

PUBLIC MEETING – August 17, 2005

The Public Meeting was called to order at 1:30 p.m. by Chair Jean Curtiss. Also present were Commissioner Barbara Evans, Chief Civil Deputy County Attorney Mike Sehestedt, Deputy County Attorney Colleen Dowdall, Chief Administrative Officer Ann Mary Dussault and County Public Works Director Greg Robertson. Commissioner Bill Carey was on vacation.

Pledge of Allegiance

Public Comment

Travis Hoffman: My name is Travis Hoffman, Advocacy Specialist from the Summit Independent Living Center. We're here to talk about the pedestrian issue on Broadway Street. Here with me today are numerous residents of Eagle Watch Estates and I used to live there myself. I'm sure you guys are all aware of the advocacy we'd been doing over the past week to get something done to improve the pedestrian safety on Broadway, now, rather than a year from now. There have already been five lives lost and it's just a matter of time before the next one is lost. We believe that something needs to be done now and we know this is in the State's hands, the State has jurisdiction over that issue, but you guys have a little bit of political clout. I think you guys, if you supported this issue and helped us relay to the State that something needs to be done now, rather than later, that we could be successful in improving the safety of the street now. Just from personal experience, crossing that street, I've almost been hit there. There are people in this room that have been hit there but were fortunate enough to escape with their lives. Twelve years ago – thirteen years ago – it was the City's prerogative to put a light there, now not so much. While we believe that a light is important, we just hope that something is improved now. It's important that something is done now. With the various projects that are going on around town, this intersection has been a problem for 12-13 years. Malfunction Junction, the City has rerouted the whole South Avenue to save the air quality of Missoula. What that is telling me is that the City – they're saying the air quality is more important than lives. I think that is the wrong priority to have. I believe that's all I wanted to say. Jude is going to pass out a letter written from Max Baucus to the Governor and there's a few news articles attached there from today and from 13 years ago. I will pass the mic.

Kay Brown: I live at Eagle Watch Estates. I moved in there in 1992 and I'm still living there, thank God. I got hit at the end of October in 1992. I was going to have dinner and I went (inaudible). It's been 15 years now and nothing has happened yet. People (inaudible) down on Scott Street (inaudible) at that time. It would be ridiculous to have to go all the way down to Scott Street to go to Hogieville when (inaudible). (inaudible) we have new (inaudible). We can't J-walk and we have to (inaudible) off the street. That's (inaudible) defeating the purpose to have a light down at Scott. When I was – the thing like person when (inaudible) at Scott it did not (inaudible) 4-way at all. The river and Scott Street, you can go right down to the river, down that way. At Burton, it is a street. It is a 4-way stop. I'm here to ask you (inaudible) be now. I've been waiting for 13 years. Thank you. I'm going to (inaudible) what they would 15 years ago to make it better for us. About what happened to me in 1992.

Sheila James: I live at Eagle Watch Estates also. I'm also a peer advocate with Summit. I got hit on Broadway, a little ways down from where the light is, but I lived to tell the story. I also am so afraid of crossing there where the yellow light is because people think that yellow means hurry up because it's going to turn red. I'm so afraid that I won't even cross it by myself not even in my electric chair.

Jude Monson: I work at Summit Independent Living Center. The copy of the information that we gave to you earlier when Travis spoke, I just wanted to walk you through a couple of things in there so you can understand our history and our impatience at this point. You've certainly heard the 13 year old history that we have of experience in this room. This letter went out to Mayor Mike Kadas this morning asking for his support. He also had heard that from Senator Baucus last Thursday. The second page is the letter to the Governor from Senator Baucus. We have spoke with the Montana Transportation Department, Jim Lynch, for over a year. He has promised to meet with us and he has not done that. We are asking and suggesting that the Mayor, the City Council, the County Commissioners and the ADA Representatives and the staff, meet with us and meet with the North Missoula Community Development Corporation as well. What you see in the third page is a letter that was written in 1993. It is to Elaine Shay who was the Public Safety Committee Chair at that time. It was an accessibility consultation that was done by Michael Regnier who was our Access Council at that time. In that process he was basically following up with several requests that we had for ADA compliance starting 15 years ago when the Americans with Disabilities Act was put into place. This particular report was one of at least 50 reports that we had put out that year. If you turn to the fourth page, which actually is page four of the report – we didn't include the whole report for you – you'll see at the bottom two paragraphs. I'm not going to read the whole paragraphs for you but I do want to tell you about some highlights in there. The second to the last paragraph says, "it is my understanding that a traffic light is planned for this intersection," they're talking about California, Toole and Broadway. In that paragraph it talks about safe pedestrian passage. Towards the end it talks about people with disabilities and specifically some of the issues that

they deal with that we can't relate to for those of us who have mobility. It talks about things like fatigue, weather conditions, intolerance to extreme temperatures. I'll give you an example from this morning, of a traffic light and pedestrian crossing that I observed when I was going to the Public Safety and Health Committee. I was on Orange Street and I stopped because I saw an elderly man in a manual wheel chair. He waited for the light to turn green and he began to cross. I started counting, one thousand one, one thousand two, one thousand three, etc. and I got to one thousand twenty and he had just finally made it to the other side of the street but the light had already turned green for the traffic. There was a woman policeman next to me and we waited and everyone else waited. But I don't know how that happens everyday. I just wanted to relate that most recent experience to you. If you look at the last paragraph on page four, it talks about two crossings. The last sentence says something that I think we can all relate to: "However, people with disabilities are no different from anyone else and will chose to travel the shortest distance between two points if possible even at times when it is unsafe to do so." What you've been hearing in the last week is that we are asking for public safety. There's a man who could not make it today because his personal care couldn't get done quickly enough. He spoke Monday night at the council, very eloquently about public safety is not negotiable, not in Missoula and not at this time. In the second paragraph it continues to talk about the intersection of Burton and Broadway. We hope that you continue to listen to the concerns that are going on and hope that you will consider, not only as a Commission, but as the City and County of Missoula, to get together and get all the players together for another meeting. We read the paper this morning about the plans – the latest plans that have been put out and have been tweaked a bit since the last time that Sheila and Gordon Payne and Mike Meyer from Summit, had a chance to look at them about a month ago. We've already asked them if we could sit down at the table with them and look at those plans again. Thank you for your time. I want to see if anyone else would like to speak.

Bob Oaks: I have been involved in this issue for over 10 years. I started working with Kathy Dutton at Eagle Watch when she was the manager there. I'm sad to say that we were unsuccessful in what we tried to do. Since we first started there, there is a body count now, it is quite tragic. I invited all the County Commissioners to a memorial gathering last Tuesday and I don't believe any were able to attend. More troubling than that is that I didn't receive responses from anyone. I can't believe that this is an issue that does not engage the County Commissioners because I know that there is a history of informing the County Commissioners. Myself, I have been, numerous times, to the Transportation Policy Coordinating Committee meetings in which Commissioners have sat and have heard me talk to it. I'm hear again to ask that you show the folks that are here today to speak with you that you are engaged, that you do care and that you will sit down and talk with them and try to come up with an emergency solution. I saw last Tuesday, I'm pretty well briefed on the dangers there, it was very compelling to see 100 people carrying placards and mock up tombstones and a great number of people in wheelchairs who are having trouble getting cars to stop for them at the flashing yellow light. Having seen that, just imagine what it is like for a single individual in a wheelchair to get traffic to acknowledge their right to cross there. I want to thank you in advance. I know you will be responsive.

Commissioner Evans: Bob and the rest of you, I would like you to know that I did bring this subject up yesterday at Transportation Policy Coordinating Committee. They told me that before they could re-stripe the road, they had to have chip sealing to cover the paint. I brought it up again this morning and I'm going to ask Greg Robertson to explain to you, why that needs to be done. I don't have any problem with us asking for a meeting with all the folks that you request. The problem is getting everybody together and then getting the money and the time to get it done.

Bob Oaks: I know it's a problem of time and money but I have noticed that it was supposed to have been – the lane reconfiguration was supposed to have been done last summer but the bids that the State received were deemed inadequate so they didn't do it. It was supposed to be done this summer and federal transportation money was held up and that is the reason they didn't do it this summer. I know that there are other projects being done by the State including the chip sealing, resurfacing of all the interstate ramps in and out of Missoula. I know there is money to do things that are considered more important than others by the State. What we have to do, and we can use the County Commissioners help, as to make it very clear to the State that this is an extremely important project. Otherwise the same thing can happen again next year.

Commissioner Evans: Greg would you like to explain anything? You know more about this road stuff than I do. If there is anything that you could shed light on for these folks --

Greg Robertson: I think a lot of the projects that you're seeing being done were actually relics of the last act and not the new Transportation Act that recently passed Congress and signed in to the law by the President. These have been in program for probably several years, in development and actual building. The chip sealing that you're referring to is very limited time in the northern part of the country that we have to do that. The conditions have to be very warm and the surface has to be very warm for the material to take. The re-striping and lane configuration work – a chip seal needs to be done to obliterate the existing marks, I would presume. Simply grinding or striping over them or painting over them is not really adequate because there are remnants that propagate get through the old

paint. A chip seal is probably the most prudent way to do away with that. We pretty well exceeded our window. Normally the last couple of weeks of July and the first one or two weeks of August are about it for chip seal season for Montana.

Commissioner Evans: If I understand you correctly, it is too late in the year to chip seal? Therefore, they can't reconfigure the lanes at all the rest of this year?

Greg Robertson: Yes. Temperatures are starting to drop. You can see that we're not getting the consistent temperatures. The cooler temps, the 60 and 70 degree stuff that's in the forecast, you're not going to get a good product out of it.

Chair Curtiss: So we don't want you to take that as an excuse. That's an explanation for how some of this stuff works. Is there anyone else who wanted to make comment before we move on in our agenda?

Commissioner Evans: I don't want you to think that we're not listening to you. If the folks who would likely be the contact points would call and leave us your phone numbers, we will write a letter, assuming the rest of the board – I'm speaking only for me – is willing to send a letter to MDT in Helena and tell them that we would like them to come over here. We will have a meeting where we can explain the urgency of the need and see if there is anything they can do so at their very first opportunity, it can be taken care of. We can't control the weather so we may not be able to do anything this year. But that doesn't mean that we're not anxious to help you.

Chair Curtiss: I would agree with Barbara. We can draft a letter to Jim Lynch. He said that he wanted to come and visit Commissioners so this would be a good reason to get him here. If you would like – we'll give you a couple of minutes if folks want to leave before we go on to the rest of our agenda.

Jude Monson: Thank you so much for writing the letter, we would appreciate that. What I would like to say is that several of us have spoke with Jim Lynch over the last year and we appreciate that you are going to put some effort in there. We are also deeply concerned between now and next spring about how many lives will be lost. You need to know that we will hear that and see that and write about that.

Chair Curtiss: Maybe there's another option besides striping that could be there temporary. Anyone else?

Molly Moody: I'm also at the North Missoula Community Development Corporation. I just wanted to give you a list of folks who had attended the gathering who are also interested in a remedy for this situation and people who have volunteered to contact the MDT and the Governor. Folks from City Council who had attended the gathering were Heidi Kendall and Don Nicholson, City Council candidates that came were David Strohmaier, John Couch, John Hendrickson, Tim Lovely and Lou Ann Crowley came afterward and spoke with some folks from Eagle Watch. Also interested folks from the legislative delegation were Carolyn Squires, Greg Lind, Gail Gutsche and there was a short list of folks who responded saying that they would be interested also in holding a meeting with Jim Lynch and sending a message to the Governor and that was Rosie Buzzas, Carol Williams, Holly Raser and John Engen. Those folks would be good to contact if we were to get a delegation of people together through Missoula to – in Missoula and urge for a more immediate remedy before anyone else gets killed on this road.

Chair Curtiss: Molly, do you have a list of those names that you could leave with us?

Molly Moody: I could write that up and leave it with you before I leave.

Chair Curtiss: We were tied up in a meeting that day and we weren't able to get there at noon. Anyone else who wants to make public comment on any subject that is not on our agenda today?

Gordon Payne: I'm a peer advocate for Summit Independent Living Center. I would like to make a statement on that Burton and Broadway crosswalk there. It is absolutely, at this point, a pathetic situation because there is a striped crossing there right now. If you've ever been down that way you'll notice that it starts on the north side of the sidewalk and the stripes angle, they don't go from corner to corner – the stripes angle and they dump right into a motel driveway. Now you have a person here with a seeing dog and you know the person is blind. Do these dogs read straight across the street or can they read the lines and tell the person that is hanging onto the harness, should they angle or what's the situation there. As far as those yellow blinking lights, we're all pretty much – I used to, before my disability 11 years ago, I drove also. Over the years, we've accumulated a lot of cell phones. We've got a four-lane situation there, the inside lane is always the most dangerous one because the person on the cell phone, not paying attention to what's going on – we got the amber light blinking and that doesn't mean anything. You have to really be observed there. A person in a wheelchair or walking with a walker or cane or whatever, it's really a bad situation. As far as that – I don't know if that gentleman is still here – what did you call that surface, chip seal? Does

it seem to be a big problem to get that down this time of the year? Look at Seattle Washington, Wyoming, Denver Colorado, they've got the same problem we have right here and they seem to be able to get it in before the bad weather sets in. They use a lot of torches to heat that stuff. It's a little bit slower process but they can do it in the bad weather. I'm not saying where it is iced over and in three foot of snow but cooler weather they have used a torches to heat that and do that as they go so they can get the asphalt at the right temperature.

Greg Robertson: All asphalt is, asphalt emulsions are heated. It gets the material to flow. The trick is, once you do your shot, you've got to keep your heat in oil long enough to push the rock in so you get your wear surface. If the rock doesn't bind then it just brushes off and it's gone. That's why it is real critical to have good ambient temperatures, or good surface temperatures for that oil to stay warm enough to accept the rock surfacing that will be pushed into it. The window is, when you go further north in the United States it shrinks up significantly. For example, if you're in Florida we could chip seal pretty much most of the year. Up here it is limited to about a month.

Gordon Payne: I was just asking because I've seen it done in Alaska, Wyoming, Colorado, and Washington State. I don't know if they have that same window.

Greg Robertson: It varies significantly.

Gordon Payne: I'm really concerned about this red light thing. I know you people are really interested in this. You've got it in your hearts to understand that something has got to be done immediately because that yellow light is just not going to get it. That's what killed these people in the first place. People don't pay attention like they used to. If you're on the cell phone or you're talking to a passenger in the car at the same time and you got the coffee between your legs and blah, blah, blah. You know how it goes. You've been there. That's all I have to say. Thank you very much for your time.

Diana Mitchell: I'm also a home health care worker. I have a client at Eagle Watch who was hit twice on Broadway last year, in the proper crosswalk, with an orange flag on top of her chair. One of the issues that I would like to address is the lighting, which is so poor. Evening hours, rain on your windshield, it is terrifying. I've left St. Pat's and headed up to Russell, I'm night blind but you really have to work hard because it is bad. Thank you.

James Gibson: I don't live at Eagle Watch Estates but as you can see I have a lot of friends that do live there. I had one friend that lived there and I used to go stay with him quite frequently on the weekends. Every time we would cross that street, I would be terrified to cross because I was afraid that we would get hit. All I want to say is that I've seen five people in seven years get hit there. That's a bit of a problem. That's too many lives. All I want to say is, every time we come to you with an issue like this, you say, oh, we don't have enough money for that this year but we'll get to it next year. Please don't overlook us again because you have us here today but if you over look it again for one more year, you're going to have 10 times this amount plus other ramifications to deal with. All I'm asking is please don't overlook us again.

Ray Orcutt: I'm a consumer in Missoula and have been here for the past 15-17 years. When Bruce Bladder decided to build that apartment building on the site that was granted for him, it was really a good idea and it has been a strong representative for the people – the consumers of Missoula living there. Certain problems have come up and they have passed and gone, this has been a problem for 13 years. I, myself, have lived there for 13 years and was a direct consumer and have worked with this problem. I have not worked directly with City Council but have been working with Sheila James and other consumers in that area for continued development so these issues could be looked upon and raised upon and have a voice for them and with them. Now that two other buildings have gone up there in front for another engagement for the challenged community, this area of necessity really needs to be, not just glanced upon but it needs to be really focused on as a part – because we are consumers of this community and we are in direct relation to, not only consumers but we're also have heavy involvement in employment and those areas of influence are really strong factors toward building a foundation for the continued development of the challenged community. I think these things really do need to be looked upon. I got to the point now that if the light turns green, I head across the street no matter what the people are looking at. It scares them sometimes. I hope that really does scare them because people need to take a quick glance and quick action, and not be on their cell phone. I've sat at street lights and counted how many times people that are on cell phones driving past 3, 5, 10 people that are on cell phones and are not looking the right way. Especially turning a right, when the light is red, they're looking the opposite direction and I'm pulling out in front of them a little ways so they still can't see me. Then when it is my turn to go and I'm going forward and they see me and Oh, my gosh, I didn't see you. No kidding!! How many lives are going to be lost here? Who's the bigger monster. Thank you for listening.

Lynn Kelly: I lived at Eagle Watch about 12 years ago. I almost got hit in that crosswalk twice. By the grace of God I was able to get out of the way of the cars that did not stop and wasn't even looking. I went to a meeting Monday

night, here in the Courthouse. I came back – my vehicle was parked at Eagle Watch Estates – I came back and I was crossing that crosswalk and I almost got hit, again. That's three times. Three times too many. As people have said here today, how many more is it going to be? I appreciate the fact that you people are going to write the letter and I hope that you're really listening to what we have to say. Thank you.

Archie Lopp: I'm fairly new to Montana. I've worked with many people in my lifetime, some that can't speak for themselves. I ask that you – I know you're listening – I ask that you put yourself into a wheelchair crossing this road and when you can, you'll see it the way we do. Thank you.

Chair Curtiss: Anyone else? Again, thank you for coming and we did hear what you said, and we will follow up. You are welcome to stay for the rest of the meeting, but we don't want to make you feel like you have to.

Commissioner Evans: We are working on a project to make the old courthouse and the new courthouse accessible to wheelchairs. It's not yet finished, but they're working on it. One of these days, you won't have to go out of the building and around to get to the other side.

Routine Administrative Actions

Commissioner Evans moved that the Board of County Commissioners approve the routine administrative items adopted the past week and approve the weekly claims lists in the amount of \$430,486.20. Chair Curtiss seconded the motion. The motion carried on a vote of 2-0.

Bid Award (Detention Center): Three (3) Inmate Transport Vans

Captain Willis Hintz, Sheriff's Department, presented the staff report.

Solicitations were advertised and mailed to six dealerships for the purchase of three inmate transport vans. Only Karl Tyler responded. Their bid of \$66,918.00 was below the budgeted amount of \$25,000 per vehicle. It is the recommendation of the Detention Center to award the bid to Karl Tyler in the amount of \$66,918.00.

Commissioner Evans moved that the Board of County Commissioners approve awarding the bid for three inmate transport vans for the Missoula County Detention facility to Karl Tyler in the amount of \$66,918.00 as the lowest, most responsive and only bid. Chair Curtiss seconded the motion. The motion carried on a vote of 2-0.

Consideration: Adoption of Bond Resolution (Jail Bond Refinancing)

Chair Curtiss: Next we have a consideration to adopt the Bond Resolution. The Commissioners held a public hearing on June 28th to consider refunding the Series 1998 Detention Center Bonds, because the interest rates are down and there is a strong market for these bonds. The bonds were sold August 10th in an amount that will save the Missoula County taxpayers \$565,000 over the remaining 13 years. So the action today is to accept that sale. Anything else you want to add, Mike?

Mike Sehestedt: The bonds were originally authorized by a vote of the people. The laws does however, allow us to do refunding bonds without a vote of the people, if it appears in the best interest of the County. \$550,000 looks like the best interest to me, the taxpayer and probably everybody else. We'll go ahead and take whatever action you deem appropriate.

Chair Curtiss: Is this a deal where we authorize the chair to sign?

Mike Sehestedt: I should emphasize that there is no additional debt being acquired. We were authorized \$17 million by the voters. The total debt remains at \$17 million, less whatever we've paid to date. It's not new debt – it's replacement debt. Proceeds of these bonds will pay off the older, higher interest bonds and we will go forward into the future paying on the same amount at a lower interest. Easy way to think of it, it's a straight refinance on your house to go from 7% to 5%.

Chair Curtiss: This amount saves about \$45,000 per year and the taxpayers should see a small reduction beginning next year on their tax bill.

Commissioner Evans moved that the Board of County Commissioners adopt the bond resolution for jail bond refinancing to save the taxpayers' money on interest on the debt and authorize the Chair and the Chief Financial Officer to execute the final documents when received. Chair Curtiss second the motion. The motion carried on a vote of 2-0.

Hearing (Continued from August 10, 2005): Adoption of Building Codes Enforcement Program for Missoula County

Chair Curtiss: Last week we didn't make a decision because the public comment that we received raised some concerns about exempting single-family homes. So I believe that staff has a recommendation of change of language – some options for us to consider today.

Greg Robertson: Based on the comments made last week, let me summarize the three options that you have for you as it relates to single family dwellings and their applicability to the codes. The State Building Codes Bureau has determined that there are three alternatives. The first is to completely exempt single family dwellings from the requirements of obtaining permits and inspections. The second is to not exempt them. The third, which is more of a middle of the road alternative, is to exempt out owner built single family dwellings from requiring permits and inspections. It would be voluntary on the part of the owner as builder. If a contractor were engaged for construction, this exemption would not apply. They would be required to obtain permits. This is something that I would advocate for because it reflects what I seem to have heard during our public meeting process, back in 2004. That is that there are certain elements of society don't care for government intrusion and want to be left alone to do their own devices and to a certain degree, I can understand that, I've been living in the West most of my life. This would recognize that fact and allow them to do their thing without government intervention. My recommendation is to exercise option number three. In discussions with you this morning I took it upon myself to revise the Resolution for your consideration. It should be reinforced that duplexes, multi-family, commercial/industrial would receive full building inspection under the proposed resolution. The only issue that I think was outstanding, that I heard pretty loud and clear during the meetings that I attended and the folks that I have talked to since, was in the area of single family dwelling. So before you is a revised Resolution for your consideration, exercising option three, which would be to exempt owner built and make that voluntary.

Mike Sehestedt: A couple questions. Owner built electrical, are they still?

Greg Robertson: Electrical permits have – this is only from the building permit – it does not apply to plumbing permits, which has its own statutory requirements, but mirrors what the plumbing code says, and that is, if you build it yourself, you're exempt from obtaining permits. However, if you engage the services of a professional plumber, then a permit is required, and that is what the State does now. Electrical permits on new construction, permits are required regardless. However, that's just for the initial connection, if you do something after that, no permits are required.

Mike Sehestedt: I just wanted to be clear on that. Second point, where we say owner built, we're talking about the owner actually building it, not the owner acting as his own general contractor?

Greg Robertson: That's correct. Owner built.

Commissioner Evans: Greg, which you tell us for the record, where the building fee schedule comes from?

Greg Robertson: The building fee schedule I absconded with – plagiarized – I used the City of Missoula's old – they've got quite a bit of experience with this and a hell of an overhead rate. I figure as an initial starting point, this would be reasonable, it's nothing surprising to folks. They will be adjusted upward or downward, as we are limited by State laws how much those fees can be. They will be adjusted accordingly, once we get a little experience with the expected volume.

Mike Sehestedt: The fee schedule is designed purely and simply to make the Building Code Division self-sufficient. We are not allowed by law to divert money from it to general government purposes. That's what Greg was referring to when he said, as we gain experience we will adjust it. If we're taking excess revenue, it will go down and if we're not taking in enough, it will have to go up.

Commissioner Evans: Would you also explained the effective date? I see in the second paragraph, under adoption of codes, it shall become effective upon adoption by the Board of County Commissioners, but you indicated this morning that you need some time for certification.

Greg Robertson: The program is kind of chicken and the egg as it relates to certification. In order to become certified through the State, we have to have a completely assembled program and that includes the hiring of bodies that we can submit their résumés and qualifications as part of the process of certification. We will not be able to implement, even though this is the first step at certification, that's adoption of the codes, we won't be able to begin enforcement until we are certified through the State.

Commissioner Evans: Let me make an assumption then and you correct me if I'm wrong. Let's assume that the State can get that done sometime between now and the first of October. Is it safe to assume that at a date such as October 1, it will be effective? Then also, if we have to have hired people in order for them to certify us so that we can technically hire people, let's say we hire somebody next week. Are they on our payroll but we don't really have a program yet?

Greg Robertson: That's correct.

Commissioner Evans: Okay, as long as I understand it.

Mike Sehestedt: Yeah. Possibly on the effective date, effective on approval by the Board of County Commissioners, subject to approval or certification by the State. On one hand, if we make it effective immediately, people may expect us to be inspecting. I think conditional upon certification, approval by the Commission and certification by the State.

Commissioner Evans: Does it say that in the adoption language?

Mike Sehestedt: I think we can address it in the –

Greg Robertson: I can easily amend it. I left it intentionally off, because this was just dealing with code specific. The program couldn't be implemented until such time as certification through the State.

Commissioner Evans: How much time do they generally take?

Greg Robertson: They told me three to four weeks for final certification once we submit everything.

Commissioner Evans: Roughly around the first of October.

Greg Robertson: It could happen. The one element that we don't know about is the recruiting process. That could take some time. I would be real hesitant to tell you we'd be ready to go on this date.

Commissioner Evans: Not before the first of October. Okay. I'm sure there are people who are interested in that information.

Ann Mary Dussault: Just an additional note on the financial aspects of it. This will be a segregated fund within the Departments of Public Works. We should note in addition to the fact that if these fees happen to be higher than necessary, that the fees the succeeding year will go down. There's also a limitation on the amount of reserves that can be collected and maintained in this program. That's generally the key, because if you have excess revenue, you can always stick it in reserves, but the State was very clear that that is also limited, once you reach that reserve capacity, then the fees have to be adjusted.

Chair Curtiss: Thank you. This is a continuation of the hearing. Is there anyone who would like to a comment today?

Mike Fellows: I do live in Missoula here. When the Legislature had various bills and got rid of the City's control of the doughnut area, we did support that, and we found that it was more of a revenue enhancement program, because the fees that the City brought in were over \$100,000. I do think the free market can provide this kind of service very adequately and the County doesn't necessarily need to get into this business of building code enforcement. I certainly, as we've heard over the years, the Rossignol's out in Lolo that didn't have a permit for doing siding or roofing, I think those things should not have to be permitted. I do think that if contractors are certified by the State, we do have some guarantee that they should be reputable. I also know that some of the insurance companies and the banks also require inspections of homes and things of that nature for insurance purposes. I would urge you to look at those things carefully and see if the free market can provide those things. I'm pretty sure we have people out there that are doing this kind of work. Is it necessary to expend more money for something that is already out there? Thank you.

Chair Curtiss: Mr. Fellows, you were here to hear the testimony last week, so I'll just clarify a couple things. One, in the State of Montana with \$75 and a pickup and a hammer, you can be licensed as a contractor. There really isn't any guarantee that everyone is doing a good job. The other is, by doing what is suggested – which we haven't made a decision on yet – but if we do allow owner built to be exempted, folks like the Rossignol's putting a roof on their own house would not be required to get a permit. Just to clarify that. Any other comment?

Stephen Hutchings: I'm a County resident and I fully support a full program in the County. The one comment just made about certification of contractors, the State doesn't certify anybody, as you say. They don't even license them, they register contractors. Licensing doesn't equate to competency. I would point to the fact that most people in Missoula are licensed to drive, but I will leave that at that. It doesn't take much to get registered. As you said, \$75 and I think that is a two year registration. As far as owner builders, I'm a County resident, about five lots up from me there is a house that is, hands down, the worst example of construction that I've ever seen. I've talked to an appraiser, the gentleman started as a owner builder, doing his own work, trying to save money and I am all for that, that's great. However, this thing is so bad that the bank would not even allow a construction loan to finish constructing the place. It would look better as a pile of debris than it does as a house. There is absolutely no structural value to the place. If this guy were to finish building this house and cover things up, cosmetically it might be able to be made to look okay, but what's inside the walls and what's supporting those walls is never going to be right unless it is torn down completely and started from the ground up. I've seen owner builder that could go one of two ways. Either an owner builder project could be so articulated and so detailed oriented that it is a show piece or it can go to the other extreme and because they don't have expertise in that area, it can be cobbled together and not deceptive and maybe the lack of knowledge and understanding of how building dynamics work. I bought a house out in the County and before I bought it, I noticed quite a few deficiencies and I pointed those out to the people before I bought it and made an offer. I told them, this carport you got here, I don't think it is going to hold much of a snow load. A week later when we had those heavy snows back in 1998 or something like that, it was like this and then a week later it was like this, it collapsed. We bought the place and I proceeded to fix most of the structural problems that I could find, which brings up another point. We were talking about people being able to do this kind of work. Most people will not bat an eye when it comes to paying \$500-600 to have a home inspection. All they can do is look at the cosmetic stuff, topical issues, the condition of a roof, things that are visible. If you had problems with a foundation, they would probably say, yeah, this is cracked. Whereas, if something like that is looked at when it's easily fixed, it could be corrected and prevent problems. I think you have to look to the future, to potential buyers and look out for the next guy too. Some people think "Buyer Beware." I don't think that is the responsible way to handle the growth in the County. As Missoula keeps growing, it's going to be more and more of a problem. I wouldn't even venture to guess how many owner builder projects are good or bad but it's the potential that's there. We have insurance for fires because there is potential for fire. We have insurance on our cars because of the potential for a wreck. I think that building inspections do make buildings safer and more quality product and I would like to see the program go ahead without exemption.

Chair Curtiss: Thank you, Stephen. Any one else who wants to make comment?

Bill Gallihahn: I'm a resident of Missoula County and I live outside the City. I personally am opposed to the County getting into the permit business. I feel it just creates more government and more government is really not what we need. My biggest fear is that they will use our infamous Missoula Office of Planning and Grants for a model. That, in itself, could be disastrous for the rest of the community. If you did decide to go ahead with it, the exemption on a family owned dwellings would be a big improvement. Most people aren't capable of building an entire house on their own, but it shouldn't preclude them from the permit process simply because they aren't getting a contractor involved. It just proves that they are interested enough in doing it right to get it done right. Thank you.

Commissioner Evans: Before we close comment, I would like to hear from the fire folks please. You're here so please come up and talk to us.

Curt Belts: Assistant Chief for Missoula Rural Fire District. As I stated last week, I'm in full support of the County getting into the building codes. When the doughnut law was abolished, that was a terrible thing for those residents and particularly for the fire department, because there is no inspection being done on those homes. Firefighter safety is a big concern. When buildings aren't being built right, people get hurt. In my case, when I worry about my firefighters when those buildings go up, that's a big concern for me. I have a charge to protect them and I take that charge very much to heart. I fully support the County getting into the building codes enforcement. I can support the exemption for the owner built, reluctantly, but I can support that.

Ann Mary Dussault: When this was being discussed in the legislature, Missoula County was very much involved in that conversation, since Representative Haynes from Missoula was the sponsor of the bill. It was abundantly clear from the sponsors and supporters, like Senator Mahlum, as well as Representative Haynes, that their intent was not to keep local governments out of the code enforcement business. Their intent was to end regulation without representation, if you will. The eliminating of the City's jurisdiction in that doughnut area was therefore the end result of that. In talking to both of those people, I think it is fair to say that they not only expected, but in fact supported, the County engaging in the process of, first of all, examining whether or not a code enforcement program was important, and secondly then, proceeding based on your best judgment as the elected officials representing the people in the area under consideration. So I think that is the first thing to be said. The second thing to be said is to remind folks

that the County engaged in a meeting process throughout the County and met in every community throughout the County and really asked the question of should the County engage in a code enforcement program. The Commissioners when out with no pre-conceived notions as to what they were going to do. The result of those meetings, and I would be the first one to say that not a lot of people show up for meetings, they were well publicized and we got comments from ways other than people attending the meeting – 59% of the individuals who responded indicated that they felt that there should be some form of code enforcement program. They felt that it should lie somewhere between what the City does, which is a complete code enforcement program, and what the State does, which is fairly minimal. To that end, while there are certainly extremely compelling reasons why doing a code enforcement program that mirrors the City's and includes single family residential of all type, your consideration of exempting owner occupied or owner built single family residences is a good place to start. I think that is in keeping with what you heard from the public, as we went to all those meetings and yet includes duplexes, triplexes, four-plexes and other residential structures that are clearly mostly commercial in nature, in that they are renters occupying those homes and not owner occupied. I just wanted to put those facts on the record, given what we went through in developing this program.

Chair Curtiss: Any other comment? Seeing none, I will close the hearing.

Commissioner Evans: I have very mixed emotions on this subject because I'm very strongly oriented towards personal property rights and people having the right to not have government intrude into everything. I originally started out on this discussion path a long time ago, not very firmly entrenched in the idea of doing it. But I since have come to the conclusion that there are builders out there that are not terribly responsible. I do believe that we should have the building code enforcement for the County. I am persuaded as a starting point to start with the exemption for owner built and occupied houses. That is a starting point. If over the next year it appears that there is a real safety concern for folks building their own houses, then I would think that we would revisit that issue.

Commissioner Evans moved that the Board of County Commissioners adopt a Building Code Enforcement Program for Missoula County, with the addition that it will take effect after certification by the State and that it exempts owner built and occupied homes.

Chair Curtiss: The Resolution, however, does not state 'occupied.' Does it need to say that? It just says owner built.

Mike Sehestedt: Owner built, but I can make that amendment as soon as I leave the meeting.

Commissioner Evans: Let's discuss that for a minute. Do we think, from a legal perspective, that occupied is important to be in there, from the Public Works side, from the building inspectors side? Owner built doesn't necessarily mean that it won't be occupied by a tenant.

Mike Sehestedt: Definitionally, almost all buildings are built by the owner. It's very rare that you get a trespasser putting a building up. It's like that For Sale By Owner to which you saying, no kidding. I think probably some owner built for owner occupancy might be the best way to phrase it. I think that's what everyone was driving at and I think it's what was understood. I will admit for my own sins that I didn't really pick up that distinction until just now.

Commissioner Evans: And he did that just so he could give me a hard time.

Mike Sehestedt: That's not true, Barbara. It's giving you credit for recognizing something I had missed. I would note also, just so that everybody here is aware – one of the other things that's exempt is, agricultural buildings not designed for human occupancy, so we're not going to be requiring building permits for storage sheds or pole barns and that sort of thing.

Chair Curtiss: So your motion now is for this Resolution, with an amendment to say, owner built for owner occupancy?

Commissioner Evans: Yes.

Chair Curtiss: I would second that motion. The reason that I do is I agree that this is a good place to start. We can reconsider at a later time after we get the program up and running whether we want to try to do all homes. I think this allows people to replace their roof, to build a cabin that take 10 years to get it done, that kind of thing. One of the other things that we talked about last week, and we talked with Greg again this morning, is establishing an advisory committee that is representative of architects, engineers and folks in the trade industry to help us as we design how it is all going to work once we've got some staff.

Mike Sehestedt: I think it will be important to keep that advisory group alive in some form or another to –

Chair Curtiss: – see what's working.

Mike Sehestedt: – meet with the Director of Public Works from time to time to clear the air on issues and problems.

Chair Curtiss: We did take some names last week, but if someone is here today that would like to have their name considered for that committee, if you could leave that with our secretary.

Mike Sehestedt: We'll do an advertisement, actually formally request. I'd like to get a decent spread. I'm sure there is quite a bit of advocacy amongst the trades to work with me on it.

Commissioner Evans: I'd like to thank everybody who has worked on it, everybody who has given us their opinion. It is a difficult issue and I appreciate all your help.

The motion carried on a vote of 2-0.

Ann Mary Dussault: I would like to acknowledge that the Department of Public Works and the Director of Public Works gets a lot of feedback from a lot of folks over a lot of stuff. I'd like to acknowledge that Greg has done an excellent job in taking this from an idea to a reality and doing all the detailed grunt work that needs to be done in putting a program together like this.

Commissioner Evans: I'd second that.

Ann Mary Dussault: Secondly, just for the record, it should be noted, based on a comment, that the City's program is under the aegis Department of Public Works, not the infamous OPG, and similarly, our program will be under the aegis of the County Department of the Public Works.

Chair Curtiss: I would also like to publicly thank you for helping – and Mike – for helping us as we went out to the public, but just framing the whole thing to get the input that we did get from the public.

Consideration: Vollmer Tracts (2 lots on 40 acres) – Nine Mile area

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

Christopher Vollmer, represented by Dick Ainsworth of PCI, is requesting approval of the Vollmer Tracts Subdivision, a 2 lot residential subdivision on 39.12 acres. Staff is recommending approval of the subdivision subject to five conditions.

The parcel is unzoned and is located outside of the Urban Growth Area, 10 miles up the Ninemile Valley. There are two inholding parcels, Deed Exhibits 440 and 495, that are not part of this subdivision and comprise the remaining 0.88 acres of the 40 acre quarter section. The property is within an area designated by the Comprehensive Plan as Open and Resource, with a recommended maximum density of one dwelling unit per 40 acres. The property is close to the Ninemile Community Center and well within the Ninemile Activity Center, where new development is encouraged.

The property is accessed from Kennedy Creek Road, which runs north-south through the property and functions as the dividing line between the two proposed lots. Subdivision Regulations require a minimum paved surface width of 24 feet. Kennedy Creek Road is unpaved with a surface width of 16 feet in a 60 foot right-of-way. The applicant is requesting a variance from the minimum paved road width requirement. The Public Works Department supports the variance request because it is a very rural area and the addition of one lot will not affect the level of service. Staff is recommending approval of the variance request.

Subdivision Regulations require driveways to have a grade that does not exceed 10% for a maximum of 50 feet with the approval of the fire jurisdiction. The existing driveway to the home on Tract 1 and the proposed driveway to the home on Tract 2 have a grade that is 10% or greater for more than 50 feet. The applicant has requested a variance from the driveway maximum grade requirement. The Public Works Department commented that they supported the variance request, subject to more stringent review and approval by the Frenchtown Rural Fire District. Staff is recommending conditional approval of this variance request and recommending a condition requiring a development covenant that would require final driveway design be reviewed and approved by the Frenchtown Rural Fire District.

The property is primarily covered in coniferous trees. Staff is recommending a condition that the applicant file a development covenant that includes Wildland/Residential Interface (WRI) protection guidelines. Frenchtown Rural Fire District commented that a residential sprinkler system meeting NFPA 13D standards will be required in the new home; that fuel reduction work must be completed and approved by the Fire District prior to construction of the new home; and that roads and homes must have County approved addressing. Staff is recommending these as conditions.

Fish, Wildlife and Parks indicated that property owner's responsibilities for living with wildlife are important for this subdivision. Staff is recommending a condition that items/issues identified by Montana Fish, Wildlife and Parks be included within a development covenant signed by the property owners. FWP also commented that the 50 foot buffer along either side of Kennedy Creek is a good measure to help protect the stream, but that it should include "no large scale disturbance" to ensure that the riparian area is protected from overgrazing by livestock. The riparian plan states that the designated Riparian Management Area is intended to protect and manage the riparian areas along the Creek. It states that the area shall be kept free of structures, however, the plan does not address fencing and grazing. Staff is recommending a condition that the Riparian Resource Management Plan be included with the Development Covenant and that language be included that provides greater specificity regarding use within the No Build/No Improvement Zone.

Chair Curtiss: Dale, in regard to the Wildland/Residential Interface, doesn't the Frenchtown Fire also do fire permits or something like that?

Dale McCormick: Yes, they do. What this would do is basically take that section of the Subdivision Regulations, Appendix 8 I believe it is, and because there were no covenants that were proposed with this subdivision, it would make that part of the covenants that would go to the lots.

Chair Curtiss: Okay. Is the developer's representative ready?

Dick Ainsworth: I'm here representing Christopher Vollmer. I'm with Professional Consultants. I'd like to thank Dale for his assistance with this project. We're in agreement with the conditions. Five conditions sound pretty good, of course, one of them is about four pages long. For what it's worth, I might add, that the Kennedy Creek the pristine creek that we're protecting with riparian resource areas, had a gold dredge that went down the full length of it several years ago, so any resemblance between the creek that was there once upon a time and what's there today is purely coincidental.

Chair Curtiss: Did they find any gold?

Dick Ainsworth: I don't know that.

Chair Curtiss: They didn't leave any, huh.

Dick Ainsworth: It has been disturbed significantly over the years. This division basically is dividing this property along the road, which is a logical division of the property. The home that's on the south side is on a lengthy driveway, but it has been up there for a number of years. The driveway has been adequate to serve it, unfortunately the fire department had some other things over the last month, so they haven't been able to look at these. But, knowing Scott, I feel comfortable that we can work that out with him and so we're okay with the conditions as proposed. I'm here to answer questions if you have any. Thank you.

Chair Curtiss: Any questions? Is there anyone that wants to make any other comment on this proposed subdivision? It's not a hearing, so we don't have to close.

Commissioner Evans moved that the Board of County Commissioners approve the variance request from Section 3-2(1)(G) and 3-2(3)(B) of the Missoula County Subdivision Regulations to vary from the required 24 foot paved surface width to allow the existing 16 foot gravel surface for Kennedy Creek Road, based on the findings of fact in the staff report; and conditionally approve the variance request from Section 3-2(1)(I) of the Missoula County Subdivision Regulations to vary from the maximum driveway grade of 10% for more than 50 feet to allow the existing grade for Tract 1 and the proposed grade for Tract 2, based on the findings of fact in the staff report. Chair Curtiss seconded the motion. The motion carried on a vote of 2-0.

Commissioner Evans moved that the Board of County Commissioners approve the Vollmer Tracts Subdivision, based on the findings of fact in the staff report and subject to the conditions in the staff report. Chair Curtiss seconded the motion. The motion carried on a vote of 2-0.

Vollmer Tracts Subdivision Conditions of Approval:

Roads

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

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

Fire

2. The following statement shall appear on the face of the plat:

“Acceptance of a deed for a lot within this subdivision constitutes waiver of the right to protest a future RSID/SID for a public water system for fire protection, based on benefit. The waiver shall run with the land and shall be binding on the transferees, successors and assigns of the owners of the land.” *Subdivision Regulations Article 3-7(2).*

3. The developer shall contribute a fire service fee of \$530 per new lot to the Frenchtown Rural Fire District for fire protection purposes. Payment of this contribution shall be verified prior to final plat approval. *Subdivision Regulations Article 3-7(1) and Frenchtown Rural Fire District recommendation.*
4. Prior to construction of any new residence, fuel reduction work and plans for installation of a residential fire sprinkler system shall be approved by the Frenchtown Rural Fire District. *Subdivision Regulations Article 3-1(1) and Frenchtown Rural Fire District recommendation.*

Covenants

5. A development covenant shall be filed, subject to review and approval by OPG and the Missoula County Attorney’s Office, which includes the following sections:
 - A. “This Development Covenant may not be amended, modified, added to or deleted without the written consent of the governing body.”
 - B. Appendix VIII of the Missoula County Subdivision Regulations (Wildland/Residential Interface Vegetation Reduction Guidelines).
 - C. “Buildings shall not be located closer than 25 feet to any property line. Interior residential fire sprinklers meeting NFPA 13D standards shall be installed within the new home for purposes of fire protection, subject to review and approval by the Frenchtown Rural Fire District.”
 - D. “Dead-end driveways in excess of 150 feet in length shall have approved turnarounds for fire apparatus. A turnaround shall be located within 150 feet of the building. A minimum unobstructed width of not less than 20 feet and an unobstructed vertical clearance of 13 feet 6 inches shall be provided for any driveway over 150 feet. The opening through a gate should be 2 feet wider than the road. Final design shall be approved by the Frenchtown Rural Fire District.”
 - E. “All homes shall have address signs clearly visible from the street and must be visible in all light conditions and at all hours of the day. Address signs should clearly identify the property.”
 - F. The Riparian Resource Management Plan presented in the submittal shall be included in the Development Covenant with the following amendment:
 - B. Low-impact use of the area, add the following:

“Low impact use in the No Build/No Improvement Zone – Area of Riparian Resource – Buffer is defined as the prohibition of all motorized vehicle access, except at the driveway crossing for Tract 1; parking or storage; building structures; fences (except for wildlife friendly fencing on the boundaries of the property); roads; livestock grazing or watering; or any other development. Low impact use in the No Build/No Improvement Zone – Area of Riparian Resource – Buffer shall also prohibit any grading, mining, cutting, burning or removal of live or dead vegetation (except if needed for fire prevention or

noxious weed control), filling with substances such as gravel, soil, slash or other debris or the planting of non-native vegetation such as lawn grasses.”

- G. “The landowner shall revegetate any ground disturbance with beneficial species at the first appropriate opportunity after disturbance occurs in compliance with the attached Revegetation Plan for Disturbed Sites, and maintain the property in compliance with the Montana County Noxious Weed Control Act and the Missoula County Noxious Weed Management Plan.”
- H. “The property owners within the Vollmer Tracts Subdivision are advised that Missoula County has high radon potential and all new construction should incorporate passive radon mitigation systems.”
- I. “Living with 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, elk, black and grizzly bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Department of Fish, Wildlife and Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners “live with wildlife.” Alternatively, see the Education portion of FWP’s web site at www.fwp.mt.gov.

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.

1. Homeowners must be aware of the potential for vegetation damage by wildlife, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
2. Gardens and fruit trees can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears, skunks and other wildlife. 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.
3. Garbage must be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons and dogs. Do not set garbage cans out until the morning of garbage pickup.
4. Do not feed wildlife or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against State law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in “an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.” Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
5. Bird feeders attract bears. Use of bird feeders is not recommended from April 1st through the end of November. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level; b) be at least 4 feet from any support poles or points; and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds
6. Pets must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current State law, it is illegal for dogs to chase hooved game animals and the owner may also be held guilty (MCA 87-3-124).
7. Pet food and/or livestock feed must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such bears, mountain lions, skunks, raccoons, and other

wildlife. When feeding pets and/or livestock do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.

8. Barbecue grills must be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
9. Consider boundary fencing that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer and elk becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
10. Compost piles can attract skunks and bears and should be avoided. 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.)
11. Apiaries (bee hives) could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife and Parks or the U.S. Fish and Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)” *Subdivision Regulations Article 3-1(1), 3-1(10), Frenchtown Rural Fire District, City-County Health Department, Weed District, FWP and OPG recommendation.*

Hearing: Rezone 315 Minnesota Street (East Missoula) from C-C2 (Commercial) to C-R2 (Residential)

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

This is a request from Jack Ballas and others to rezone the property located at Lots 1-8, Block 24 and Lots 12-15, Block 25, East Missoula Addition, for the purpose of retaining the residential character at this location. The applicant is proposing to change the zoning of the property from C-C2 (General Commercial) to C-R2 (Residential). County agencies and surrounding property owners within 300 feet of the area of rezoning were notified of the request. No public comments had been received as of issuance of the staff report.

Mr. Ballas, the applicant and owner of Lots 12-14, Block 25, is joined by other applicants, including: Edith Kolppa, Lot 15, Block 25; Beverly Erb, Lot 1, Block 24; Donald and Joan Schusted, Lot 2, Block 24; Michaela Getschman, Lots 3 and 4, Block 24; and John Loran, Lots 5-8, Block 24, East Missoula Addition.

The Missoula Urban Area Comprehensive Plan 1998 Update designates the area of rezoning as “Community Commercial.” This land use description makes no reference to residential uses and therefore provides little guidance in the concept of mixing uses with certain parts of a community. The land use designation to the south and east of the proposed rezone is Urban Residential, 6 dwelling units per acres and is mostly unzoned. The property to the north and west of Highway 200 has a land use designation of Highway/Heavy Commercial and is also zoned C-C2. Adjacent uses to the northwest are primarily automobile-oriented and general commercial type uses, such as motels, used car sales and a diner. The uses are between Minnesota Avenue and Highway 200 and are typically oriented toward Highway 200. Existing uses to the east and west are also primarily general commercial with a mix of residential.

The existing C-C2 zoning district allows a one family dwelling as a conditional use in the same building as other allowed commercial uses. The properties proposed to be rezoned do not include commercial uses. The property is currently developed with single family residential uses and the applicants desire to retain that use as well as allow the possibility of Multi-Dwelling Residential uses less than 36 feet high as a conditional use and greater than 36 feet high as a special exception. On the properties proposed to be rezoned, Minnesota Avenue serves as a dividing line between the Highway/Heavy Commercial uses to the northwest and residential uses to the southeast. The goals and objectives of the Urban Comprehensive Plan emphasize the need to establish transitions between areas. The proposal to rezone from C-C2 to C-R2 will create a zoning district that serves as a higher density residential transition between the unzoned residential area to the southeast and the commercially zoned lands to the northwest along Highway 200. It will also make the use conforming with the zoning.

The property is accessed from Minnesota Avenue, a two lane neighborhood street between Speedway Avenue, a collector street, and Highway 200. All of the lots proposed to be rezoned share an alley that runs along the back of the lots parallel with Minnesota Avenue. Residential uses permitted in the C-R2 zoning district will demand fewer

parking spaces than commercial uses permitted in the C-C2 zoning district. The East Missoula Fire Station is located one block to the south on Speedway Avenue and the property is located within an established service area for Missoula hospitals and the Sheriff's Department.

There is no minimum lot area requirement in the C-C2 zoning district. The C-R2 zoning district has a minimum 5,400 square foot lot size and a maximum density of 16 dwelling units per acre (2,722 square feet per dwelling unit). Typical lots in the East Missoula Addition are 40 feet by 120 feet (4,800 square feet). The C-C2 zoning district has a maximum 45 foot building height, no minimum lot width, a 25 foot front yard setback, a 10 foot rear yard setback and no side yard setback. The C-R2 zoning district has a maximum 72 foot building height, a 50 foot minimum lot width, a 25 foot front yard setback, a 25 foot rear yard setback and a 5 foot or one-third building height side yard setback.

Three of the applicants have one dwelling unit on one lot. Lot 1, Block 24; Lot 2, Block 24; and Lot 15, Block 25 are non-conforming lot sizes if this zoning change is approved. The other applicants have one dwelling unit on two or more lots. Chapter 3 of the Missoula County Zoning Resolution requires buffering, including setbacks and landscaping, between commercial and residential uses. All of the lots proposed to be rezoned contain single family residential structures considered legal non-conforming uses in the C-C2 zoning district. Rezoning to C-R2 will allow existing residential structures to be conforming uses.

The request to rezone to the C-R2 zoning district will bring the uses on the property more into compliance with zoning, provide for uses that will transition between the existing residential and commercial areas and meets the goals and objective of the Comprehensive Plan. The Missoula Consolidated Planning Board, with 4 members present (without a quorum), conducted a public hearing on this request on Tuesday, August 2, 2005 and voted unanimously to recommend approval of the rezoning request subject to one condition of approval. The condition would ensure that Mr. Ballas would be allowed to locate a mobile home on his property that is less than 5 acres.

Chair Curtiss: Is the developer's representative ready, or the developer, either one?

Jack Ballas: I'm the owner of the primary property in question. This came about as I needed an individual to help me care for my wife. She has a mobile home that is located in Frenchtown and for the last year she has been driving every day from Frenchtown to Missoula to help me care for my wife. I've been trying to come up, for the past year, on how to help with these expenses. I think the easiest way is, if I could take this extra lot that I have and allow her mobile home to be put on it, then she would be next door to help me take care of my wife and then I would be able to be free to pursue other interests, as I've been involved in the community for a number of years. This is the option the Planning and Grants have requested that I try to take. So I ask you for your consideration on this project.

Chair Curtiss: Thank you Mr. Ballas. This is a public hearing so I will open it up for any other comment. There were a couple of things that came up in our briefing on Monday. One was the Planning Board's recommendation for a new condition that says mobile homes shall be permitted in this zoning district. We'd like Colleen to clarify, on the record, why – not that we don't want you to have that use, just that we don't want that condition on here that doesn't work.

Colleen Dowdall: For many years we have not enforced that provision in our zoning resolution. In each district, we say that there can be no mobile homes except on parcels greater than five acres. Sometime in the early '80's, there was a Montana Supreme Court decision that said that local zoning could not have a provision that resulted in excluding mobile homes and our office has interpreted that provision of the zoning resolution to exclude mobile homes. So we do not enforce that provision. In requesting a rezoning, in this case, the property would be going to a County zone and not to a special district. To add anything to that district, it would have to apply to all the like zoning districts. We haven't provided appropriate notice for doing that. It is something that we have to take care of in future revisions to the regulations that we haven't.

Commissioner Evans: Does Mr. Ballas recognize the fact that even though we don't put this in as the condition, that will be an allowable use in your case here?

Jack Ballas: Yes, I recognize that fact.

Chair Curtiss: One other thing that came up is something in regard to the fact that Mr. Ballas owns three lots, but the one lot that he wants to put the mobile home on has a different ownership name, so therefore, he would be allowed to use that even though I believe it is going to be smaller than is listed in this type of zoning.

Colleen Dowdall: The minimum lot size for this zone is 5,400 feet, although it is zoned 16 per acre. His lots are each 4,800 square feet. We have a provision in our zoning that says, if you own contiguous lots, you must use all the lots to comply with space and bulk requirements. However, Mr. Ballas owns two of the lots under one ownership

name and the third one is under a different type of ownership. In my opinion, that satisfies the requirement to make this a legal non-conforming lot.

Chair Curtiss: We just wanted to make sure that all those things were on the record so that somebody doesn't tell you somewhere down the road that you can't put a mobile home on that lot.

Jack Ballas: When I talked to Dale last Friday, I told him that there was a Quit Claim Deed on the two lots. Yesterday, I did pick up a copy of that and it is recorded so that the two Lots 13 and 14 do have a Quit Claim Deed to myself only, and the Lot 12 is joint with my wife and I, so there is a division of ownership there.

Chair Curtiss: Thank you. This is a public hearing. Is there anyone else who wants to make comment? Seeing none, I'll close the hearing.

Commissioner Evans moved that the Board of County Commissioners approve rezoning Lots 1-8, Block 24 and Lots 12-15, Block 25, East Missoula Addition, from C-C2 (General Commercial) to C-R2 (Residential), clearly indicating on the record that a mobile home will be allowed even though that has not been made a condition of approval as recommended by Planning Board. Chair Curtiss seconded that motion. The motion carried on a vote 2-0.

Hearing: Olympic Addition (16 lots on 18.5 acres) – Corner of Houle Creek Road and Mullan Road

Jennie Dixon, Office of Planning and Grants, presented the staff report.

This is a request for Robert and Justin Johnson represented by Gordon Sorenson to create the Olympic Addition Subdivision. It is located three and a half miles west of the Frenchtown interchange at the north east corner of Mullan and Houle Creek Roads. The subdivision would create 16 lots on 18.5 acres. There are two variance requests accompanying the subdivision request. The first is to not widen Houle Creek or Mullan Roads to the required 32 feet and allow them to remain at 22 feet. The second variance is to allow Lots 2, 4, 6, 12 and 14 to be through-lots. Staff recommends approval of this subdivision with 15 conditions and approval of both variance requests.

In order to mitigate the density and the impact from the proposed subdivision the applicant has proposed transferring density from Government Lots 4-6, totaling approximately 107 acres, located in Section 18 about three miles north of the site. A condition of approval requires the owners to actually file a development covenant against Government Lots 4-6 indicating that all density except for three dwellings have been transferred from that parcel to the Olympic Addition Subdivision.

First, I would describe that the property is accessed off of Mullan Road and Houle Creek Road with two new cul-de-sac roads accessing the lots in the subdivision. Kerrigan Court comes off of Houle Creek Road and Harding Court comes off of Mullan Road. Those will be constructed at County standards, 24 feet wide within a 60 foot right-of-way, 2 foot shoulders and drainage ditches on both sides. A 5 foot wide paved path is indicated along the north side of those two cul-de-sac roads connecting from one end of the cul-de-sac to the next one. Staff recommended a condition that extends the walkway from Harding Court down to Mullan Road. A condition of approval also requires a 5 foot wide paved pedestrian pathway on the west side of Houle Creek Road to connect to the AJ Memorial pathway. This was also a condition of Houle Meadows Subdivision approved by the Commissioners in February 2005.

The applicant proposes cash-in-lieu of parkland and staff recommends approval of that proposal. Planning Board conducted their hearing on August 2, 2005, and with no quorum present, they recommended approval of the road width variance and therefore have no recommendation on the through-lot variance nor on the subdivision. However, they did recommend changes to the conditions contained in the staff report and those are shown on Pages 2-6 of your Request for Commission Action. You have motions before you in the Request for Commission Action with Planning Board recommended conditions showing a change to Condition 2, which is deleting a No Build Zone along Houle Creek Road and leaving the No Build Zone along Mullan Road. That is to mitigate the through-lot variance along Mullan Road. The Planning Board did add the No Build Zone on Lot 8. They also clarified Condition 4 by changing the location of a phrase, to put it in the front of the sentence instead of at the end of the sentence, which I think does help. With that, those were their changes to the conditions. That's the conclusion of my staff report.

Chair Curtiss: Is there someone from the developer that wants to speak?

Gordon Sorenson: Surveyor and engineer representing Robert and Justin Johnson. I want to thank Jennie for being so good to work with on this project. When we started, we looked like we were going to have some problems but we really didn't. With the changes on that No Build Zone on the west and then rephrasing that Item 4 of the

conditions, we have no problem with the conditions. The trail going along the west side of Houle Creek over to the AJ Memorial, the Johnson's will share with Bidlake and Sheppard in the construction of that. Just about have the permit from the railroad. The railroad will put a 5 foot extension on the planking or whatever you call it, along the rails, like you drive over, so the trail will have that. Then under the highway overpass, the pathway will go through at the same grade as the road, there will be excavation of the earth embankment coming down with a retaining wall 5 feet inside those columns. With that, I really have nothing more to say. I'm available for questions. And I think Kirby has a comment too.

Chair Curtiss: Thank you, Gordon. Other comments?

Kirby Christian: I represent Johnson Brothers with regard to this matter as well. I wanted to address a couple of comments that were made at the Planning Board meeting, particularly as it related to Comprehensive Plan issues or agricultural issues as it involves this property. I think it's important, when we're looking at the agricultural uses, and that is one of the issues that you can consider, obviously, is whether this has any significant impact to agricultural. I wanted to express the fact that it is an 18 acre parcel that is bounded by Mullan Road and also bounded by the Interstate and railroad tracks. As far as an economic use, it really has no significant agricultural value. It does have good soil as was noted in the staff report. We concur with staff's position that it is not an economically viable agricultural use or one that should be protected in this instance. The other issue has to do with Comprehensive Plans. Jennie and I have had this conversation before, I know you folks have heard this issue before, but basically, it can't be used as the sole basis for turning down a subdivision. I would submit in this situation, should not be used as a condition at all. I think staff has worked very closely with the land owner and even though they are probably not obligated to make a density transfer, have recognized the significance of an unzoned large acreage that's up in the mountain area and the ability to preserve that as part of this plan. I want to commend staff and, frankly, my clients for working together to make that possible. Thank you.

Chair Curtiss: This is a public hearing. Is there anyone else who wants to make comment? Seeing no one come to the mic, we'll close the hearing. You guys just let the other subdivision take all the flack and you got none. I guess we're ready for a motion. Colleen, what do we do in regard to the fact that – I guess we can still consider Planning Board's changes, even though we know they didn't have a quorum.

Colleen Dowdall: What, I think, their bylaws say is that they will still make a recommendation noting that a quorum wasn't present. What State law requires on subdivisions is that you just get Planning Board's input.

Jennie Dixon: Also, Jean, if I could just add that the Condition 2 that they modified was actually a recommendation of staff at Planning Board – not for the yellow, but to delete the No Build Zone on Houle Creek Road. If you were to adopt their recommendations, that would differ from staff's, it would simply be to add the yellow No Build Zone. If you wanted to add a finding in terms of mitigating – it would be the same finding of the other No Build Zone.

Commissioner Evans moved that the Board of County Commissioners approve the variance request from Section 3-2(3)(B) of the Missoula County Subdivision Regulations requiring a 32 foot surface width for Mullan Road and Houle Creek Road, based upon the findings of fact. Chair Curtiss seconded the motion. The motion carried on a vote of 2-0.

Commissioner Evans moved that the Board of County Commissioners approve the variance request from Section 3-3(H) of the Missoula County Subdivision Regulations prohibiting through-lots on Lots 2, 4, 6, 12 and 14, based upon the findings of fact. Chair Curtiss seconded the motion. The motion carried on a vote of 2-0.

Commissioner Evans: They voted to deny a variance request to allow for through-lots on Lots 2, 4, 6, 12 and 14. I don't agree with that and I moved that we approve the variance.

Commissioner Evans: I would also move that we delete the no-build zone along Houle Creek. Is that right, Jennie?

Jennie Dixon: If you make a motion to adopt the conditions as recommended by staff by Planning Board, it does that.

Commissioner Evans: Okay, that's my motion.

Jennie Dixon: Do you want to keep the yellow no-build zone?

Commissioner Evans: I really don't care one way or another and neither does the developer, so as far as I'm concerned, to be consistent, it also can be red.

Jennie Dixon: Then what you want are Planning Board's recommended conditions.

Commissioner Evans moved that the Board of County Commissioners approve the Olympic Addition Subdivision, based upon the findings of fact and subject to the recommended conditions of approval as amended by Planning Board. Chair Curtiss seconded the motion. The motion carried on a vote of 2-0.

Chair Curtiss: Do we need to refer then that the findings reflect that the new yellow shown on the map would have the same findings as the red?

Commissioner Evans: We've done the road, is that correct? We've done the through-lots.

Olympic Addition Subdivision Conditions of Approval:

Density Transfer

1. The subdivider shall file a development covenant against Government Lots 4, 5 and 6 located in the north one-half of the northwest one-quarter and the northwest one-quarter of the northeast one-quarter of Section 18, Township 15 North, Range 21 West, P.M.M., indicating that all density excepting three density rights has been transferred from this tract to the Olympic Addition Subdivision, subject to review and approval by the County Attorney's Office and OPG, prior to final plat approval. *Subdivision Regulations 3-1(1)(I)*.

No Build Zone

2. The plat shall be revised to show a No Build Zone along the southern 80 feet of Lots 2, 4, 6, 8, 12 and 14 (measured from edge of right-of-way of Mullan Road). The No Build Zone shall be kept open and free of structures, including buildings, mobile homes, garages, carports, etc. The No Build Zone does not exclude fences, underground utilities, water wells and septic systems. A map of the No Build Zone, and the above provisions of the No Build Zone, shall be incorporated into the covenants and may not be changed or deleted without approval of the governing body. *Subdivision Regulations 3-1(5), 3-1(9), 3-3(H) and OPG recommendation.*

Fire

3. The subdivider shall provide a means for fire suppression for this subdivision either by providing a minimum 1,000 gpm water supply or residential sprinkler systems. Final plans for fire suppression shall be reviewed and approved by the Frenchtown Rural Fire District prior to final plat approval. These plans shall be incorporated into the covenants and may not be changed or deleted without governing body approval. *Subdivision Regulations 3-1(1)(F) and 3-7(1)*.
4. Prior to final plat approval, the covenants shall be amended to include the requirement that driveway plans shall be reviewed and approved by Frenchtown Rural Fire District. This section of the covenants may not be changed or deleted without governing body approval. *Subdivision Regulations Article 3-2(10)(E)*.
5. Plans for addressing buildings so that address signs are clearly visible from the street shall be reviewed and approved by the Frenchtown Rural Fire District and included in the covenants, and may not be changed or deleted without governing body approval. *Subdivision Regulation Article 3-1(1)*.
6. The developer shall provide proof of payment of \$530.00 per new lot to Frenchtown Rural Fire District prior to final plat approval. *Subdivision Regulations Article 3-7(1)*.

No Access Strip

7. A One Foot No Access strip shall be shown on the plat along Houle Creek Road and Mullan Road, except for the approaches for Harding Court and Kerrigan Court and the driveway to Lot 16, subject to review and approval by OPG and County Public Works, prior to final plat approval. *Subdivision Regulations 3-2(1)*.

RSID Waivers

8. The following statement shall appear on the face of the plat:

"Acceptance of a deed for a lot within this subdivision shall constitute a waiver of the right to protest a future RSID/SID for a community water and/or sewer system, based on benefit. The waiver shall run with the land and shall be binding on the transferees, successors and assigns of the owners of the land." *Subdivision Regulations Article 3-7.*

9. The following statement shall appear on the face of the plat:

“Acceptance of a deed for a lot within this subdivision shall constitute a waiver of the right to protest a future RSID/SID for improvements to Mullan Road, Houle Creek Road and all interior roads, including, but not limited to, paving, drainage facilities, curbs and gutters, pedestrian walkways or bikeways, based on benefit. The waiver shall run with the land and shall be binding on the transferees, successors and assigns of the owners of the land.” *Subdivision Regulations Article 3-2(3)(E)*.

Pedestrian Walkways

10. The 5 foot wide paved pedestrian pathway on Harding Court shall extend south to Mullan Road, subject to review and approval by OPG and County Public Works, prior to final plat approval. *Subdivision Regulations 3-2(1)*.
11. The subdivider shall install a 5 foot wide paved pedestrian pathway on the west side of Houle Creek Road, extending from Shepard Drive to Frenchtown Frontage Road to connect to the AJ Memorial Pathway, subject to review and approval by Missoula County Public Works and the Department of Transportation, prior to final plat approval. *Subdivision Regulations Article 3-2*.

Driveways

12. Plans for paving of driveways a minimum of 20 feet back from the edge of road pavement on Kerrigan Court and Harding Court shall be incorporated into the covenants and may not be changed or deleted without governing body approval. *Subdivision Regulations 3-2(10)(A), 3-2(10)(D) and City-County Health Department recommendation*.

Radon

13. The subdivider shall amend the covenants, stating that the EPA has designated Missoula County as having a high radon potential (Zone1) and recommends all new construction incorporate a radon mitigation system. This covenant may not be changed or deleted without governing body approval. *Subdivision Regulations Article 3-1(2) and City-County Health Department recommendation*.

Weeds

14. The subdivider shall prepare a Revegetation Plan for disturbed areas in the subdivision requiring revegetation with beneficial species of any areas of ground disturbance created by construction on or maintenance of these lots, subject to review and approval by the Missoula County Weed District, prior to final plat approval. The Revegetation Plan and a provision requiring compliance with the Montana County Weed Control Act and the Missoula County Noxious Weed Management Plan shall be incorporated into the covenants and may not be changed or deleted without governing body approval. *Subdivision Regulations 3-1(1)(B) and Weed District recommendation*.

Wildlife

15. The subdivider amend the covenants to include the following language regarding Living with Wildlife, subject to review and approval by Fish, Wildlife and Parks, prior to final plat approval and may not be changed or deleted without governing body approval.

”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 bear, mountain lion, coyote, fox, skunk and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners “live with wildlife.” Alternatively, see the Education portion of FWP’s web site at www.fwp.mt.gov.

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

- a. Homeowners must be aware of the potential for vegetation damage by wildlife, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. Gardens and fruit trees can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because ripe or rotting vegetable material can attract bears and skunks. To help keep wildlife

such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.

- c. Garbage should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons and other wildlife. It is best not to set garbage cans out until the morning of garbage pickup.
- d. Do not feed wildlife or offer supplements (such as salt blocks), attractants or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against State law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. Bird feeders attract bears. If used, bird feeders should: 1) be suspended a minimum of 20 feet above ground level; 2) be at least 4 feet from any support poles or points; and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. Pets must be confined to the house, in a fenced yard or in an outdoor kennel area when not under the direct control of the owner and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current State law, it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- g. Pet food should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons and other wildlife. When feeding pets, do not leave food out overnight. Consider feeding pets indoors so that wild animals such as bear, skunk or magpie do not learn to associate food with your home.
- h. Barbecue grills should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider boundary fencing that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. 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.) *Subdivision Regulations Articles 3-1(2), 3-1(10) and FWP recommendation.*

Chair Curtiss: Is there any other business to come before the Commission? Seeing none, we're in recess.

There being no further business to come before the Board, the Commissioners were in recess at 3:20 p.m.