the east there, and just below the commercial and industrial land use designation, the community commercial land use designation occurs and then south of that, there was no change to the open and resource designations. After that, we've already talked about these land uses and proposed the revisions in this area to some degree. So those are the land uses and I think that in some ways we are getting – or coming back to – some of the direction we were heading with the land use recommendations from the August draft. One of the exceptions, or the caveats, that we wanted to keep in place from the dialogue that we had, was to make sure that there was recognition of less than ten uses and not having big lots or large places for public assembly type uses within the Extended Approach and Departure Area (EADA) of the existing runway. So we would need to place some type of asterisk or acknowledgement of that within those land uses where that would fall.

Chair Curtiss: Is there any discussion on the land uses that are mostly the Dougherty property? Seeing none.

Commissioner Evans moved that the Board of County Commissioners approve the language. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

Chair Curtiss: So you will be putting an asterisk or some kind of indicator on that big box to our assembly thing then?

Laval Means: They would need some kind of reference.

Chair Curtiss: So we also talked yesterday about shifting a few of the areas out in the 44 Ranch Estates area from 4 dwelling units an acre to 6 dwelling units an acre and then one section – yes, it's the little piece that has the 6 on it.

Commissioner Evans moved that the Board of County Commissioners change the dwelling from 4 to 6. Commissioner Carey seconded the motion.

Chair Curtiss: Is there any comment? None.

Laval Means: This is something that we've talked about before, I know that, I just think that we will need to come back to clarifying language in the plan regarding Extended Approach and Departure Areas off of both the existing runway and any proposed runway and the rationale for land use and how that works with the language in the plan.

Chair Curtiss: Maybe we should say a little bit about the rationale since we didn't. The original plan had some 8's that we lost in there so this helps us regain that back, a little bit of housing back and also just to make it a little more uniform in that area. Is that a basic reason?

Jeff Schalow: Keep in mind that if you do this, it's at the airport's recommendation and the EADA was originally no more than two to four dwelling in this area.

Nick Kaufman: Since we are going to do that, let's put on the record that the second runway is something that is proposed by the airport, that the documentation provided by the airport from FAA documents, that it has not passed the EA, and also in documentation provided by the airport, that the recommendation that no residential are not recommendations of the FAA, but Missoula County Airport Authority.

Chair Curtiss: There is one other piece there about airport ownership that was listed as 4 dwelling units per acre that we talked about doing park and open space – just that little teeny, tiny area in the corner there.

Commissioner Evans moved that the Board of County Commissioners accept. Commissioner Carey seconded the motion. The motioned carried on a vote of 3-0.

Commissioner Evans: I would ask that we recess for the day, I have calls to return.

Chair Curtiss: Yes, and I think these other issues that are left on our list are ones that we haven't discussed in work sessions yet. So, I checked the book before we started and the next opening for work session is Friday the 10th from 9:00 a.m. to 11:00 a.m. Then we can continue the public hearing on Wednesday, June 15th. We hopefully should be able to get through those last four issues unless we find some new ones.

Laval Means: I think again we'll need to work on clarifying the EADA policies and boundaries too, as well, and have that ready.

Chair Curtiss: So we will recess this hearing until June 15th. Is there any other business to come before the Commission?

There being no further business to come before the Board, the Commissioners were in recess at 4:30 p.m.