

## **PUBLIC MEETING – August 31, 2005**

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

### **Pledge of Allegiance**

### **Public Comment**

None

### **Routine Administrative Actions**

Commissioner Carey moved that the Board of County Commissioners approve the routine administrative items adopted the past week and approve the weekly claims lists in the amount of \$1,352,961.98. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

### **Hearing: Washoe Estates, Lot 5 (2 lots on 68.88 acres) – Southeast of Potomac off Washoe Road**

Denise Dundon, Office of Planning and Grants, presented the staff report.

Edward Hooker, represented by Tim Wolf of Territorial Engineering, is proposing a 2 lot subdivision of a 68.68 acre parcel located three miles southeast of Potomac on Washoe Road and Mecate Lane. The proposal is a second summary minor plat of Lot 5 of the Washoe Estates Subdivision, approved in December of 2001, which created five lots on a 228.56 acre parcel. The Missoula Consolidated Planning Board, with 6 members present, conducted a public hearing on this request on Tuesday, August 16, 2005 and voted unanimously to recommend approval of the subdivision, subject to conditions recommended by staff.

The property is unzoned and each lot is proposed to be 34.34 acres in size. With this subdivision, there would be 6 units total, establishing an overall density of 1 dwelling unit per 38 acres. The 2002 Missoula County Growth Policy recommends a land use designation of Open and Resource. Open and Resource Land is not a primary residential designation, and residential development of no more than one dwelling unit per 40 acres would be keeping with the intent of the classification.

Washoe Road, a County public road, provides access to all lots within the Washoe Estates subdivision. Washoe Road surface varies from 20 to 22 feet and narrows to 15 feet as it crosses an existing bridge over Union Creek just west of this subdivision. The applicant is not proposing improvements to Washoe Road and has requested a variance from the road width standard. County Public Works supports the variance request, since Washoe Road is an existing County maintained road and adding one residence does not warrant the need for improvements. Driveway access to the two proposed lots will be provided by Mecate Lane, an existing 20 foot wide private gravel cul-de-sac road within a 60 foot wide private access and utility easement located along the eastern boundary of the subdivision. It is approximately 5,300 feet in length and provides access to the other 4 lots within the original subdivision. Subdivision Regulations would require Mecate Lane to be paved to a minimum width of 24 feet with a maximum length of 1,000 feet. The applicant has requested variances for the paving, surface width and length of Mecate Lane. County Public Works supports both variance request since Mecate Lane is an existing private gravel road serving large lots, rural in nature and adding one residence does not warrant the need for improvements. Requiring the strict enforcement of the regulations would be unreasonable.

A 12 foot wide non-motorized access easement exists along the westerly right-of-way of Mecate Lane as part of the original Washoe Estates Subdivision. The subdivision is located within the Greenough-Potomac Volunteer Fire Department service area. The Fire Chief stated that a \$100 per new lot contribution should be provided for a water development fund. This has been recommended as a condition of approval.

As of today, no public comment letters have been received by OPG regarding the proposed subdivision. Staff recommends approval of the three variance requests and the subdivision, based on the findings of fact and subject to the recommended conditions.

Tim Wolfe, Territorial Engineering, developers representative, stated that he did not have anything to add to the report. There was agreement with all the conditions of approval and he was available to answer any questions.

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

Commissioner Carey moved that the Board of County Commissioners approve the variance request from Section 3-2(3)(B) of the Missoula County Subdivision Regulations requiring a 24 foot roadway surface width for Washoe Road, based on the findings of fact set forth in the staff report. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners approve the variance request from Section 3-2(1)(I)(a) of the Missoula County Subdivision Regulations requiring the length of a cul-de-sac road to not exceed 1,000 feet for Mecate Lane, based on the findings of fact set forth in the staff report. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners approve the variance request from Section 3-2(1)(I) of the Missoula County Subdivision Regulations requiring a 24 foot roadway surface width for Mecate Lane, based on the findings of fact in the staff report. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners approve the 2 lot second summary subdivision, Washoe Estates, Lot 5, based on the findings of fact set forth in the staff report and subject to the recommended conditions. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

**Washoe Estates, Lot 5, Conditions of Approval:**

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

“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 and pedestrian walkways or bikeways for Washoe 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) and OPG recommendation.*

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

“Acceptance of a deed for a lot within this subdivision shall constitute the waiver of the right to protest a future RSID/SID for public water and sewer systems, 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 3-7(2) and OPG recommendation.*

3. The developer shall contribute \$100 per each new lot to the Greenough-Potomac Volunteer Fire Department (GPVFD) for water development. Payment of this contribution shall be verified prior to final plat approval. *Subdivision Regulations Article 3-7 and GPVFD recommendation.*

4. The developer shall complete the formal process established by the governing body to abandon or alter a “Trail” referenced on General Land Office plat and field notes, dated May 1893. The document shall be recorded with the Missoula County Clerk and Recorder’s Office prior to final plat approval. *Subdivision Regulations 5-1(4)(J) and County Engineering recommendation.*

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

“The purchaser and/or owner of the lot or parcel understands and agrees that private road construction, maintenance and snow removal shall be the obligation of the owner or Property Owners Association and that the County of Missoula is in no way obligated to perform such maintenance or upkeep until the roads are built to County standards and accepted by the County of Missoula as right-of-way.” *Subdivision Regulations 5-2(4)(J) and OPG recommendation.*

6. The following provisions shall be included in a set of development covenants filed with the Missoula County Clerk and Recorder’s Office, subject to review and approval by OPG prior to final plat approval:

- a. Radon – The property owners of Washoe Estates, Lot 5 are advised that Missoula County has a high radon potential and all new construction should incorporate passive radon mitigation systems.

- b. Enforcement

1. Sections of the development covenants relating to the Road Maintenance Agreement shall not be amended or deleted without governing body approval.
- c. Living with Wildlife – Homeowners must accept the responsibility of living with wildlife, must accept responsibility for protecting their vegetation from damage and must confine their pets and properly store 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/or grizzly bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife and Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners “live with wildlife.” Alternatively, see the Education portion of FWP’s web site at [www.fwp.mt.gov](http://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 bear-resistant containers or indoors to avoid attracting animals such as bears and raccoons. 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 should: a) be suspended a minimum of 20 feet above ground level; b) be at least 4 feet from any support poles or points; and c) 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 hoofed 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 as 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** 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.
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 in this subdivision. 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.)
12. These **covenants** relating to "Living with Wildlife," pets and garbage cannot be altered or eliminated without consent of the governing body. Covenants that protect wildlife and wildlife habitat shall be enforceable by Fish Wildlife and Parks. *Subdivision Regulations Article 3-1(1)(B), 5-3(5)(T)(x), City-County Health Department, Montana Fish, Wildlife and Parks and OPG recommendation.*

### **Hearing: Running W Ranch (350 lots on 184 acres) – Near the Wye**

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

This is a proposal by Waldo Williams, LLP, represented by Kevin Slovarp of WGM Group, Inc., to subdivide 184.07 acres into 308 single family lots, 4 multi family lots and 38 commercial lots. The proposal also includes a rezoning and a Subdivision with a Planned Variation. The property is located northeast of the Wye and east of Highway 93.

The property is zoned Valley West Community Development District and the proposal is to rezone to the standard County zoning districts of C-RR3, C-R2 and C-C2, eliminating the Valley West Community Development District and existing C-R1, C-C1 and C-P1 zoning.

The density of proposed C-RR3 zoning is 2.67 dwelling units per acre, compared to the permitted density of 4 dwelling units per acre. The density of the proposed C-R2 zoning for the 4 multi family lots is 12.17 units per acre, compared with the base density of 16 dwelling units per acre in the zone. Land uses recommended in the Wye/O'Keefe Creek area plan and the Missoula Urban Comprehensive Plan are most dense on the east side of Highway 93, becoming less dense farther east, with recommended densities of 25, 16 and 6 dwelling units per acres. Small areas are designated for commercial uses and Public School/Parkland. Both plans emphasize the Planned Community Development concept for the area with an integration of home, work, shopping, school and recreation. Since the proposed rezoning complies with the residential density and the goals and objectives of the applicable plans, staff and Planning Board recommend approval of the rezoning.

The proposal also includes a Planned Variation to the C-RR3 standards, including reductions in the front and rear yard setbacks from 25 feet to 20 feet, side yard setback reductions from 7.5 feet to 5 feet, lot width reductions from 75 feet to 31 feet and lot area reductions from 10,000 square feet to 8,000 square feet. Planning Board recommended elimination of the front and side yard reductions, while supporting lot width and lot size variations. Staff and Planning Board recommend approval of the Planned Variation as the proposal upholds the standards of the Planned Variation chapter and the Zoning Resolution; and the Planned Variation complies, or will comply, with all State and local codes.

The subdivision proposal is for 350 lots on 184.07 acres. Access is from Ladyslipper Lane and Snapdragon Drive, existing off-site roads that connect with Highway 93, and Mastad Drive and Cartage Road, which will connect with existing off-site Cartage Road, which intersects Highway 93 north of Muralts. The applicant has submitted a Traffic Impact Study (TIS) to the Montana Department of Transportation. MDT has recommended a revised TIS that uses an increased Average Growth Rate for their traffic predictions. The MDT comment letter also makes recommendations about signalization at Ladyslipper Lane and the timing of improvements to Snapdragon Drive, Mastad Drive and Cartage Road in relation to subdivision phasing. Per MDT's comments, staff and Planning Board recommend (in Condition 5) a revised Traffic Impact Study on existing and planned transportation systems prior to Phase 1 final plat approval, with a public hearing to be held before the Board of County Commissioners. The study shall identify impacts of this development on the traffic system and the developer shall be required to mitigate impacts attributed to the subdivision, subject to review and approval of MDT and, where appropriate, County Public Works.

Condition 7 calls for improvement of Snapdragon Drive to Mastad Drive or provision of an alternative access. This confines commercial traffic to a commercial road and keeps it out of the adjacent residential areas per the Valley West standards. Impacts to existing residential development will be kept to a minimum. The alternative access is not known at this time.

Both residential and commercial traffic circulation is assumed during the earlier phases of the subdivision. Phases 1 and 2 residential will take Snapdragon out and turn right on Ladyslipper Lane then curve around to Highway 93. Phase 1 commercial traffic will be confined to the northern end of Mastad and Saratoga Court. Commercial traffic will be directed to Highway 93 without intermingling with the residential traffic.

Condition 9 requires Mastad Drive to be improved from Ladyslipper Lane to Cartage Road, and Cartage Road to be improved to the western subdivision boundary by Phase III to lessen conflicting left turns with Jellystone RV Park. This also provides an alternative way of directing traffic to Highway 93.

Condition 10 is a recommendation for improving the off-site portion of Cartage Road from the subdivision to Highway 93, prior to filing Phase III. Recommended language in the a memo presented today clarifies the street section as 24 feet paved with 2 foot gravel shoulders. Related to this is a requirement to demonstrate legal access across a stretch of Cartage Road that currently is private (Condition 19).

Condition 11 is a recommendation for making the Snapdragon Drive/Highway 93 intersection Right-In, Right-Out, prior to Phase III final plat approval. The PowerPoint slide shows general commercial and residential traffic circulation based on Cartage Road being built to Highway 93. Mastad functions as a collector to route residential and commercial traffic out toward Highway 93. A traffic light is expected to be installed at the Cartage Road/Highway 93 intersection by 2006, but it is funding-dependent.

Because off-site portions of Ladyslipper Lane, Cartage Road and Snapdragon Drive will be impacted by this subdivision, staff recommends that these roads be included in the RSID waiver (Condition 6). Planning Board recommended that 500 foot sections of these off-site roads be paved in Condition 36.

Mastad Drive is designed to be a collector road with 41 feet of pavement in an 80 foot right-of-way. A 6 foot boulevard sidewalk is proposed north of the Ladyslipper Lane intersection and a 5 foot sidewalk is proposed from this point south. Staff recommends denial of the required variance to the 6 foot sidewalk standard and recommends road section plans that include a 6 foot boulevard sidewalk, curb and gutter, bike lanes and parking on both sides of Mastad Drive to the Cartage Road intersection (Condition 12).

Mastad Drive south of Cartage Road, and Cartage Road south of Mastad Drive are proposed to be 32 foot paved roads with 2 foot shoulders, lacking curb, gutter and boulevard sidewalks. Variances are required to curb and gutter and sidewalk standards. Staff recommends denial of the variances since this subdivision urban/suburban and these roads are adjacent to multi family lots and provide links to existing commercial uses to the west. Staff recommends these roads be improved with curb/gutter and boulevard sidewalks (Condition 13). Verification of legal access will be required for the east/west section of Mastad Drive (Condition 16).

The subdivision proposal includes a request to vary from the 6 foot sidewalk standard for the commercial section of Ladyslipper Lane and Saratoga Court. County Public Works is not in support of this request and staff and Planning Board recommend denial. Staff and Planning Board recommend that plans for installation of 6 foot sidewalks with 7 foot landscaped boulevards for these commercial roads be reviewed and approved by County Public Works prior to Phase 1 final plat approval (Condition 35).

Local streets in the subdivision have a surface width of either 28 feet or 36 feet with curb and gutter and concrete boulevard sidewalks. In order to provide adequate width for boulevard plantings, staff recommends that plans for 5 foot sidewalks and 7 foot boulevards be reviewed and approved by County Public Works (Condition 34). Condition 14 is a recommendation for boulevard improvements, to include at a minimum, grass and specified trees. This will apply to all subdivision streets. Lot owners would be responsible for installation of boulevards and maintenance of sidewalks.

There is a potential for road connections south of the subdivision. As a result, staff recommends conditional public access easements that would extend Pimlico Way and Elderberry Drive. Dedication language would be reviewed by the County Attorney's Office. Lots may be reconfigured to compensate for lot deletions (Condition 15).

There is a recommendation for annexation into the Urban Transportation District in Condition 17. Condition 18 is a recommendation for temporary signage during construction to be reviewed and approved by County Public Works prior to final plat approval for each phase, followed by permanent signage as roads are completed. Condition 20 is a recommendation that part of the parent parcel left out of the subdivision be legally described via a boundary line relocation or be designated as a remainder. A variance to the 60 foot lot width standard at the building setback line is supported by staff and the Planning Board as it applies to just three lots.

The proposal is for a community water system and a community drainfield is planned for the first three phases, followed by connection to City sewer at Phase IV.

Frenchtown Rural Fire District (FRFD) recommended residential fire sprinkler systems plus plans for hydrant installation. These recommendations are contained in Conditions 22 and 23. Condition 21 is a recommendation for a \$530 per lot fire service fee to be paid to FRFD, and Condition 24 is a recommendation for review of address signage.

Jackie Corday of City Parks and Recreation commented that this subdivision will add approximately 1,000 new residents to the area. The applicant proposes 27.11 acres of common area. Some of the common areas are dedicated to a drainage function and aren't suitable for active recreation. Staff recommends a condition that these areas be dedicated as Common Area-Drainages in Condition 25. Other common areas contain riparian area or hillside lands. A 0.83 acre common area is largely surrounded by residential lots and has limited street frontage. A 2.23 acre park is located on relatively flat ground and is centrally located. The Master Parks Plan (MPP) recommends a 5 acre park for the Wye area. The MPP encourages flat topography to accommodate playing fields and a park that is centrally located and at least 50% bordered by streets. Jackie Corday and Lisa Moisey, County Parks Coordinator, recommended deletion of pocket parks and expansion of the 2.23 acre central park to 5 acres. At Planning Board, the logistics of creating a 5 acre park were discussed. In recommended Condition 26, specific blocks are recommended to become park, plus some roadway. Lots deleted in the creation of the park may be recuperated elsewhere, such as in the vicinity of the 0.83 acre common area. The memo distributed today contains staff's recommended clarification for phase timing (Phase IV) and who is responsible for review.

Planning Board recognized the need for a plan for grading the park and boulevard planting adjacent to the area recommended for a 5 acre park and therefore made such a recommendation in Condition 27, to be reviewed and approved prior to final plat approval. The memo contains some changes made in phase timing (Phase IV) and who is responsible for review. An RSID/SID for parks is also recommended as a mechanism to fund further park development. This is recommended for the final plat of each phase in Condition 29. Condition 31 is a recommendation that the developer provide public park maintenance until such time as an RSID/SID has been formed for maintenance or the public park has been annexed into the City. Both Jackie Corday and Lisa Moisey noted the request for a variance to the standards prohibiting blocks longer than 480 feet. They expressed support of the request if a path is provided that in some way divides the long block north of the central park. The original recommendation for dividing the block involved a pedestrian walkway, but Planning Board recommended plans for a road connection from Snapdragon Drive to Churchill Downs Drive, to be submitted prior to Phase II, that would serve a similar purpose. Any lost lots would be permitted to recuperated to keep the same number of lots in Phase II (Condition 28). There is a 1.9 acre riparian area within a 10.84 acre common area. Condition 29 is a recommendation that the submitted Riparian Resource Management Plan expand on the definition of recreational uses proposed, plus acknowledge a second planned crossing by a sewer force main. It is also recommended that the buffer around the riparian area be expanded by 5 feet.

Condition 33 pertains to amendments to the covenants. Condition 33B is a recommendation to eliminate the reference to extra kitchen facilities in single family dwellings. Condition 33C is a recommendation for the developer to assume weed control responsibilities in common areas until full common area development in that phase, followed by Homeowners Association responsibility.

Condition 1 is a recommendation that the rezoning occur prior to the first final plat approval (either residential or commercial). Condition 2 recommends a two-year final plat deadline for filing Phase 1 Commercial and Residential. Conditions 3 and 4 are requirements related to Lot C35 being partially located in the Airport Influence Area. Staff and Planning Board support the Running W Ranch rezoning and subdivision with a Planned Variation.

Chair Curtiss: Thank you, Tim. Just to clarify, we're not doing the rezoning today? We're not considering that.

Tim Worley: I think we are, aren't we, Colleen?

Colleen Dowdall: It is part of the staff report.

Chair Curtiss: It said, rezoning occur prior to the first final flat. So I just wondered.

Colleen Dowdall: That's a condition.

Commissioner Evans: I would like Tim to explain 33B that says the reference to separate kitchen facilities within single family dwellings shall be eliminated. Where was it mentioned before, 7B(I) of the covenants. What does it say?

Tim Worley: It essentially allows for a second kitchen, which sets up a scenario, in the single family area of the subdivision, for a potential second dwelling unit within a home. That's why we made that recommendation.

Commissioner Evans: That it be taken out, is that your recommendation?

Tim Worley: Yes.

Commissioner Evans: Have we done that before?

Colleen Dowdall: The logic was because of lease or rent subdivision and density.

Tim Worley: Density was another issue. You could set up, with an 8,000 square foot lot, if you set up a new kitchen, by definition you have a second dwelling. You'd have two dwelling units on an 8,000 square foot lot and you would exceed your density by the C-RR3 zoning and in this case, the Planned Variation to that.

Commissioner Evans: So there's no provision if they want to do a Mother-in-law or a Grandma apartment in their house?

Tim Worley: I think they can do that but we're just recommending that that not include a kitchen.

Chair Curtiss: They had proposed that in their covenants, that's why we were addressing it.

Tim Worley: Yes, that's correct.

Chair Curtiss: At this time we would accept a presentation by the planner or the developer or their representative.

Kevin Slovarp: I'm with the engineering firm WGM Group. I act as the Project Manager on this project and would like to thank staff and the County Commissioners for hearing this project. Also, I want to go on record to thank the Planning Board for staying until 2:00 a.m. the other evening to get through this so we could have our meeting today. The family, the developer, that I represent today, has been in this process of wanting to develop this land for probably 3 and a half years now. We've gone through a lot of work to try to identify some of the major issues that have been associated with this subdivision. Those include transportation, water and sewer and storm drainage among other things. We feel like we've had an opportunity in those years to solve most of those problems and have good recommendations from staff on how to solve the remainder of those. We feel like this is a viable place for people to move to, to alleviate some of the pressure within the City of Missoula, to come out to the Wye area and establish residences and additional commercial businesses out in this area. With that said, we've done a lot of up front work with both the sewer, bringing City sewer, and also potentially bringing Mountain Water to this area. We feel like those two facilities, if they are planned to go in within the next few years, would be a very strong asset to not only this development, but the Wye area development as a whole. With that said, I would like to go through the conditions as Planning Board and staff recommended. I have some other information that you currently don't have. I'd like to hand out revised conditions that I've had the language in blue bold type that I would like to discuss with you at this time. I'll hand that out. If you turn to the third page, I'd like to start with Condition 6. To me, Conditions 6, 10 and 36 on the back page, all pretty much say the same thing. I was just wondering if we could maybe delete some of those and clarify the language in one condition. What I had for those – when we're talking about Snapdragon Drive and Ladyslipper Lane, I'm not really sure what locations that entails. I want to reiterate that some of those locations where the Planning Board recommended that we improve the roadways off-site, that those are currently County maintained roads and they are improved in the sense that they are paved. I'm not sure that we're required as by State law to actually improve those further, some of those off-site roads. I want to get an accurate idea of what we're talking about on those particular locations of those off-site roads. Going on to Condition 9, I'd like to add the language at the end of the first sentence, "or during a subsequent phase when a signalized intersection exists at Cartage Road and U.S. Highway 93." The reason I want to add this language is there is, as Tim stated previously, there is an MDT project, slated for next year that brings a signal to Cartage and Highway 93. If that doesn't go in, I don't necessarily want the developer to have to make those improvements in Phase III when it may not be reasonable to use Cartage Road as an access or an access back into town without a signal at that location. I recommend we delete Condition 10 since I believe it says the same thing as Condition 6. If we're going to leave it in I would like to have "developer" changed to an "RSID or SID" to improve the off-site portion of Cartage Road. In the revised Condition 10, we have worked with OPG staff on agreeing that we should pay for a portion of this road, but we'd like to limit it to what is uniquely attributable to this development. I would like to define what that road section entails, not only if it's just a 24 foot paved section, but also what that road section south – if that's a standard 8 inch sub-base and a ¾ - inch material on top of that and 2 inches thick of asphalt. I wanted to put that in there to further

define what that road is. Currently, that road exists to serve the surrounding commercial businesses and those businesses require a lot of heavy semi-trailer, truck traffic and probably would require a different road section than what would have to be put in by this development. Condition 11, I would like this condition deleted and have it handled by the review of the County Commissioners after the revised traffic study is made.

Commissioner Evans: Before Kevin goes on, would you explain to me, I want to make sure I understood what you just said. You want the County Commissioners to review the revised traffic study instead of MDT?

Kevin Slovarp: Well, no, I may have mis-spoke there. I think it is Condition 5 that states “the developer shall submit a revised traffic study of the impact of this subdivision on the existing and planned transportation systems and hold a public hearing with the Board of County Commissioners.” I guess that’s what I was addressing – that condition that states, after review by MDT, we should have another meeting with you folks to address what MDT came back with from the revised study.

Commissioner Evans: I would prefer that the meeting go on with the Public Works Director. I’m not a road expert.

Kevin Slovarp: I guess I would like to make a recommendation to change Condition 5 to read, “submit a revised traffic study and hold a meeting with the County Public Works Director.”

Commissioner Evans: Our County Attorney needs to tell us whether that meets the intent of the law, which she doesn’t know what we just said.

Chair Curtiss: Colleen, Barbara was suggesting that Condition 5, that she thought that meeting would be better with Public Works Director instead of a public hearing in front of the Commissioners in regard to the revised traffic study.

Colleen Dowdall: I think what he’s getting at is he doesn’t want to have the right-in, right-out occur automatically and wants to have the Commissioners – this is a condition of approval from the Commissioners as proposed. Under the current evolution of how things go in the law, it would probably require that you review that report with advice from the Planning Office and Public Works and make a determination.

Commissioner Evans: As long as we meet the intent of the law, but at the same time I wanted it clear that the Public Works Director is the one that recommends on these kinds of things. There isn’t one of us three – I’ll speak for myself, instead – is a road expert.

Commissioner Carey: We can grill them at the public hearing.

Chair Curtiss: So number 3, you were feeling that that one could be handled along with that whole traffic study. Is that why you’re suggesting it?

Kevin Slovarp: Yes, that’s correct. If you read MDT’s letter, it states “the development must consider a right turn in and right turn out.” It doesn’t state that there shall be a right turn in and a right turn out. I don’t think we want to limit that intersection at this time as a condition.

Chair Curtiss: Next change?

Kevin Slovarp: Condition 13, if we could – we’ve kind of planned this subdivision, for the most part, with 6-1/2 foot boulevards. We planned it that way because, for the most part, we are increasing the width of the internal subdivision roads from, I believe we’re required to have a 24 foot wide asphalt section and most of those roads internally are 32 feet wide. What this allows us to do is keep the road section within the planned right-of-way. We’d like to change that to 6-1/2 and you’ll see that 6-1/2 foot boulevard on some other conditions here coming up. On Condition 15, we agree that there should be some access points within the subdivision – to the east it’s not feasible with the railroad tracks right there but to the north, we believe that we can effectively put in a connection if the land to the south gets developed at Elderberry Drive but the grade for Pimlico is such that it is a 12% slope for 300 feet continuing up the hill. We just can’t get a road in there that meets the County standards. So we would like Pimlico Lane to be removed from that condition.

Chair Curtiss: I’m terrible on direction, Kevin. You’re saying that you want to go from Elderberry, so you would go to the east or you –

Kevin Slovarp: We would go to the south from Elderberry but not from Pimlico.

Chair Curtiss: It’s basically where Elderberry turns the corner and becomes Cartage. Kind of in that area.

Kevin Slovarp: Correct. Going onto Condition 21 on the fire. Nick Kaufman and myself just had a meeting with Frenchtown Fire District personnel, Scott Waldron and Cindy Crittendon, over lunch today. It was a meeting at the last meeting to try to understand what we can do here, what the contributions by the developer to the Frenchtown Rural Fire District. I didn't have the time to add the language to your sheets, but what I'd like to have that read – I think if Scott can back me up on this – after Frenchtown Fire District, to add the language “or a lesser amount, subject to approval of the Frenchtown Fire District, for fire protection purposes.” The statement would read: “The developer shall contribute a fire service fee of \$530 per lot to the Frenchtown Rural Fire District, or a lesser amount subject to approval of the Frenchtown Rural Fire District.” To start the next sentence, I'd like to add the two words “conditions for” payment, as to when and where the payment is actually paid. Moving onto the parks, we've been working hard with Jackie and parks staff on a larger park that would serve not only this subdivision, but neighboring subdivisions, existing subdivisions. We're trying to come up with an agreement outside of a condition of plat approval to not only give the land for an approximately 5 acre park, but also to improve a portion of it that would include some site grading, seeding and commercial irrigation system for that central park. In turn, for making those improvements and paying for the maintenance for those improvements until it was annexed by the City or made a City park, we would – they would take that over, based on those improvements as a City park itself. We've agreed in principle to move the 2.13 acre park from its current location to an area just south and make it more of a 5 acre park based on staff comments. I'd like to note on Condition 26 that we would like to reconfigure the phasing plan to incorporate where that park is currently located – where it's planned, at this time, to be located, since we have phasing plans going through the center of that planned park. I would just ask that you look at that. I've got to go back a hair to Condition 25, the 0.99 acre park is one that's currently slated for just off-site and development storm water flows to pass through it. We could actually put a storm drainage pipe through this park and level it out to make it a nice level park that wouldn't have to necessarily be called a “drainage,” that we could potentially do something else with that park than just label it as a “drainage.” I'd ask you to consider that as part of Condition 25, to remove the 0.99 acre common park from that condition. Condition 28, that Tim talked about earlier, the road connection from Snapdragon Drive in Phase II to Churchill Downs Drive that would break up a block that is fairly long. We would like what you saw on the presentation – we can punch a road through there but we don't necessarily want it to look, as Tim showed it, straight through as an extension north of Playfair. We feel like if a connection would be made, it would be better suited to the subdivision if the connection with Snapdragon was moved to the east a little bit at that existing corner.

Chair Curtiss: So the language that says “approximately in line” would probably be okay.

Kevin Slovarp: Yeah. Condition 31 says “the covenant shall be amended to state that the developer” and I'd like to add “or an RSID shall provide for the maintenance of the approximately 5 acre park. We may set up – we'd like the opportunity to potentially use an RSID to set up the maintenance funding for not only the development or installation or improvements of the park that we talked about earlier, the grading, the seeding or the irrigation, but also the maintenance of those improvements until the City would take that over.

Chair Curtiss: Would you need to strike then, “until such time as an RSID has been formed” and leave the part about being annexed, if you stated it the way you got it?

Kevin Slovarp: Yes, that would work.

Chair Curtiss: You'd strike, “until such time as an RSID has been formed for maintenance.” The other thing, you've said RSID a couple of times, from staff, legal or OPG – should it also have an SID just in case, at that point, it happens to be in the city? Wherever he has referred to that.

Colleen Dowdall: It probably could add that, especially in a waiver, we would want it.

Chair Curtiss: Thank you, Colleen.

Kevin Slovarp: Continuing on with Conditions 34 and 35, just ask that you consider 6-1/2 foot – I guess I re-read that and I read “landscape boulevard” that – Tim that landscaping isn't directed to the developers, is that correct, in these conditions?

Tim Worley: I believe the recommendation is for lot owners to develop what ends up in the boulevards.

Kevin Slovarp: That's what I thought, but I didn't want either of these comments to infer that the landscape boulevards would be developed by the developer.

Tim Worley: I'll just go ahead and read recommended Condition 14: "The lot owner shall be responsible for installation of boulevard improvements to include, at a minimum, grass and specified boulevard trees. The covenants shall require that the lot owner to be responsible for installation and maintenance of boulevard improvements to include grass and trees. The covenants shall also require that the lot owners to be responsible for the maintenance of the sidewalks adjacent to their lots."

Chair Curtiss: So 34 and 35 – just to clarify – are that you're submitting the plans for such that, in the landscape, would show the number of trees required, but not that you're to put them in. Is that how you read it?

Tim Worley: That's correct.

Chair Curtiss: Thank you.

Colleen Dowdall: If that's what we want, is the developer to provide the landscaping plans that's fine. Otherwise, we can also tweak the language if what we want them to show is that there is going to be a landscaped area.

Kevin Slovarp: We recommend that the developer not come up with the landscaping plan for the boulevards at this time or before the approval of the final plat, based on not knowing where future improvements are going to be located, driveways, driveway aprons is the big thing. If the lot owner chooses to build a house and puts his driveway on the downhill side instead of the uphill side, you can't really determine where those driveways are going to go based on – show a tree plan that's associated with the entire subdivision.

Chair Curtiss: Kevin, therefore if it read "plans for the installation of the sidewalks and a 6.5 foot boulevard," then you just took out the word "landscape?"

Kevin Slovarp: Landscape, yeah. I'm just a little leery with the landscape.

Chair Curtiss: Tim, do you have a problem with that? Or Greg?

Greg Robertson: I think leaving the condition as originally proposed by OPG staff makes much more sense, in that the requirement for landscaping trees, grass, whatever, becomes as subdivision improvement and is covered by a guarantee. If we leave it up to the lot owner, it will be virtually impossible to track, enforcement would be, frankly, not practical. I think it should remain the responsibility of the developer, they have control of the development as it's being built and as individual lots are being done and I think they can do it in a coordinated matter that still maintains the need to keep it as a subdivision improvement, otherwise it won't get done.

Chair Curtiss: Greg, would you please address the fact where the homeowner might choose to put the apron for their garage, in regard to your reviewing this.

Greg Robertson: I've been around this stuff for a long time and I've heard this argument played out in a number of public hearings. I think it's a matter of choice of the developer if they can plan their driveway approaches. The lots are small enough that flexibility is going to be pretty minimal as to where it's placed. It's not like it is a larger lot size or something that would involve a lot of creativity. As far as I'm concerned, that's still something that could be easily coordinated. It is appropriate to have it as a subdivision improvement and have the guarantee to run until it is developed to insure that it is put in properly.

Kevin Slovarp: Just from recent experience, I am a recent home builder in the Maloney Ranch Subdivision. If the developer told me this is where your driveway is going to be based on what lot you picked, I would have been pissed. I'm building that house. I've hired a builder. I've set plans in motion to how I want my house laid out and if somebody tells me where I need to put my garage to conform with the driveway apron, I would have thrown the whole thing – the project would have been scrapped. It's just not feasible to tell somebody where their driveways are going to go. The other thing with those improvements is how you're going to have to tap a water main at a bunch of different locations to put in sprinkler systems that the developer is going to have to pay for the irrigation to the boulevards and the grass and all that. It's not feasible for the developer to make those improvements to the boulevards. In my case, we've got in our covenants that the lot owners must maintain the boulevards. I think it works just fine. I put in all those improvements and conformed with City standards.

Chair Curtiss: How large is your lot in Maloney Ranch?

Kevin Slovarp: My lot is 60 X 100.

Denise Alexander: I have two comments. I think, in the County, things are going to be easier to make sure they happen and be enforced, when we have a building permit system for the boulevard installation. That has been, as Greg said, it's very difficult to enforce and make sure it happens, right now, in the County, because we don't have that for a follow-up. The other information about these two conditions are – they actually were serving two purposes. The other one was in regards to the width of the sidewalks and boulevards. In Condition 34, all the residential streets are designed in the subdivision with 5 foot sidewalks and 6-1/2 foot boulevard. We were recommending that they be 7 foot boulevards, because a 7 foot boulevard would support shade trees, versus a 6-1/2 foot boulevard. Condition 35 is referring to the two commercial streets in the subdivision. The requirements for the sidewalk width in a commercial subdivision is 6 feet and they're proposing 5 foot sidewalks on those commercial streets. This condition was to require that they meet the standard for a 6 foot wide sidewalk in a commercial street. Then again, with the 7 foot boulevard, although commercial boulevards are required to be 10 feet wide, we were recommending at least 7, again to support the trees, which is kind of between what they are asking for and what is actually required – but at least a 7 foot boulevard. That was the other function and actually the main function for these two conditions. The Planning Board – I can't remember whether it was staff or Planning Board recommended, we do have a condition already in place, as Tim read to you, that requires that the homeowners install and maintain the boulevard landscaping.

Commissioner Evans: I'd like to ask Kevin a question. In the Maloney Ranch, which I also live there, are you actually having to put in a boulevard in your area or are you doing the rocked slope drainage swale? Because to me there's a difference.

Kevin Slovarp: Yes, correct. No, the developer put in the sidewalk and each of the lot owners put in their driveway apron where their driveway was going to be located and then put in topsoil, irrigation systems, if they so choose, or they could water by hand, and then seed and trees. We have full boulevard improvements of topsoil, grass and trees.

Commissioner Evans: So you don't have drainage swales? I'm not familiar with that part of the subdivision. To me, there is a difference.

Kevin Slovarp: I briefly discussed Condition 36 with Condition 10 and Condition 6. I just want to reiterate that the developer or an RSID could be in place to improve the off-site portions of the roadways listed. I have strong reservations about the legality of improving existing County roads that are already paved. Thank you.

Chair Curtiss: Colleen, could you address the legality of requiring some improvement of an existing road off-site?

Colleen Dowdall: The Subdivision Regulations require that if an off-site road is less than 500 feet to the nearest public road, and it isn't improved to County standards, that it be improved. If it is greater than 500 feet in length, that is not required. We are relying upon another part of the Subdivision Regulations, which allows us to identify impacts of the subdivision and request that those impacts be mitigated. In the case of Cartage Road, for instance, that has been identified as a place where there is going to be a stop light to access onto Highway 93 and that road will be the best access, then, for the residents of the subdivision to leave. Our case for requiring that Cartage Road be improved is that – and also to provide physical access to the subdivision. Physical access is access that is safe and is something that can be equated to County standards.

Chair Curtiss: Could you address the Snapdragon and Ladyslipper? We would consider that a mitigating factor to go 500 feet on those two.

Colleen Dowdall: First of all, this discussion occurred at Planning Board after I had given that same explanation for 500 feet and then I left. That does not mean that you improve 500 feet of any road. It means that if the road is less than 500 feet in length, you have to improve it. If it is not, you don't. I think Planning Board was confused about that when they made that recommendation. Further, these are existing County roads where we have not identified that they are necessary for access to the subdivision or that there is a public health and safety issue with regard to the improvements that are there now. I think that's what we have to do to compel the developer to make those improvements.

Chair Curtiss: Thank you. This is a public hearing, so I will open it for public comment. If you could come to the microphone and state your name please.

Ken Zander: Good afternoon. Thank you for letting me come back a second time and state my position on this subdivision. My name is Ken Zander and I live in Spring Meadows Addition. I guess I can't emphasize enough how dangerous this entrance way to this subdivision, on a highly publicized highway, that's notorious in Montana. Within a quarter of a mile, we have truck stops, we have RV Parks that are always backed up, especially the one going into

Spring Meadows. There is no allowances for these people to go into this new subdivision. One of the lanes, there is no shoulder, there's guard rails and like the gentleman says, in the future, there may be a light and there may not. This traffic pattern is nothing but bad the way it has been put in. There's always – where Jim and Mary's RV Park is, there's always RVs parked along the highway just to get around the corner to go into the park. Not alone, school buses leave their children off at that corner for their parents to pick them up in their cars. Fire lane – I could go on and on, but this is nothing but a very dangerous situation. I can't even begin to emphasize what this means to this community. I guess I'd also like to say that the make-up of that hillside where their planning is nothing but shale and clay and that's why we have a network of culverts and ditches in Spring Meadows Addition. We use the streets as our sidewalks. And to even begin to let them use Ladyslipper Lane or Paintbrush Lane as an alternative to this subdivision is ludicrous. I will not like to see our children put in harms way, directly or indirectly. I don't like to see two 18-wheelers passing down a street where there are children, bicycles, tricycles, skateboards or women pushing strollers. I would like to say about that slope, the water shed, with the culverts in front of my house or across the street, I've seen where the water can't even hold it – the culvert can't even hold the water. You run across into a common area at the far end where it lays there for about a month. This particular subdivision where they say sewers, but I've seen ponds sitting there next to 93 where this water lays in there for two months before it dries up. I guess I skipped over the commercial lots that this thing is going to have. I can just see 18-wheelers trying to make it in and out of that area. My concern is I don't like to see any ties to this subdivision in any way, shape or form, whether it is alley ways, bike ways, streets – where it's going to put a financial burden on the people of Spring Meadows. I guess that's about it. Thank you very much.

Wayne Keating: I live at 9240 Snapdragon Drive. I'd like to thank the Planning Board for staying up until 2:00 in the morning with me. I have a question, really quick. They're talking about a stop light on Cartage and 93 after Phase III and what we're concerned with is Phase I and Phase II. I guess Montana Department of Transportation is going to require a stop light there after Phase III, but we're concerned with is the 60 some odd houses in Phase I and II that are going to be coming out right by Jim and Mary's – I can't remember the name of the street. And then the other question I have is, is if they don't have right-of-way to the little strip of Cartage Road that's going to go into the south end of their subdivision, if Phase III comes along and they put a light at the truck stop, at corner of Cartage and 93, but they can't get that right-of-way across the road, how are they ever going to use that for a street? I have more later, but that's just a question for right now. What we're concerned about right now is everyone is going to be coming out on 93 by Jim and Mary's down at the bottom, until they start using Cartage Road, if they start using Cartage Road.

Chair Curtiss: Thank you, Mr. Keating. One of the conditions requires that they do get that approval by Phase III, is that right Tim, that they do get the access through the Cartage area.

Tim Worley: Right, basically Mastad would have to be built, the on-site portion of Cartage would have to be built by Phase III and also we're recommending that the offsite portion of Cartage, west of the subdivision, be built to 93 prior to Phase III final plat approval.

Chair Curtiss: Is Mr. Keating correct, that there's about 60 homes in Phase I and II?

Tim Worley: I think that is pretty close. I don't know the precise number. One other comment that MDT made on this is that a signal may be warranted at Ladyslipper and 93 after Phase I. That is just something that they're going to have to make a recommendation regarding, after the revised traffic impact study is submitted. But signalization may occur at both intersections.

Commissioner Carey: If they were to require, or not require, but if the study indicates that they needed two signals, we are still waiting for funding, right?

Tim Worley: The Cartage/93 signal, as I understand it, is funding dependent. But another signal could be warranted at the Ladyslipper/93 intersection. But again, this is based on the impact on this subdivision, that would be what is weighed in on with the revised Traffic Impact Study.

Commissioner Carey: What I'm asking, is it possible that we could approve this, the traffic study could say, yeah, we need a signal but then there would be no money for 10 years.

Greg Robertson: My understanding with MDT, I spoke to them yesterday, the funds for Cartage signalization have been allocated and committed and that they are moving forward with the project. I have not seen the traffic study. It was part of the package or any information that we received. I don't know specifically timing or any of those types of things. Given the amount of development that's occurring in this corridor on the west side of 93, I could really see the need for a signal at Ladyslipper/Waldo Road intersection. My understanding is that MDT is going to put the burden on these folks to pay for it in its entirety. I'm not sure how they're going to do it, but apparently that's a

negotiation with them. I've been kept out of the loop so I don't know all the conversations that have been going on with it. It is entirely likely and it sounds like MDT is going to require this developer to signalize Ladyslipper/Waldo Road.

Chair Curtiss: Greg, another question in relation to that, one of the conditions that we have right now is at a certain point there would be a right-in, right-out only there at Ladyslipper. If those requirements are part of this, it sounds like we need a deceleration lane too, so people can get out of traffic better. Are those things that the Highway Department can require that the developer pay?

Greg Robertson: Again, I'm not totally familiar with the statutes as it relates to DOT, but general practice is when you're evaluating subdivisions like this, one of the key tools that we as engineers use is the Traffic Impact Study to determine what impacts are relevant and attributable to the development as a basis for requiring mitigation. That could include left turn lane, that could include signalization and all those sorts of things. I'm kind of operating in the dark a little bit because I don't have the data that has been supplied to the DOT to really tell you one way or another. But the common practice is that there are certain warrants or tests based on traffic volumes, turn counts, all those things that are analyzed as part of the Traffic Impact Statement to determine whether certain warrants or tests are met. For example, right turn lanes; there's a certain threshold of right turn movements that will be attributable to this development. If that threshold is crossed, then a right turn lane is warranted. The traffic analysis outlines that and provides it in a predictable manner based on accepted transportation engineering practices.

Chair Curtiss: Condition 5 that talks about "the study would identify impacts of the development." That would happen. "The subdivider would be required to mitigate those impacts, subject to review and approval by MDT," you and they've added in, "at a hearing with the County Commissioners." That should address those issues then.

Greg Robertson: I think as the condition is written, normally, at least in other states that I've practiced, the common practice is that this comes first. The Traffic Impact Study is done first and pretty well agreed to, before this thing goes to hearing. What we're doing here is saying, there's going to be certain additional improvements that are going to be expected. We don't know what those are, but the public doesn't have any point of input after, typically, the preliminary platting process, this is their forum, and we're going to be adding additional conditions in the way of improvements on something that we're not really sure about right now. I watched a little of the Planning Board, I don't know why I do that, but I did listen to it on Sunday morning. It was clear to me that the discussion relative to adding this language in here is that it would give the public one additional opportunity to at least view what is going to happen, relative to traffic circulation and improvements off-site. I think it's entirely appropriate, especially given the fact that we, as a review agency, didn't really have all the relative information, meaning the Traffic Study, to make comment on or to determine what off-site improvements are necessary as an example, to Cartage Road. Kevin was asking what the standards are going to be. Frankly, I don't know what they are, because I'd like to see what the Traffic Impact is to determine the appropriate threshold for those improvements. That should be taken care of now, but I guess we're waiting 'til a later date to determine that.

Chair Curtiss: Thank you. I think Chief Waldron was next.

Scott Waldron: Frenchtown Fire District. First I guess to continue on, on this current discussion. The planning is for everyone to go out Cartage Road, I certainly believe that they'll find their own way out and some of them will go out Ladyslipper. That is a tough intersection. In the last week, we've had two vehicle accidents, one at Cartage Road, which was a head-on. The other one was at Ladyslipper, where a car trying to get on to Highway 93 going north was hit from behind from a car driving on Highway 93 north, because they get frustrated trying to get onto that lane. Somewhere that really needs to be dealt with in the traffic study and those lights, at least some method of managing that traffic flow needs to be in place prior to this density increasing very much, because it's a problem. Secondly, I concur with the language recommendation change by Kevin on the Condition 21. We'll be glad to sit down with the developer and their representatives and take a look at those impact fees and justify the amount of mitigation costs that are required there. The other thing that I need to clarify, in the Planning Board statements on Conditions 22 and 23, the statement said, basically: "One states fire sprinklers and the other one states hydrant locations. We just want to review with Frenchtown Fire, what is being required. It seems like there are two different systems in place and one would serve the purpose." I believe in a meeting that we had with the developers and with City officials, a month or so ago about this entire area, was that the plan was for them to both be hydranted and sprinklered. There's some reductions in storage capacity for the water system to reduce cost of the water system and all that involved. I believe it's still the intent. While the language isn't real clear in 22 and 23, I believe it is still our intent and I think it is the intent of the developer to have both hydrants in place once the water system is there and the homes to use residential sprinkler systems.

Commissioner Carey: It would be up to your approval, the way these conditions are written.

Scott Waldron: Yes.

Pat Buffington: I live at 9201 Snapdragon. One of my questions is, I have several more, but my main question, since we're talking about traffic now, is describe the flow of the construction equipment and all the construction workers, what road they're going to take? Because we were told no construction equipment would go up Snapdragon.

Chair Curtiss: I know that there are some – Tim, I don't know if you can address that or if we need to have the developer do it – but I know there is something in here about barriers. Kevin, could you address that please.

Kevin Slovarp: We've discussed that with the residents of the existing neighborhoods of Spring Meadows and Williams Addition, in one or so of the three neighborhood meetings we had. Looking at the map, we had construction of homes and let's start out with infrastructure first – construction of infrastructure traffic to go access Snapdragon and then use a dirt road for construction traffic to get in and do these – come out this direction. Come in on Snapdragon, go down Mastad to somewhere around Churchill Downs, up Calder and develop this area here. We plan on putting some barriers at the existing end of Snapdragon Drive as it intersects with Marigold Drive.

Chair Curtiss: Since the person doing the minutes can't see the map, you were showing coming from Highway 93 on Snapdragon to where the map shows – your proposal shows Mastad. You would carve that road in, so that it could be used by construction?

Kevin Slovarp: Basically, yes. Reroute construction, all construction traffic, to not use Ladyslipper.

Chair Curtiss: So it wouldn't go through the residential area, but it would have to use Snapdragon just to get in as far as past that first lot.

Kevin Slovarp: Correct.

Chair Curtiss: For the record, he said not on Snapdragon or Ladyslipper in the residential area.

Commissioner Evans: I just asked Colleen a question as to whether number 8 should be put back in, if that would take care of it. I'm going to ask Colleen to put on the record what she just told me.

Colleen Dowdall: My response was that these are all County roads. It's difficult to limit traffic on County roads, everyone has a right to use them. That's why I was not comfortable with directing traffic with barriers, but I am not sure that if we put that condition back in, that it would be effective to do what we want to do.

Greg Robertson: The temporary barriers were to segregate residential traffic from commercial traffic. That was the point of it. That's not related to the issue of construction traffic during the infrastructure and subsequent lot building. That language – and I would agree with Colleen – I think should be stricken.

Chair Curtiss: The barriers that Kevin was referring to, though, were to make sure that while the roads were being carved in and used by construction, that they would not be able to access Snapdragon and Ladyslipper from the other end.

Greg Robertson: Yes, that right.

Chair Curtiss: On the construction side. So that's a construction management-type thing and doesn't need to be in here.

Greg Robertson: Right.

Chair Curtiss: You did hear, on the record, that they said that they weren't going to drive through your neighborhood. We'll expect phone calls if they do. Any other comments? Mr. Zander?

Ken Zander: Pardon me, maybe I misunderstood you. Would this include Paintbrush Lane?

Chair Curtiss: Well, Paintbrush Lane doesn't seem like it would be obvious, but I guess it could.

Ken Zander: It was part of their plan to use Paintbrush Lane. I live at the corner of Paintbrush Lane – excuse me, Glacier Lily and Marigold and there is an alleyway there, a dirt road that goes into this subdivision and I would like to make sure that that is not going to be used because, like I said before –

Chair Curtiss: Not used during construction.

Ken Zander: Yes, because of the children.

Chair Curtiss: Eventually, these neighborhoods will be connected by roads once they're finished. Eventually, according to this plan, these roads will connect to your neighborhood. What I hear you're saying is you don't want them to do that during construction.

Ken Zander: I don't want them to use it at all. Like I say, we have no sidewalks in Spring Meadows. Our children used the street as their way of going back and forth to common ground or their neighborhoods and I don't want to see them become captive in their own yards.

Chair Curtiss: So this proposal does show a connection at Elderberry, Marigold, --

Ken Zander: I don't want to see commercial or residential, excuse me, I get a little excited over this.

Chair Curtiss: We will ask the developer to make sure and state on the record that they don't plan to use any of the roads within the existing residential as construction roads. I hear what you're saying.

Ken Zander: Eventually you say that there's going to be a tie there?

Chair Curtiss: That's what it looks like to me. Is that right, Tim?

Ken Zander: That's what I'm objecting to.

Chair Curtiss: That's what you're objecting to? Okay.

Greg Robertson: All the inter-connects.

Chair Curtiss: That's because you don't have sidewalks in your neighborhood.

Ken Zander: It would be a real burden to put any sidewalks in that area.

Chair Curtiss: Those are all public roads? 60 foot right-of-ways. But often people have landscaped and put things in the right-of-way.

Ken Zander: Yeah, there are no sidewalks at all in that subdivision. Thank you very much.

Chair Curtiss: Any other comment? Mr. Keating.

Wayne Keating: 9240 Snapdragon Drive. We had some other questions about water and drainage that I didn't hear brought up. I had said before that I would have more on this Snapdragon Drive, the residential section. I'll get to that first. What we're concerned with is that until Phase III is completed, the people are not going to use the construction road to get in and out of their subdivision. Like Ms. Dowdall said, that is the County road, Snapdragon the residential section. They're going to be using Snapdragon Drive to access this. What we're concerned with was Mr. Williams gave us some history of our subdivision, which is the Waldo Williams subdivision. It's basically double-wide mobile homes on foundations and what he had said had happened, he had sold that property to a guy who was going to develop it, got it passed back when people weren't allowing mobile homes anywhere and then the guy backed out of the deal and he got stuck with the subdivision. What we had understood was those road surfaces aren't built to handle a lot of traffic. The people down -- this thing all slopes down into the valley where Mastad -- the people down on the bottom have great water pressure out of our well, but those of us that are up on the hill, like up on Snapdragon, the pipes weren't sized right, so we have low flow, low water pressure. What I had understood was that this entire subdivision was built like that -- like thrown up overnight. What I'm concerned with, we are going to have a lot of traffic on our street, our street is not what I would consider a high quality street, we can't park on the pavement, you know, a car on either side of the pavement and have room for a car to go down between them. We have drainage ditches and we have really thin black-top sidewalks. We are concerned that these first 66 houses are going to be using Snapdragon to come in and out of the subdivision. I don't think the street is up to carrying that kind of traffic. People now days have at least two cars per household, some of them have four because they have teenage kids or whatever. That's what my concern is and I understand -- I realize that we can't stop them from doing this, but we can certainly make it better for them without us having to pay for it. Like when Wal-Mart went up in Miller Creek, they had to buy the traffic light, pay for all the street improvements, so on and so forth, in order to do it.

I don't see why that can't happen here, if there needs to be improvements made to Snapdragon and Ladyslipper, because this is going to increase traffic by leaps and bounds. Like I say, if they don't access Cartage Road at the end, that's not going to give them another out, they're all going to be coming out on Snapdragon. This, I think, should be dealt with before this whole thing goes through. That's my point there. Thank you. I have a thing about the water later.

Chair Curtiss: Go ahead and say it now and get it over with.

Wayne Keating: Can I go to the map? This is where we live on Snapdragon. This is a hill that drops down into this valley, this is the common area, this is the marsh, and this is hill up to here. This whole thing drains, all this, drains right into this marsh. Our well for our subdivision is right here. This is where they're talking about putting the drainage catcher in here. We were told, when this first started, at one of the first neighborhood meetings, that they were going to tap into our well and feed this whole thing. Then we were told the other night at the Planning Board that they had another well up here at Mastad and Cartage. We're not clear yet as to what is going to happen to our well. Our well is substandard by description of our well keeper guy.

Commissioner Evans: When you say "our well," do you mean Spring Hills well or your personal well?

Wayne Keating: Our, Waldo Williams Subdivision, well. There is, I think, 32 of us on it, right here.

Chair Curtiss: And that's separate from, Spring Hills has its own well?

Wayne Keating: Right. Then the other thing that concerns me is this water that soaks into the ground in this 300 and some odd acres, is now going to be coming off rooftops, driveways, sidewalks and streets, coming down here and our well is right in the drainage area. I think we need to address what is going to happen to our well. We've been told, off the record, a number of times, how they are going take care of us, but we need to have it on the record, so that we actually know what is going on with our water. Thank you.

Commissioner Evans: Let's have Kevin do that.

Chair Curtiss: Kevin, if you could come and address that, and for the record, the one that he was pointing to on the map is the .99 acre parkland, drainage area that Kevin referred to before.

Nick Kaufman: I'm a land use planner with the engineering firm of WGM Group and have been involved in this subdivision since its very start. I conducted the very first neighborhood meeting that we held with regards to this project very close to a year and a half or two years ago. We listened very carefully to the property owners and their concerns. You can identify them easily today after this meeting. One is traffic through their subdivision. One is water as it relates to their subdivision and the adjoining subdivision, the Waldo Williams Addition. What we are proposing with this subdivision is a water system. We have already drilled one well, that's the reason this subdivision didn't come before you a year ago, is because we are trying to address some of the issues related to traffic and, in particular, the water system. We have drilled a well on-site that has all the appearances of being a very good high-production well, that will serve this subdivision, and we will provide the option for the subdivision Mr. Keating lives in to connect to this water system. If they decide they don't want to do that that is certainly their option. What this will do is provide an opportunity for them to upgrade their system and it will take care of the pressure problems that Mr. Keating talked about. In addition to that, the County Commissioners and the Public Works Department are aware that for the last several years there's been a proposal to extend public sewer to this property. In addition to that, it would be the extension of Mountain Water Company water for the backbone system. So the future holds a very high probability for City sewer to this property, as well as Mountain Water Company. In the short run, the option, not for the subdivision further north that the first gentleman lives in and spoke to, but certainly for the one that Mr. Keating lives in, to connect to this water system. In addition, this subdivision holds the opportunity for all of the development on this side of the road, which uses a single access to Ladyslipper to have the opportunity to come out Cartage subject to approval of that intersection the Montana Department of Transportation and Snapdragon, again with the approval of the Department of Transportation. The other piece of history that is important, it was circa 1977 when the Missoula County Commissioners at that time amended the growth policy to allow planned growth at the Wye on both sides, east and west, of Highway 93, but on this side of the road actually zoned property and they zoned the property a number of different districts, from residential at 4 per acre to multi-family to commercial. This subdivision that the Williams proposed at this time on their property, they were the original owners of the entire development that has been discussed today, the density in the subdivision is significantly less than the density allowed by the zoning. The zoning has been in place since 1977. We as a community, who have responsibility as well as the developer, have been planning for this type of development in this area for almost three decades. Thank you.

Commissioner Evans: Before you leave, may I ask you a question. Let's take Mr. Keating's concern about the quality of the road. How would you feel about doing a waiver of right to protest an RSID to upgrade Snapdragon Lane some time in the future if necessary?

Nick Kaufman: That on its face seems like a reasonable condition. I defer to your staff at the table, Mr. Robertson and Ms. Dowdall, for an answer to whether you can do that on your current Subdivision Regulations. Once again, you saw a subdivision today in Potomac. How many lots was that? Two lots. If you see 20 five lot summary subdivisions, that's 100 lots. I bet you see more than 25, five lot summary subdivisions in a year. This is three times that. When you see them 5 lots or 2 lots at a time, you don't see the impacts. But when you see a whole area plan like this, with a grid system road, with connectivity, you have the ability and your agencies have the ability to look at the overall impacts as do the adjoining property owners. I think we have to look at what's appropriate in terms of this development bearing the burden of the impacts of not just what it's creating, but what already exists there. I think that's the purpose of the revision to the Traffic Impact Study with revised trip generation projections and then the public hearing.

Commissioner Evans: My purpose on the RSID would not just be for the new folks, it would be for the folks who currently live there as well, because certainly they have an impact on the road as well. Just an explanation. I would like an answer from Greg and Colleen as to whether that makes sense and we ought to include it or not.

Greg Robertson: I think the condition as proposed – I would liken that one very similar to Pleasant View Homes, John Didell's development off of Flynn Lane. There were waivers that were placed, and in fact, we're going to begin the process of exercising those waivers to improve England Boulevard to the north to connect in with Broadway, and then also to extend Mary Jane Boulevard to the east to connect in with one of those roads in the Costco area – I can't think of the name of it, I don't pay attention to City streets that much – but those waivers were appropriate. I think the same thing applies here, because these folks that will be living here will have an impact to Spring Meadows and Waldo Williams internal roads. They're not really capable and probably weren't built to much of a standard in the first place. If any upgrading they should bear their fair share of it. I think it's entirely appropriate to do that. It can only be exercised if we can demonstrate benefit and relative impacts.

Chair Curtiss: As you answer that, Colleen, could you tell us whether Condition 6 accomplishes that, what Barbara has suggested?

Colleen Dowdall: I think that the primary legal issue is 'based on benefit.' I would think that in the future, if there was a question as to whether the residents of this subdivision should participate in improving roads in another subdivision, there would be traffic counts, something that would establish that there are folks from the neighborhood who do use the other subdivision. But it would not be a case of just this subdivision paying to improve the roads. These are County roads, so people in the other subdivisions will likely use them as well. And of course, they haven't waived their right to protest inclusion in an RSID to improve Mastad or Cartage or those others that are in this subdivision. This is when we wish we had County wide money.

Greg Robertson: The way the staff worded Condition 6 would suffice?

Colleen Dowdall: I think that it would work.

Greg Robertson: I would concur. I think that gets to it.

Colleen Dowdall: It cannot be used to replace Condition 10.

Chair Curtiss: Is there any other public comment?

Pat Buffington: I think we in Waldo Williams need to have some guarantees on our water and sewer systems. Currently, the water goes off, the pumps kick out. It happens frequently. The pressure is such that the neighbors can't even take a shower in the morning, if they decide to water their lawn at the same time. The water pump, the alarm, is constantly going off, which signals that the system is not working properly. I have a picture here of a manhole, where sewage is coming out of that manhole. It was taken just a few weeks ago. We just need to fix some existing problems before new ones are created. We need some guarantees in our area, not just promises.

Chair Curtiss: So Ms. Buffington, this subdivision is not responsible for poor planning in yours – they've said on the record that they are not using you were well.

Pat Buffington: Also in the last meeting that we had up at Mr. Williams place of business, they said we would be connected to that new well, at no cost to us. Now they're saying we're not.

Chair Curtiss: They said that it would be your option. They're not going to force it upon you but if the homeowners in your area wanted to be – is what I understood.

Pat Buffington: At no cost.

Chair Curtiss: At no cost.

Commissioner Evans: I don't recall them saying that.

Chair Curtiss: Mr. Williams is shaking his head so we'll let him come and tell us on the record – nodding his head.

Dennis Williams: Yes, I did tell them that they would have the option of hooking into the new system once developed, at no cost to them. The rates – we would be adopting different rates because the rates that we are charging now don't cover the cost because we realize that the system has pressure problems. I didn't realize that the pumps were kicking out. We have an engineer that takes care of that. We were not involved in the design of the old subdivision. We ended up buying it back after some other people had designed it. We realize there are problems with pressures and that's why we offered to let them hook into the new water system once we get it established. As for the sewer, yes, we did have some sewer running out of a manhole. The alarm is for the sewage pumps, not the water pumps. Someone had silenced the alarm. We have four pumps in, we had a one pump failure and for some reason, it triggered three others. That went on for approximately not even enough to get the ground wet hardly. We had 4-G and several pump trucks out there and had it fixed that evening. The first I heard about it was when Tom Barger knocked on my door about five o'clock on a Friday night. So I was lucky enough to get everybody else out there by six and we had it under control. Yes, that did happen, but it was because someone disabled the alarm.

Chair Curtiss: Thank you, Mr. Williams. Mr. Kaufman?

Nick Kaufman: I want this very clear for the record that at one time the Williams' family owned all this land. A developer came along and hired an engineering firm that was not WGM Group and did Spring Meadows Subdivision. Another developer came along and hired another engineering firm that was not WGM Group and did the Waldo Williams Addition. Mr. Williams and his family wound up with the Waldo Williams Addition after it was approved and after all the improvements had been designed and all those designs have been approved by another engineering firm. What you're seeing in the other two subdivisions are problems that are not the results of the Williams' design. What we're doing with this subdivision is trying to correct some of the deficiencies that are in the Williams' Addition by allowing the option of connecting to the water system. I can't even put a dollar figure on the amount of money that the Williams' family and other folks in this wide vicinity has spent studying and trying to make the extension of City sewer feasible and economical viable to serve this area, which would address the sewer issue. And the sewer and water issues were both the issues that Mrs. Buffington brought up.

Chair Curtiss: Just to clarify. There will be no charge for connection, but you'll be expected to pay a monthly fee, whatever that rate is, to operate that water system. Any other public comment?

Melissa Henson: I live on 9233 Snapdragon Drive. Lots of questions. My first question is, off of Ladyslipper and 93 is a kindergarten bus, that's morning and afternoon kindergarten, another road threat of those children getting on and off the bus. That is a big concern because there are going to be more kids that are going to be using that bus. There's going to be more traffic there on the corner and that needs to be addressed. Another thing is, yes, we have sidewalks in our subdivision, if you want to call them that, they're terrible. At our driveway they don't connect, they're crooked, and I think that along with the road should also be addressed with that. The well, if we want to connect, okay. So were already paying a fee every month to be connected to the well. We have to come up with another fee, if we want to be connected –

Chair Curtiss: Just to clarify. I think he meant, if the folks in your subdivision choose to connect, then it will be a replacement for the other system and you would have a new fee, but not two fees.

Melissa Henson: Right, exactly. All of us in that subdivision are working people, why should we have to pay an additional fee for someone who messed up. Maybe it wasn't the Williams, but why should we constantly have to pay more and more fees for something that we shouldn't have to.

Commissioner Evans: You can't expect them to fix the problems from someone previously.

Melissa Henson: Right, but we already pay a fee.

Commissioner Evans: That would be a replacement fee for better service, is how it sounds to me. Well then everybody should pay for their own use of their own things.

Melissa Henson: Exactly.

Commissioner Evans: So I think we're agreeing?

Melissa Henson: Well I think that, why should we pay more? I mean, can't it be the same fee, is my question.

Chair Curtiss: Probably because the new one is going to work. You are paying more but you might be able to take a shower and water your lawn at the same time, or do laundry. Unfortunately, systems are expensive to run.

Wayne Keating: This is the last thing I wanted to say. With this Snapdragon/Mastad access to the commercial, and the Ladyslipper/Snapdragon access to the residential, and I understand this was put into place a few years back where we had to keep residential and commercial separate. We had discussed at one of the meetings where they were going to come in off of Snapdragon onto Mastad and then access this subdivision from here. What I understand is that we can't do that because there's conflict between commercial and residential. That would work, I would think, better. There are people that live up on this corner and on this corner where Ladyslipper curves around to Highway 93, that don't want this accessed here at all. The one lady doesn't want Mastad accessed from Ladyslipper. I think that there could be a solution in running traffic in on Snapdragon up Mastad – I'm still concerned with this piece of property that they don't own yet at the end of Cartage Road – so that we don't have everybody, if there were a main entrance to this subdivision, everybody wouldn't be flooding into Spring Meadows and Waldo Williams Subdivision if they could get out somewhere besides here. What concerns me – this is why I wanted Mr. Williams to say everything on record, because these guys have made promises and will pretty well stick to them and I'm confident that they will, but provided that they have it on record that they said it. What if Phase III never comes to fruition, Phase III, IV, V, VI, and VII, and this all becomes one big hub-bub of traffic. I think there ought to be a way to route all this traffic into one area that's safe to get out on Highway 93, not necessarily using our subdivisions, because we already have our ways in and out.

Commissioner Carey: My understanding is that traffic study is supposed to look at all those things.

Greg Robertson: The traffic study, all it does is assign impacts based on standard methodologies and accepted methodologies for the purpose of determining impacts to a particular segment of road. In this particular case, since they're looking at Cartage signalization and not sure what they're going to do with Snapdragon, there was quite a bit of a discussion about a junior interchange, which would make a heck of a lot of sense, but the property owner to the west is not interested so that's not going anywhere, but also signalization of Ladyslipper. Traffic is going to follow the path of least resistance. That's how things work in the transportation and engineering business. There's going to be a natural segregation. Commercial traffic is not going to want to go back in these neighborhoods, they're going to want to get out on 93, because that's where they're going. They're going to find the quickest way to it. For example, if Snapdragon was not a junior interchange or signalized or something along those lines, then commercial traffic might use it as an entrance, but they're going to use either Cartage or Ladyslipper as means of egress because with a signalized intersection at least gaps are now created that are acceptable for maneuvering larger vehicles. It makes for an overall safer situation.

Chair Curtiss: In regard to the traffic study then, could we add some language that talked about showing the impact by phase?

Greg Robertson: Generally speaking, a Traffic Impact Study is done by phase. Generally, there's a Phasing Plan, if it is a fairly large development, and the impacts are determined by phase and when they need to be installed, that sort of thing.

Commissioner Evans: I don't think it's been mentioned but I think the folks in the audience and I would like to know, what is your general time frame on phasing? When do you expect Phase I, II on through X, XII or whatever, likely to be done? I realize that's a subjective, not certain, thing.

Kevin Slovarp: I believe that's in a – I want to point that to you in a table in Section 1, Page 6, Phase I filing deadline 2006, and then one every year thereafter.

Chair Curtiss: Other comments or questions.

Ken Zander: I'd like to know if we're going to be privy to this information on this highway impact survey that they're going to be asking prior to the approval of the subdivision.

Chair Curtiss: The way that it is written right now, Mr. Zander, is it's a condition of the approval. The way it's being proposed is we would approve the subdivision today, but the developer would have to submit – would have to do the impact study and then the Commissioners would hold a public hearing, at which time the public would be notified. They would have to do that before they could file their final plat. Until they file their final plat, they can't develop.

Ken Zander: Isn't this like putting the cart before the horse?

Chair Curtiss: That's the point that our Public Works Director, Mr. Robertson, made is that usually we have this first. That will be subject to discussion by the Commission today.

Pat Buffington: We have questions regarding the new park area that's being put in, because that area is being put in, they're needing to put more houses in another area, but Tim couldn't tell me the other day where that exactly was, and apparently there's talk of putting them behind our house area.

Chair Curtiss: Of course, one of the areas that will take half of those houses would be the area that's marked as a park right now because would swap those for another. Tim, could you address where – the developer would propose it but we have discussed some possible. Tim can show us where it's being considered that there might be space.

Tim Worley: Of course, like you said, a portion of the lots could be recovered right here, a portion could be recovered right here on the .83 acre common area that's proposed. My understanding is that some lots may go somewhere in this 10.84 acre common area. That's just my understanding to this point.

Chair Curtiss: They would be proposed by the developer?

Commissioner Evans: Ms. Buffington, if you have other questions, would you ask them all now so we could answer them all now.

Pat Buffington: Certainly. In that regards, again, what we were told by the person who sold us our lot, we were told nothing would be built behind us because the grade is too steep and there is swamp land there also beneath that. Also in that light, next to our lot is a 60 foot easement on this map that we received when we bought our lot. We were told that it was strictly for utility easements. Now they are trying to take it away. I have looked at Book 593, Page 763, through the Clerk and Recorder's office, it says that said easement is perpetual and shall run with the land. Perpetual to me means continuous, everlasting, uninterrupted, lasting, unending, long-lasting, eternal and continual, yet they're wanting to take it away.

Commissioner Evans: Who is "they?"

Pat Buffington: In this map, it is being taken away. Also, I talked with –

Commissioner Evans: Would you go up and show me on the map where your talking about.

Pat Buffington: This area right here. They're saying now that they will give us 20 feet, but to me that might not look like 20 feet, but it should be 60 feet, in our opinion, from what all we were told and from what that book says. Also, I have from Greg, in the Surveyor's office, he gave me this MCI Citation for road abandonment. It says, the board may not abandon a County road or right-of-way used to access private land if the access benefits two or more land owners, unless all of the land owners agree to the abandonment. I do have it signed by a couple more land owners that they don't want that abandonment either.

Chair Curtiss: So, Ms. Buffington, didn't you state that it was a utility easement, not a road.

Pat Buffington: It's an easement.

Chair Curtiss: So the map that I'm looking at that was submitted with the package says, 60 foot wide public access easement per the same book you looked at. It does show it there.

Colleen Dowdall: That is a road easement.

Chair Curtiss: Colleen, could you explain how road easements are in the County? It doesn't mean that there's – explain how it works. It's about the second map in.

Colleen Dowdall: It appears as if that there is a road easement across this property that has not been reflected on the preliminary plat.

Chair Curtiss: It is actually on here.

Colleen Dowdall: Oh, is it?

Chair Curtiss: It does say, "to be vacated." I guess that's the point that you're making. Nick can probably address – what that is, though, is that your property still goes over the land, it's just an easement, it isn't a –

Pat Buffington: It's not our property. It's just an easement adjacent to our property.

Colleen Dowdall: But it is a roadway easement, which is different than a utility easement. If we don't abandon it, that means that it could be used as a road, it's a County road.

Chair Curtiss: But it dead-ends, Colleen, if you look at the map right on this steep hill.

Greg Robertson: It doesn't serve anything.

Chair Curtiss: It doesn't serve a purpose.

Colleen Dowdall: So the applicant would have to request that it be abandoned. The statute that says that two people, or more than one person, I think it is, that objects, is if the road right-of-way is used to access your house or your property. So the question would be, are you using that road easement to access your property?

Chair Curtiss: Currently, it looks like the only person using that would be the Williams' family because it's all on their property. So they're the ones who could object. Or if it had been used for years to go across Mr. Williams' property and get to someone else's property, then we would have to consider that. Do you see that as being used at this time, Ms. Buffington?

Pat Buffington: Well, I guess, why does this say that it is perpetual then?

Chair Curtiss: Because it has to go through a process to be unperpetuated, I made up a word today! Colleen, could you explain, maybe, the process a little bit more.

Colleen Dowdall: A road right-of-way, a road easement is a property interest that's granted to the County – that the County acquires and we can unacquire that, but only after we go through a process of having a petition to abandon the right-of-way or vacate the right-of-way. I'm not sure why what is on file has all the perpetual language except that we can't abandon it without public notice and hearing, going through a process, and then the legislature did recently add the restriction on – if it accesses two properties or more and those parties object then we can't abandon it.

Chair Curtiss: The process that we use then is that we have a public hearing – if they want this to be vacated, the owner will have to petition the County to vacate. Then we have a public hearing. We recess the hearing because the law says that one Commissioner and our Public Works Director or whoever we say in our County, usually Greg, or Charlie who is in our Surveyor's Office, have to go out and visit the site to determine whether it is being used by anybody for any reason or if there is a future need for it. The only thing they are proposing there is just that little short piece in one lot to be abandoned. If it serves a purpose or might have a future need, then we don't abandon it.

Pat Buffington: Also in our covenants, it says that the property owner has to maintain the easement. Why should I be maintaining an easement, mowing it and maintaining it, if it's someone else's land?

Colleen Dowdall: I am having a hard time picturing this, because if it's a road easement, you don't have to maintain it. If it is a utility easement and it is across your property, then your covenants may say that, but we aren't a party to your covenants. It may be that there is a utility easement and a road easement. I don't know. The utility easement won't go away with abandoning the County road.

Chair Curtiss: The other thing is, is that the County just has easements across your property. In other words, we have a right to put a road there or a burrow pit for drainage. But you do still own the land.

Pat Buffington: No, we don't own the land. It's just an easement.

Chair Curtiss: This one is an easement and not a –

Pat Buffington: Right.

Colleen Dowdall: And it's on the subdivision –

Pat Buffington: Not on our property. In our covenants and in my letter that I sent, I quoted what it says on easements: "Easement as shown on a plat of a subdivision are for installation, maintenance of utilities, drainage facilities and drainage ways." Then it goes on.

Chair Curtiss: That one is listed here to be vacated. They, of course, have not gone through that process.

Pat Buffington: My last question, when you mentioned all these RSID's for this new development, will we in the Waldo Williams development be responsible for any RSID's?

Chair Curtiss: The one that we referred to recently about – if there was an RSID on Snapdragon or Ladyslipper or any of those, people in your area would be asked to take part in that RSID. If you do not on your – it is always based on benefit. There's a formula to figure that all out and our Bond Council always advises us on that. If your property does not have the waiver of a right to protest an RSID on your property, then you can protest. If over 50% protest, then the RSID does not go forward.

Commissioner Evans: I have several questions but I would rather wait 'til the hearing is closed.

Chair Curtiss: If there is no other public comment, we'll close the public hearing.

Commissioner Evans: I've noticed throughout this presentation a reference to park, in all of these common areas as "park." I don't think that should be listed as "park" unless it is a park; one that we're hoping that the City will take over and maintain in the future. If they're common area drainage, it ought to say that, otherwise people have an expectation that we're going to take care of it or that the park will be maintained by a Park Department and that's erroneous. Tim, I would like your response as well as the developers. I don't think it ought to be called "park" unless it is a dedicated park, which falls under specific rules.

Tim Worley: I think specifically for the central park, the 5 acre park –

Commissioner Evans: I'm not talking about that one. That one is a specific park. The others that are common area drainage ought to state "common area drainage" or something else.

Greg Robertson: Those will be dedicated common areas to the Homeowners Association for perpetual maintenance responsibility.

Colleen Dowdall: I think we have a condition of approval that requires that they take (inaudible) and have them –

Greg Robertson: Yeah, there was.

Commissioner Evans: I don't want it to say "park" unless it's –

Chair Curtiss: Is it 26 or is there another one too? Yeah, 26 talks about some of the parks. 25 changes the name, relabeled to "common area drainage."

Commissioner Evans: All of those that are not County parks should be relabeled drainage.

Colleen Dowdall: I think there is one that is still proposed by Kevin's presentation today, that could be called a "common area park." This is something new that has been cropping up. I think we used to have drainage easements. If we do it as common area, then we have someone responsible for the drainage and that's the Homeowners Association – so that's a good thing. We have common area also though that can satisfy the park requirement. It can be called a "common area park." I don't know if any of those are still proposed. Are they Tim?

Commissioner Evans: If they are, who is expected to maintain them?

Tim Worley: The Homeowners Association.

Commissioner Evans: As long as it's clear that it's not a County park and we're responsible for maintaining it.

Greg Robertson: It should be made clear in the dedication language.

Chair Curtiss: Tim, could you take the microphone and show us which ones are going to be called "park" and which ones are "common area park."

Tim Worley: The recommendation for a common area drainage labeling would apply to this little 0.1 acre area here, this 6/100 of an acre common area here, this strip here which is a tenth of an acre, this would be a common area drainage although Kevin did bring up the issue that if you pipe the water here, it could have some other function, this is a 2.14 acre detention area. Those would all be recommended to be relabeled as common area drainages. The other areas that would just be common areas and they are currently labeled as common area parks, right here – these hillside areas – this here which is about a 10.84 acre common area that contains the wetland. This is the proposed 2.13 acre common acre in the center. That might cover it, oh, there's one more hillside that's –

Chair Curtiss: What about that little guy that you said that they may be able to put some houses on it.

Tim Worley: That's about 8/10 of an acre and it's also common area park.

Chair Curtiss: In the end the only ones that would be considered for public ownership, rather than common area, would be the 5 acre.

Tim Worley: Right.

Commissioner Evans: The other thing I would like to point out is if you would go to Section 8, Page 11 of 22, read 7D-I, included in these covenants is an allowance for permitted single family dwellings. I'll let you read it. They did submit in their covenants the ability for someone to have a mother-in-law, a mother, a granddaughter, a whatever family, kitchen facilities as long as it is physically attached to the house, remains part of the dwelling and does not become a de facto duplex. I wish to leave that in the covenants. This is an aging population. With 300 homes, it seems clear to me that someone might like to have some separate facilities in their own house for members of their family. I do not wish to take that out.

Chair Curtiss: So the proposal in the conditions was to take out the kitchen part? Tim, is that correct?

Tim Worley: I think the recommendation is to eliminate that whole section. It could be left in. Staff's concern is that if it were left in, you may have some scenarios where you end up creating what are de facto two dwelling units on an 8,000 square feet. While that would be allowed in the covenants, at the time of zoning compliance permit submittal, you might run into some issues. That was the only thing that we were considering.

Colleen Dowdall: It doesn't comply with zoning?

Tim Worley: There's the potential on the smaller lots that it wouldn't. There are some larger lots where this actually could work, but most of the lots, it might create a problem – just the zoning compliance review.

Colleen Dowdall: It would not trigger subdivision for lease or rent as I stated earlier because it's attached. We don't review attached additional dwellings. If we take it out, it will preclude it from those lots – not preclude it– we will preclude the authority and the covenants for those lots where it wouldn't violate zoning.

Commissioner Evans: I don't wish to do that. There's 300 houses here. It seems to me that somebody might want to have separate facilities for their grandma, their mother, their college student, something. I'd just as soon not say no.

Commissioner Carey: But the way this is written, it sounds like the only people who could do that would have a larger lot.

Colleen Dowdall: My concern is that if we take it out, no one would be able to do it by the covenants. If we keep it in, everyone could do it by the covenants and only those who could do it by zoning, could do it. So if we could keep the language in it would offer opportunity for that.

Commissioner Evans: If I were to read the covenants and I lived there, I would assume I couldn't do it. I wouldn't realize that there was a variance here.

Denise Alexander: Actually, as long as it's zoned in the County in the C-RR3 zoning district, a duplex, if we did determine that what they were building was a two family dwelling, it's a special exception, so it would have to go to the Board of Adjustment.

Commissioner Evans: It says, as long as it doesn't make a de facto duplex.

Denise Alexander: It says that in the covenants?

Commissioner Evans: That's what it says.

Denise Alexander: There would have to be some kind of a zoning determination as to whether it is a de facto duplex or not.

Chair Curtiss: It says, "so long as its use is accessory to that of a single family dwelling and is not a de facto," so I'm sure somebody, somewhere has to determine that.

Commissioner Evans: I would imagine that the Homeowners Association would do that. I just think taking away peoples rights without a legitimate reason, offends me.

Commissioner Carey: Would you like to make a motion to strike 33B then?

Commissioner Evans moved that the Board of County Commissioners delete Condition 33B. Commissioner Carey seconded the motion.

Chair Curtiss: Discussion – this said, the reference to separate kitchen facilities, so it would still allow you to have a mother-in-law apartment, just not with a kitchen.

Commissioner Evans: Maybe I want my mother-in-law to cook for herself.

Chair Curtiss: I just need then to clarify, in my mind, Colleen, how this would be then interpreted. This would only work on – I don't understand how it only works on the larger lots or whatever.

Colleen Dowdall: Because the minimum lot size in these zones is so much for one dwelling and then if you have two, you need a little more space. Is that right, Tim? Tim is nodding. That's why it would work on the bigger lots.

Chair Curtiss: It would just depend. If you only wanted one bedroom and your mother-in-law wanted to have one the size of the garage, you could fit it on a little lot?

Colleen Dowdall: Not and comply with zoning – if she wanted a bedroom, that's one thing. The way this review is triggered, if your building plan shows an additional kitchen, then the zoning officer says, wait a minute, this doesn't comply with zoning.

Chair Curtiss: Because it's zoned, it gets looked at for that. Okay, it's been moved and seconded to delete Condition 33B as proposed.

The motion carried on a vote of 3-0.

Commissioner Evans: There was one other question I would like to ask the developers and that is a concern for a bus pull-out, somewhere for the children. Is that something that you could countenance and find a place for? Scott has his hand up, maybe he has some thoughts.

Scott Waldron: While I can't directly speak for the School Board or the School District, it's been historically when they've develop new subdivisions such as this, my guess is that they would load and unload inside this larger subdivision and not continue to unload on the road. I think the restriction now is there is no turnaround for the bus currently.

Chair Curtiss: Scott, where do they unload now?

Scott Waldron: Highway 93 and the corner of Ladyslipper.

Commissioner Evans: Is there someplace –

Scott Waldron: It is a fairly reasonable pull off now. There is parking for the cars.

Commissioner Evans: So it is safe for the children and I don't need to worry about that?

Scott Waldron: I believe the School Board has some standards for that, and the only reason they don't pull in now is, I think, because there is no bus turnaround inside this subdivision. When you get a looped road, that could be possible.

Commissioner Evans: Do the developers have any comments on that? I'm not suggesting we require it, I'm simply asking for input.

Nick Kaufman: Most school districts will come into a subdivision if there is a way to turn around and if they are public roads. This subdivision that I live on, which is Snowdrift Lane, now has a way to turn around at the end of it so Hellgate District comes in. Most school districts don't want a bus pull-out. The school bus wants to park right in the middle of the road or on the road so that traffic stops, so that children, when they get off the bus, can cross the road, the bus is the traffic safety device that allows children to cross safely. If you put a bus pull-out in, the bus is off the side of the road and there's no traffic safety device when the children cross the road.

Greg Robertson: We can work with the developer and the Frenchtown School District, which we have pretty close relationship with, to insure proper circulation for their bus route.

Commissioner Evans: That was all the concerns I had other than Condition 6, which apparently takes care of the need for an RSID should Ladyslipper or Snapdragon ever need upgrading.

Commissioner Carey: I'm the same way. I'm comfortable with the agreement Chief Waldron reached with the developers in Condition 21 that would support the proposed amendments to that Condition. I also support the recommended Condition amendments and deletions on this blue piece of paper, the memo from Tim dated today, dealing with the parks and the improvements to Cartage Road.

Greg Robertson: Commissioners, could I make, just throw my two cents in? There were several requests for amendments on the road standards. I'd just like to go through them real quick. A comment was made on Condition 5, my recommendation would be to leave it as is currently written and amended by the Planning Board. Condition 6, I would suggest leaving it as is currently written. Condition 10, I would request that it be left as is, removal of the "or RSID."

Chair Curtiss: So you don't want the RSID in there?

Commissioner Carey: That's the one you want right, Condition 10.

Greg Robertson: Yeah, that would be okay. Condition 11, they're asking that it be deleted. I don't have any objection to that. I think the truth will come out when the traffic study, if I ever get to see a copy, will show what appropriate improvements are necessary at the Snapdragon/Highway 93 intersection. I don't have any objection to the boulevard width in Condition 13. I've made my comments on Condition 14. On Condition 15, I don't have any objection to the amended language.

Chair Curtiss: Do you agree that that might be too steep off of Pimlico Lane?

Greg Robertson: Yeah. I think it's relatively close to an already proposed connection. That is a fairly healthy slope and they'll need quite a bit of run out to get it, and I think it is just putting in pavement for the sake of putting in pavement.

Commissioner Evans: Which one was that, Greg?

Greg Robertson: That was eliminating Pimlico Lane language.

Commissioner Evans: I want to argue with you about Condition 14. I think the lot owner should be responsible for the installation of the boulevard improvements in conjunction with their own lot plan.

Greg Robertson: There's no way of tracking it. We don't have a building codes program right now, so unless you make it a condition, there's no way you're – a condition of the subdivision – there's no way you're going to guarantee that that stuff is even put in.

Commissioner Evans: The covenants will do that.

Commissioner Carey: But that's what the Planning Board put in, the lot owner is responsible.

Greg Robertson: I would prefer that it be left as the developer. That way the developer guarantees –

Commissioner Evans: I'm arguing for what the Planning Board put in here, that's what I prefer. Sorry, Greg.

Greg Robertson: My argument would be to leave it for the developer to work it out with the lot owner. But at least somebody is responsible and we're not having to go to individual lot owners when somebody doesn't put their landscaping in because we don't have time to deal with that.

Chair Curtiss: Colleen, because this land is zoned, which we don't always have in the County, will there be more in regard to things like doing your boulevard work because of zoning compliance? Would a zoning compliance check trigger some of this stuff?

Colleen Dowdall: Zoning compliance will look at the plat as well as the zoning. What I think triggers that all best is a building permit. Because this is subject to a sewer agreement, they will be getting building permits one way or the other. I think this is a case where it may be okay to leave it with the lot owner because we will have – and then once the City gets this property, they have their boulevard ordinance which will require –

Greg Robertson: I would agree with you, the City has much more authority that we do. I think our only hook is to insure that the developer guarantee the improvements, even if they allow the lot owners to do them. At least they have control, but we have some sort of surety that those improvements will eventually get put in. That's my only argument. How they work that out with the lot owners, I don't really care.

Chair Curtiss: But we're assuming that this will be in the County until Phase III. Is that right, Tim?

Greg Robertson: Currently, what they're planning is Phase I and II is a community drain field.

Tim Worley: I think it might even be up through Phase III.

Greg Robertson: They could conceivably expand it to Phase III. To get further than that, the type of treatment system would be enormous and they would need centralized sewer to do that. That's why they are pushing forward, along with the County, implementing extending sewer out into this area.

Commissioner Evans: Bill, did you make a motion on those things that we cared about? Did we vote on it already?

Chair Curtiss: We didn't yet. Greg, did you have any other roads ones that you wanted to talk about? I'm curious as to your feeling about –

Greg Robertson: I had a couple other minor comments. On Condition 28, my recommendation would be to leave the way the staff had originally drafted the language and delete the Planning Board's recommendation of putting in a road for that little connection between Churchill Downs and Snapdragon. There's plenty of road and circulation in and around that area, but what makes sense is a pedestrian connection along that boundary and that's what the staff had originally proposed. Frankly, in my view, the condition of putting in a road to make that little bitty connection is putting in a road for the sake of putting in a road and not really serving any valid purpose.

Chair Curtiss: Even though it's a 480 foot lot – block?

Greg Robertson: Yeah.

Tim Worley: And if I could comment, there's actually a numerical error in the original condition where it says, 12-1/2 foot grass strips, that should read 7-1/2 foot.

Greg Robertson: The final one was just Condition 31, the only interest I have in that is the creation of the RSID. I think that's appropriate for that modification.

Colleen Dowdall: I have a problem, we're not saying that you cannot create an RSID, we're anticipating that an RSID might be approved. But, that doesn't happen over night, so if the park goes in, someone has to maintain it until the RSID is approved. I would be happy if the blue language came out.

Chair Curtiss: So in other words, the developer could use an RSID as a mechanism to do that, this doesn't preclude them from doing that?

Colleen Dowdall: Correct. It's just that until the RSID is formed, that the developer will maintain it.

Commissioner Carey: So we're back to the Staff and Planning Board language?

Colleen Dowdall: Correct. Tim has a comment also it looks like.

Tim Worley: If I could just chime in on the use of the word "public," it's stricken there. I talked to Jackie Corday, City Parks and Rec., this morning and she really wanted any reference to "public park" to be retained for that 5 acre central park.

Greg Robertson: We can't enact an RSID unless it is County owned and maintained.

Chair Curtiss: Before we go to any more motions, I guess the one thing that I have concern about that several folks brought up today, including Greg, is the whole deal of approving this subdivision with the condition about the traffic impact statement – how do we then make this subdivision – okay, start over. If the traffic study shows some improvements, that we haven't considered here, are needed and we have a public hearing and the public comments, the Department of Transportation and the Public Works Department comment that some things are needed that we haven't put in the subdivision, how do we do that legally, if we've already approved the subdivision even though it's got this condition?

Colleen Dowdall: It won't have its final plat filed. If you have a public hearing after it's approved, once the traffic study is done, if you approved something else that would amend the conditions of approval. We amend conditions of approval all the time with various processes. I think this is one that having a public meeting or public hearing between preliminary plat and final plat is a good idea. I think not just for approval of whatever traffic comes up with, but also to approve a final design because the design is going to change when they move the park. You could expand that to include that once the traffic study is done and the recommendations are made, there would be a hearing to determine with the traffic improvements will be and also to review and approve the final design.

Chair Curtiss: With the parks and the relocations of lots?

Colleen Dowdall: Correct.

Chair Curtiss: So would we need to add a new condition to add that piece?

Colleen Dowdall: I think we could just add it to that one, I think.

Commissioner Carey: So following that public hearing, if we felt it was necessary, we could amend the conditions before they could do the final plat approval.

Colleen Dowdall: Yep, that my – what number is it?

Chair Curtiss: Condition 5. Nick, we did close the public hearing but I will let you make a comment or clarification.

Nick Kaufman: My only question was a clarification for Greg. On Condition 10, Greg, I was looking at the sheet that Kevin handed out on Condition 10 that didn't have Tim's proposed changes, the blue sheet. If we just take a moment to look at Condition 10, it says, "the developer shall improve the off-site portion of Cartage Road" – this is off Tim's sheet – "to 24 feet of pavement with 2 foot of gravel shoulders between the subdivision and Highway 93 prior to filing of Phase III subject for review and approval." What we were proposing there, maybe we didn't explain it well enough, is that if we were to go in and do a special improvement district and try to get initially a wider road with curbs, gutters and sidewalks, you wouldn't have any objection to that. I'm trying to figure out why the words RSID –

Greg Robertson: I was looking at the old language, I wasn't looking at the –

Nick Kaufman: If we look at Tim's, and it says "the developer shall improve the off-site portions –

Greg Robertson: That's fine.

Nick Kaufman: With an RSID or by himself? Either one, right?

Greg Robertson: As it is shown currently, the language is fine with me.

Chair Curtiss: I think, Nick, what we're getting at here is that because of a portion of this road is not public, if it remains private but you get an agreement to improve it, we can't do an RSID on a private road.

Nick Kaufman: But everything that is not private we could utilize an RSID for and have to use our funds for the portion that is private.

Colleen Dowdall: I don't think the condition as written precludes you from doing an RSID. We don't care how you finance it.

Nick Kaufman: Thank you. That's what I wanted to hear. The RSID option is not precluded. Do we all agree on that?

Chair Curtiss: Right. Based on the work load at the County.

Colleen Dowdall: Right. And based on benefit and all of that.

Chair Curtiss: Colleen, did you have some suggestions of how to address those issues on Condition 5?

Colleen Dowdall: Condition 5, I do. As written with Planning Board's addition, I would keep the first sentence, and the second sentence, and then on the third sentence "the subdivider shall be required to mitigate impacts attributed to the subdivision" and then strike "subject to review and approval by the" and replace that with "after review by Montana Department of Transportation, and where appropriate, Missoula County Public Works Department and as approved by the Board of County Commissioners."

Commissioner Carey: But it's the State's highway. Don't we have a problem there? Don't they have to approve it too?

Colleen Dowdall: Yeah, your approval would be after their review and whatever they recommend to you.

Chair Curtiss: I think the other thing we wanted to add in here was whether or not at the same time that we do this, we could look at the parks – you have another sentence, do you?

Colleen Dowdall: I don't have another sentence, I thought of putting it another place.

Chair Curtiss: Okay.

Colleen Dowdall: Does anyone know what the park condition number is?

Chair Curtiss: We talk about the reconfiguring on Condition 26, on the blue sheet today, has the newest one there. It talks about the Phasing plan should be revised to include that park.

Colleen Dowdall: Then, I would say that the final plan is subject to the review and approval by the Board of County Commissioners after a public hearing. I think we can say "design" instead of "plan."

Commissioner Carey: Where does that go into?

Colleen Dowdall: Condition 26, at the end.

Chair Curtiss: Final design is subject to the review and approval by the Board of County Commissioners after a public hearing.

Colleen Dowdall: Right.

Chair Curtiss: Do we care – I know that the one that Kevin gave us suggested reconfiguring the phasing plan. Do we need to say Phase IV? Maybe they want it to be in Phase III. So, Phasing Plan should be revised to include the approximate 5 acre park.

Nick Kaufman: I appreciate the concern for the recapture of the lots and have that design approved by the County Commissioners and I don't have any objection of that. However, similar to what we did at Phantom Hills, where we had an original townhome layout, we amended that townhome layout, and we covered that in a process of a minor amendment to the lots. We got agency comments and we brought it to the County Commissioners after staff and agency comments and I would prefer that option. I really don't want to come back for two more public hearings. The issue of the park isn't contested by us. It wasn't a subject of issue of the public and if you'd like to see that, Commissioners, I have no trouble with it, but I don't think there needs to be another public hearing to review that. I don't have any trouble with agency comment and approval by the Commissioners, but I really don't think another public hearing on the park is necessary.

Chair Curtiss: I think we were assuming it would happen at one public hearing.

Colleen Dowdall: I was going to say that, that it would occur at one public hearing. My recollection of the determination of the townhouse lots, that there was an amendment to that, was that there were not changes in streets, dedication or location of parks and that sort of thing. I'm not sure we could fit this under a definition of a minor amendment.

Nick Kaufman: Thank you, Ms. Dowdall.

Chair Curtiss: So far we haven't adopted any of this yet, but so far, the language that we're considering is that final design be subject to review and approval after a public hearing, assuming that it would be all one public hearing. Is there any other staff comments before we work our way through this?

Greg Robertson: I missed one. There was a request to delete Planning Board Condition 36. It deals with paving of improvements 500 feet of off-site roads. I don't know what that accomplishes. I think it's addressed already in Condition 6.

Chair Curtiss: I think Colleen told us that she agreed with that, that we couldn't require them to 500 feet, but we could do it through an RSID, based on benefit. So Condition 36 does need to be deleted?

Greg Robertson: That would be my recommendation.

Commissioner Evans: I'd like your opinion of Condition 34 and 35, please.

Greg Robertson: No objection from my standpoint.

Commissioner Evans: Which do you have no objection to, the blue or the black?

Greg Robertson: The blue.

Chair Curtiss: I would like Denise to clarify, because the Urban Forester is the one who also commented on this. Since we don't have a forester on staff at the County, could you comment on what you referred to earlier?

Denise Alexander: Sure. I was also going to ask about another condition. Tim did consult with the Urban Forester and he did respond to him saying that the 7 foot boulevards are the best fit for shade trees, boulevard trees to survive.

Commissioner Evans: I know something about trees and I don't think 6 inches is going to make a difference, guys.

Tim Worley: One thing, if I could comment on that, Scott did suggest that 7 feet is actually a minimum, a viable minimum for trees.

Denise Alexander: I wasn't sure what Greg thought about Condition 9, the changes that the developer is recommending. I think we covered Condition 10. Rather than saying that that needs to happen at Phase III, they want to wait and see when the signal is put in at Cartage.

Tim Worley: Yeah, that is probably reasonable. Montana Department of Transportation timelines are different from everyone else in the world. When they say something is going to happen in a particular year, I wouldn't entirely count on it. Subsequent phase would probably be appropriate.

Chair Curtiss: But this is talking about the improvements of – so, Colleen in the colored picture that you did so pretty, show me which one is Phase III. So Phase III is the multi-family along Mastad Lanes – they would need to have that road improved in order to do that building anyway, wouldn't they?

Greg Robertson: Um-hum. I think all they're suggesting is waiting until the Phase when a signal is put in.

Denise Alexander: I think what would happen, then, is that if the signal is not in at the point that Phase III is filed, then, as you said, possibly the multi-family could be developed, but all that traffic would still have to go out north.

Chair Curtiss: To me it makes sense to have it written like it is just because if they don't have access out that way, they don't really want to add all that multi-family housing.

Commissioner Carey: You're saying, leaving the Planning Board's wording?

Chair Curtiss: That would be my –

Commissioner Carey: Yeah, me too. Are you ready for an attempt at this.

Chair Curtiss: Staff, we're going to need your help, I'm sure.

Kevin Slovarg: Thanks for hearing me real quick on Condition 9. The reason why I had that language in, if there's not a signal at Cartage, people aren't going to want to drive down Mastad to Cartage and drive to that intersection and try to get on the Highway 93 at that location. If we do build Phase III multi-family, by that time, a signal, based on our traffic study – I'm sorry, Greg that you did not receive for some reason – states that a signal is warranted at Ladyslipper. So a signal would need to go in at that point. So the access would be to a signal at Ladyslipper Lane. I wanted that language in there to state that maybe we don't need to build all that road, if there's not a signal there that people could actually get out on Highway 93 at that time.

Chair Curtiss: But isn't there multi-family all the way along that road? Or just up at the beginning?

Kevin Slovarg: There's multi-family all along that road. But it's not until later phases that that multi-family would come into play.

Chair Curtiss: So it's only the multi-family at the top that's Phase III. At the – closer to Snapdragon –

Tim Worley: One concern I would have is that currently that portion of Cartage is slated to be improved in Phase XI, so I think it's important to point out that if it is not improved, per the recommendation at Phase III, it may be left to the latest of the phases, at least according to the Phasing Plan.

Chair Curtiss: My concern is that the more phases you build without making that connection, whether it's got a signal or not, the more you're sending traffic back through the other people's subdivision.

Greg Robertson: Yeah, that will be what happens.

Chair Curtiss: That one is probably one, that if something comes up, you could come back to us and try to get an amendment for? Would that be right Colleen? Colleen nodded, yes. Okay. I think we're ready to work our way through the motions.

Denise Alexander: I have one other thing. I recall the developer asking that the common area, that we had recommended become a common area drainage, talking about being able to put piping underneath so it could still be a common area. That would be something for you to consider. The only difference would be that it would not have to be labeled a common area drainage and it could just remain a common area.

Chair Curtiss: That's the one that is close to the well for the Williams Waldo so it would probably be better if it didn't just accumulate water, that it could be drained somewhere else.

Greg Robertson: With that piece of information, we would certainly be working with the developer's reps to ensure that well is protected.

Chair Curtiss: They asked that that be removed but didn't talk about how to word it so we could make sure that – not only remove the tag from naming it a common drainage area but also to make sure the drainage didn't accumulate there, so do we need to look at Condition 25 if we want to do that – to take out that .99 acre and add some language about moving the drainage somewhere else? Or is it something that you'll do through your review.

Tim Worley: I think we would do through the review.

Denise Alexander: Just that portion could be stricken, I think.

Chair Curtiss: Okay. So that would be Condition 25 that we could – if this is the Commission's choice – to strike "and the .99 acre common area in Phase I commercial." Then it would let the rest of them to be relabeled.

Commissioner Evans moved the be Board of County Commissioners delete from Condition 25 after "Saratoga Court," the phrase "and the 0.99 acre common area in Phase I commercial." Commissioner Carey seconded the motion.

Chair Curtiss: Is there any discussion? Do we want to make sure the drainage ends up somewhere else or just let Greg deal with it?

Commissioner Evans: Greg will take care of it.

The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners accept Planning Board's recommended Conditions of Approval 1 through 4. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners amend the last sentence of Condition 5 to read: "The subdivider shall be required to mitigate impacts attributed to the subdivision after review by the Montana Department of Transportation and, where appropriate, the County Public Works Department and the Board of County Commissioners." Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners accept Planning Board's recommended Conditions of Approval 6, 7, 8 and 9. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners amend Condition 10 as presented on the memo (on blue paper) from Tim Worley dated August 31, 2005. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners delete Condition 11. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners accept Planning Board's recommended Conditions of Approval 12 and 13. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Chair Curtiss: Condition 14, discussion.

Commissioner Evans: I want it to be the lot owner. You pointed it out to me that that was Planning Board's choice and I so move.

Commissioner Evans moved that the Board of County Commissioners accept Planning Board's recommended Condition of Approval 14.

Commissioner Carey: I thought you had said something along the lines, that this would work.

Greg Robertson: I think it would work if we had a building code program. We're just at a very rudimentary stage right now of developing it. Short of that, there's no way to enforce each individual lot owner and it could be a real interesting task trying to do that.

Chair Curtiss: Except they're not – you're going to have a building code up and running before they have this thing ready to go.

Greg Robertson: I don't know. As fast as I can.

Colleen Dowdall: In the annexation agreement, they are required to get building permits. Is that correct?

Greg Roberson: That doesn't apply to the first several phases because they'll have a community system.

Denise Alexander: Also I looked into this, you might remember on Stillwaters, where those contract sewer agreement reviews don't include things like the boulevards. All they look at is the building code.

Nick Kaufman: To address Mr. Robertson's concern, there's a couple things. First of all, it is very difficult for the developer to put in landscaping improvements in the boulevard without an irrigation system. Typically, if you own a home or have ever have owned a home in a municipality or in the County where there is a boulevard, those boulevards are watered from the irrigation system from the home. So, there's no irrigation system there, which makes it a very practical problem. But to address Greg's concern, what we'd like to do, talked with Mr. Williams while you were having your discussion, is through the covenants, require a \$2,000 deposit. When the person buys a home, we retain \$2,000 and after the home is constructed, if, within the first season in which landscaping can be installed, it is not installed, they use the \$2,000 to install the landscaping and the street trees.

Commissioner Evans: I like that.

Nick Kaufman: Then in the future, Greg and I know it puts it to the future, if the sewer is out there and the land is annexed, then we've got boulevard standards. I don't know if that makes it palatable for you or not, but we're trying.

Greg Robertson: That's fine.

Nick Kaufman: Thank you very much.

Chair Curtiss: Would we need to add that under covenants under here, to add a new thing under covenants?

Colleen Dowdall: Either put it there or we could just replace Condition 14 with that language.

Chair Curtiss: The covenants would be amended to take a \$2,000 deposit from the lot owners for future boulevard improvements.

Commissioner Carey: You're adding that sentence or are you replacing something.

Denise Alexander: We could add something I think.

Colleen Dowdall: Do you want to know what to add?

Chair Curtiss: That would be good.

Commissioner Carey: A \$2,000 deposit.

Chair Curtiss: You can just add a last sentence that says, "The covenants will be amended to require a \$2,000 deposit from lot owners to be held."

Denise Alexander: I think what you're saying is correct but we could probably put it in: "The covenants shall require the lot owner to pay a deposit of \$2,000 boulevard landscaping guarantee and be responsible for installation."

Commissioner Carey: Okay, so we've got that language okay?

Chair Curtiss: Could you read it one more time, Denise – "Covenants shall require –

Denise Alexander: "Covenants shall require the lot owner to pay a \$2,000 boulevard landscaping guarantee" – who do they pay it to, to the developer? It could just say, "pay a \$2,000 boulevard landscaping guarantee."

Colleen Dowdall: What Nick just said, away from the microphone, was that a provision would allow the County Attorney's office to review the language or review how the deposit is done. What I want to do is review the landscaping.

Chair Curtiss: You want to do what, you're going out to look at the trees?

Greg Robertson: She's now branching out! I think it's a perfect task for Colleen.

Chair Curtiss: Do we say the guarantee is paid to the developer, to be held – ?

Colleen Dowdall: The Homeowners Association, don't you think, because the covenants will be administering – or will have this language and then the Homeowners Association will be – and that will be the developer for some time.

Chair Curtiss: County Attorney's Office to review the language in the covenants – and the trees.

Commissioner Carey moved that the Board of County Commissioners amend Condition 14 to read: "The lot owner shall be responsible for installation of boulevard improvements, to include, at a minimum, grass and specified boulevard trees. The covenants shall require the lot owner to be responsible for installation and maintenance of boulevard improvements to include grass and trees. The covenants shall require the lot owner to pay a \$2,000 boulevard landscaping guarantee to the Homeowners Association. The covenants shall also require the lot owners to be responsible for the maintenance of the sidewalks adjacent to their lots. This language in the covenants shall be subject to review and approval by the County Attorney's Office." Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved the Board of County Commissioners amend Condition 15 to read: "A 60 foot wide conditional public access and utility easement extending south from Elderberry Drive to the southern boundary of the subdivision shall be dedicated on Phase VIII final plat. The dedication language shall be reviewed and approved by the County Attorney's office. Lots may be reconfigured to compensate for lots that may be deleted to accommodate these easements." Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners accept Planning Board's recommended Conditions of Approval 16, 17, 18, 19 and 20 be approved as presented to us. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners amend Condition 21 to read: "The developer shall contribute a fire service fee of \$530 per lot to the Frenchtown Rural Fire District, or a lesser amount subject to the Frenchtown Rural Fire District approval, for fire protection services. Conditions for payment of this contribution shall be verified prior to final plat approval of each phase." Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners accept Planning Board's recommended Conditions of Approval 22, 23 and 24. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved the Board of County Commissioners delete from Condition 25 after "Saratoga Court," the phrase "and the 0.99 acre common area in Phase I commercial." Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners accept Condition 26 as presented on the memo (on blue paper) from Tim Worley dated August 31, 2005, with the last sentence amended to read: "The phasing plan shall be revised to include the approximately 5 acre public park in Phase IV, to be reviewed and approved after a public hearing by the Board of County Commissioners."

Commissioner Carey: Is that right now?

Chair Curtiss: Let's see, we had some final design stuff.

Commissioner Carey: Did we strike the County parks and stuff and OPG.

Denise Alexander: I think Colleen had recommended just a last sentence saying, "The final design is subject to review and approval by BCC after a public hearing."

Commissioner Carey: Okay, so where did I mis-read?

Colleen Dowdall: You put it at the very end.

Commissioner Carey: So, would you read it, that last sentence as it should, or the last two sentences.

Denise Alexander: "The Phasing Plan shall be revised to include the approximately 5 acre public park in Phase IV to be reviewed and approved by County Park Board and OPG prior to Phase IV final plat approval. The final design is subject to review and approval by the Board of County Commissioners after a public hearing."

Commissioner Evans: I'll second the motion, but I think we also might want to consider including the reconfigure of the phasing plan, based on the changes in the location of the park. That might logically cause a reconfiguration of their phasing.

Denise Alexander: That's why it says, "The Phasing Plan shall be revised to include the park in Phase IV."

Chair Curtiss: Are you suggesting we take out "Phase IV," so that they can do it when ever they want? I mean, they could put it in whatever phase they want.

Colleen Dowdall: Or they could propose it. If we take out that language, that would still mean they would have to do a revised Phasing Plan, but we would be approving the revised Phasing Plan, after public hearing.

Chair Curtiss: So take out the words, "in Phase IV."

Colleen Dowdall: Right. I think that would work.

Commissioner Carey: But why would – would not then they have the option of doing it in Phase XI or something.

Colleen Dowdall: No, they still have to get their Phasing Plan approved by us, though. We won't approve Phase XI, presumably.

Commissioner Carey: Unless the park's in there.

Chair Curtiss: It says that it has to be reviewed and approved before Phase IV.

Commissioner Evans: The way I read it, it's the Phasing Plan on the whole subdivision, not just the park.

Commissioner Carey: Didn't we just strike Phase IV?

Chair Curtiss: There's another Phase IV.

Denise Alexander: I think that the discussion that was had with the Parks staff was that they were concerned that it be included in Phase IV so that it occurs early enough in the subdivision. And also because of the design of having the possibility of having lots build adjacent to what would be a piece of the park before it's actually totally dedicated and improved. I think all of that could be looked at when they submit a revised Phasing Plan, it just depends on how important you think it is to have it earlier rather than later.

Commissioner Evans: My intension is that if they need to reconfigure the entire phasing of the entire subdivision they will bring it in and show it to us.

Chair Curtiss: That's what I was just going to say too Barbara, now that we've added this public hearing piece to this, we probably don't want to tie it to a phase. It's part of the whole subdivision that they may rephrase. So do we want to take out, "prior to the Phase IV final plat?" Colleen, any suggestions? It's right there at the end. "Reviewed and approved by the County Park Board and OPG" and maybe we should just say –

Commissioner Evans: Period.

Chair Curtiss: And the "County Commissioners" after the thing.

Colleen Dowdall: That's good.

Chair Curtiss: So it now says, "The Phasing Plan shall be revised to include the approximately a 5 acre public park to be reviewed and approved by County Parks and OPG. Final design subject to review and approval by Commissioners after a public hearing."

Commissioner Carey corrected his motion on Condition 26. The last two sentences shall read: "The Phasing Plan shall be revised to include the approximately 5 acre public park to be reviewed and approved by County Park Board and OPG. Final design is subject to review and approval by the Board of County Commissioners after a public hearing." Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners accept Condition 27 as presented on the memo (on blue paper) from Tim Worley dated August 31, 2005. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners amend Condition 28 by restoring the original language from the staff and correcting a typo, it should read: "concrete pathway with 7-1/2 foot grass strips," not 12-1/2 foot. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners accept Planning Board's recommended Conditions of Approval 29 and 30. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners amend Condition 31 to read: "The covenants shall be amended to state that the developer shall provide maintenance of the approximately 5 acre public park until such time as an RSID has been formed for maintenance, or the public park has been annexed into the City." Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners accept Planning Board's recommended Condition of Approval 32. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey: I'll move to amend Condition 33 by deleting 33B.

Chair Curtiss: We already made that motion. So, now just accept it as amended.

Commissioner Carey moved that the Board of County Commissioners accept Condition 33 as amended. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners accept Planning Board's recommended Conditions of Approval 34 and 35. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners delete Condition 36. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Chair Curtiss: Is there anything we've left out, so far here? We've got the blue sheet, then we have all of these, the rezoning stuff. At what point do we do that?

Commissioner Carey: I think we just accept the Planning Board's recommended motions, is what I think. They approved it unanimously.

Chair Curtiss: The one thing that they did change in the Planned Variation were those setbacks, which I believe that the developer said they could live with. We did the conditions. What we have left is the rezoning, the Planned Variation and –

Tim Worley: There are variances also. And the variances at the bottom of Page 1 of the Request for Commission Action and top of Page 2. There's a total of six recommended motions for the variances.

Commissioner Carey: Can we condense this into a motion to accept Planning Board's recommended motions for rezoning.

Chair Curtiss: Were there any here that we've now changed, let's see. We're approving the block length of 480? So I don't think we've changed any, have we?

Denise Alexander: No, I don't think so.

Chair Curtiss: Okay. So do we do this in the order as presented here or backwards. Planning Board recommendation for rezoning, that would be the first one then?

Commissioner Carey: That's my motion, to accept their recommendation.

Commissioner Evans: Just the first one, or all of them?

Commissioner Carey: The first one.

Commissioner Carey moved that the Board of County Commissioners rezone the property generally described as remainder portions of Tract A-2, COS 2593 and Tract A, COS 2204, from Valley West Community Development District (C-P1, C-RR3, C-R1, C-R2, C-C1 and C-C2) to C-RR3, C-R2 and C-C2, based on the findings of fact. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

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

Commissioner Carey moved that the Board of County Commissioners accept the Planning Board's recommended Planned Variation Condition of Approval: "The variation from setbacks shall be deleted from the Planned Variation." Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners deny the variance request from Section 3-2(7)(A) of the Missoula County Subdivision Regulations requiring curb and gutter on Mastad Drive, south of Cartage Road, and Cartage Road, west of Mastad Drive, based on the findings of fact in the staff report. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners deny the variance request from Section 3-2(8)(A) of the Missoula County Subdivision Regulations requiring boulevard sidewalks on Mastad Drive, south of Cartage Road, and Cartage Road, west of Mastad Drive, based on the findings of fact in the staff report. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners deny the variance request from Section 3-2(9)(A) of the Missoula County Subdivision Regulations requiring a 6 foot sidewalk for Mastad Drive, south of Ladyslipper Lane, the commercial section of Ladyslipper Lane and Saratoga Court, based on the findings of fact in the staff report. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners approve the variance request from Section 3-3(1)(E) of the Missoula County Subdivision Regulations requiring that no lot have a width less than 60 feet, based on the findings of fact in the staff report. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Carey moved that the Board of County Commissioners approve the variance request from Section 3-3(2)(2) of the Missoula County Subdivision Regulations requiring a maximum block length of 480 feet in urban/suburban subdivisions, based on the findings of fact in the staff report. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

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

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

**Running W Ranch Subdivision Conditions of Approval:**

1. The rezoning for Running W Ranch Subdivision shall be adopted prior to the first Phase I final plat approval. *Subdivision Regulations Article 3-1(1)(B) and Planning Board recommendation.*
2. Phase I Residential and Phase I Commercial final plats shall be submitted for filing within two years of preliminary plat approval. Subsequent phases shall be filed annually up until the filing of Phase XI. *Subdivision Regulations Article 4-1(13, 17), Planning Board and OPG recommendation.*

## **Airport**

3. An avigation easement and signed Airport Influence Area disclosure shall be obtained for Lot C35 in compliance with the Airport Influence Area Resolution prior to Phase I final plat approval. *Subdivision Regulations Article 3-1(2) and Airport Authority recommendation.*
4. The following statement shall appear in the covenants and on the face of the plat:

“Lot C35 is within the Airport Influence Area and subject to the requirements of the Airport Influence Area Resolution.” *Subdivision Regulations Article 3-1(2), 4-1(12) and Airport Authority recommendation.*

## **Roads**

5. The developer shall submit a revised traffic study of the impact of this subdivision on the existing and planned transportation systems and hold a public hearing with the Board of County Commissioners prior to final plat approval of Phase I. The study shall identify impacts of the development on the traffic system. The subdivider shall be required to mitigate impacts attributed to the subdivision after review by the Montana Department of Transportation and, where appropriate, the County Public Works Department and the Board of County Commissioners. *Subdivision Regulations 3-1(1), 3-1(14), 4-1(12), Montana Department of Transportation and Planning Board recommendation.*
6. The RSID/SID waiver shall be amended to include the off-site portions of Cartage Road, Snapdragon Drive and Ladyslipper Lane. The amended language shall be reviewed by the County Attorney’s Office and shall appear on the final plat of each subdivision phase. *Subdivision Regulations Article 3-2(3)(E), 3-2(14) and OPG recommendation.*
7. Snapdragon Drive from Highway 93 to Mastad Drive shall be improved to County road standards prior to filing Phase 1 Commercial or provide an alternative access to Phase I Commercial to be approved by the County Public Works Department. *Missoula County Zoning Resolution Section 6.02(3)(A)(E), Subdivision Regulations Article 3-1(1)(E), OPG and Planning Board recommendation.*
8. The phasing plan shall be amended to include the improvements of Mastad Drive, from Ladyslipper Lane to Cartage Road, and Cartage Road, from Mastad Drive to the western boundary of the subdivision, in Phase III. *Subdivision Regulations Article 3-1(1)(E) and Montana Department of Transportation recommendation.*
9. The developer shall improve the off-site portion of Cartage Road to 24 feet of pavement with 2 foot gravel shoulders between the subdivision and Highway 93, prior to filing of Phase III, subject to the review and approval of the County Public Works Department. *Subdivision Regulations Article 4-1(12) and Montana Department of Transportation recommendation.*
10. Plans for Mastad Drive, from Snapdragon Drive to Cartage Road, that include curb/gutter, bike lanes, parking on both sides, 6 foot concrete sidewalks and 10 foot boulevards shall be reviewed and approved by the County Public Works Department prior to Phase I final plat approval. *Subdivision Regulations Article 3-2(3)(A, G), 3-2(8)(D) and County Public Works recommendation.*
11. Cartage Road, west of Mastad Drive, and Mastad Drive, south of Cartage Road, shall include curb/gutter, 6 foot concrete sidewalks and 7 foot boulevards with plans to be reviewed and approved by the County Public Works Department, prior to Phase I final plat approval. *Subdivision Regulations Article 3-2(3)(A), OPG and Planning Board recommendation.*
12. The lot owner shall be responsible for installation of boulevard improvements, to include, at a minimum, grass and specified boulevard trees. The covenants shall require the lot owner to be responsible for installation and maintenance of boulevard improvements to include grass and trees. The covenants shall require the lot owner to pay a \$2,000 boulevard landscaping guarantee to the Homeowners Association. The covenants shall also require the lot owners to be responsible for the maintenance of the sidewalks adjacent to their lots. This language in the covenants shall be subject to review and approval by the County Attorney’s Office. *Subdivision Regulations Article 3-2(9)(A), 3-8, OPG, Planning Board and Board of County Commissioners recommendation.*
13. A 60 foot wide conditional public access and utility easement extending south from Elderberry Drive to the southern boundary of the subdivision shall be dedicated on Phase VIII final plat. The dedication language shall be reviewed and approved by the County Attorney’s Office. Lots may be reconfigured to compensate for lots that may be deleted to accommodate these easements. *Subdivision Regulations Article 3-2(1)(E), County Public Works and OPG recommendation.*

14. The developer shall provide a 60 foot legal access across the east/west portion of Mastad Drive on the southern boundary of the subdivision prior to final plat approval of Phase XI, subject to review and approval by the County Attorney's Office. *Subdivision Regulations Article 3-6, County Surveyor's Office and OPG recommendation.*
15. The developer shall petition for annexation into the Missoula Urban Transportation District prior to final plat approval of Phase I. *Subdivision Regulations Article 3-2(1), 3-2(1) and MUTD recommendation.*
16. The developer shall install temporary signage during construction and permanent signage as roads are completed and accepted by Missoula County. Plans for temporary and permanent signage for this subdivision conforming to the Manual on Uniform Traffic Devices (MUTCD) shall be reviewed and approved by the County Public Works Department prior to final plat approval for each phase. *Subdivision Regulations Article 3-2(2)(F), County Public Works and Planning Board recommendation.*
17. Proof of legal access to the subdivision across Tracts 1 and 2 of COS 2902 for Cartage Road shall be submitted prior to final plat approval of Phase III, subject to review and approval of the County Attorney's Office. *Subdivision Regulations Article 3-6, County Surveyor's Office and OPG recommendation.*

#### **Remainder**

18. The portion of COS 2204 that is not included on the preliminary plat shall be designated a remainder that will be required to undergo subdivision review in order to obtain a legal description, unless a boundary line relocation is filed that separates this portion from the tract to be subdivided, prior to final plat approval of Phase I. *Subdivision Regulations Article 5-1(4)(B) and OPG recommendation.*

#### **Fire**

19. The developer shall contribute a fire service fee of \$530 per lot to the Frenchtown Rural Fire District, or a lesser amount subject to the Frenchtown Rural Fire District approval, for fire protection services. Conditions for payment of this contribution shall be verified prior to final plat approval of each phase. *Subdivision Regulations Article 3-7(1) and Frenchtown Rural Fire District recommendation.*
20. Plans for residential fire sprinklers shall be reviewed and approved by the appropriate fire district prior to zoning compliance permit submittal. *Subdivision Regulations Article 3-1(1)(B), 3-7(1) and Frenchtown Rural Fire District recommendation.*
21. Plans for fire hydrant locations shall be required of each phase and shall be approved by the County Public Works Department and the appropriate fire district, prior to final plat approval of each phase. *Subdivision Regulations Article 3-1(6) and Frenchtown Rural Fire District recommendation.*
22. Plans for address signage shall be reviewed and approved by the Frenchtown Rural Fire District and shall be incorporated into the covenants prior to final plat approval of Phase I. *Subdivision Regulations Article 3-2(2)(G), Frenchtown Rural Fire District, OPG and Planning Board recommendation.*

#### **Parks/Area of Riparian Resource**

23. The 0.10 acre common area park between Lots 294/295 and 286/287, the 0.06 acre common area park between Lots 150/284, the 0.10 acre common area park between Lots 112/113, and the 2.14 acre common area park adjacent to Saratoga Court shall be re-labeled "Common Area Drainage (C.A.D.)." *Subdivision Regulations Article 3-1(4), 3-8(1)(C), County Park Board and OPG recommendation.*
24. Lots 127-131, 163-167, 183-187 and 198-202 and a portion of Los Alamitos Drive shall be developed into an approximately 5 acre public park. The 0.83 acre common area in Phase II, the 2.13 acre common area in Phase III and other areas of the subdivision may be reconfigured to recuperate lots deleted by this requirement. The Phasing Plan shall be revised to include the approximately 5 acre public park to be reviewed and approved by County Park Board and OPG. Final design is subject to review and approval by the Board of County Commissioners after a public hearing." *Subdivision Regulations Article 3-8(1)(D), 3-8(7)(A, D and H), County Park Board, OPG and Planning Board recommendation.*
25. A plan for grading and boulevard planting adjacent to the park shall be reviewed and approved by OPG prior to Phase IV final plat approval. *Subdivision Regulations Article 3-8(1)(F), 3-8(10), 3-2(15)(E), OPG and Planning Board recommendation.*
26. Plans for installation of a 5 foot concrete pathway with 7.5 foot grass strips on either side within a linear 20 foot common area connecting Snapdragon Drive and Churchill Downs Drive shall be submitted and reviewed and

approved by the County Park Board prior to Phase II final plat approval. *Subdivision Regulations Article 3-2(8)(C), Parks and Recreation and Planning Board recommendation.*

27. A parks RSID/SID waiver shall be placed on the final plat for each phase. The covenants shall be amended to state that the developer shall provide all maintenance of common areas and common area drainage until enough development has occurred to support the Homeowners Association or an RSID is created. The revised covenants shall be reviewed and approved by OPG and the County Attorney's Office prior to final plat approval of Phase I. *Subdivision Regulations Article 3-8, Parks and Recreation and OPG recommendation.*
28. The Riparian Resource Management Plan shall be amended to address the second planned crossing by the Sewer Force Main, and to expand the description of "recreational uses" of the riparian area prior to Phase I final plat approval. The buffer shall be widened to 10 feet. The revisions are subject to review and approval by OPG prior to final plat approval of Phase I. *Subdivision Regulations Article 3-13(3) and OPG recommendation.*
29. The covenants shall be amended to state that the developer shall provide maintenance of the approximately 5 acre public park until such time as an RSID has been formed for maintenance, or the public park has been annexed into the City. *Subdivision Regulations Article 5-1(5)(K)(xi) and OPG recommendation.*

### **Weeds**

30. A Revegetation Plan for disturbed sites shall be submitted to and approved by the Missoula County Weed Board prior to Phase I final plat approval. *Subdivision Regulations Article 3-1(1)(B) and Missoula County Weed District recommendation.*

### **Covenants**

31. The covenants for this subdivision shall be amended, subject to review and approval by OPG prior to Phase I final plat approval, and shall include the following items:
  - A. Dead-end driveways in excess of 150 feet in length shall have approved turnarounds for fire apparatus. A turnaround shall be located with 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 through the appropriate fire district.
  - B. Amend existing Section 4a to require property owners association responsibility for weed maintenance in the common areas and that the developer will address weed control until full development of the phase that contains that common area.
  - C. The property owner is advised that Missoula County has high radon potential and all new residences should incorporate radon resistant construction features.
  - D. The landowner shall revegetate any ground disturbance caused by construction or maintenance with beneficial species at the first appropriate opportunity after disturbance occurs.
  - E. Sections 7G and 8F ("Animals") shall be amended to include the following as a last sentence: "Consider feeding dogs and cats indoors so that wildlife such as bear, raccoon, magpie and other species do not learn to associate food with your home."
  - F. Section 16 of the covenants shall be revised to state that sections regarding Driveways, Single-Family Dwellings, Weed Control, Radon, Trash and Garbage, Living with Wildlife, and Animals cannot be changed without governing body approval.
  - G. The covenants shall be amended to allow enforcement of those covenants that protect wildlife and wildlife habitat by Fish, Wildlife and Parks. The amendment is subject to the review and approval of the County Attorney's Office prior to final plat approval.
  - H. 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, bears, mountain lions, wolves, skunks and raccoons. Please contact the Montana Fish, Wildlife and Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804)

for brochures that can help homeowners “live with wildlife.” Alternatively, see the Education portion of FWP’s website at [www.fwp.mt.gov](http://www.fwp.mt.gov).

The following covenants, as well as the covenants relating to Trash and Garbage (6.f) and Animals (7.g, 8.f, 9.d) 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.

- i. 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. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- ii. Gardens and fruit trees can attract wildlife such as deer and bear. 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.
- iii. Do not feed wildlife or offer supplements (such as salt blocks), attractants or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against State law (MCA 87-3-130) to provide supplemental feed attractants if it results in a “concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.” Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- iv. 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.
- v. 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.
- vi. Bird feeders can attract bears. If used, bird feeders should: a) be suspended a minimum of 20 feet above ground level; b) be at least 4 feet from any support poles or points; and c) be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- vii. Compost piles can attract skunks and bears. If used, they should be kept indoors or built to be wildlife-resistant. *Subdivision Regulations Article 3-2(10)(E), 3-1(1), 5-1(5)(K)(x), Missoula County Zoning Resolution Section 2.11, City-County Health Department, County Weed District, Fish, Wildlife and Parks and OPG recommendation.*

32. Plans for installation of 5 foot sidewalks with 7 foot landscaped boulevards along interior streets in the subdivision shall be reviewed and approved by the County Public Works Department prior to Phase I final plat approval. *Subdivision Regulations Article 3-2(9) and Urban Forester recommendation.*

33. Plans for installation of a 6 foot sidewalk with a 7 foot landscaped boulevard along both sides of Ladyslipper Lane, west of Mastad Drive, and along Saratoga Court shall be reviewed and approved by the County Public Works Department prior to Phase I final plat approval. *Subdivision Regulations Article 3-2(9), Urban Forester and County Public Works recommendation.*

There being no further business to come before the Board, the Commissioners were in recess at 5:00 p.m.