

PUBLIC MEETING – OCTOBER 18, 2006

The Public Meeting was called to order at 1:33 p.m. by Chairman Bill Carey. Also present were Commissioner Barbara Evans and Chief Civil Deputy County Attorney Mike Sehestedt. Commissioner Jean Curtiss was out of the office.

Pledge of Allegiance

Public Comment

None

Routine Administrative Actions

Commissioner Evans moved that the Board of County Commissioners approve the routine administrative items adopted the past week and approve the weekly claims lists in the amount of \$577,713.77. Chairman Carey seconded the motion. The motion carried on a vote of 2-0.

Chairman Carey: Michael, we have in our packet the Diane Lemm request for family transfer but it's not on the agenda.

Mike Sehestedt: The situation on that; we had continued it for one week a week ago. Staff from my office made contact with the Lemms and their representative. Apparently they were not going to be able to be here this week, so hold from the agenda. We will be hearing from them next week.

Hearing: County Crest No. 3, Lots 12 and 13 (2 lots of 1.24 acres) – off Buckhorn Lane

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

This is a request from Layne and Deborah Shanahan to subdivide Lots 12 and 13 into a total of four lots. The properties are located along Buckhorn Lane in the Country Crest No. 3 subdivision. Country Crest is located on the north side of Mullan Road, opposite Sunset Memorial Gardens. It was platted in 1996 with anticipated future subdivision of the lots. The property is zoned C-RR2, that's two per acre and the Wye-Mullan Comprehensive Plan recommends a maximum density of two dwelling units per acre so that the proposal meets both zoning and land use.

The applicant requested four variances. Number 1 is to not install complete boulevard sidewalks on Buckhorn Lane and Grassland Drive at this time. Staff recommends that this variance be approved based on agency comment and the findings of fact contained in the staff report. Number 2 is not to install curb and gutters along Buckhorn Lane and Grassland Drive at this time. Staff recommends approval of that variance request as well. Agency support for granting these two variance requests is based upon requiring installation of these facilities as part of a comprehensive rather than lot-by-lot basis. An RSID/SID waiver statement is included in the plat and it waives the right to protest future improvements to Buckhorn Lane and Grassland Drive, which includes installation of sidewalks and gutters.

Number 3 is not to be required to dedicate parkland and staff recommends approval of that variance request based on agency comment and the fact that this subdivision provided a large amount of parkland when it was platted in 1996. Number 4 is to vary from the required 20 foot minimum width for all easements and staff recommended approval of that variance request.

Staff recommended seven conditions of approval and most of these are the conditions of approval that have been approved for all the Country Crest subdivisions in the past and they relate to contributing to the Mullan-Flynn/Mullan-Reserve intersection mitigation fund, including Grassland Drive and the RSID currently isn't. There's one lot, it's a corner lot, that's why we're adding that condition. Driveway standards, provision of irrigation ditch easements, fire sprinklers, weed management, radon, amending covenants to include sections [inaudible] governing body approval for any amendments and contributing to the sewer RSID 8486 in the amount specified in that resolution.

This subdivision went before Planning Board on October 3, 2006 and all variances and conditions of approval in the subdivision were approved as recommended by staff. In conclusion, staff recommends that the Country Crest No. 3, Lots 12 and 13 subdivision be approved based on the findings of fact and subject to the recommended conditions of approval found in the staff report. Thank you.

Chairman Carey: Thank you, Mirtha. This is a public hearing, someone wish to comment on the proposal?

John Kellogg: Thank you Chairman Carey, for the record, I'm John Kellogg with PCI. We're representing Layne and Deborah Shanahan. We're in agreement with the staff's recommendation. I appreciate Mirtha's efforts here. I guess I'd like to emphasize that although we're requesting these four variances, they're technically items that are all going to be covered either eventually or currently. The sidewalks, curb, and gutter are eventually going to reach a tipping point to where they will be installed through an RSID/SID and it will be done collectively at one time. The variance for parkland as Mirtha mentioned had been covered with the original platting of Country Crest. In regard to the 20-foot easement, when lined up in conjunction with the easement on the property to the south, it exceeds the 20-feet. So I just want to emphasize while we're requesting the variances, they really are items that are going to be complied with eventually. Thank you.

Chairman Carey: Thank you, John. Any other public comment? Seeing none, I'll close the hearing.

Commissioner Evans moved that the Board of County Commissioners approve the four variances: 1) from Section 3-2(8)(A)(ii) requiring installation of concrete boulevard sidewalks so that sidewalk installation on Buckhorn Lane and Grassland Drive is not required; 2) from Section 3-2(7) requiring installation of curb and gutters so that curb and gutter installation on Buckhorn Lane and Grassland Drive is not required; 3) from Section 3-8 requiring parkland dedication; and 4) from Section 3-6 requiring all utility easements to be 20 feet in width; all based on the findings of fact in the staff report. Chairman Carey seconded the motion. The motion carried on a vote of 2-0.

Commissioner Evans moved that the Board of County Commissioners approve the Country Crest No. 3, Lots 12 and 13 subdivision based on the findings of fact and subject to the recommended conditions of approval found in the staff report. Chairman Carey seconded the motion. The motion carried on a vote of 2-0.

Country Crest No. 3 Lots 12 and 13 Conditions of Approval:

Roads and Access

1. The subdividers shall contribute \$230 per new lot to mitigate the impact of additional development by assistance in signaling the Flynn/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 RSID waiver statement on the plat shall be amended to include Grassland Drive prior to final plat approval.

Fire

3. Plans for the installation of interior residential fire sprinklers shall be approved by the Missoula Rural Fire District prior to building permit approval and the development covenants shall be amended to include the following prior to final plat approval: "Installation of interior residential fire sprinklers that meet NFPA 13D standards are required in each new home for the purpose of fire protection. Plans for installation of interior residential fire sprinklers shall be approved by the Missoula Rural Fire District prior to Building Permit approval. Failure to install residential fire sprinklers in any new home may subject the entire subdivision to the cost of installation of a shared water source for fire fighting purposes." This section of the covenants may not be changed or deleted without governing body approval. *Subdivision Regulations Article 3-7(1) and Missoula Rural Fire District recommendation.*
4. All residences within this subdivision shall post address signs visible from public streets 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

5. 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)*.

Covenants

6. The subdivider shall file a development covenant which includes the following sections, subject to review and approval by the Health Department prior to final plat approval:
 - a. Driveways - Driveways in excess of 150 feet in length shall have approved turnarounds, a minimum unobstructed width of not less than 20 feet, an unobstructed vertical clearance of 13 feet 6 inches, and driveway surface engineered to support the weight of emergency equipment in all weather conditions subject to review and approval by Missoula Rural Fire Department prior to final plat approval. *Subdivision Regulations Article 3-2(10) and Missoula Rural Fire District.*
 - b. Radon - According to the Missoula City-County Health Department, the Environmental Protection Agency has designated the Missoula area as having a high radon gas potential (Zone 1). Therefore, the Missoula City-County Health Department recommends that all new residences incorporate radon resistance construction features. *Subdivision Regulations Article 3-1(2) and Health Department recommendation.*
 - c. Wood Burning Devices - 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)*.
 - d. Amendments, Sections of the Development Covenants regarding interior residential fire sprinklers, addressing, weed control, radon, woodburning devices, and amendments shall not be deleted or amended without written approval from the governing body.

Sewer

7. The newly created lots shall contribute to sewer RSID 8486 in the amount specified in the resolutions, prior to building permit approval.

Hearing: Sundance Addition (2 lots on 3 acres) – North Avenue, 2 ½ miles west of Reserve Street

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

This is a request from Joe Bauer, represented by Montana Northwest Company, to subdivide a 3-acre parcel into two residential lots. The property is located on the south side of North Avenue in the Orchard Homes Company's Addition Subdivision. Access to the subdivision is from North Avenue, a county maintained public road to Sundance Lane, a private road.

The property is zoned Target Range-West End Special Zoning District, which requires a minimum lot size of one acre. There is an existing home, a shop and a horse shed on proposed Lot 70-B1 and all existing structures on Lot 70-B1 meet the setback requirements of the zoning district. The Comprehensive Plan recommends a land use designation of Residential, with a maximum density of two dwelling units per acre. The proposal meets both zoning and the recommended land use designation.

There are 4 variance requests. Number 1 is to not install concrete boulevard sidewalks on Sundance Lane and staff recommends approval of the variance request based on the findings of fact included in the staff report. Number 2 is to not install curb and gutter on Sundance Lane and staff recommends approval of the variance request also. Agency support for granting these two variance requests is based on the fact that Sundance Lane is a private road and the additional one dwelling unit would not necessitate improving this lane. Number 3 is to not widen Sundance Lane to 24 feet as required by the subdivision regulations and staff recommends approval of the variance request based on agency comment. There's a memorandum that I passed around which explains the change in that recommendation from denial to approval, which is based on agency comment from Missoula Rural Fire District. Based on a second look at the property, Missoula Rural Fire concluded that as it exists, the lane

actually meets the fire requirements. Number 4 is to vary from the required minimum easement width for the irrigation ditch and staff recommends approval of that variance request.

Staff recommended six conditions of approval and most of these conditions are the standard conditions of approval that apply to rural subdivisions in the County and they relate to driveway standards, provision of irrigation ditch easements, provision of a source of water for fire fighting purposes, address signs, weed management; and amending the covenants to include sections related to living with wildlife and a section that requires governing body approval for any amendments or changes to the development covenants.

This subdivision went before Planning Board on October 3, 2006 and all variances, conditions of approval, and the subdivision were approved as recommended and as amended by staff. In conclusion, staff recommends that the Sundance Addition Subdivision be approved subject to the recommended conditions of approval and based on the findings of fact contained in the staff report. Thank you.

Chairman Carey: Thank you, Mirtha. This is a public hearing, does somebody wish to comment on the project?

Ken Jenkins: For the record, my name is Ken Jenkins with Montana Northwest Company representing Joe Bauer, the owner/developer. I would like to thank Mirtha for her thorough review of the project and other than that, I would be happy to answer any questions. We're certainly comfortable with the conditions that have been recommended.

Chairman Carey: Thank you. Anybody else care to speak to this? Anyone else? Seeing none, I'll close the hearing.

Commissioner Evans moved that the Board of County Commissioners approve the variance requests from Article 3-2(8)(A)(ii) requiring installation of concrete boulevard sidewalks on Sundance Lane, from Article 3-2(7)(B)(i) requiring installation of curb and gutter on Sundance Lane, from Article 3-2(1)(1) requiring a minimum roadway width of 24 feet along Sundance Lane, and from Article 3-6 requiring a minimum easement width for the irrigation ditch, all based on the findings of fact in the staff report. Chairman Carey seconded the motion. The motion carried on a vote of 2-0.

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

Sundance Addition Subdivision Conditions of Approval:

Roads and Access

1. Driveways in excess of 150 feet in length shall have approved turnarounds and a minimum unobstructed width of not less than 20 feet and unobstructed vertical clearance of 13 feet 6 inches, subject to review and approval by Missoula Rural Fire Department prior to final plat approval. *Subdivision Regulations Article 3-2(10).*

Irrigation Ditch

2. The final plat shall show the irrigation ditch easement located along the western property boundary of Lot 70-B1, extended across Lot 70-B2 to the southern property boundary of the subdivision prior to final plat approval.

Fire

3. The developer shall provide a water supply for fire protection that produces 1000GPM with a hydrant or, in lieu of a water supply with hydrant, the developer shall install interior residential fire sprinklers that meet NFPA 13D standards in each new home. Plans for a water supply and hydrant location shall be approved by Missoula Rural Fire District prior to final plat approval. If water supply for fire protection is to be provided by interior residential fire sprinklers then plans for the installation of interior residential fire sprinklers shall be approved by the Missoula Rural Fire District prior to building permit approval and the development covenants shall be amended to include the following prior to final plat approval: "Installation of interior residential fire sprinklers that meet NFPA 13D standards are required in each new home for the purpose of fire protection. Plans for installation of interior residential fire sprinklers shall be approved by the Missoula Rural Fire District prior to Building Permit approval. Failure to install residential fire sprinklers in any new home may subject the entire subdivision to the cost of installation of a shared water source for fire fighting purposes." This section of the covenants may not be changed or deleted without governing body approval. *Subdivision Regulations Article 3-7(1) and Missoula Rural Fire District recommendation.*
4. All residences within this subdivision shall post address signs visible from public streets 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

5. The development covenants shall be amended to delete reference to the revegetation plan and add the following statement prior to final plat approval: "All lot owners are required to maintain their lot in compliance with the Montana County Weed Control Act and the Missoula County Noxious Weed Management Plan."

Covenants

6. The development covenants shall be amended as follows and these sections shall be included in the list of sections under "Amendments" that may not be changed or deleted without governing body approval:

Amendments

- a. No section of the covenants relating to driveways, interior residential fire sprinklers, address signs, weed control, radon, wood burning stoves, road maintenance, living with wildlife and amendments may be amended or deleted without governing body approval.
- b. Living with Wildlife - Section 2 of the Development Covenants shall be amended to include the following language prior to final plat approval:
 - i. Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, black bear, mountain lion, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov.

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

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

- c. Garbage should be stored in secure animal-resistant containers or indoors to avoid attracting wildlife such as bears and raccoons. If stored indoors, garbage cans should not be set out until the morning of garbage pickup, and should be taken back indoors no later than the evening of garbage pickup.
- d. Do not feed wildlife or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in “an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.” Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. Birdseed is an attractant to bears. Use of bird feeders is not recommended from April 1st through the end of November. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. 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. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- g. Pet food 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.
- h. Barbecue grills should be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider boundary fencing that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. Compost piles can attract skunks and bears and should be avoided. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. Apiaries (bee hives) could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. Purchasers of lots within this subdivision must recognize that this subdivision is within about one-third mile of the Clark Fork River where lawful waterfowl hunting and the associated discharge of shotguns could occur from early morning until sunset, and the season can run from September into January.
- m. These “living with wildlife” covenants cannot be altered or eliminated without consent of the governing body (county commissioners).

Hearing: Country Crest No. 3b, Lot 70 (2 lots on 1.59 acres) – north of Mullan Road on east side of Grassland Drive

Mike Sehestedt presented the staff report in the absence of Zack Brandt from the Office of Planning and Grants.

This is a subsequent minor subdivision in Missoula County located in the southwest corridor, Section 11, Township 13N, Range 20W. Previously noted, this is Lot 70, Country Crest No. 3B. The proposal is to split a 1.56 acre parcel into two residential lots.

Findings are as follows, zoning and comp plan. The property is zoned C-RR2 Residential, which permits two dwelling units per acre. The 2005 Wye-Mullan Comprehensive Plan designates this area as two dwelling units per acre. The proposal complies with the Comp Plan and the zoning/land use density.

Roads and access, Grassland Drive is a County road paved to a surface width of 24 feet within a 60-foot right-of-way. Currently Grassland Drive does not have curb, gutter, or sidewalks. Variances, the request is not to install curb and gutter on Grassland Drive, not to install sidewalks on Grassland Drive. An RSID waiver statement is included on the plat, waiving the right to protest improvement to Grassland Drive, including curb, gutter, and sidewalks. Staff supports both variance requests based on agency comments. I would also note parenthetically this is consistent with the treatment we've given other lots dividing the Country Crest area.

Staff recommends eight conditions of approval, which include the requirement to contribute to the Flynn/Mullan and Mullan/Reserve intersection mitigation funds and the sewer RSID for this area and a requirement to allow additional development covenants related to driveways, address signs, interior residential fire sprinklers for fire suppression, weed control and revegetation, radon resistant construction relating to woodburning stoves and fireplaces. Also requesting that they add language to the covenants indicating that these provisions addressing these specific aspects cannot be amended or deleted without governing body approval.

In conclusion, the staff recommends approval of the variance requests and approval of Country Crest No. 3B, Lot 70 subject to the eight conditions of approval recommended by the Planning Board and included in the staff report. I would be happy to go into those in detail.

Chairman Carey: Thank you, Michael. This is a public hearing. Anybody wish to comment on the matter?

Commissioner Evans: Do you have any problems with the conditions?

John Nickelson: No.

Commissioner Evans: And your name is Mr. Nickelson?

John Nickelson: Yes, ma'am.

Commissioner Evans moved that the Board of County Commissioners approve the variance requests from Section 3-2(8)(A)(ii) requiring installation of concrete boulevard sidewalks so that sidewalk installation on Grassland Drive is not required and from Section 3-2(7)(B)(i) requiring installation of curb and gutters so that curb and gutter installation on Grassland Drive is not required, both based on the findings of fact in the staff report. Chairman Carey seconded the motion. The motion carried on a vote of 2-0.

Commissioner Evans moved that the Board of County Commissioners approve the Country Crest No. 3B, Lot 70 Subdivision, based on the findings of fact and subject to the recommended conditions of approval found in the staff report. Chairman Carey seconded the motion. The motion carried on a vote of 2-0.

Country Crest No. 3B, Lot 70 Subdivision Conditions of Approval

Roads/ Driveways

1. The subdivider shall contribute \$230 per new lot to mitigate the impact of additional development by assistance in signaling the Flynn/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. Driveways in excess of 150 feet in length must be approved by Missoula Rural Fire District prior to building permit approval. A turn around for fire apparatus must be incorporated at the terminus of the driveway. The driveway must provide 20 feet of unobstructed horizontal clearance and 13 feet 6 inches unobstructed vertical clearance the length of the drive. This language shall also be included in a development covenant and shall not be deleted or amended without governing body approval. *Subdivision Regulations Article 3-2(10) and Missoula Rural Fire District recommendation.*

Easements

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

“The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water, or sewer to the public, the right to the joint use of an easement for the construction, maintenance, repair, and removal of their land and other facilities, in, over, under, and across each area designated on this plat as ‘Utility Easement’ to have and to hold forever.” *Subdivision Regulations Article 3-5.*

Fire

4. Interior residential fire sprinklers that meet NFPA 13D standards are required in each new home for the purposes of fire protection. Plans for installation of interior residential fire sprinklers shall be approved by the Missoula Rural Fire District prior to Building Permit approval. Failure to install residential sprinklers in any new home may subject the entire subdivision to the cost of installation of a shared water source for fire fighting. This language shall 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. All residences within this subdivision shall post address signs visible from public streets 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. This section of covenants may not be changed or deleted without governing body approval. *Subdivision Regulations Article 3-2(2)(G).*

Weeds

6. The subdivider shall file a development covenant which includes the following statements, subject to review and approval by the Office of Planning and Grants prior to final plat approval: “Lot owners shall maintain their lot in compliance with the Montana County Noxious Weed Control Act and the Missoula County Noxious Weed Management Plan. Lot owners shall revegetate any ground disturbance with beneficial species at the first appropriate opportunity after the disturbance occurs.” This section of covenants may not be changed or deleted without governing body approval. *Subdivision Regulations Article 3-1(1).*

Covenants

7. The subdivider shall file a development covenant which includes the following sections, subject to review and approval by the Office of Planning and Grants prior to final plat approval:
 - a. Radon - According to the Missoula City-County Health Department, the Environmental Protection Agency has designated the Missoula area as having a high radon gas potential (Zone 1). Therefore, the Missoula City-County Health Department recommends that all new residences incorporate radon resistance construction features. *Subdivision Regulations Article 3-1(2) and Health Department recommendation.*
 - b. Woodstoves - 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).*
 - c. Energy Efficiency - The Health Department recommends that builders consider using energy efficient building techniques such as building orientation to the sun, appropriately sized eaves, wind breaks, extra insulation, passive solar lighting, solar heating, and ground source heat pumps for heating/cooling. Ground Source heat pumps are usually more efficient and so create less pollution, than other systems for heating and cooling. Increased energy efficiency reduces air pollution, reduces the need for people to use cheaper heating methods that pollute more and helps protect the consumer from energy price changes.
 - d. Amendments - No section of the covenants relating to driveways, interior residential fire sprinklers, address signs, weed control, radon or woodstoves may be deleted or amended without governing body approval. These sections of the covenants may not be amended or deleted without governing body approval.

Sewer

8. The newly created lot shall contribute to sewer RSID 8486 in the amount specified in the resolutions, prior to building permit approval.

Hearing: Country Crest No. 3B, Lot 65 (2 lots on 1.103 acres) – north of Mullan Road on east side of Grassland Drive

Zack Brandt, Office of Planning and Grants, presented the staff report.

Lot 65 is a proposal from John Nickelson. This is to split a 1.1 acre parcel into two residential lots. The zoning is C-RR2, which permits two dwelling units per acre. This proposal meets the Comprehensive Plan.

Grassland Drive is paved at a surface width of 24 feet within a 60-foot right-of-way. There are currently no curb, gutter, and sidewalks located on this road. The applicant's proposing a variance to install curb and gutters on Grassland Drive and also a variance from installing sidewalks. There's an RSID waiver statement on the face of the plat, which will require the applicant to install curb, gutter, and sidewalks and other improvements onto this property at a later date.

There are eight recommended conditions of approval. A couple of these conditions refer to the requirement to contribute to the Mullan/Flynn and Mullan/Reserve intersection and also to the sewer RSID for this area. The other conditions of approval pertain to development covenants and some of the recommended comments from the agencies.

Staff is recommending approval of this subdivision, the variance requests, subject to the conditions of approval as contained in the staff report. Thank you.

Chairman Carey: Thank you, Zack. This is a public hearing, does anybody wish to speak to this proposal? Seeing none, we'll go ahead and close the hearing.

Commissioner Evans: I think for the purposes of the hearing I would ask Mr. Nickelson if he's satisfied with the staff report or do you have anything else you'd like to add?

John Nickelson: I'm satisfied

Commissioner Evans moved that the Board of County Commissioners approve the variance requests from Section 3-2(8)(A)(ii) requiring installation of concrete boulevard sidewalks so that sidewalk installation on Grassland Drive is not required and from Section 3-2(7)(B)(i) requiring installation of curb and gutters so that curb and gutter installation on Grassland Drive is not required, both based on the findings of fact in the staff report. Chairman Carey seconded the motion. The motion carried on a vote of 2-0.

Commissioner Evans moved that the Board of County Commissioners approve Country Crest No. 3B, Lot 65 Subdivision, based on the findings of fact and subject to the recommended conditions of approval found in the staff report. Chairman Carey seconded the motion. The motion carried on a vote of 2-0.

Country Crest 3B, Lot 70 Subdivision Conditions of Approval

Roads/ Driveways

1. The subdivider shall contribute \$230 per new lot to mitigate the impact of additional development by assistance in signaling the Flynn/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. Driveways in excess of 150 feet in length must be approved by Missoula Rural Fire District prior to building permit approval. A turn around for fire apparatus must be incorporated at the terminus of the driveway. The driveway must provide 20 feet of unobstructed horizontal clearance and 13 feet 6 inches unobstructed vertical clearance the length of the drive. This language shall also be included in a development covenant and shall not be deleted or amended without governing body approval. *Subdivision Regulations Article 3-2(10) and Missoula Rural Fire District recommendation.*

Easements

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

“The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water, or sewer to the public, the right to the joint use of an easement for the construction, maintenance, repair, and removal of their land and other facilities, in, over, under, and across each area designated on this plat as ‘Utility Easement’ to have and to hold forever.” *Subdivision Regulations Article 3-5.*

Fire

4. Interior residential fire sprinklers that meet NFPA 13D standards are required in each new home for the purposes of fire protection. Plans for installation of interior residential fire sprinklers shall be approved by the Missoula Rural Fire District prior to Building Permit approval. Failure to install residential sprinklers in any new home may subject the entire subdivision to the cost of installation of a shared water source for fire fighting. This language shall 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. All residences within this subdivision shall post address signs visible from public streets 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. This section of covenants may not be changed or deleted without governing body approval. *Subdivision Regulations Article 3-2(2)(G).*

Weeds

6. The subdivider shall file a development covenant which includes the following statements, subject to review and approval by OPG prior to final plat approval: “Lot owners shall maintain their lot in compliance with the Montana County Noxious Weed Control Act and the Missoula County Noxious Weed Management Plan. Lot owners shall revegetate any ground disturbance with beneficial species at the first appropriate opportunity after the disturbance occurs.” This section of covenants may not be changed or deleted without governing body approval. *Subdivision Regulations Article 3-1(1).*

Covenants

7. The subdivider shall file a development covenant which includes the following sections, subject to review and approval by OPG prior to final plat approval:
 - a. Radon - According to the Missoula City-County Health Department, the Environmental Protection Agency has designated the Missoula area as having a high radon gas potential (Zone 1). Therefore, the Missoula City-County Health Department recommends that all new residences incorporate radon resistance construction features. *Subdivision Regulations Article 3-1(2) and Health Department recommendation.*
 - b. Woodstoves - 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).*
 - c. Energy Efficiency - The Health Department recommends that builders consider using energy efficient building techniques such as building orientation to the sun, appropriately sized eaves, wind breaks, extra insulation, passive solar lighting, solar heating, and ground source heat pumps for heating/cooling. Ground Source heat pumps are usually more efficient and so create less pollution, than other systems for heating and cooling. Increased energy efficiency reduces air pollution, reduces the need for people to use cheaper heating methods that pollute more and helps protect the consumer from energy price changes.
 - d. Amendments - No section of the covenants relating to driveways, interior residential fire sprinklers, address signs, weed control, radon or woodstoves may be deleted or amended without governing body approval. These sections of the covenants may not be amended or deleted without governing body approval.

Sewer

8. The newly created lot shall contribute to sewer RSID 8486 in the amount specified in the resolutions, prior to building permit approval.

There being no further business to come before the Board, the Commissioners were in recess at 1:56 p.m.