

PUBLIC MEETING – NOVEMBER 8, 2006

The Public Meeting was called to order at 1:30 pm by Chairman Bill Carey. Also present were Commissioner Jean Curtiss, Commissioner Barbara Evans, Chief Deputy County Attorney Mike Sehestedt, Chief Administrative Officer Ann Mary Dussault, Public Works Director Greg Robertson, Clerk & Recorder Vickie Zeier, and Assistant Director of Public Works Charles Wright.

Pledge of Allegiance

Public Comment

None.

Routine Administrative Actions

Commissioner Evans made a motion that the Board of County Commissioners approve the Weekly Claims list in the amount of \$416,375.16. Commissioner Curtiss seconded the motion. The motion carried on a vote of 3-0.

Decision (from November 1, 2006): Petition to Abandon a Portion of Bedard Street East and Bedard Alley East (Frenchtown)

Chairman Carey reconvened the hearing from November 1, 2006.

I have a memo from Charles A Wright, our Assistant Director of Public Works and surveyor regarding this abandonment petition. Chuck writes, "Missoula County Commissioner Bill Carey and I visited the Frenchtown site of Bedard Street and Alley Lot 15 of Frenchtown and found that Missoula County has no interest in keeping the Bedard Street open or the alley as they were never built. The County has no use for these existing right-of-ways." With that, this is a hearing. Is there any comment on this matter? Any questions?

Commissioner Curtiss: Just one. It looks like we already abandoned other parts of that road already?

Chairman Carey: That I don't know.

Mike Sehestedt: I believe that is correct Commissioner Curtiss.

Commissioner Curtiss: And you're in agreement with Charles?

Chairman Carey: I agree with Charles completely. Is there a motion then on the petition?

Commissioner Evans moved that the Board of County Commissioners approve the petition to abandon that certain County road specifically described as Bedard Street East and Bedard Alley East, located in 34-15N-21W Frenchtown from Ducharme Street to Anjalo Street and further described in the Road Book of the County Department of Public Works Surveying Division as Bedard Street East and Bedard Alley East from Ducharme Street to Anjalo Street. Commissioner Curtiss seconded the motion. The motion carried on a vote of 3-0.

Adoption: A Resolution Establishing the Missoula County Fair Commission, and Describing Its Powers

Ann Mary Dussault presented the staff report.

Commissioners, for the record I am Ann Mary Dussault, Missoula County Chief Administrative Officer. You have before you a resolution establishing the Missoula County Fair Commission and establishing its powers under the authority of Title 7, Chapter 1, Part 2 Montana Code Annotated, and rescinding prior resolutions relative to the Missoula County Fair Commission and its powers. Essentially, in 1995 the Montana Legislature recommended to local governments that they reestablish the authority and recreate boards and commissions. This accomplishes that for the Missoula County Fair Commission. The primary changes are two-fold. One is it changes the Fair Commission from five members to seven members, and it makes clear that their statutory authorities which are outlined in the resolution are subject to Missoula County Policies. Other than that, you are not required to hold a public hearing on this, but we thought we should bring it to you at a public meeting. You have reviewed, and the Fair Commission has reviewed this as well as the by-laws for the Fair Commission that will be adopted subsequent to your passage of this resolution.

Chairman Carey: Thank you

Commissioner Evans made a motion that the Board of County Commissioners adopt the resolution establishing the Missoula County Fair Commission and establishing its powers under the authority of Title 7, Chapter 1, Part 2 Montana Code Annotated, and rescinding prior resolutions relative to the Missoula County Fair Commission and its powers. Commissioner Curtiss seconded the motion. The motion carried on a 3-0 vote.

Commissioner Curtiss: Do we need to say a date – it says, “Date required per our discretion?” Do we need to say that it’s adopted?

Ann Mary Dussault: I believe what Cathie can do is make its adoption effective today and assign it a resolution number effective today. And I’ll put the by-laws on your administrative meeting agenda for tomorrow.

Consideration: Benjamin-Renz Subdivision for Lease or Rent (Add second dwelling to 25.04 acre parcel) - Crystal Creek Road near Turah

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

Good afternoon Commissioners, for the record, Tim Worley with OPG. This is the Benjamin-Renz subdivision for Lease or rent, which is a proposal to add a home on a roughly 25-acre parcel located at 12875 Crystal Creek Road. Crystal Creek Road is a County road. It’s about 20 feet wide. Because it does not meet County standards for width, a variance is required, which is supported by County Public Works. Along with that, you’ll see in Condition #1 that there is a waiver for the right to protest future road improvements to Crystal Creek Road. The home is proposed for a location adjacent to an old Milwaukee Railroad grade that’s on the property. This property does have a small amount of 100-year floodplain adjacent to the grade. Condition #3 prohibits construction in the 100-year floodplain and requires elevation certificates if basement construction is planned for the home on the site. Water supply for fire fighting will be via a dry hydrant adjacent to the slough, which is right next to the railroad grade. And you’ll see those particular requirements outlined in Condition #2. The property is a mix of timber and open meadows. The meadows are bordered by riparian vegetation. As a result of this, the applicants have submitted a Riparian Resource Management Plan to address riparian issues. Staff is recommending that this Riparian Resource Management Plan be recorded along with other required covenants. One change recommended to the Riparian Resource Management Plan is encouragement of supplemental watering and feeding of animals in the pasture area. You’ll see other covenant language that’s recommended includes wildland-residential interface information for fire safety purposes. Also, weed control information and County driveway standards. With that, I will summarize by saying that staff is in support of this subdivision for lease or rent.

Chairman Carey: Thank you Tim. This is not a hearing, but we’re certainly willing to listen to any comments or try to answer any questions that the members of the public might have.

Jeff Renz: Mr. Chairman, Commissioners, I’m Jeff Renz, one of the applicants. Just for clarification, the RSID waiver as we discussed in the planning meeting, is that to satisfy the requirements of Article 3-2(3)(B) of the subdivision regulations and that would mean that we would covenant and that future grantees of lots would enter into the waiver.

Mike Sehestedt: That’s correct.

Chairman Carey: Thank you. Any other comments, any questions? Seeing none, I’ll entertain a motion.

Commissioner Curtiss made a motion that the Board of County Commissioners approve the variance request to Article 3-2(3)(B) requiring a 24-foot surface width for Crystal Creek Road based on the findings of fact in the staff report and subject to the recommended conditions of approval. Commissioner Evans seconded the motion. The motion carried on a 3-0 vote.

Commissioner Curtiss made a motion that the Board of County Commissioners approve the Benjamin-Renz Subdivision for Lease or Rent based on the findings of fact in the staff report and subject to the conditions of approval. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Benjamin-Renz Subdivision for Lease or Rent Conditions of Subdivision Approval

1. The applicant shall file with the Clerk and Recorder an RSID waiver for future roadway, pedestrian, curb and gutter, and drainage improvements to Crystal Creek Road, in a form approved by OPG prior to final plan approval. *Subdivision Regulations Article 3-2(3)(E) and OPG recommendation.*
2. The developer shall install a dry hydrant fitted with an appropriate female coupling and cap adjacent to the slough in a location to be reviewed and approved by the Missoula Rural Fire district prior to building permit approval. Year-round emergency vehicle access to the hydrant and the home site shall be reviewed, approved, and inspected prior to building occupancy. *Subdivision Regulations Article 3-7(1) and OPG recommendation.*
3. New home construction shall not be permitted in designated FEMA 100-year floodplain. If basement construction is planned, the lot owners shall include pre-construction elevation certificates at the time of building permit submittal documenting the lowest floor and utility elevations are two feet above base flood elevation with post-construction elevation certificates submitted upon building completion. *Subdivision Regulations Article 3-1(1)(B) and Floodplain Administrator recommendation.*
4. A Development Covenant for this subdivision shall be filed with the Missoula County Clerk and Recorder's Office prior to final plan approval, subject to review and approval by OPG, and shall include the following items:
 - A. The landowner shall maintain the property in compliance with the Montana County Noxious Weed Control Act and the Missoula County Noxious Weed Management Plan.
 - B. The landowner shall revegetate any ground disturbance with beneficial species at the first appropriate opportunity after the disturbance occurs.
 - C. The landowner is advised that the EPA has designated Missoula County as having high radon gas potential, and the City-County Health Department recommends that all new residences incorporate radon resistant construction features.
 - D. Dead-end driveways in excess of 150 feet in length shall have approved turnaround for fire apparatus. A turnaround shall be located within 150 feet of the building. A minimum unobstructed width of not less than 20 feet and an unobstructed vertical clearance of 13 feet 6 inches shall be provided for any driveway over 150 feet. The opening through a gate should be two feet wider than the road. The Missoula Rural Fire District shall approve final design.
 - E. The Riparian Resource Management Plan shall be amended to require supplemental feeding and watering of horses and livestock to discourage riparian vegetation grazing on the southern end of the meadow. The amended Plan shall be recorded as part of the Development Covenants.
 - F. The property owner shall create a defensible space for fire protection purposes as approved by the appropriate fire jurisdiction. Vegetation shall be removed and reduced around each building according to the slope. Single ornamental trees or shrubs need not be removed as long as all vegetation near them is reduced according to the guideline. Ornamental trees and shrubs should not touch any buildings. When planting, the property owner shall select trees, shrubs, and vegetation that limit or retard fire spread as suggested below:
 - i. Perennial: Choose hardy perennial flowers that are adapted to Missoula's climate. These green, leafy, succulent plants are difficult to burn. Watering and regular weeding improves fire resistance.
 - ii. Shrubs: Evergreen shrubs such as dwarf conifers or junipers tend to ignite easily; avoid them unless well spaced.
 - iii. Trees: Deciduous trees can be clumped, scattered, or planted in greenbelts or windbreak patterns. Evergreen trees tend to ignite easily and should be spaced in accordance with the landscaping guidelines (Appendix V of Missoula County Subdivision Regulations).

- iv. Roof Construction: In areas of Wildland/ Residential Interface the following standards shall be used in roof construction:

Use only Class A or B fire-rated roofing materials.

Fire Rating	Type of Material	Spread Index
Class A	Slate Rock Shingle Concrete tile	0-25
Class B	Fiberglass based: -asphalt shingle -rolled roofing Aluminum shingle Aluminum or steel panels	26-75

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

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

- i. Homeowners must be aware of the potential for vegetation damage by wildlife, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. 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.
- ii. Gardens and fruit trees can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because ripe or rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- iii. Garbage should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, and other wildlife. If stored indoors, it is best not to set garbage cans out until the morning of garbage pickup; bring cans back indoors by the end of the day.
- iv. 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.
- v. Birdseed can attract bears. If used, bird feeders should: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.

- vi. Pets must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. 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).
- vii. Pet food should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as skunks, raccoons, and other wildlife. When feeding pets do not leave food out overnight. Consider feeding pets indoors so that wild animals such as bear, skunk, or magpie do not learn to associate food with your home.
- viii. Barbecue grills should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- ix. 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 or other wildlife-friendly designs.
- x. Compost piles can attract skunks and bears. 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.)
- xi. Residents of this subdivision must recognize that the subdivision is located near the Clark Fork River and/or its associated sloughs and wetlands, 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.

Subdivision Regulations Article 3-1(1) and Missoula County Weed District recommendation; Subdivision Regulations Article 3-2(10)(E); Subdivision Regulations 5-3(5)(R-S); Subdivision Regulations 3-13(3)(D); Subdivision Regulations Article 3-1(10).

OTHER BUSINESS

None.

There being no further business to come before the Board, the Commissioners were in recess at 1:41 pm.