

PUBLIC MEETING – MARCH 8, 2006

The Public Meeting was called to order at 1:30 p.m. by Chairman Bill Carey. Also present were Commissioner Barbara Evans, Commissioner Jean Curtiss, Chief Civil Deputy County Attorney Mike Sehestedt, Assistant County Public Works Director Chuck Wright and Chief Financial Officer Dale Bickell.

Pledge of Allegiance

Public Comment

None

Routine Administrative Actions

Commissioner Evans moved that the Board of County Commissioners approve the routine administrative items adopted the past week and approve the weekly claims list in the amount of \$123,168.92. Commissioner Curtiss seconded the motion. The motion carried on a vote of 3-0.

Decision (From Hearing Held on March 1, 2006): Petition to Abandon a Portion of Book 1 Road and GLO Road (Highway 200 East)

The public hearing on this matter was opened on March 1, 2006. A site inspection was conducted by Commissioner Bill Carey and Assistant Public Works Director Chuck Wright on Friday, March 3, 2006.

Chairman Carey reopened the public hearing.

This is a petition to abandon a portion of that certain County road specifically described as:

Book 1 Road and GLO Road, located in NE 1/4 S.9 and NW 1/4 S.10, T13N, R17W, Proposed plat of BLACKFOOT ACRES. From: South boundary of Tract 1, COS 3654 and West Boundary of Tract 2A, COS 5282. To: East boundary of Tract 2, COS 3055.

And further described in the Road Book of the Missoula County Department of Public Works Surveying Division as:

Book 1 Road: Road Book 1, Page 23, Sheet 93, "Blackfoot Road" petitioned and accepted as a public road in Commissioners Journal D, page 440 on April 16, 1889.

GLO Road: GLO surveyors McEroy & Henselwood, in 1901 in both survey notes and plat show and refer to an existing road as a "county road."

The reasons for the request are as follows:

1. The roads do not physically exist and as shown by Missoula County records may pass through the Kenworthy house.
2. Kenworthy's are subdividing their property and Missoula County Public Works recommends they abandon or alter the "old county road."
3. The roads are not needed. These roads have evolved into the existing US Highway 200. There is sufficient existing public right-of-way provided by Highway 200 and the Blackfoot River.

The following landowners have been notified: Christian R. Kenworthy; Shelli Kenworthy; Eric L. Norris; Randolph D. Bradley; Charlie H. Sehorn and Hirohik Sakamoto.

Chairman Carey: Thank you. Any discussion on this matter? I'll close the hearing on this one. Is there a motion?

Commissioner Evans moved that the Board of County Commissioners approve the requested abandonment of a portion of Book 1 Road and GLO Road (Highway 200 East) as it appears to be in the public interest to do so. Commissioner Curtiss seconded the motion. The motion carried on a vote of 3-0.

Decision (From Hearing Held March 1, 2006): Petition to Abandon a Portion of 29th Avenue (near Strand Avenue)

The public hearing on this matter was opened on March 1, 2006. A site inspection was conducted by Commissioner Bill Carey and Assistant Public Works Director Chuck Wright on Friday, March 3, 2006.

Chairman Carey reopened the public hearing.

This is a petition to abandon a portion of that certain County road specifically described as:

29th Avenue, located in Section 30, Township 13 North, Range 19 West, in Oak Addition from the south right-of-way line of Strand Avenue to the north right-of-way of North Avenue, adjacent to the west boundary of Lots 3 and 4 of Oak Addition (606.41 feet).

And further described in the Road Book of the Missoula County Department of Public Works Surveying Division and shown on the attached Exhibit as:

30 foot public right-of-way, created and dedicated by the filing of the Oak Addition plat in 1956.

(For more information, please see petition on file in the Clerk and Records Office at 200 West Broadway, 2nd Floor)

The reasons for the request are as follows:

1. The existing house at 2841 Strand was built in 1927. The Oak Addition plat, filed in 1956, created 29th Avenue. The developers and County officials failed to note that the house at 2841 Strand encroached 8 feet into the 29th Avenue right-of-way and Mrs. Keogh was given clear title to the property at 2841 Strand in 1957. Abandoning the right-of-way in this area would solve this problem. Mrs. Keogh wishes to convey this property and the abandonment would enable her to do so.
2. The neighbor at 1910 – 29th Avenue currently uses a gravel driveway coming off of Strand Avenue, which encroaches onto DNRC land. DNRC is unable, according to their policies, to grant an easement across State land since legal access already exists from North Avenue and Strand Avenue. A new driveway will be constructed on what will be a portion of abandoned 29th Avenue, from the intersection of 29th Avenue and North Avenue, north to the south edge of the existing driveway. Once suitable legal access is developed for 1910 – 29th Avenue, the State trust land boundary will be fenced. Representatives of the Keogh's, Sparks' and the DNRC were all in agreement on these issues.
3. 29th Avenue has never been built from Strand Avenue south 636 feet to North Avenue. The DNRC property to the west can continue to be accessed via Strand Avenue and North Avenue. The DNRC is in favor of abandoning 29th Avenue as long as the new access to 1910 – 29th Avenue is completed in a timely manner, preferably by the spring of 2006, and a notice of completion of the new access and verification of ceasing of trespass on State trust lands be sent to Jean Crow at the DNRC.

The following landowners have been notified: Edith Keogh; DNRC; and the Estate of Roberta G. Sparks.

Chairman Carey: Thank you, Chuck, I concur. This is a hearing, any comments, questions or concerns?

Commissioner Curtiss: This one is to abandon, it's not to relocate or anything?

Mike Sehestedt: That is correct. I believe there is an agreement, currently there is a house constructed in the existing County right-of-way so what's been used as 29th, in fact, is an encroachment on the DNRC property immediately to the west. The property owners have agreed that if this is vacated, the northerly one of the two property owners will build a replacement access for the house that currently uses the encroaching portion of 29th Street. With the caveat that you're vacating with the understanding that those parties have made an agreement to address access, I would say to go ahead.

Chairman Carey: Thank you, Michael. Any other questions?

Commissioner Curtiss: So just to clarify on the picture that we have are we abandoning the one that has the dots all over it and they're going to relocate into the area that's got hash marks.

Mike Sehestedt: Right. What we have, the existing right-of-way is the dotted caption gravel drive.

Commissioner Curtiss: That's on DNRC property?

Mike Sehestedt: That, in fact, is on DNRC property. Because its State owned property, there's no ability to require prescriptive easement there. The cross-hatched area is the actual dedicated right-of-way and as you can again see from the drawing, the house at 2841 Strand is inside – part of it is inside that right-of-way as is the garage. The issue of the house at 1910 29th currently accesses on that encroaching gravel drive and in the return for the vacation, I understand the house 2841 Strand, has agreed to construct a driveway connecting the house at 1910 29th with North Avenue. I believe the State is going to fence the boundary of their property to end encroachment forever.

Commissioner Curtiss: Okay. So they'll be coming in from the other direction.

Mike Sehestedt: If I misstated, I know there are some representatives to the property owners here.

Chairman Carey: It looks like you got it right. Anything else? I'll close the hearing.

Commissioner Curtiss moved that the Board of County Commissioners approve the petition to abandon a portion of 29th Avenue (near Strand Avenue) as described in the request as it appears to be in the public interest to do so. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Hearing (Certificate of Survey): Rivers Family Transfer

Colleen Dowdall presented the staff report.

This is a consideration of a request to create a family transfer parcel for that parcel described as Tract B of COS 5672, located in Section 33, Township 11 North, Range 19 West.

Judith M. Rivers has submitted a request to create one parcel using the family transfer exemption to the Montana Subdivision and Platting Act. The current parcel is approximately 20 acres in size, located in the southern part of Missoula County. Judith proposes to create one approximately five acre parcel for transfer to her son, Walter Rivers, for residential purposes and keep the remaining approximately 15 acre parcel for residential purposes as well.

The history of the parcel is as follow: COS 5547 retraced the boundaries of parcels in existence, relocating the boundaries. In March of 2004, the Delaney Family Limited Partnership deeded the property to MSB Investments LLP. In May, 2004, MSB filed COS 5547. A warranty deed was filed in January, 2006, deeding the property to Judith M. Rivers.

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

Chairman Carey: Thank you, Colleen. Is the applicant here or a representative of the applicant? Would you please step forward and identify yourself.

Colleen Dowdall: Can you tell me how long you have owned the property?

Judy Rivers: I think about three months.

Colleen Dowdall: When you bought it, did you intend to divide it?

Judy Rivers: With my son.

Colleen Dowdall: Where does your son live now?

Judy Rivers: He's in Bozeman.

Colleen Dowdall: Do you live on this property?

Judy Rivers: No, not yet.

Colleen Dowdall: Are you intending to build a house on it?

Judy Rivers: Yeah.

Colleen Dowdall: Is he intending to move to this area?

Judy Rivers: That's what we are thinking, hopefully, and go in business with us.

Colleen Dowdall: He is an adult?

Judy Rivers: Um-huh.

Colleen Dowdall: Do either of you have any intent of transferring your parcel, you or your son, within the next year?

Judy Rivers: No, I don't think so in the next year. Hopefully not.

Colleen Dowdall: Are you in the business of building houses or doing development?

Judy Rivers: I haven't done any development, no. No.

Colleen Dowdall: Does he do development, your son?

Judy Rivers: No. We have been in land sales and real estate.

Colleen Dowdall: Okay, you and your husband.

Judy Rivers: Um-huh. But then my son is in real estate in Bozeman so we're hoping that he'll come here and work with us.

Colleen Dowdall: Okay. Have you talked to anyone in County offices about going through subdivision review instead of using an exemption?

Judy Rivers: I think we talked to you.

Colleen Dowdall: I think you talked to maybe my paralegal.

Judy Rivers: Oh, okay.

Colleen Dowdall: But you didn't talk to the Planning office about going through subdivision?

Judy Rivers: No. We want to keep a big piece for our horses.

Colleen Dowdall: Are you attempting to evade subdivision review?

Judy Rivers: No.

Colleen Dowdall: Do you understand that we are – this is not the only review that's required that this is just permission to divide the land? You still have to get a septic permit or floodplain may be an issue, building permits, not at this point but soon?

Judy Rivers: Oh, yeah.

Colleen Dowdall: Do you understand that we are not reviewing it for adequate access like we would if it was going through subdivision review. We aren't inquiring whether you have legal or physical access and all weather.

Judy Rivers: Okay.

Colleen Dowdall: Part of subdivision review we would require that the road be adequate for year around access. We are not reviewing that.

Judy Rivers: Oh, okay.

Colleen Dowdall: In other words, if you don't like the road –

Judy Rivers: We like the road.

Colleen Dowdall: Okay, perfect.

Chairman Carey: Thank you. Any questions for Ms. Rivers?

Commissioner Curtiss: So I think that the request for Commissioner Action Form is not correct.

Colleen Dowdall: There is – it looks like an error where it says a warranty deed was filed in January 2006 deeding the property to William Zader. I think that one shouldn't say Judith.

Commissioner Curtiss: If you look at these two, which they also under the recommendation that the tracts are described in both – one says B but the COS is wrong. We'll need to correct that. We'll have to make recommendation. My question for Colleen is, on page 2 of the form, it refers to that we did a family transfer in 2005 for Kevin Shultz on this property. The one thing that we ask folks is if they're planning to transfer property within a year, so is this something that we should follow up on? Not that it is Ms. River's problem but should we be following up Mr. Shultz?

Colleen Dowdall: I'm trying to recall whether Mr. Shultz is the one that transferred this to Judith Rivers. Would you mind coming back to the microphone?

Judy Rivers: I don't know when he did that. We just bought it from him.

Colleen Dowdall: So you bought the parcel from Kevin Shultz. But you bought a 20 acre parcel from him.

Judy Rivers: We bought 40.

Colleen Dowdall: The two 20's.

Judy Rivers: Right.

Commissioner Curtiss: One of them is in your name and one is in your husband's name?

Judy Rivers: Right. We hope to fence the whole thing to keep all our horses in that 40 acres.

Colleen Dowdall: That is something that we should look into because that occurred in 2005.

Chairman Carey: Thank you. Anything else? This is a public hearing and anybody is welcome to make a comment or ask questions. Seeing no one. I'll close the hearing.

Commissioner Curtiss: I think we need to correct the – they're not both COS 5672 right. What's the one above here? 4329, that's on the other form. Okay, Tract B. We just need to change the one that says to Judith Rivers.

Commissioner Curtiss moved that the Board of County Commissioners approve the request by Judith M. Rivers to create one parcel by use of family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Hearing (Certificate of Survey): Zader Family Transfer

Colleen Dowdall presented the staff report.

This is a consideration of a request to create a family transfer parcel for that parcel described as Tract A of COS 5672, located in Section 33, Township 11 North, Range 19 West.

William T.P. Zader has submitted a request to create one parcel using the family transfer exemption to the Montana Subdivision and Platting Act. The current parcel is approximately 20 acres in size located in the southern part of Missoula County. William proposes to create one approximately one and one-half (1.5) acres parcel for transfer to his daughter, Katherine Lee Tientente, for residential purposes and keep the remaining approximately 18.5 acre parcel for residential purposes as well.

The history of the parcel is as follows: COS 5547 retraced the boundaries of parcels in existence, relocating the boundaries. In March of 2004, the Delaney Family Limited Partnership deeded the property to MSB Investments LLP. In May, 2004, MSB filed COS 5547. A warranty deed was filed in January, 2006, deeding the property to William T.P. Zader.

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

COS 4329 02/14/1994 Occasional Sale and Retracement NW Sec. 4, T11N, R20W

Chairman Carey: Thank you, Colleen. Mr. Zader, would you step forward please and identify yourself for the record.

William Zader: I wanted to let you know; during lunch my wife said that some years ago we may have used this family transfer. I had forgotten about it. I'm wondering, since I'm transferring to a daughter if that's acceptable.

Colleen Dowdall: We didn't find any record of you previously doing a family transfer. We found a record of an occasional sale but you are entitled to do a family transfer to each child, in each County, in each life time.

William Zader: Okay. Thank you.

Colleen Dowdall: How long have you owned the property?

William Zader: Since about January, three months.

Colleen Dowdall: When you bought it did you intend to divide it?

William Zader: We thought about being able to have our children live with us as some point.

Colleen Dowdall: Do you or your daughter intend to transfer this parcel within the next year?

William Zader: No.

Colleen Dowdall: Where does your daughter live?

William Zader: She is a police officer outside of Dallas.

Colleen Dowdall: Will she be living on the property?

William Zader: They plan on retiring here, yes.

Colleen Dowdall: Is that imminent?

William Zader: I think about eight years so it will be a while.

Colleen Dowdall: Do you intend to live on the property?

William Zader: Yes.

Colleen Dowdall: This is where I get to be nosy.

William Zader: Go ahead.

Colleen Dowdall: Are you going to build a house on Tract A and B? Have different houses for you and Judy?

William Zader: No. We'll be building on the center of our two parcels and then fence in the whole property. We ended up acquiring a lot more horses than we planned.

Colleen Dowdall: Congratulations. Have you talked to anyone at Missoula County about going through subdivision review?

William Zader: No.

Colleen Dowdall: Are you in the business of building houses or developing property?

William Zader: No.

Colleen Dowdall: You are also in the business of selling real estate?

William Zader: Yes.

Colleen Dowdall: Are you attempting to evade subdivision review?

William Zader: No.

Colleen Dowdall: Do you understand that we are not reviewing this for adequate access in all weather like we would if you were going through subdivision review?

William Zader: Yes, correct.

Colleen Dowdall: You will have to get other permits in order to develop the property?

William Zader: Yes.

Colleen Dowdall: This is just permission to divide the property.

William Zader: Yes.

Chairman Carey: Thank you. Any questions for Mr. Zader? This is a public hearing, is there comment from the public on this one? Seeing none. I'll close the hearing.

Commissioner Evans moved that the Board of County Commissioners approve the request by William Zader to create one parcel by use of the family transfer exemption based on the fact there does not appear to be an attempt to evade the subdivision act. Commissioner Curtiss seconded the motion. The motion carried on a vote of 3-0.

Hearing: Request to Place Levy on Primary Election Ballot (Missoula Aging Services)

Mike Sehestedt: The Missoula Aging Services Board of Directors formally requested that the Board of County Commissioners consider issuing a resolution for up to two additional mills for Aging to be determined by voter support in the June election. If successful, the resolution would increase the amount available to be appropriated to Missoula Aging Services to serve the elderly residents of Missoula County.

The first mill levy election was held eight years ago. The measure passed by a 2-1 margin. After the 1998 election, 2000 Census Data provided a more significant picture of the increase in Missoula County's age 60 and older population. From 1990 to 2000, it grew by 15%; with older age ranges growing at even higher rates – age 85 and older grew by 32%. These trends are continuing. The census projections show age 60 and older grew by 11 % from 2000 to 2004.

The budget review projects deficits from the year ending June 30, 2006. Federal funding cuts and static State funding are seriously hindering the agency's ability to meet current demand. A waiting list was established for the nutrition program and for those requesting assistance with Medicare's Prescription Drug benefit. A waiting list will be necessary for the 2006 Farmer's Market program as Federal revenue is declining for that program.

Chairman Carey: Thank you, Michael. Is there someone who would like to speak to this proposal?

Daniel Doyle: I live at 1665 Sunflower Drive. I am honored to serve as the president of the Board of Governors of Missoula Aging Services and I am one of 700 volunteers, most of them are actually seniors themselves that work with Missoula Aging Services to provide most of the programming for seniors throughout Missoula County. You're going to be hearing from several of the other volunteers a little bit later on today. We volunteer with Missoula Aging Services because we believe deeply in the agencies mission specifically and providing vital services that are needed by seniors in the community the help that they need to live their lives long, fulfill and dignified. Also, give seniors the opportunity to give back to the community in so many ways through our Senior Service Corp Programs. You'll be hearing more about the variety of programs that are offered through Missoula Aging Services a little bit later on too. I'm here today to ask the Board of County Commissioners for their help. We have requested that the Missoula County Commissioners place a measure on the upcoming ballot giving the voters an opportunity to chose to increase their taxes if they so desire by up to two mills to help fund Aging Services in Missoula County. These two mills, we want to make it clear, will be in addition to the one mill that the voters overwhelmingly agreed to fund in a mill levy election that was held about eight years ago. We're talking about a total of up to three mills. Aging Services faces an immediate crisis situation as well as long term challenges. The available funding that comes from the federal, state and local governments as well as the private resources that we try and tap into has simply not kept pace with the increasing needs of seniors in our community. Cuts in federal funding; some short falls in what was anticipated in funding from the state and a difficult local fundraising climate, meaning that we cannot keep up with the most immediate needs. We have recently had to put into play some waiting lists for several of our senior nutrition programs. Even so, we will be dipping significantly into our reserves in order to cover anticipated deficits this year. The long term challenges are even more daunting. There have been and will continue to be demographic shifts in Missoula County that are resulting in huge increases in the demand for the services that are provided for seniors. As an example, between 1990 and 2000, the 60+ population that we primarily serve has increased in Missoula County by some 15%. During that same period of time, the 85+ population who are in the most need of these kinds of services has increased by 32% during that 10 year period. These percentages are expected to continue to increase over the next decade as the Baby-boom Generation joins the ranks of the seniors. We need to be looking forward and to anticipate those needs and to put into place the funding that will help us to serve the needs in the community. the services that the Missoula Aging Services provide are cost effective. For example, by providing a little bit of help; delivered meals, some home-maker services, perhaps a senior companion. We allow seniors to continue to live in their own home if they so choose, which is much more cost effective than placing them into an assisted living facility or certainly a nursing home facility. I can give you a lot of facts and figures about the increases that we've experienced and the demand for services. Things like the increases in just handling the Medicare Part D situation. But I'm going to let some of the other volunteers talk about and put a human face on what it is that this agency does and how vitally important it is that we increase our funding to meet those needs. I thank you for the opportunity to speak today but I also want to especially thank the County Commissioners for their ongoing support for aging services in this community. You've been great in the past. I ask you to put this measure on the ballot. I'll be available to answer any questions too.

Linda Henderson: I am a volunteer board member for Missoula Aging Services. I'd like to talk today about my other role in the community and that is a nurse practicing in the community through home health, hospice and public health services. I want to urge you to support this measure to increase our mill levy for Missoula Aging Services because of the difference it makes for individuals and being able to come home from the hospital as well as to keep people at home and prevent acute episodes of their illness through things like the Meals on Wheels Program that allows seniors to get a diet in their home that meets their dietary restrictions for their health as well as a friendly face at the door to check on them on a regular basis as well. Missoula Aging Services provides senior companions to our seniors in the community who are living a home-bound life. This is a necessary means of transportation for them. It's the way they get, many times, their medications. If they are cooking for themselves, it is the way they receive their groceries. More than anything else, it's an individual who is a light in their life to combat depression that is all too common within this population of home-bound seniors. Another service Missoula Aging Services provides is their home-making services. For individual seniors who have come out of the hospital recently, many times this is what allows them to keep up with their house work, to have that little extra help with the home-making that Missoula Aging Services provides. In addition to those services, I'd like to put a plug in for the support that Missoula Aging Services has given to the senior and handicapped transportation services in the County. This is a vital measure for many of our seniors to be able to access their health care appointments. They also provide home and community based services, which is a case management program, if you will, looking to meet not only the physical health care needs but also the daily activities, their social needs, those sorts of things so that individuals are able to stay in their home for a longer period of time where as they might otherwise be institutionalized in a nursing home. I also want to speak from a public health

stand point in support of the work that Missoula Aging Services does and doing case finding and out reach for seniors. In most counties, these services are provided by the Public Health Department but because of limited funding that the public health department has in Missoula County, Missoula Aging Services as assumed many of these responsibilities. They do this through their senior help line, which provides information and assistance to individuals not only seniors but also children of seniors who are looking for assistance in caring for their parents in the community. They also do this through their case management program of the home and community based services. I want to point out what a savings this is to the taxpayer dollar to prevent premature institutionalization of these individuals and keep them in their home. It's much less expensive to have individuals remain in their home setting rather than end up in a nursing home setting, which tends to be a significant drain on their personal finances to the point where they become dependant upon Medicaid. I urge you to support the mill levy. Thank you.

Jim Streeter: I'm one of those friendly little faces that deliver Meals on Wheels. I'm also a member of the governing board of Missoula Aging Services. I'm here to speak to you as a Meals on Wheels driver. I am speaking for our silent neighbors that we don't see out in the community that receive these meals. The clients or the neighbors that I deliver to that are part of that silent group are ones that are confined to wheelchairs that can't leave their homes; neighbors that are sitting around open stoves because that's the only heat they have in the facility; neighbors that are recovering from injury or illness. We had one neighbor that had no place to go so some friends of his gave him a shed – if we may call it that – with no running water. He had an outhouse right outside the front door. I used to deliver meals to him. These are the people that we never see but these are the people that are getting these meals. As a spokesman for those silent people or those invisible people, I would like to encourage you to place that mill levy on the ballot so that they will have continued support for these services. Besides delivering a nutritious meal, designed for their special needs including dietetic meals and, in some cases, no green beans, I am part of the all volunteer army that goes and collects the meals every week. I've delivered the same route over the last five years. There's another driver here in the audience that delivers the same route. We go out to Frenchtown and the furthest I've gone was 9-Mile and up the top of Evaro. We put on about 60-70 miles every time we drive out there. All of this is donated along with the flat tires, chipped windshields but they become our friends that we visit every week. As a visitor going into their home to give them the meal we're part of the community that is connecting to these people. These people will then know that they are not alone. The community is helping them and looking out for them. And also we're a connection for those people to the community. I've had to call 9-1-1 for one of my neighbors that I deliver to. She was in obvious distress. I waited until the police arrived and she was taken to the hospital. I've called case workers at Aging Services about two of the other clients or neighbors that I deliver to. One just needed a phone call from a case worker and the other one, there was an intervention. She was taken to the hospital and this allowed time for the family to be with these neighbors at the end of their life, to bring finality at the end of their life and it gave the neighbors time to be comfortable for those times. Both of those neighbors that went to the hospital never came home. We send out approximately 1,000 to 1,200 meals every week. There are meal programs or meals sent out to Condon, Seeley Lake, Frenchtown and Lolo besides the local program out at the Providence Center. This daily contact is essential. This may be the only contact that these people receive daily. They can receive meals Monday through Friday or any combination of those. They receive a hot, cold or frozen. Cold doesn't mean – the last meal that we pick up that normally was hot but by the time we get there is it now cold – no, it means a sandwich. So they can receive more than one meal at that time. There are other nutritional programs through Missoula Aging Services. They can provide liquid supplements, which are delivered out to our neighbors; home delivered commodities, when cooperation with the Food Bank, which is in dire need because of the cut-backs in the federal program; and Farmer's Market coupon besides the Senior Diners Club. I want to get back to the Farmer's Market coupons; these are vouchers that are given to our neighbors. They are allowed to buy food at the Farmer's Market so it's a win situation for the neighbor. They receive fresh vegetables. It's a win situation for the marketers. They can sell their product. It is a win-win situation. On behalf of all of our silent neighbors that couldn't be here to talk, I would encourage you to place this on the ballot. To give you a rough idea of what this \$8-9 two meal would buy, it would buy 1 ½ meals. Not every week, not every month but once a year. That amount of money will get 1 ½ meals for one of our silent people. Thank you.

William Gobb: I'm speaking on behalf of Missoula Aging Senior Companion Program of which I am a volunteer. This opportunity came to me because my wife is in an Alzheimer's unit on Palmer Street giving me free time after being her caregiver for almost a year. The Senior Companion Program is really a blessing for the people that I am a companion for. None of these companions can drive anymore. I'm really needed for their transportation needs; to get their prescriptions, their groceries and also companionship. Their ages are 94, 90 and 80. I'm not a spring chicken anymore but I'm still a little bit younger than they are. I've only (inaudible) stiffened not taxable but very much needed for most of if not all senior companion volunteers. Therefore I ask you, the County Commissioners, that you support the two mill levy. This will be needed in the near future because of budget cuts.

Example of the two mills on a \$200,000 home would be about \$9.60 about the price of two packs of cigarettes a year. Thank you for hearing our plea on behalf of the senior population.

Caroline Squires: I live here in Missoula out in West View Trailer Park. I would first like to tell you why I volunteer. I used to work in the office for Meals on Wheels, I did reassessments, took intake, did data processing, worked in dispatch. When that job came to an end, I felt this program is so good and there are so many people. We don't even touch the tip of the iceberg, I don't think. I wanted to volunteer so I asked and I volunteer on Monday mornings, in the office, doing work there that I used to do and then I work with my husband, he's the other one that works with Jim. He goes twice a week as far as 9-Mile all the way back to the Wye and loves it and loves these people. Whenever I'm not doing senior companion work, which is my other volunteer job, I try to go with him. He also believes in this program so strongly that he's a backup driver. It's not unusual in our house for my husband to drive, 3 to 4 days a week, sometimes 5. More often than not, he does it twice a week; that's his regular days and then the other days they know they can call and he'll go if he can. It is a rural route but then he does the in-town routes too. He does any of them except the one that goes up the stairs and down the stairs, he doesn't do that anymore. I'd like to tell you a little bit about, first some Meals on Wheels people that I have personally seen. There was a client – he's still a client – when I went to do the reassessment he said, yes he appreciated the meals; before he lived on cold cereal. That's all he had. He suffered from depression. You get up every morning to a box a cereal you'd probably get depressed too. We got him on two hot meals a day. This gentleman just bloomed. He started walking for exercise purposes. Not only does he walk, he encourages everybody around him. He sold his car so he walks or takes the bus everywhere. That's one of the benefits. Another client had a stroke and fell in his house. He looked at his watch and he knew that they Meals on Wheels people would be there at a certain time. So he just stayed still, didn't injure himself anymore. When the drivers came, the door was open because they were expected and they stayed with the client until the ambulance arrived. It made all the difference in the world for him. He knew his people would be there. He probably knew their first names. Most of the clients know their drivers and occasionally you'll have to switch routes around and they may lose a driver; why can't I have so and so, they're my friend. They know the names of their grandkids, their pets, whatever. Some of these people, it is the only people they see that day. They live alone, they're homebound, and they don't get out. They get this friendly face with a nutritious meal. Sometimes the drivers are asked to set the meal out and tell the client, "Now it's time to eat," because they forget. These are people generally in their 80s and we have a large number in their 90s. It's surprising. One of the clients on my husband's route, she gets a hug every day from him when he comes; she is in her 90s. Every time I get to go with him she tells me, "He hugs me every time. Do you mind?" I assure her that I don't mind. I give her a hug too. We had a client that had Parkinson's disease, I believe, couldn't take the wrapper off the meal. We would set it out – the drivers got it set so that he could eat. They take the lid off the juice and off the meal. I could probably take up your time for hours. I would like to talk a little bit about being a senior companion. I've thought hard about this because I'm not sure who benefits more; me or the client. These are people that you go in and meet the need. Some of them are homebound and to leave home is either too hard or too painful; from arthritis, joint replacement, maybe they just had surgery. You become a friend and it fights off depression. Then there's the clients who need to go somewhere and they no longer drive so you take them to the doctor, or shopping and perhaps you go to lunch – window shopping, clothes shopping, whatever, it might be something very needed or it might be just fun. You donate anywhere from 3-4 hours. These people become your friends. One lady, I take her to doctor appointments, they are a must. This frees up time for her daughter who works. I get thanks from the client and the daughter because I feel a need that they can't. It would be a hardship. They work and they can't take off every week. I do respite care, that means that I go in and I stay with that loved one while the spouse, son or daughter, leaves. I don't quit when they go to the nursing home. I didn't quit until we had to have a funeral because they become family to you and they count on you being there for them. It's really important that we get this mill levy on the ballot. It's something that not only I believe in but my husband believes in. We donate all the time that we can manage. I won't invite you to my house because it is dirty. I'm gone too much. It really is an important service. Almost every time I am in the office I hear a call or take a call that someone else needs meals. The other day I got a call and the gentleman wasn't assessed yet; he's disabled, he has a brain tumor and he said that he figured that he lived long enough at 67. He figured that he could just die. He didn't know if he could afford Meals on Wheels but he can. Because of the help that we have had and the mill levies, there is no set price. It's a suggested donation. We use the stipend to serve our clients and help pay some of our expenses. Thank you for listening.

Walter Lane: Better known as Grandpa Walter by the first grade kids at Franklin School. I'm speaking from the other end of the spectrum now. This is where they start. I'm volunteering to aid a first grade teacher and helping these young children to learn to read and write and do numbers. I taught school for several years up through the eighth grade and there's nothing more difficult than having a child come into those grades that can't read yet. Then I have to send them onto high school knowing that they have progressed very little because actually the teachers don't have enough time for one-on-one with these children. That's where it's at. It's right there in the

classroom with the child one-on-one. It's so delightful to see the sparkle on their face and in their eyes when they sound out a new word. It's a wonderful program. We can use all the volunteers that we can get. The stipend is an aid to me and endeavor to pay my taxes and insurance and medical bills and things like that. Perhaps I've had enough experience teaching school to know what the real need is and it's to get these young people started right. It's not just reading and writing; it is social activities and responding to other people in the community in a satisfactory way so that they don't create problems in their later years. You can't do any better than support a program like the Foster Grandparent Program for the schools. Thank you.

Cedric Haymes: I'm a volunteer for Meals on Wheels. Some of the old folks and disable people that we deliver to; we are their only contact they have with the outside world. One lady that I deliver to had fallen and hit her head and it was a wall just like these; she fell and hit right on the corner and made a dent in the wall because she hit so hard. I found her and called an ambulance for her. I have no idea how long she would have been there had I not delivered her meal that day. Another man I found was dead in bed. I called the authorities and they came and took care of it. There's no telling how long he would have been there had somebody not been delivering Meals on Wheels. Some of these old people live alone and have no food in their refrigerators other than the leftovers, if there are any, from the meals from the day before. I'm convinced that a lot of the people on the route that I take on Thursdays if they didn't get Meals on Wheels they would have to be placed in assisted living or institutionalized. I deliver about 20 meals on Thursdays; it takes me a little over an hour. I would invite any of you to come with me – I deliver on Thursday – it would be from about a quarter after ten and I get done before noon. I would invite any of you to come and ride along and see the worth of the Meals on Wheels Program. Thank you very much.

Phyllis Dresden: I'm not very good about speaking in public. I'll tell you right up front I'm doing what I did in college in speech class, they said to think of you guys in your underwear. That's what I'm doing right now. I live in Missoula on Juno Drive. In a couple of months I will be 62, I made it. About three years ago I was forced out of the labor market because of illness. You might say that I kind of retired early. For about 2 ½ years, I pretty much locked myself away. I lost everything I saved for retirement. My doctor and the case worker kept pushing me and pushing me to call Aging Services. They wanted me to get back out in the public again, so I did. I got the dinner club cards. At first I wouldn't go. I didn't want to take – I'm really a giver and not a taker. I went to one and had a great time. There are a lot of good looking men in my age bracket and the women too, they keep themselves up well. In this last year, it was actually January 2005, I can actually go into a store now, I go to church, I walk the street, and my old self is coming back again. They're my safety net. The Farmer's Market, I took my fresh vegetables that you couldn't do with the store stuff and I used them to can. I got back into the old days again and I canned. I just finished my carrots in January. They're a safety net to the elderly who have given to this community. I'm sorry if the government had to pull the money away and I'm hoping that you guys will keep it on the ballot. I'm looking around here and I see some that are probably thinking; what will we need Aging Services for? We've saved, we've planned, and we are going to be okay. I'm here to tell you, no. It takes one illness. You'll be glad that these people are there and the volunteers. I'm hoping that in another 4 or 5 months I'm going to be well enough to go and volunteer myself and give back to what they gave to me. Please, put it on the ballot. Let the young people – I'm hoping the young people can remember that they're going to get old someday too. In the long run with the good nutrition we're getting, the socialization that we're getting because that's important, you're going to save money. Money is going to be saved on health care. You all know how it is when you're sick, you get depressed and you just go down further and you spend more money. Please consider putting it on the ballot. Thank you.

Gladys Hardin: I'm retired and I'm currently probably the longest serving member of the Board of Missoula Aging Services. During my years as a board member I've seen the growth in both the numbers of elderly people in the community and the increase in the things they need to remain in their homes. Many of my friends and neighbors use one or more of the services that Missoula Aging Services provides to help them remain healthy and independent in their own homes. Having just turned 70 yesterday, I'm anticipating using some of those services as a possibility someday soon myself. You've heard a little bit about senior companions, a little bit about Meals on Wheels and our nutrition programs, about the assistance we provide for people trying to get signed up for Medicare Part D, Foster Grandparents. I want to spend just a couple of minutes to remind you of all the services and programs that Missoula Aging Services provides. In accordance with our adopted mission which includes, "To honor the process of aging by promoting independence and dignity." I think we all want to see that we have those as we age. Just a quick, long list of all the things that MAS do. They provide the nutrition programs including Meals on Wheels, Senior Diner Club, and Congregate Dining Programs in outlining areas of our County, Vouchers for seniors to buy food at the Farmer's Market and in cooperation with the Food Bank, delivery of commodity program. They also provide the senior help line, which is an asset to the community not just elders but to their children, and even sometimes their grandchildren. Provides information and assistance, referring callers to services in Missoula and sometimes other places in the United States, provides a library of information

on topics like long term care, escape planning, Medicaid, Medicare and so on. The Ombudsman Program, which no one has mentioned but is very important to the community, it provides a trained and certified ombudsman who visits long-term care facilities in the County, investigates resident's concerns and makes sure that residents of those facilities have their rights as human beings. They provide care management to help elders and their families address complex problems of seniors and their home. Provide family caregiver support for those who are providing care for loved ones at home and keeping them out of institutions for as long as possible. We provide a program called Advocates and Bed Care Savings, which helps those on the Medicare Program to watch their bills and their expenses to reduce waste, fraud and abuse in that program. We work with Mountain Line, Missoula's public transportation program, to provide transportation for seniors and handicapped people. Last but certainly not least, MAS provides the RSVP Program, the Retired and Senior Volunteer Program, which connected nearly 600 volunteers with over 100 agencies in the community and provided over 70,000 of assistance. MAS does a lot of things in this community, all of them very important. The increase in the mill levy we're asking you to support will help assure that these services remain available to seniors and to the community. Please agree to put this issue before the voters. Thank you.

Chris Christenson: I wasn't going to say anything today because I am a story teller and you'd be here the rest of the day listening to me. I would like to ask your permission if I may write a letter to you to explain why I am a senior companion and have been so for about nine years. I was – this is an odd thing to say but was perhaps my good fortune from my age 7 to 53 to be in the home of my grandmother and my mother who were in the home, not well, and in the nursing home not well, and in the hospital not well. Over a period of 46 years – I'm 75 now – I was able to see the changes and how we treat the elderly, how the community participates, how the church and the members of the church participate and I would like to tell that story. I won't do it today, it's a long one. Would you be alright if I wrote you a letter?

Chairman Carey: Certainly.

Chris Christenson: It won't be too long either. Thank you very much.

Chairman Carey: Would anybody else like to speak? Seeing none. We'll close the hearing. Any comments or questions from the Commissioners?

Commissioner Evans: Since I'm the commissioner that's the oldest, I'll be the one to talk. I always hesitate to ask the taxpayers for more money because I think times are tough. But I also recognize that this community is an aging community and I think the services that you provide at Missoula Aging Services are valuable services and sometimes the life line to many people. So I am going to move that we agree to put this on the ballot and hope that the tax payers will feel the same way.

Commissioner Evans moved that the Board of County Commissioners issue a resolution for up to two additional mills for Aging, to be determined by voter support in the June election. Commissioner Curtiss seconded the motion. The motion carried on a vote of 3-0.

Mike Sehestedt: I'll go ahead and prepare a resolution for you with the ballot language.

Commissioner Curtiss: We did have two letters from the public that will be in the record too; from Howard Reinhart and Lisa Walzer.

Hearing: Vacate a Portion of Tim's and Tom's Commercial Lots 2 (Missoula Development Park)

This is a petition to vacate a portion of a platted subdivision specifically described as: "TIM'S AND TOM'S COMMERCIAL LOTS 2," located in the southwest one-quarter of Section 36, Township 14 North, Range 20 West.

The reasons for the request are as follows:

1. The boundary relocation depicted on this subdivision plat was never completed.
2. The vacation of this subdivision plat will provide clearer title to the affected property.
3. The property line arrangement depicted on this subdivision plat is no longer desired.

The following landowners have been notified: Missoula County Airport Industrial District; Tim R. Marinar; G. Thomas Booth III' and Joanne Booth.

Chairman Carey: This is a public hearing. Is there anybody that wishes to speak to this? Seeing none. I'll close the hearing.

Commissioner Curtiss: This is something that we don't normally do but we don't have to go out and visit this.

Mike Sehestedt: No. If you decide it's a good idea, you go ahead and take action and execute the appropriate resolution. We have the written consent of all of the property owners to this vacation. It is something that seemed like an expedient and good idea at the time but it turned out, for a variety of reasons, the sale didn't close. Some of it was getting it done in a timely manner and some of it was a change in the view of the purchasers as to their needs and the benefits. It did this and it didn't work and we need to go back to where we were before we started so that we can both get on about our respective lives.

Chairman Carey: Thank you, Michael.

Commissioner Curtiss moved that the Board of County Commissioners approve the petition to vacate a portion of a platted subdivision specifically described as: "TIM'S AND TOM'S COMMERCIAL LOTS 2," located in the southwest one-quarter of Section 36, Township 14 North, Range 20 West. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Hearing: Burch Tracts No. 3 (2 lots on 28.49 acres) – Lucky's Lane, south of Condon

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

This is a proposal by Dolores Burch, represented by Tim Wolfe of Territorial Engineering, for Burch Tracts No. 3, a 2 lot division of 28.49 acres. The property is located southeast of Condon on Lucky's Lane. There are two existing dwellings on Lot 1; a third dwelling on Lot 2 would make the density slightly greater than 1 dwelling unit per 10 acres.

Access to the property is provided by Lucky's Lane, a 14 foot wide private road. A variance has been requested to permit the existing road width. Planning Board recommended denial of the variance request and that a condition be imposed that would require widening the road to 18 feet. A condition of approval related to Lucky's Lane requires turnouts for emergency vehicles to be reviewed and approved by Swan Valley Fire per their recommendations. Since the northern-most mobile home has access across an adjoining property, staff recommends proof of legal access be provided.

The applicant has requested a variance from walkway standards. Planning Board supports the variance request. Planning Board recommends a condition requiring vegetation clearing along the road in accordance with DNRC firewise standards. They also recommended a condition requiring creation of defensible space around the home on Lot 2.

There is a recommendation that the covenants include Living with Grizzlies and Living with Mountain Lions information and the legible Riparian Resource Management Plan exhibit be submitted. In conclusion, staff recommends approval of Burch Tracts No. 3.

Chairman Carey: Thank you, Tim. I'll open the public hearing. Is there somebody who wishes to comment on this proposal?

Tim Wolfe: Territorial Engineering and Surveying. I was trying to get Jessica to come up. If it gets tough I will have to call her up here. We appreciate the job that Tim did and we had no problems with the original staff report and conditions of approval. The Planning Board's modifications, I guess we were a little bit concerned with. We would like to eliminate the last three, I believe, that have to do with widening Lucky's Lane and defensible space. We feel that Lucky's Lane was reviewed by staff and they felt that the variance was fine and it would put an undo burden on Dolores Burch. We feel that we've got in our covenants, the fire requirements, pretty well covered. We would ask that you would consider deleting those, which would also put back Condition 1 to its original state. If we can answer questions, we will do that. Dolores Burch is here and her daughter-in-law, Maggie, is here, that live on the property. If you want to ask them any questions, we could probably do that too.

Chairman Carey: I've got a question, Tim. Do the covenants reference the DNRC fire wise guidelines? Do you know how they relate to those guidelines?

Tim Wolfe: Jessica says yeah.

Chairman Carey: So the covenants do reference at least the DNRC guidelines. Okay. Thank you.

Tim Worley: I can answer that too, I think. I actually have the DNRC fire wise guidelines with me. Our Appendix 8 in our subdivision regulations mirrors exactly the defensible space guidelines and the fire wise publication. They have those in the covenants.

Chairman Carey: Any more questions for Tim?

Commissioner Curtiss: No but I have one for either Mrs. Burch or Maggie. If you could come up to the microphone and state your name, I just have a simple question for you.

Delores Burch: I live in Condon.

Commissioner Curtiss: Thank you, Mrs. Burch. My question is; are you aware that the Swan Valley Eco System and the Swan Valley Fire folks could help you if you need to work on defensible space in your area?

Delores Burch: I am.

Commissioner Curtiss: I think the fire department seems to be okay with your proposed conditions and I think they would be happy to work with you if you need defensible space.

Delores Burch: Yes.

Chairman Carey: Thank you. Anybody else? This is a public hearing would anybody like to speak to this matter? Seeing no one. I'll close the hearing.

Commissioner Evans: I'd like to ask Tim a question. You're very last comment on this sheet; do you often get illegible riparian resource management plans?

Tim Worley: I think what happened originally, there was a scanned Riparian Resource Management Plan, that scale wasn't very readable. If you look at the attached covenants, that's kind of the latest draft that Territorial put together. It's much more legible. In fact, I think we would accept it at this point.

Commissioner Evans: I just have never heard us ask for legible stuff because generally we expect legible stuff. I'm just giving you trouble, Tim.

Chairman Carey: Is someone prepared to offer a motion?

Commissioner Curtiss moved that the Board of County Commissioners approve the variance request from Article 3-2(l)(1) to permit a 14 foot surface width for Lucky's Lane, based on the findings of fact set forth in the staff report and subject to the recommended conditions of approval. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Chairman Carey: Which are those now?

Commissioner Curtiss: Number 1 and number 2. In other words, the first one the Planning Board had recommended to deny.

Chairman Carey: Those are the staff's recommendation to maintain the 14 foot and to not have pedestrian connections.

Commissioner Curtiss moved that the Board of County Commissioners approve the Burch Tracts No. 3 Subdivision, based on the findings of fact in the staff report and subject to the recommended conditions of approval in the staff report, not as amended by the Planning Board. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Evans: I would second that with the question, No. 4, 5, and 6, are they deleted?

Commissioner Curtiss: They would go away then, right.

Tim Worley: That's correct.

Chairman Carey: I believe one of the conditions in the staff report is for emergency vehicle turnouts along Lucky's Lane to be approved by the (inaudible).

Tim Worley: That's correct.

Burch Tracts No. 3 Subdivision Conditions of Approval:

1. Plans for emergency vehicle turnouts along Lucky's Lane shall be reviewed and approved by the Swan Valley Volunteer Fire Company and shall be installed prior to final plat approval. *Subdivision Regulations Article 3-2(3)(F), Swan Valley Volunteer Fire Company and OPG recommendation.*
2. Proof of legal access to the northern-most dwelling on Lot 1 across Tract A-1 of COS 3725 shall be provided prior to final plat approval, subject to review and approval by the County Attorney's Office. *Subdivision Regulations Article 3-2(2)(D), 3-6 and OPG recommendation.*
3. The covenants shall be amended as follows:
 - a. Add the Department of Fish, Wildlife and Parks documents "Living with Grizzlies" and "Living with Mountain Lions" attached as appendices to the covenants.
 - b. Replace existing Exhibit A with a legible exhibit as an attachment to the Riparian Resource Management Plan. *Subdivision Regulations Article 5-1(5)(J), 4-1(11)(C)(i) and OPG recommendation.*

Hearing: Stephanie's Tracts (Subsequent Minor Subdivision – 2 lots on 20 acres) – off Bear Creek Road

Mirtha Becerra, Office of Planning and Grants, presented the staff report.

This is a request from Bret and Stephanie Olson to subdivide a 20.02 acre parcel into 2 lots. The property is located on Bear Creek Road, approximately 4 miles northwest of Potomac. The property is unzoned in the County. The 2002 Missoula County Regional Land Use Guide, based on the 1975 Comprehensive Plan, designates this property as Open and Resource, with a recommended density of one dwelling unit per 10 acres. The density of this proposal is one dwelling unit per 10 acres.

Access to the subdivision is from Bear Creek Road, a 20 foot wide County maintained road with asphalt milling surface, within a 60 foot wide public right-of-way. The subdivider is requesting a variance from the requirement to have a 24 foot surface width on Bear Creek Road. Staff recommends approval of this variance request.

A condition of approval requires the development covenants be amended to include a shared driveway maintenance agreement prior to final plat approval. Another condition of approval requires the applicant to provide written documentation that the appropriate fire jurisdiction approves access to the lots and a water supply for firefighting purposes, prior to final plat approval.

There is a condition requiring a statement on the face of the plat that lot owners within this subdivision wave their right to protest an RSID/SID for improvements on Bear Creek Road, including, but not limited to, non-motorized facilities. There is also a condition that requires a statement on the final plat waiving the right to protest a future RSID/SID for a community or municipal water system for fire protection purposes.

A condition of approval requires that Article II, Section 4 of the covenants include Driveway Maintenance Agreement, Fuel Management and Weed Control and Revegetation as sections that shall not be amended or deleted without governing body approval.

Staff recommended the covenants be amended to include Appendix VIII of the Subdivision Regulations – "Wildland/Residential Interface Vegetation Reduction Guidelines." Staff also recommended a condition that requires the proposed "Living with Wildlife" section be replaced with the recommended section provided by Fish, Wildlife and Parks.

This proposal went in front of Planning Board on February 21st. Planning Board recommended approval of the variance request and approval of the subdivision. Planning Board voted unanimously to approve the motion to add a condition of approval requiring a 60 foot wide public access easement along the southern boundary of the

property extending from Bear Creek Road to the back of the property, based on the need for a logical approach to infrastructure to accommodate future lot splits. The condition reads: "A 60 foot wide public access and utility easement along the entire southern boundary of the subdivision shall be shown on the final plat. The language pertaining to the conditions of the easement shall be reviewed and approved by the County Attorney's Office prior to final plat approval."

Chairman Carey: I'll open this public hearing. Who would like to speak to this one?

Tim Wolfe: As far as Stephanie's Tracts, we appreciate Mirtha's work again and have no problem with the conditions of approval except No. 8 as added by the Planning Board, the 60 foot wide conditional public access and utility easement. We would ask that that be removed in its entirety. The reasons, if there were any further subdivision, future access easements, public easement, utility easements, could be provided at that time. Right now, that route physically is not a good route because of the grade of the road that would follow that. We'd have two pretty steep pitches that wouldn't be real good road grades. I guess the third one, in my mind is the big one, is adding access to an area of the Potomac Valley that most people don't want to see develop. By putting it there, I guess it leaves the door open. That's my personal opinion. I do believe strongly in road planning. If there was more of comprehensive plan for the Potomac area, I would support a condition like this, but I'd ask that you remove it.

Chairman Carey: Thank you, Tim. Questions for Tim? This is a public hearing, does anyone want to comment on this proposal? Seeing no one. I'll close the hearing.

Commissioner Evans: We need to put on the record that we have a letter from Roy and Darla Baker in total opposition to this subdivision, which will be part of the record.

Commissioner Evans moved that the Board of County Commissioners approve the variance request from Section 3-2(3)(B) requiring a 24 foot surface width, to allow a 20 foot surface width on Bear Creek Road, based on the findings of fact. Commissioner Curtiss seconded the motion. The motion carried on a vote of 3-0.

Commissioner Evans moved that the Board of County Commissioners approve the conditions of approval as submitted by staff, excluding Number 8 as recommended by Planning Board. Commissioner Curtiss seconded the motion. The motion carried on a vote of 3-0.

Chairman Carey: You're moving to accept the staff's recommendations, not the Planning Board conditions.

Commissioner Curtiss: Do we have to do the whole subdivision?

Commissioner Evans moved that the Board of County Commissioners approved the Stephanie's Tracts Subdivision, based on the findings of fact and subject to the recommended conditions of approval as recommended by staff. Commissioner Curtiss seconded the motion. The motion carried on a vote of 3-0.

Commissioner Evans: I would ask, Tim that you would discuss with the subdividers to share the thoughts of the Bakers because obviously they have some unsatisfactory situations out there. Perhaps whoever moves in could try and help make it better and not worse. Thank you.

Stephanie's Tracts Subdivision Conditions of Approval:

1. A shared driveway maintenance agreement shall be included in a development covenant subject to review and approval by the County Attorney's Office prior to final plat approval. *Subdivision Regulations Article 5-1(5)(K)(x) and OPG recommendation.*
2. The applicant shall provide written documentation that the appropriate fire jurisdiction approves access to the lots and a water supply for firefighting prior to final plat approval. *Subdivision Regulations Article 3-7(1) and OPG recommendation.*
3. 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 to Bear Creek Road, including, but not limited to, the installation of pedestrian walkways or bikeways, based on benefit. The waiver shall run with the land and shall be

binding on the transferees, successors and assigns of the owners of the land depicted herein." *Subdivision Regulations Article 3-2(3)(E) and OPG recommendation.*

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

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

5. The covenants shall be amended to include Appendix VIII, Vegetation Reduction Guidelines, in the Wildland-Residential Interface section. The amendments shall be reviewed and approved by OPG prior to final plat approval. *Subdivision Regulations Article 5-3(5)(R)&(S) and OPG recommendation.*
6. Article II Section 4 of the covenants shall include Driveway Maintenance Agreement, Fuel Management, and Weed Control and Revegetation as sections that shall not be amended or deleted without governing body approval. *Subdivision Regulations Article 5-1(5)(K)(ix) and Missoula County Weed District recommendation.*
7. The following provisions, as provided by Fish Wildlife and Parks, shall be included in a development covenant filed with the Missoula County Clerk and Recorder's Office, subject to review and approval by OPG prior to final plat approval:

- A. 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, skunks and raccoons. Contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife."

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

1. There is 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 aware of this potential damage. 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.
2. 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 should be aware that deer might occasionally attract mountain lions to the area.
3. Pets should be confined to the house, in a fenced yard, or in an outdoor kennel area, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hooved game animals and the owner may also be held guilty (MCA 87-3-124).
4. Garbage should be stored in secure bear-resistant containers or indoors to avoid attracting animals such as bears, raccoons, dogs, etc. It is best not to set garbage cans out until the morning of garbage pickup.
5. Pet food and livestock feed must be stored indoors or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, etc. When feeding pets 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.

6. Barbecue grills should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on the grill, lid, etc. can attract bears and other wildlife.
7. 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.
8. Gardens can attract wildlife. Keep the produce picked because rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
9. Fruit trees or orchards can attract wildlife such as deer and bears. Keep ripe fruit picked and do not allow rotten fruit to collect under trees. Consider fencing to keep deer out.
10. Bird feeders attract bears. Consider not using them in this area between the months of April through October. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
11. 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. *Subdivision Regulations Article 3-1(2), 3-1(2)(10) and FWP recommendation.*

Hearing: Country Crest 3B, Lot 45 (Subsequent Minor Subdivision – 3 lots on 2.28 acres) – Peregrine Court

Mirtha Becerra, Office of Planning and Grants, presented the staff report.

This is a request from Dale and Patricia Jensen to subdivide a 2.22 acre parcel into 3 residential lots. The property is located on the north side of Peregrine Court in the Country Crest No. 3B Subdivision, a County major subdivision platted in 1995. The development is located on the north side of Mullan Road, opposite Sunset Memorial Gardens.

The property is zoned C-RR2 (Residential – two dwelling units per acre). The Wye-Mullan West Comprehensive Area Plan recommends a land use designation of Suburban Residential, with a maximum density of two dwelling units per acre. The density of this proposal is 1 dwelling unit per 0.74 acres.

Access to this subdivision is from Peregrine Court, a 24 foot wide paved County road within a 60 foot public right-of-way. The subdivider requested a variance to not install curb and gutter along Peregrine Court. Staff recommends approval of this variance. The subdivider is also requesting a variance from the requirement to install boulevard sidewalk on Peregrine Court. Both curb and gutter and sidewalk improvements are included in the RSID/SID waiver statement conditioned for the plat. Staff recommends approval of this variance request.

Staff recommends the following conditions of approval:

- A condition requiring the subdivider to contribute to the Mullan Road/Flynn Lane intersection and to the Mullan Road/Reserve Street intersection mitigation fund.
- A condition requiring the RSID/SID statement to refer to streets in Country Crest 3B for improvements along Peregrine Court.
- That the Missoula Rural Fire District review and approve plans for installing residential fire sprinkler systems prior to Zoning Compliance permit submittal and that the subdivider file a development covenant that includes the requirement for residential fire sprinkler systems.
- A condition recommending that plans for visible addressing be approved by the fire department and be included in a development covenant.

- A condition requiring a statement on the final plat waiving the right to protest a future RSID/SID for a community or municipal water system for fire protection purposes.
- Other conditions require that the applicant present evidence of petitioning into the Missoula Urban Transportation District and that a development covenants be filed that addresses weed control and revegetation, radon mitigation systems and prohibition of wood burning stoves.

This proposal went in front of the Planning Board on February 21, 2006. Prior to the main motion to approve the subdivision, the Planning Board voted unanimously to approve Variances 1 and 2, but the motion to approve Variance 3 from the parkland dedication failed on a tied vote.

Chairman Carey: Thank you. This is a public hearing if there's someone who would like to speak to this matter.

John Kellogg: With PCI. We're representing Dale Jensen who is here this afternoon. I guess I won't go through the series of discussion that we've had previously on the Country Crest but hone in on the issues that came up at the Planning Board meeting. For some reason the Planning Board decided to make an issue about the park dedication for this one and I'd like to briefly address that. Last night at the Planning Board meeting, I think Colleen could go into better explanation than I can about this. Colleen presented to the Planning Board a description of how the Senate Bill 116 is to be implemented in the County and the difficulties that have come about in immediate implementations of provisions of that Senate Bill related to the conflicts with the current subdivision regulations. Unfortunately, what this means is that we have got the worst of both of those worlds in how OPG had to interpret that law relative to these Country Crest Re-divisions because Senate Bill 116 redefined these as subsequent minor subdivisions. Under Senate Bill 116 then, as Colleen explained to the Planning Board last night, no park land dedication could be required. However, calling this a subsequent minor under Senate Bill 116 and then taking the subsequent minor definition into the existing subdivision regulations, we got the opportunity there to bring in the park land dedication and bring the whole issue up again. I personally think that it is a little bit unfair for the folks that are in Country Crest and I think it's caused Dale some sleepless nights thinking about the potential of a \$10,000-15,000 cash in lieu park land payment, which is no small change to the developers that we are talking about here, which are residents of Country Crest. If you take Senate Bill 116 and interpret it and apply it to these subdivisions there would be no park land dedication. If we take the subdivision regulations currently that are in place in Missoula and apply them, there would be no park land dedication required either because this wouldn't be a subsequent minor. If we bring a requirement for park land dedication –

Commissioner Curtiss: Is your goal to get us as confused as everybody else is.

John Kellogg: I don't know, we change gears every couple of months on this. I guess I'd encourage you to grant the variance for the park land dedication. Apparently the Planning Board saw the light last night. In the next Country Crest Subdivision that came through they approved the recommendation for the variance 8-0 with 1 pass; this particular instance where they had a revelation that they wanted to get the cash in lieu park land. Other than that, Dale is in agreement with the recommended conditions of approval. I would like to take a brief second to make some suggestions here in the conditions of approval. In the copy that I have – these (inaudible) those through from the Planning Board to the commissioners, what I believe you have in front of you. There are a number of these conditions that are subject to review and approval by various agencies. For instance, No. 4 says, "The subdivider shall file a development covenants to state the following subject to review and approval by Missoula Rural Fire District prior to final plat approval." We have no problem putting that statement in a development covenant but when it says "subject to review and approval by the Missoula Rural Fire District prior to final plat approval," it means we have to put that in development covenant take it out to Curt or Bill and say, "Look this is in a development covenant and then they sign a letter that we prepare for them or they prepare saying, "We saw it in the development covenant." I think that's something that OPG staff could see that it is in a development covenant without having us to take the extra route of going to the rural fire district.

Commissioner Curtiss: So you're suggesting that the first sentence from "subject to" just gets scratched because that's what (inaudible).

John Kellogg: Correct. Scratch "subject to review and approval by Missoula Rural Fire District prior to final plat approval." It's going to be in there it's just that OPG checks it and we don't have to go to Curt or Bill to have it signed off. Likewise, the plans for visible addressing, what we do is state in the development covenants, "All residences within this subdivision shall post address signs visible from public street in all light conditions." I believe that in this case we're a standard suburban subdivision so we're not going to have unusual circumstances where the distance is an issue here. So what is in the development covenants say, "All residences shall post address signs visible from public streets in all light conditions."

Commissioner Curtiss: It should either say one or the other. Fire Department approves them or within the covenants?

John Kellogg: Right.

Chairman Carey: Colleen.

Colleen Dowdall: I'm not as concerned about the address signs but I think what the one about sprinkler says is that the Fire Department approves the plans for the sprinkler systems. And what goes in the development covenant is that every house needs to have sprinkler systems. So I think the language can be approved by OPG but you still have to go see the rural fire district to get approval of the plans for installation.

John Kellogg: Correct, which would happen prior to zoning compliance or building permit, I assume and not prior to final plat approval.

Colleen Dowdall: Correct. It says prior to submittal for a zoning compliance. Do I have a wrong version?

John Kellogg: The version that went to the Planning Board is slightly different from what is in front of the commissions.

Commissioner Curtiss: Right now it reads, "The subdivider shall file a development covenants state the following, subject to review and approval by Missoula Rural Fire District prior to plat approval." And then it has what is going to go on the covenants. Do you have the copy Colleen?

Colleen Dowdall: So how did it change? Ah, it did change. Did Planning Board make that change? I think it was Tim Wolfe's printer. (END OF TAPE 1, SIDE B) – request for commission action on the second page.

John Kellogg: Second page #4.

Commissioner Curtiss: I think it's a cut and paste thing that happened.

John Kellogg: Yeah, it should say Lot 45 also instead of Lot 59.

Commissioner Curtiss: Where's that one?

Colleen Dowdall: In the actual condition, it says that the fire department – I think if we just go with the conditions as presented in the original staff report instead of the Request for Commission Action that would be better.

Mirtha Becerra: I agree. I can make the corrections here because I think it is a cut and paste mistake.

Colleen Dowdall: I have particularly encouraged the planners not to say, your statement must say exactly this and that's what these conditions on the Request for Commission Action for both #4 and #5.

Commissioner Curtiss: We need to make sure Patty has the correct form. It's the one that are back in here. Does that address both of them? Are they both correct in the Planning Board – the one about street signs too?

John Kellogg: The street signs are the one – it goes into plans for; addressing shall be reviewed and approved by Missoula Rural Fire District." I guess I don't care, it just means that I take a statement out to Curt to sign that says, "All residences within this subdivision shall post address signs visible from public streets and all light conditions." In certain cases when we have long driveways or unusual conditions than there is something to review. In this case, we've got fairly standard residential suburban lots so the signs are – the statement is going to read exactly like this, "All residences within this subdivision shall post address signs visible from public streets and all light conditions." We can include that in the development covenant.

Colleen Dowdall: I think what typically what a fire department approves the actual plan for the address signs. I've seen some covenants that give you a picture of what they're going to look like. I'm looking at those two guys in the back of the room and they're both looking at me like I'm –

John Kellogg: Let's leave it as it – we'll leave it as is and I'll take this to Curt and get it okayed.

Colleen Dowdall: We'll work on our language to make it more clear to you.

John Kellogg: The radon one also, we have to go to the Health Department to get it okayed, which is sort of a duplication stating that these house have potential for radon. We'll work on this in future subdivisions but for now we'll just have to do some scurrying around.

Chairman Carey: Thank you, John. This is a public hearing, any further comments or questions. Seeing none. I'll close the hearing.

Commissioner Evans: I'd like to put on the record so that there's no question whatsoever, if when Country Crest was designed, it was done with the full intention of allowing further divisions. The houses were limited to a specific spot on the lots so that they wouldn't build in the middle and not be able to add additional housing. The park dedication was given at that time. It's already been taken care of in the past and that isn't for your benefit, you already know that, it's for the record and someone who might ready it later. The park, the money in lieu of or the park dedication is not an issue on this subdivision.

Colleen Dowdall: I think on Conditions 7 and 8, you could take out the language of the provision, "Subject to review and approval by the Health Department prior to final plat approval." Because that is language on both of them that – one of them we tell what the language has to be – that's on 9. So on Condition 8 and 9 we could delete, on 8, the whole sentence; the language of the provision shall be subject to review and approval. On Condition 9 from the middle of the sentence; subject to review and approval by the Health Department prior to final plat approval.

Commissioner Evans: I would personally like to make it less difficult for folks. If we could prevent them having to scurry around in a place that isn't necessary, I would like to do that.

Commissioner Curtiss: Number 6, you don't see a need to change it?

Commissioner Evans: I would take that out as well.

Colleen Dowdall: I think on Condition 6, the Fire Department actually reviews the plans not the language.

Commissioner Curtiss: Before plat approval.

Colleen Dowdall: That has been the practice.

Commissioner Evans: In my particular case at my house, nobody ever looked at it. The County Surveyor's office gave us the number and the name of the street. Our covenants required that we put up house numbers clearly visible so nobody had to approve it.

Commissioner Curtiss: There was probably a plan approved.

Colleen Dowdall: There could have been a plan approved but we might also – this might be of more resent vintage than when we approved the subdivision that Barbara said.

Commissioner Evans: Mine didn't get reviewed because I was outside the City, in the donut. I know getting my house and my street done was done through the Surveyor's office.

Chairman Carey: Colleen, are you saying that we can strike No. 6?

Colleen Dowdall: No, I think No. 6 should stay as it is. Condition No. 7 should stay as it is, 8 and 9 should be changed.

Chairman Carey: Strike the last sentence in Condition No. 8 and Condition No. 9 would read; the subdivider shall file a development covenant, which includes the following statement..." and then the statement follows.

Colleen Dowdall: Correct.

Commissioner Curtiss moved that the Board of County Commissioners amend Conditions 8 and 9 as stated by Commissioner Carey. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Curtiss: Back to the recommended motions. I'm using the motions that were presented to the Planning Board not the Commissioner Action Form.

Commissioner Curtiss moved that the Board of County Commissioners approve the variance request from Section 3-2(8)(A)(ii) requiring installation of concrete boulevard sidewalk, to not require sidewalk installation on Peregrine Court, based on the findings of fact; approve the variance request from Section 3-2(7) requiring curb and gutters, to not require curb and gutter on Peregrine Court, based on the findings of fact; and approve the variance request from Section 3-8(6) requiring parkland dedication, to not require parkland dedication or cash-in-lieu of parkland, based on the findings of fact. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Curtiss moved that the Board of County Commissioners approve the Country Crest No. 3, Lot 45 Subdivision, based on finding of facts and subject to the recommended conditions of approval in the Planning Board staff report and as amended today. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Commissioner Evans: That takes out the subject to review by Rural Fire.

Colleen Dowdall: Not the one by rural fire because they are going to –

Commissioner Curtiss: -- Health Department.

Commissioner Evans: I was looking at No. 4 in the wrong one. Too many papers.

Commissioner Curtiss: Right the one on fire.

Country Crest 3B, Lot 45 Conditions of Approval:

Roads and Access

1. The subdivider shall contribute \$230 per new lot to mitigate the impact of additional development by assistance in signaling the Flynn Lane/Mullan Road intersection and \$815 per new lot to mitigate the impact of additional development on the Reserve Street/Mullan Road intersection. Payment of this contribution shall be verified prior to final plat approval. *Subdivision Regulations Article 4-1(12)*.
2. The following note shall appear on the face of the plat:

"Lots within this subdivision are subject to the RSID/SID waiver for improvements on the face of the Country Crest No. 3B plat." *Subdivision Regulations Article 3-2(3)(E)*.
3. The subdivider shall present evidence of petitioning into the Missoula Urban Transportation District prior to final plat approval. *Subdivision Regulations Article 3-2(6)*.

Fire

4. Plans for installing NFPA 13D standard residential fire sprinkler systems in all new dwellings in the Country Crest 3B, Lot 45 Subdivision shall be reviewed and approved by the Missoula Rural Fire District prior to submittal for a Zoning Compliance Permit. This language shall also be included in a development covenant and shall not be deleted or amended without governing body approval. *Subdivision Regulations Article 3-7(1)(6)*.
5. The following statement shall appear on the face of the final plat:

"Acceptance of a deed for a lot within this subdivision shall constitute assent of the lot owner to waive the right to protest a future RSID/SID for a public or community water system for fire protection, based on benefit. The waiver shall run with the land and shall be binding on the transferees, successors and assigns of the owners of the land." *Subdivision Regulations Article 3-7(2)*.
6. All residences within this subdivision shall post address signs visible from public street in all light conditions. Plans for visible addressing shall be reviewed and approved by the Missoula Rural Fire District and shall be included in a development covenant, prior to final plat approval. *Subdivision Regulations Article 3-2(2)(G)*.

Weeds

7. The subdivider shall file a development covenant requiring lot owners to revegetate any ground disturbance with beneficial species at the first appropriate opportunity after the disturbance occurs, subject to review and approval by the Missoula County Weed District, prior to final plat approval. *Subdivision Regulations Article 3-1(1)*.

Radon

8. The subdivider shall file a development covenant advising property owners of the Health Department recommendation that all new construction incorporate passive radon mitigation systems. *Subdivision Regulations Article 3-1(1)(B)*.

Other

9. The subdivider shall file a development covenant which includes the following statement:

“The Missoula City-County Air Pollution Control Program regulations prohibit the installation of wood burning stoves or fireplaces. Pellet stoves that meet emission requirements or natural gas or propane fireplaces may be installed. Pellet stoves require an installation permit from the Health Department.” *Subdivision Regulations Article 3-1(1)(G)*.

There being no further business to come before the Board, the Commissioners were in recess at 3:10 p.m.