

## **PUBLIC MEETING – MARCH 19, 2008**

The Public Meeting was called to order at 1:30 p.m. by Chair Jean Curtiss. Also present were Commissioner Larry Anderson, Commissioner Bill Carey, Chief Civil Deputy County Attorney Mike Sehestedt, Deputy County Attorney James McCubbin, Mayor John Engen, Director of Public Works Greg Robertson, and Office of Planning and Grants Planner Jennie Dixon.

### **Pledge of Allegiance**

### **Public Comment**

### **Routine Administrative Actions**

Commissioner Carey moved that the Board of County Commissioners approve the weekly claims list in the amount of \$358,786.47. Commissioner Anderson seconded the motion. The motion carried on a vote of 3-0.

### **Presentation: Mayor Engen's Housing Initiative**

Chair Curtiss introduced the presentation.

Thank you very much ladies and gentleman. Thank you for taking the time today to watch this presentation. I hope--I know that you have more business to do, but I hope that perhaps we can schedule a conversation around this conversation at another time. This is a product of a project we've been working on with our Urban Initiatives folks in the Office of Planning and Grants and our Communications Office for the better part of a year now. When I ran for office, I talked about three things, open space, our rules and regulations, and affordable housing. We've got one of them done with your help, we're working on the second with your help, and we hope that this conversation can bring us together for action.

You may have heard that the City of Missoula conducted a citizen survey. Those phone calls were made on Sunday and Monday; we just got what the pollster calls the top tier results. Those results suggest that the citizens of Missoula care about the issue of affordable housing more than they care about almost any other issue that's facing the city today so I think our timing is pretty good here as well. This is designed to spur a conversation and then from there, we hope to have a housing, an affordable housing program in place that includes a wide variety of tools that the community has been able to more or less come to consensus in implementing. With that, I'll ask that we hit the button and I'm more than willing to answer questions afterwards or defer to another time because I do realize there are other folks in the audience who have business with you. Thank you.

Mayor Engen presented a video entitled Housing in Missoula: A Community Conversation.

So as the credits wrap up, we had a town hall meeting last Thursday evening, some folks in the audience were there for that. We had better than 100 folks in City Council Chambers. We heard some terrific ideas. I've been meeting individual with Council people and lots of other folks who have offered some notions as well. There's--I don't think there's anything about affordable housing that doesn't touch what local government does, whether we're talking about economic development--thank you Microsoft, for that lovely tune--the environment, transportation infrastructure. Commissioner Anderson and Commissioner Carey and I sat in a meeting yesterday. The funding for transportation infrastructure, the forecast is fairly gloomy. We have some ability to make a difference with affordable housing. All of our infrastructure ties into this, public safety ties into this and, finally, community. Who gets to participate fully in our community and without I think paying attention to affordable housing, we simply eliminate a lot of folks from being able to be Missoulians. I think that would be a shame.

Among the ideas, Commissioner Carey's talked about cooperative housing for many years and that's certainly an option. I've had Council folks actually surprise me by saying the city should get into the housing business. We need to buy land, hold it in trust, and maintain affordability in perpetuity. I've talked to folks from Five Valleys Land Trust who have talked to me about bonding combinations that combine open space and conservation values with affordable housing so you great density while maintaining ops at the same time, as part of the same project. We've talked about rehabilitation; there are many homes in Missoula that could be fixed and if we had funds available to bring some of those homes up to par and back into the market in an affordable way, we could help a lot of folks. Among the questions I hear is what are you going to do about wages, Mayor? If you fix that, we don't

have an affordable housing problem. There are clearly, there are clearly correlations there and we need to figure out some ways to tie that together as part of the economic development piece as well. Again, as part of this survey that's item #2 is wages and folks capacity to make a living in our city. I hope that we can figure out ways to work together through regulation and other cooperative efforts to address these issues.

Chair Curtiss: Thank you, Mr. Mayor. Any comments to the Mayor at this time? Yes?

Commissioner Anderson: Mayor, thanks for coming and presenting that. I was looking over the survey that was proposed by Moore Communications, was that the one that you just mentioned earlier?

Mayor Engen: Yes, sir.

Commissioner Anderson: I didn't see anything there specifically related to housing, you said that there was an overwhelming response regarding affordable housing. Was that...?

Mayor Engen: Yes, Commissioner Anderson, it's question #3, "What do you believe is the most pressing problem facing people in the city of Missoula today?" Nineteen percent of respondents said affordable housing, second was employment and wages at 14%, and traffic, #3 and you know, I'm very good at fixing traffic. Should be able to knock that one out over night.

Commissioner Anderson: We have, the cost of housing is high, but they were mentioning that there were some areas where there was affordable housing in other communities. Have they identified the factors that make housing in Missoula so high and unaffordable so we can try to find out where the pressure points are and where we need to work on those?

Mayor Engen: Commissioner Anderson, I should make it clear that this citizen survey is apart from the project. That said, about a year ago, we had another town hall meeting. I know some of you were in attendance there and that was impediments to affordable housing. That report identified some of the issues that you just mentioned and what the hang-ups are and talked about what some of the opportunities were. That's a piece of this puzzle and tying those pieces together.

Commissioner Anderson: Okay, thank you.

Chair Curtiss: Is there anyone in the audience that has questions for the Mayor that hasn't had an opportunity to talk about this housing initiative.

Commissioner Carey: I would just like to thank you, Mayor, for bringing this to the front burner. We may not be able to find a cure-all, but we can do some things that we're not doing now and I look forward to working with you.

Mayor Engen: Thank you, Commissioner Carey. Really that's--we don't see a silver bullet. What we see is an opportunity to chip away incrementally at a problem that, if we don't address, we're in for trouble. Thank you very much for the time. I really appreciate it.

Chair Curtiss: Thank you. We'll take a couple minute break while we change technical equipment.

**Hearing (Continued from February 27, 2008): Bentgrass Meadows (85 lots on 114 acres) - near Pulp Mill Road & Highway 10**

Chair Curtiss opened the hearing continuation.

At that time, we recessed the hearing and said at this meeting, we expected to have limited comment to add to the record. Everything that was stated the last time, of course, is still part of the record.

Jennie Dixon presented the staff report.

Since you had your public hearing on the 27<sup>th</sup> and you considered the 85-lot proposal, which is on the plat behind you, at that meeting staff indicated that the staff recommendation was for a reduction of lots to 12 based on impacts to agriculture resources, the proximity to services, and the acknowledgment that the site is not ready for this level of development yet, but in the future could be and so set a plan for 12 lots that could be set up for future

development. At that meeting, the applicant presented an Option 2 to their 85-lot proposal, which is on the board behind me. As well, you have an 8 ½ X 11 version of Option 2, what I've distributed to you today on blue and orange. The orange would be conditions--what was distributed at the last meeting on I think yellow paper. I have copies of that if you need it, are the conditions of approval recommended by Planning Board, plus conditions for the Commissioners to consider on the 85-lot proposed based on discussions at Planning Status and with the applicant.

Today, what I've done is try to consider how Option 2 could be implemented. Of course, as you know, conditions need to be imposed on the plat that was submitted, so the conditions on the orange sheet modify the plat behind you to result in Option 2. There are some ambiguities that as you go through motions will need to be resolved, in particular, in the variances and in some of the conditions about Safflower Way and Milo Court. The first six conditions under Option 2 modify the subdivision design and then the remaining conditions are essentially as recommended by Planning Board. I did add into Condition #20 for weed management in undeveloped rights-of-way. Then on the blue sheet, what I've done is take some conditions that were on the yellow sheet from the last time and, again, some discussion issues that have arisen over the last several weeks regarding possible deletion of lots at the end of Milo Court, moving multi-family to the park. Those Conditions 1-8 would replace Conditions 1-6 on the orange sheet. What the blue sheet does, if I can maybe go to Option 2 over here, would be to require these three lots, which are proposed for multi-family right now, three four-plexes to be common area and to allow these--I need to go, I'm sorry, actually over to this--to delete Lot 79 and to require all the lots in the subdivision to be single-family, but to allow a duplex on this larger lot here and then as shown on that Option 2, the three lots here, to allow those to be four-plex lots. That's accomplished in Conditions #1, 2, 3, and 4. Condition #5 is the same as on the orange sheet, which is the Planning Board recommendation to suitably encumber Utility Lot #2 and Lot 83 to ensure Ag character and use into the future. Six, as I mentioned, was on the yellow sheet at your February 27<sup>th</sup> hearing is to delete these four lots at the end of Milo Court and seven, again, was on the yellow sheet last time, to require deeper lots here adjacent to agricultural land. Then, eight is the same condition.

It may get a little tricky as you work through conditions. It's going to just depend on the direction you want to go it, so I'm going to have to probably work with you as you go through on crafting conditions. Thank you.

Chair Curtiss: Thank you, Jennie. Today we're looking forward to limited comment on--I guess, we could make comments on the orange and blue sheet. I don't think we need a huge dog and pony show, but I'll turn it over to the developer.

Mark Bellon: Hi, my name is Mark Bellon, B-E-L-L-O-N. I'm with Territorial Landworks. I would like to thank Jennie for putting this all together. I know she was sick and our staff was sick and it really took a lot to get our meetings together, so thanks for her effort. Looking at these two options, you know, I did just get these today and it's kind of confusing, but, on the orange sheet, this really represents what we have proposed up here. One thing I'd like to say is this is one of the only subdivisions that I've worked on and I've seen in a long time that actually invites manufactured homes and modular homes, provides affordable housing. We really can't do that if we start to eliminate lots. At that point, we're getting into upper scale lots because if we lose the four lots on the end of the cul-de-sac, those are probably the nicest lots that we have, so we'd have to recoup those losses somewhere else and just pass it on in the infrastructure.

I'd like just to go through these conditions really quick. There's a couple of clarifications that I want to make and I'll just walk right down through these. We're okay with everything on page 1, except for Item #3, it says the covenants shall be revised to show 100-foot building setback for residential structures on Lot 80, 81, and 82. I do have an exhibit right here. These houses are shown at...

Chair Curtiss: Take the mic with you please, Mark.

Mark Bellon: Sure. Right now these are shown at 100-foot setback approximately, but that's just a rough building footprint that I came up with. I think if we limited it to 75 feet that would still accomplish the goal that we want to provide adequate buffer to the primary travel corridor and it gives an architect a little more latitude to configure that for a four-plex. Let me just read down through here so I don't miss anything. I would like to go to roads and access and I think when I met with staff, what the understanding was, was that staff believes that this should be the rural collector street and our traffic impact study indicates that this might be the real collector street. We just decided to let the traffic impact study determine which one of those should be designated as a rural collector. This condition of approval, recommendation, it states that Milo Court--let me see here, it says Safflower Way and Milo Court. I think it should say Safflower Way or Milo Court as determined by the traffic impact study and not

both. It's referenced in several spots, so everywhere it mentions Safflower Way, it'll say in parenthesis and Milo Court. We would like it to state or Milo Court as determined by the traffic impact study.

So everything looks good in Option 2 until we get to pedestrian/motorized facilities. On this, we would propose sidewalk on one side of the street, we would prefer--and here they're recommending boulevard sidewalks on all sides of the streets. We think we should put sidewalk on both sides of the street where it's appropriate, where there's pedestrian traffic to the park, but on the interior streets, we'd like to put it on one side of the street. We do have a layout that we could look at if we want to discuss that. I would also like to have the opportunity to meet with Public Works to discuss whether or not we want boulevard sidewalk or curbside sidewalk. There's kind of an issue that we have and I discussed this with City Engineering, when you get out in clay soils and you have a boulevard driveway and you have the cushion underneath the sidewalk, you get irrigation that tends to create a bathtub underneath there. There is a maintenance issue in clay soils with boulevard sidewalks, so I'd like to at least have the opportunity to discuss with Public Works whether we want to go with curbside or boulevard sidewalks and have the option to mitigate that. It would be our preference to go with curbside sidewalks in this situation because then we could link it to a sub-drain that's inside of the road and get rid of that water.

As far as the--I would also like latitude to discuss the design criteria of the--if we do make Milo Court a rural corridor, I would like to discuss with Public Works whether or not--we've got a 32-foot wide street, a 10-foot boulevard, and a six-foot wide sidewalk. I'd like to just have the option to see--you know that's what dictates the 66-foot right-of-way requirement and I don't know that we want the 10-foot--#1, I don't know if we want a 10-foot boulevard. Two, I don't know if that street that we have right now as proposed as 29 feet wide if that's wide enough to accommodate a bike lane. We might look at just some options here, so. We'd like the latitude to at least discuss it with Public Works and OPG, of course.

As far as this Option 2 goes, I think this is what we've--we're very pleased with, with those minor [inaudible]. Pardon me, because we're just going through this same time as you are here. Under pedestrian, non-motorized facilities, Item 15, we want to eliminate the requirement to install a six-foot wide pedestrian way along Highway 10 frontage in a location approved by the county. This would be kind of a segmented trail out there. There's not a trail that connects to it and we would provide--we're going to provide a 20-foot corridor easement along the east edge of the boundary. I think that with that eventually there's probably going to be a pedestrian corridor that goes out to the Wye and possibly further to the north and we would like to provide the easement, but necessarily provide the infrastructure. Number one, we don't really want to attract people to that trail from our development unless it's a trail that actually goes somewhere and not just dumps them onto the highway. I think that eventually there'll be a CTEP project or a trail project that comes through here that I don't think a six-foot pedestrian walkway would necessarily be compatible with. We're providing the easement, but we'd prefer not to provide the infrastructure. What we would do is we would provide a waiver for RSID so when that project does come through, it will be funded.

With that, I think the blue sheet isn't consistent really with what we have proposed. It's not necessarily consistent with what Planning Board recommended and so we're--I'm basically opposed to just about every condition in here. I'll open it up for questions.

Commissioner Carey: On the orange sheet here, the subdivision design, Option 2, the first condition is the plat shall be revised to delete Lots 41, 42, and 43.

Mark Bellon: Yes, and then it in Item 4, we recoup them in Item 4. Do you want to clarify that?

Commissioner Carey: Oh, on the north side of the park, I see.

Jennie Dixon: Yes.

Mark Bellon: So basically, we're relocating them to the north side.

Chair Curtiss: Any other questions for Mr. Bellon at this time? Greg, how wide is the AJ Memorial Trail in Frenchtown for example that we built with CTEP money?

Greg Robertson: I believe it's 10-feet wide.

Chair Curtiss: Ten-feet wide?

Greg Robertson: Yep, to include shoulders. The paved surfaces [inaudible] shoulders included.

Chair Curtiss: Otherwise, Mike shorted us.

Greg Robertson: So I wasn't lying. We would have caught it.

Chair Curtiss: Greg, could you talk to us a little bit about the comment on boulevard sidewalks in clay soil and watering on two sides of the sidewalk.

Greg Robertson: The areas that I'm most familiar with this happening around the industrial park and we have indeed have some issues with differential settlement of sidewalks in the area of Airway Boulevard, considerable amount [inaudible] in the Canyon Creek Village area, alleyways, and some sidewalks have settled significantly and cracked. What I've concluded is it is a combination of the type of soil strata that's there as well as irrigating practices that compound the problem, increase the acceleration of consolidation, and cause a failure. There is some legitimacy to what Mr. Bellon had to say. I don't know that I've got an opinion one way or the other whether that's appropriate in this area or not. I don't know the soil types that well.

Chair Curtiss: Thank you. Is there any public comment on things as proposed today or before? Mr. Carlson?

Gary Carlson: Gary Carlson, I live at 9486 Backstretch Lane. I'm a neighbor to this proposed subdivision. C-A-R-L-S-O-N. I'm just adamantly against to this subdivision. [Inaudible] I'm going to make my comments brief. We just heard how this clay suddenly enters into the picture. It's certainly a lot different geology than what was presented by the engineer on February 27. This is not a normal Missoula soil substratum. It's a very sticky clay and already we're seeing that some of the sidewalks are being cut back because they can't handle this environment. I could see that, as far as the engineering aspects of this whole design of this subdivision, so I just want to keep my comments brief. There's certainly extreme danger, simply due to the traffic. I mean we're talking about affordable housing, yet people are going to have to drive quite a ways just to get to the stores. We live out there, we know what the gas prices are and the fuel prices are and they're certainly not going to be affordable to somebody on a home out there [inaudible] Bentgrass Meadows. The affordability has a lot to do with transportation as well, as well as a house. It depends on how you're getting someplace. The extreme danger is the logging trucks that are going to be driving down the road. I don't see how that's going to be mitigated at all. I think it's a danger to the people that are going to be living there, if you go with the 80-some houses. Intermittent drainage, don't know how many people are--we can do the calculation real quick.

Danger due to the pond [inaudible] wastewater in the area, certainly there's going to be a lot of mosquitoes. There's a lot of mosquitoes there now. We have horses; we're worried about West Nile Virus. It's going to be a huge issue. Again, that's going to be in an area that's not very typical of Missoula. It's a clay area; it's not downtown Missoula, it's not the--it's not going out towards the Bonner area. This is a completely different geologic area. Basically, you're setting a precedence for high-density housing in the area that would change the whole scope of the makeup of that area. The high density is again not affordable, but it's just a--basically a big science experiment to see how this is going to work out, so I don't agree with it. I'll just go on record as saying that. Thank you.

Jennie Ross: My name's Jennie Ross, R-O-S-S. I too live out there off of Wheatgrass Lane on the first subdivision that went out there. As far as affordable housing, I don't believe this is being done for affordable housing because I live out there and my house is less than what these are going for and there's no way a person, even me affording my house, is very difficult and I bought it for \$176,500 and it is a manufactured home. My other option--my other complaint about the manufactured home is when I purchased it, it was only lived in for six months prior to me buying it. Now, I've lived out there for three years and I can't get anyone to fix the manufactured home that I bought that was already there. I'm not going to name who I bought it from, but I've soaked \$40,000 into this house and I can't even get a second mortgage against it, I can't do anything because it is a manufactured home. It's hard to even get a loan for anything to even upgrade this house, so that's another thing. I really don't believe this is for affordable in saying that we need 85 homes out here to make it affordable for people that live there versus 12.

The other thing is my concern is the park, who's going to maintain this park and if the park isn't maintained or they figure in two years it's not worth it, like they did out at Wheatgrass, the first lot that was put in was supposed to be

a community center. Two years later, it never became a community center. Now, we'll just sell it off and now a residential person lives there. What happened to the community center? It just went away.

My other concern is if these are paved roads, who's going to maintain them? On our street, nobody's maintaining them. They're sloughing off due to the clay. The sidewalk is sloughing off; nobody will replace them, nobody will fix them. The county says it's not their problem; it's a privately owned street. When we asked the other homeowners that lived there, and there's eight of us, who's going to fix these, the first guy on the first lot says well, it's not my problem, I don't have to drive all the way back into the subdivision, so I'm only going to worry about my plot. I'm the second one in, so now I have to fix his in order to get to my road and the poor person who lives at the end, well, I don't know who's going to fix hers because I don't feel--I feel we all should be able to pay for it all, but that's besides the point too. I'm just curious who is going to maintain this road and if it starts sloughing off, how is that going to be affordable to these people to these people to fix the road, if they can barely afford to buy a \$200,000 manufactured home on a half an acre or an acre, whatever these are going for? That's my other concern and because of the high-impact traffic. I am too a volunteer in the fire department out there. There's numerous wrecks on that corner, there's high-impact traffic coming through there as far as the chip trucks, the speed limits being violated out there, and I pick people up all the time off that road and that is another concern of mine. People ride through there with their horses. I own horses. We ride up and down that road and now you're going to add another 85 homes, that's another concern of mine too. Those are my only concerns and issues that I have.

Chair Curtiss: Thank you, Ms. Ross. Any other comments? Is it cold outside and everybody just came to visit?  
Mark. Sure.

Mark Bellon: I just wanted to...

Chair Curtiss: Could you state your name again.

Mark Bellon: Mark Bellon. Just to discuss the clay issue. This is a little different development. When you've got this type of infrastructure, we'll have geotechnical engineer help us design the road sections and as far as the pond and the pond lining goes, we'll have a geotechnical engineer assist with that. Matter of fact, Missoula Health Department requires that it be certified overseen by a geotechnical engineer, so basically this lake bed Missoula. I'm sure that Gary is qualified to speak to the clay, but there is a lot--it's very similar from about I would say Reserve Street north [inaudible] the development Canyon East, the airport. There's a lot of development occurring on the clay and there's a lot of engineers around here that know how to work with the material, a lot of contractors that know how to work with the material. As far as these roads go, they will be county roads and so Public Works will review and approve these and they're also familiar with some of the physical properties that we have to deal with out here. They also will be maintained by the county, which is an option that you do have when you have a little bigger development like this.

As far as a park, we're going to try to make this a county park. There is not a lot of areas out here to play soccer, baseball, or recreate. We want to make this a kid's park and hopefully we can grade it and work with the Parks Department, they will accept it. However, if they don't accept it, it will be common area that will be maintained by the homeowners association. It will be very well kept. That's basically my rebuttal.

Chair Curtiss: So I know you that you weren't involved with the Wheatgrass, but somebody was. I don't remember the community center, but would you like to address that?

Carl Saunders: Yes, I would.

Chair Curtiss: State your name.

Carl Saunders: Carl Saunders, S-A-U-N-D-E-R-S. Thank you. The purpose of Wheatgrass Acres was to develop a piece of property for the senior citizens center for Frenchtown. Stan Lushier [phonetic], who did that subdivision, donated 2.2 acres to the Frenchtown Community Center--or for the Frenchtown Senior Citizens so they could build a community center. They sat on it for two years and came back to him and said we can't raise the money to build this, so here's your deed back. That's right, he gave them \$45,000 excuse me. He bought it back from them, he gave them \$45,000 for his lot that he gave them, and consequently was resold for a home to be built on. It was totally--it was designed to be a Frenchtown Senior Citizens Center. That's what it was set out for, but they turned it back to him and he paid them for it.

Chair Curtiss: So could you talk to us about the design of the road and the sidewalks apparently are failing?

Carl Saunders: The design of the road was done by Eli & Associates. We built it by their design, we had compaction tests done. I drove it last week and the only place I saw shoulders sloughing off was where the mailboxes were over the edge and the mailman/lady's driving down through the edge of it. It's the only place that I saw any shoulders breaking. The sidewalk is definitely heaving and breaking up, but it is a boulevard sidewalk. When I was there, the bus was there, and 14 kids got off the bus and walked down the middle of the road. Not a single one of them used the sidewalk that was such an issue that we had to build. We just saw this slide on affordable housing, yet you require us to put in sidewalks that nobody uses that fall apart? It's passed on to the homeowner when you sell the lot. When you ask for this additional infrastructure, someone's going to pay for it, and it's the homeowner. I know that it's part of regulations that Jennie didn't ask for that sidewalk or whoever it was at OPG doing that plan, didn't ask for that sidewalk because they said okay, we want this sidewalk because it's part of the regulations that are there. Quite frankly, in an eight-lot subdivision, if you would sit out there with a camera, you would never see anyone walk on that sidewalk, never. How long has that subdivision been done? Six years roughly? I bet it hasn't been walked on three times and since I walked on it, going through there. These sidewalks, I mean they look great on paper, but the people don't use them. All we're doing is raising the cost. All we're doing is costing more for that house. We just had this presentation on affordable housing; one hand's biting the other one for some reason or another. Additional infrastructure costs, if people are going to use it, wonderful. If they're not going to use it, it's like this road along Highway 10 West. Do we want to encourage kids to come out there and ride their bike around that loop, along that busy street? Well, if we want to encourage them, let's put a sidewalk out there, so that they have a round trip to make. If we want to keep them off the highway, let's eliminate the sidewalk. Let them ride to the park. Thank you.

Jennie Dixon: Just wanted to clarify for you that Wheatgrass had eight residential lots, while unzoned were proposed as residential. Community center would certainly have been permitted, but was not required or part of the subdivision approval. Also, on the walkways on Wheatgrass, I'm not certain but I don't believe there's curb and gutter in Wheatgrass Acres, so that's the difference here versus there. At 85 lots, with the density clustered, this is more of an urban/suburban-type subdivision where, with the curb and gutter and the boulevard sidewalk, would be appropriate. Wheatgrass, I don't know if they're even concrete sidewalks. Sounds like if they're breaking up...okay, so a paved sidewalk without a curb and gutter does have a little more problem than a concrete with a curb and gutter.

Chair Curtiss: Thank you, Jennie. Other public comment?

Gary Carlson: Gary Carlson again. Well we just heard the testimony that says that the sidewalks are very difficult to build in this clay area, so that sort of answers a lot of questions right there. If we're having geotechnical engineers, I think they would be able to build a sidewalk in a so-called new urban-type of environment. It can't be done and it makes me question whether this is more or less what we used to call as blackboard geology; you can engineer something on paper, but then when it comes down to really doing it, are we going to have a lot of problems. My experience [inaudible] is you do have problems with the clay and whether there's geotechnical people there to answer that, I haven't seen any good results yet. We can talk about Wheatgrass. The sidewalks are being used, I live nearby. People do walk on them when they can. When they can't walk on them, I guess they don't or when they can't ride their bike on it, they don't. I do know that there's--it just brings up the issue that there's going to be problems out here with this subdivision in place.

The only other thing I missed on my point is that this is going to be an open sewer; it's going to be right in my backyard and certainly, people are going to say, well, it's not going to smell. I've heard people build roads out there that say they're not going to fall apart or build sidewalk that's not going to fall apart. You don't know until you build it whether it's going to smell or not, so besides the safety issue, there's certainly those other issues that seem to suggest that this is really a science experiment. Thank you.

Chair Curtiss: Thank you, Mr. Carlson. Anyone else? I think there was somebody up that wanted to talk. Changed their mind? Okay. Yes, Jennie.

Jennie Dixon: Just want to let you know that on the board behind you, after I gave a brief overview, I did try to--I don't have it on the background of a plat, but that's the trace paper that shows the general layout of the staff recommended 12 lots, just for discussion.

Chair Curtiss: If there's no one else that wants to come forward, I'll close the public hearing and we'll do our discussion in executive session. Comments?

Commissioner Carey: Well, this is a very very difficult decision, for me at least. I believe the developers and the developer's representatives that they're trying to build affordable housing. I certainly know that they understand the reality of building out there, what's on the ground and so on. There's a lot of experience, but there's something about it, the density, the safety issues. Again, I'd like to see cluttered developments. I like the idea at least of doing the community system instead of septic, but at this point, I'm inclined to support the staff's original recommendation.

Chair Curtiss: So I think you meant to say clustered and not cluttered.

Commissioner Carey: Oh, I'm sorry, clustered.

Chair Curtiss: Last time, we had a mosquito plant, so you know.

Commissioner Carey: It's my head that's cluttered.

Chair Curtiss: There we go. Commissioner Anderson?

Commissioner Anderson: Jennie, you said this is a deviation from what was recommended in the regional plan as far as density of housing. Is that plan based on the fact that normal subdivision out here would have septic and wells as opposed to this community drainfield and community septic--or community treatment plant as opposed to individual wells and individual septic tanks?

Jennie Dixon: I can't say for certain that it even really--I think there's the assumption that unless you do some sort of a community system that you're going to be on individual septic or well rather than sewer, but the designation of one per 40 is made on three factors. Only one of them has to do with services such as sewer, which is the proximity to services issue. Since this is far from the service of sewer, it's utilizing some other form to dispose of the wastewater. I think the designation is really--in the plan that you're talking about is really based more on the impacts to the resources in the area, the distance from those services, including utilities and other services that we use in everyday life, schools, churches, hospitals, that type of thing. Then being outside of the urban growth area and not read for this level of development. So it's really based on whether it's sewer or not or it's not really based on the type of sanitation system that is provided.

Commissioner Anderson: I guess just in general comments, I think that this does address in several creative ways the issue of not having 85 individual septic systems and 85 wells here. You do have a community well and I think that the land application system does a couple things. Number one, it eliminates that need for the individual septic systems. It also allows this area to be maintained to some extent in agricultural setting and utilizing this agricultural land in a much better way to get better yields off of that and generate more income off of that, which is I think one of the other common goals we're trying to do in maintaining agricultural ground in this area. I would be more inclined to go along with the Planning Board's recommendation on this, just in general terms. I haven't gotten into specifics of variances or anything like that yet.

Chair Curtiss: So with the Planning Board's or the orange sheet?

Commissioner Anderson: The orange sheet.

Chair Curtiss: Because the orange sheet tweaked the Planning Board's a little bit. I too find this is a difficult decision because it's one of those things that is a way to keep agriculture in production, in fact, improve the agricultural production, by using a land-application system. For that land-application system to work, it needs some higher density. To me however, if you build higher density, it's urban density, you build it with urban-type services, which I'm willing to look at things like curbside versus boulevard sidewalks, but when you add this many houses in a clustered area, it would definitely need things like that. As to RSID waivers, I think that that's just putting off the inevitable. It's better off to go into the original price because otherwise somebody can buy a house and think they can make those \$800 a month payments or whatever they are, somebody comes along and adds on an RSID, and that that can put you right over the brink. If the waivers there, that means they don't have the right to protest.

I am concerned about building in clay. We see it in the development park. Ms. Ross testified as to what was going on with her house. I am concerned that, while I think modular homes are one affordable option, I am concerned if you can't even get a second mortgage against it because I'm not sure if they depreciate or appreciate. These are proposed to be on permanent foundations, correct? Even at that, they probably don't appreciate like a regular house, so that is a concern.

Is anybody ready to make any motions? I guess the bus turnout is another item that was-for the public bus and the school bus, they can't stop along the highway, so I don't know I guess they can just stop in the middle of the street and pick up. That's what they do in town I guess; you have a bus shelter along the way. Jennie, do you have something else you want to add?

Jennie Dixon: Just recommended--just so we're all working from the same page to maybe work off the orange sheet for motions, because that can still give you flexibility in conditions that could result in any range of--number of lots and that type of thing. I would--and I appreciate Mark's suggestion on the language, that wherever you see "and Milo Court" in parenthesis, that was intended to indicate that I'm not sure, and I don't know that any of us are sure yet, which road will be the primary road or the rural collector. Perhaps wherever you see that to instead substitute language that "the collector road within this subdivision as determined by the traffic study and approved by the Public Works Director." Then in parenthesis so that we know which one's we're looking at, it could be Safflower Way or Milo Court.

On that bus question you were must mentioning, after the last public hearing, I did touch base with the subdivider and the property is within the Urban Transportation District, so they don't need to annex. We don't need a condition for that, but I don't know if there is a bus stop near here; subdivider may know.

Mike Sehestedt: Jennie, did you talk with Mountain Line about what they would do if this development were going to provide service?

Jennie Dixon: I think the subdivider has had those conversations.

Carl Saunders: Carl Saunders for the record. Yes, we have. When the streets are in place, Mountain Line anticipates coming in Milo Court and back out Safflower Way with two stops along the way, so they wouldn't be stopping on Highway 10 West.

Chair Curtiss: Would they wait until there was a certain amount of build-up, development before they...

Carl Saunders: Actually, they said that it would be triggered by calls for stops. For those of you who live in town, you have designated spots. For those that live out in the county, my wife rides the bus to work about a third of the time and when she's going to go the next day, she needs to call them and they stop at our driveway and pick them up. Right now, there's a couple of people who get on at Deschamp Lane pretty regularly at Mountain Line and they just stop on the highway and pick them up. To begin to make a regular route through there, of course, then there has to be customers. To initiate it would require that... [tape ended]

Commissioner Anderson: Carl just clarified right now there's a bus run in the morning out there to Smurfitt Stone and then another one in the evening...

Carl Saunders: Four times a day, Larry.

Commissioner Anderson: Four times?

Carl Saunders: Four times a day, right now.

Chair Curtiss: So Mr. Saunders, question for you is if the Commission did decide to go forward with the 12 instead of the--kind of thinking of it as a phased that you approve 12 to start with, all of those would have to be served by wells and septs then...?

Carl Saunders: Absolutely, there's no other way that it could possibly be [inaudible] and, quite frankly, because of the cost of subdivision at this point in time, twelve wouldn't pay the costs that are there.

Chair Curtiss: Thank you. Did you have another question for him, Larry?

Commissioner Anderson: No, not at this time.

Chair Curtiss: I guess some of the issues that have been brought I feel like will be dealt with with some other agencies, the clay soils whether it be for the lagoon or for the roads and sidewalks, those are addressed by people that have degrees in that, not Commissioners, Public Works and DEQ. The traffic impact statement will determine whether or not whether a turn lane and different things are needed there in order to accommodate traffic. It's just this tough deal because it's such a unique way to keep this land in agriculture and allow for a more affordable crop. I guess I might feel more comfortable if it had some tougher design standards or something on these manufactured homes, but I don't know, I'm mixed here.

Commissioner Anderson: Well, I'll run something up the flagpole and see if it anybody salutes.

Commissioner Anderson made a motion that the Board of County Commissioners conditionally approve the variance request from Section 3-2(3)(B) requiring the rural collector street within this subdivision (either Safflower Way or Milo Court) to be constructed within an 80-foot right-of-way easement be conditionally approved to allow the right-of-way for the collector road within this subdivision as determined by the MDT Traffic Study and approved by the Public Works Director (Safflower Way or Milo Court) to be 66 feet wide, based on the findings of fact. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Anderson made a motion that the Board of County Commissioners conditionally approve the variance request from Section 3-2(8)(D) requiring bike lanes on both sides of the rural collector street within this subdivision (either Safflower Way or Milo Court) to require a bike lane on one side of the collector road within this subdivision as determined by the MDT Traffic Study and approved by the Public Works Director (Safflower Way or Milo Court), based upon the findings of fact. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Anderson made a motion that the Board of County Commissioners **deny** the variance request from Section 3-2(8) of the Missoula County Subdivision Regulations requiring sidewalks/pedestrian walkways along Highway 10 West to require a six-foot wide pedestrian walkway along Highway 10 West based on the findings of fact.

Jennie Dixon: I just want to--I think you need a second.

Commissioner Carey seconded the motion.

Jennie Dixon: I wanted to point out that Planning Board's recommendation on this was for approval, but in discussion--the reason it's presented to you in this sheet is based on discussion we've had since Planning Board and at Planning Status about urban levels of development, I put it in here with denied so that I could include the condition should you decide to do that.

Commissioner Anderson: The condition of the...?

Jennie Dixon: If you do deny this variance as your motion indicated, then you would keep Condition 15 requiring the subdivider to construct some form of a pedestrian pathway along Highway 10. I just want to make sure it's very clear that Planning Board did not recommend ped walkways on Highway 10 and thus Condition 15 as requested by the developer would not be part of the conditions.

Commissioner Carey: How do we get to accepting their offer of providing a...?

Commissioner Anderson: An easement, 20-foot easement.

Commissioner Carey: ...an easement along...

Jennie Dixon: The right-of-way there is entirely sufficient. I don't think you need an easement. There's right-of-way should they decide to construct a road.

Chair Curtiss: But their subdivision plan shows is that an interior some sort of sidewalk, Mr. Bellon

Mark Bellon: Mark Bellon. We're providing an additional 20-foot easement.

Jennie Dixon: On that edge of the right-of-way?

Mark Bellon: On the edge of the right-of-way for a trail.

Jennie Dixon: Okay, I don't believe that was on the plat or I may have missed it.

Mark Bellon: It is on the plat, yeah.

Chair Curtiss: So what you're saying Mr. Bellon though is that you're providing the easement that you aren't planning to build anything at this time?

Mark Bellon: Right.

Commissioner Anderson: So on the Option 2 plat behind Jennie, that black line on the outside of the subdivision, is that Highway 10 or is that a walkway that you're showing there?

Mark Bellon: That's a 20-foot trail easement and we do have to--there's a couple reasons we have this here. We have to have a landscape buffer here. It's a primary travel corridor, so we have to dedicate a 20-foot trail corridor and we also have to put a landscape buffer in there. We will provide the landscape buffer and we will provide the easement. We're just not proposing to put the infrastructure in place right now. There's--we're going to propose the waiver of an RSID and then when you actually build a trail, it's nice to have a beginning and an end or some kind of conceptual plan just to make sure it's compatible with what comes out there.

Chair Curtiss: Is the road that's shown there Highway 10?

Mark Bellon: This is Highway 10 right here. The pulp mill road's right here. This is the actual--this would be the corridor where we'll have an easement available for trail.

Jennie Dixon: So they're proposing an easement on their property, so outside of the highway right-of-way...

Mark Bellon: Because it's very difficult with MDOT to construct something in their right-of-way, it would be difficult to procure an easement or a utility--or pedestrian path through this area after our developments [inaudible] providing that so when that project does come through, they'll at least have the easement and they'll also have the landscape.

Chair Curtiss: How much is that easement, how many feet?

Mark Bellon: It's 20 feet wide and it's approximately...

Commissioner Anderson: So is the Frenchtown pedestrian walkway is that outside of the right-of-way of that road or is it within the right-of-way?

Greg Robertson: Along Frenchtown frontage loop road?

Commissioner Anderson: Right.

Greg Robertson: No, that's within the right-of-way.

Chair Curtiss: And that's a MDOT road or a county road?

Greg Robertson: Soon to be an MDOT road, but it's still a county-maintained road. We've actually had fairly good dealings with the DOT about putting trails within their right-of-way. Examples are Highway 12, the work that's going on in the Bonner/Milltown area.

Mark Bellon: I guess one nice thing about this easement is if you do look at this, there's a pretty severe topography break here. There's probably about a 20-foot tall bank that kind of shields this area from the road.

You could build a trail in there. We're actually working on the Bonner trail. It's challenging; it can be done, but this area up here on the top of the cut bank where it would be nice and flat.

Chair Curtiss: So that would mean that the motion that's on the floor to deny, if we wanted to go with what they're proposing, we would approve, right? We'd vote on this motion...

Mike Sehestedt: If you deny the variance, then we'd look at Condition 15. Denying the variance would require them to construct the walkway now at 6-feet wide. If you grant the variance, then plat shows the 20-foot easement as proposed, do we wouldn't need a condition. That's simply going to happen by virtue of the acceptance of their proposal.

Chair Curtiss: We need to vote on the motion on the floor, but if we conditionally approved, we could ask that they at least put the base down or something. Right?

Mike Sehestedt: Yes.

Chair Curtiss: So it could be walked on or a horse could be ridden on it or something then. So the motion on the floor is to deny. Any further discussion?

Commissioner Anderson: I want to make sure I understand that if we deny this variance, then Condition 15 would require them to install a six-foot wide pedestrian pathway?

Mike Sehestedt: That is correct. What I heard Jean say is there might be something--if you deny the variance, you might do something different with Condition 15, like instead of fully construct, simply put down a gravel base or whatever. I'm not suggesting anything just playing lots of multiple choice here.

Chair Curtiss: So if we don't want to require them to build the full pedestrian as described in 15, then we would vote no on the motion on the floor?

Jennie Dixon: Correct.

Chair Curtiss: Further discussion on the motion?

Commissioner Anderson: With that information, I would vote no.

The motion failed on a vote of 0-3.

Chair Curtiss: So the motion failed, yeah, 0-3.

Jennie Dixon: So what you would need to do to make an alternative motion to probably conditionally approve and then it would be subject to Condition 15 and when you can get to your conditions, you can work on that.

Chair Curtiss: We can change it however.

Jennie Dixon: Yeah.

Chair Curtiss: So we're back to #3 if we want to either approve or conditionally approve.

Commissioner Anderson made a motion that the Board of County Commissioners conditionally approve the variance request the variance request from Section 3-2(8) of the Missoula County Subdivision Regulations requiring sidewalks/pedestrian walkways along Highway 10 West be conditionally approved subject to Condition #15, based on the findings of fact. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

Chair Curtiss: So now, we need to go to the conditions. So #1, do we need to clarify that they, if we go with this whole proposal, that they would be relocated or that just shows up in #4. The first one that the developer brought to mind then was #3, that was the 75 versus 100-foot building setback. The primary corridor requires 50?

Jennie Dixon: Fifty-foot setback, yes.

Chair Curtiss: I just want to point that out in case you want a motion on it.

Commissioner Anderson: I don't see any problem with a 75 [inaudible]; the minimum requirement is 50 you said Jennie?

Jennie Dixon: Right. I actually proposed this based on conversation that the applicant presented on Monday. If you want to give them 75, there's no--there's not much...

Commissioner Anderson made a motion that the Board of County Commissioners amend Condition #3 to read, "The plat and covenants shall be revised to show a 75-foot building setback for the residential structures on Lots 80, 81, and 82 from the Highway 10 right-of-way subject to review and approval by OPG prior to final plat approval and this section may not be changed or deleted without governing body approval." Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Anderson: We need to go back then to the Conditions 1 and 2. Can we accept those as presented in the sheet or do we need a motion on each one of those conditions?

Mike Sehestedt: I think we can accept. Right now, we're getting these in whatever [inaudible] and vote straight up or down...

Commissioner Anderson: On the...okay.

Mike Sehestedt: I guess probably better would have been to consider all as a main motion, but our procedure is to deal with them one at a time.

Chair Curtiss: Right, we probably need some lessons.

Commissioner Anderson: Did our prior change of the language on Safflower Way or Milo Court extend to these conditions as well, that that language, taking out "and" inserting "or" and "subject to the traffic impact study?"

Mike Sehestedt: I think it might be good to actually do a separate motion [inaudible] Safflower Way and Milo Court are referred to together should be amended to read Safflower or Milo Court...

Chair Curtiss: I think it's only the ones where Milo Court is in parenthesis.

Jennie Dixon: Exactly.

Chair Curtiss: So I see #7, #13, #14 is that the only ones?

Jennie Dixon: Sixteen and that's it. The language that I had suggested was "The collector road within this subdivision as determined by the traffic study and approved by the Public Works Director (Safflower Way or Milo Court)." So wherever you see "and Milo Court?" in this orange sheet, replace it with that language.

Chair Curtiss: So that would be in Conditions #7, 13, 14, and 16.

Commissioner Anderson made a motion that the Board of County Commissioners amend Conditions #7, 13, 14, and 16 by replacing, "(and Milo Court?)" with "the collector road within this subdivision as determined by the traffic study and approved by the Public Works Director (Safflower Way or Milo Court)." Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

Chair Curtiss: So I think our next...

Commissioner Anderson: Are there any suggestions...

Chair Curtiss: ...[inaudible] is down for the pedestrian stuff, whether we want to do curbside, and whether we want to tweak #15.

Commissioner Anderson: I think we've been presented with some information that these boulevard sidewalks are a problem in this type of soil, so I guess I would recommend that we approach these as a curbside sidewalk.

Chair Curtiss: What's the standard width for curbside in this type of subdivision?

Jennie Dixon: Along the interior roads that would not be deemed a collector, it would be a five-foot wide sidewalk and a seven-foot wide boulevard. To go to, let's see, that would be the standard. Because this is a rural subdivision outside of the urban growth area, you don't need variances to deviate to go to a curbside sidewalk, but the standard width would be five feet. Now on the collectors, they're six feet with a 10-foot boulevard.

Commissioner Anderson: And that's spelled out here?

Jennie Dixon: Condition #13 says...

Commissioner Anderson: And that would be determined by the traffic impact study...

Jennie Dixon: Whichever road is the collector...?

Commissioner Anderson: ...to whichever road is the collector...

Jennie Dixon: ...to have the six-foot wide sidewalk...

Commissioner Anderson: ...six-foot wide...

Jennie Dixon: ...and the 10-foot boulevard, unless you want to change it to something else?

Chair Curtiss: We'll clear it up in a minute here because we're confusing you now.

Cathie Cichosz: I'm sorry, when you interrupt each other, I can't hear either or you when I listen to the tape.

Chair Curtiss: If we didn't want to do boulevards at all?

Jennie Dixon: You could just simply delete "and 10-foot wide landscape boulevard" in #13 and "seven-foot wide landscape boulevard" in #14 if you wanted curbside sidewalk.

Commissioner Carey made a motion that the Board of County Commissioners amend Condition #13 to read, "The subdivider shall install six-foot wide curbside sidewalks on both sides of the collector road within this subdivision as determined by the MDT Traffic Study and approved by the Public Works Director (Safflower Way or Milo Court), except where adjacent to Lot 83, subject to review and approval by County Public Works, the Parks Department, and OPG prior to final plat approval" and in Condition #14 to read, "The subdivider shall install five-foot wide sidewalks on both sides of all interior streets, except on the collector road within this subdivision as determined by the MDT Traffic Study and approved by the Public Works Director (Safflower Way or Milo Court), subject to review and approval by County Public Works, the Parks Department, and OPG prior to final plat approval." Commissioner Anderson seconded the motion. The motion carried on a vote of 3-0.

Chair Curtiss: Okay, then #15. This one says the subdivider shall install a six-foot wide pedestrian pathway...

Jennie Dixon: Along the Highway 10 West frontage. Then I would add, "within the 20-foot wide non-motorized pedestrian easement," so it's clear that we're asking for it to go within that 20 easement that they're proposing.

Commissioner Anderson: That is shown on the plat.

Jennie Dixon: That's shown on the plat. If you want to modify the width and not make it six, make it something else or if you don't want it to be--and this condition actually doesn't require paving or concrete. It's just to be determined by Public Works. We could even put that in here, "surfacing to be determined by Public Works," unless you even want to go further and just do the base or something like you were talking about.

Chair Curtiss: So what is the feeling of the Commission here or Greg, do you have any input? It would someday collect to a CTEP project that you could have...

Greg Robertson: Yeah.

Chair Curtiss: ...[inaudible] kind of line up [inaudible] that.

Greg Robertson: I guess from my perspective, the approach I would take given the length and frontage of this, there's really no impediment to tying in on either side. Where I get concerned is these smaller types of urban improvements where we're putting a barrier curb or a curb gutter and changing the drainage pattern of the area. Simply applying an RSID waiver is pretty much tantamount to not doing anything. Given the fact that this area out here or at least adjacent to it, is going to fundamentally change as a result of the sewer project that is planned for later this summer and next year. The pipes that are being designed right now are oversized and will eventually have the ability to serve this area. I would expect that this area and areas adjacent to it will be served by municipal sewer sooner rather than later. The basic infrastructure is going to be there and I know there are developers knocking on the city's door, talking to them about that, so for all impractical purposes, this is going to be an urbanized area or very very close to it, given the ability and availability of sewer in the area. We're spending about \$13 million in the next two years to do that.

Mike Sehestedt: Let me step up and specify that's other people's money, the property owners. The property owners...

Greg Robertson: We're still spending it and its other people's money. I'm aware of that.

Mike Sehestedt: Assessing them...

Greg Robertson: I work for government.

Mike Sehestedt: ...at their request.

Greg Robertson: Thank you, Mike for clarifying.

Chair Curtiss: So would you prefer that they actually build a six-foot trail? Should it be a 10-foot? Should they just put down a base?

Greg Robertson: I think if it's going to be a separated pedestrian, bicycle facility such as we're putting in in Frenchtown and all of the others, that it ought to meet the minimum width of--surface width of eight feet with one-foot shoulders on either side to be consistent with that. This is going to be an area ripe, given the fact that there are several large developments that are occurring in the Wye area and it's going to have the pressures just like other areas that are rapidly urbanizing and wanting that type of improvement. I would prefer to tie into something that is built to minimum standards, so we don't have to retrofit it.

Jennie Dixon: And surfacing, do you have a preference?

Greg Robertson: Pave it.

Chair Curtiss: Pave, not asphalt?

Greg Robertson: That's asphalt, yeah.

Chair Curtiss: [Inaudible]. So it would be an 8-foot wide pedestrian. Now there is a development proposed across the highway from this one that we haven't seen yet. I don't know how they would tie in though. Just trying to think who all should share in the cost.

Mike Sehestedt: Well, I'm thinking, given what we heard about traffic here, if we're doing pedestrian facility on this side...

Chair Curtiss: We don't want to run across the street.

Mike Sehestedt: ...the developer's that are looking at doing a development on the other side probably ought to be looking at a similar requirement...

Commissioner Anderson: On their side, yeah.

Mike Sehestedt: ...on their side.

Commissioner Anderson: I think that [inaudible] the separation between this and the highway, I think it's appropriate to encourage folks to use this separated walkway or pathways.

Chair Curtiss: Yeah, the one on the frontage road on the other side, there's only development on one side of that road.

Greg Robertson: Yeah.

Chair Curtiss: Any motions for Condition #15?

Commissioner Anderson made a motion that the Board of County Commissioners amend Condition #15 to read, "The subdivider shall install an eight-foot wide pedestrian pathway along the Highway 10 West frontage, in locations approved by County Public Works and the Montana Department of Transportation prior to final plat approval."

Chair Curtiss: This is the one that Jennie referred to that 20-foot non-motorized easement shown on the plat.

Commissioner Anderson: Right.

Commissioner Anderson amended his motion, that the Board of County Commissioners amend Condition #15 to read, "The subdivider shall install a eight-foot wide pedestrian pathway along the Highway 10 West frontage within the 20-foot non-motorized easement shown on the plat, in locations approved by County Public Works and the Montana Department of Transportation prior to final plat approval."

Jennie Dixon: Paved?

Greg Robertson: Commissioners?

Commissioner Anderson: Or do you want that eight-foot paved?

Greg Robertson: Eight-foot paved.

Commissioner Anderson: Okay.

Commissioner Anderson amended his motion, that the Board of County Commissioners amend Condition #15 to read, "The subdivider shall install a paved eight-foot wide pedestrian pathway along the Highway 10 West frontage within the 20-foot non-motorized easement shown on the plat, in locations approved by County Public Works and the Montana Department of Transportation prior to final plat approval."

Greg Robertson: I'd like the flexibility to utilize the state right-of-way as well as this easement, just based on topography and basic standards of design, so that it may vary in and out of it and not just exclusive to it.

Jennie Dixon: May I read the condition?

Chair Curtiss: Sure. Let's let Jennie get it stated first.

Jennie Dixon: "The subdivider shall install a paved eight-foot wide pedestrian pathway along the Highway 10 West frontage within the 20-foot wide non-motorized pedestrian easement or the Highway 10 West right-of-way to be reviewed and approved by County Public Works and DOT prior to final plat approval."

Commissioner Anderson: Yes.

Chair Curtiss: It it's approved by--goes through you, you'd make sure it had the shoulders? We don't need to say that?

Greg Robertson: No.

Chair Curtiss: Was there? Do you agree to that?

Commissioner Anderson: Yeah, that's fine.

Commissioner Anderson amended his motion that the Board of County Commissioners amend Condition #15 to read, "The subdivider shall install a paved eight-foot wide pedestrian pathway along the Highway 10 West frontage within the 20-foot wide non-motorized pedestrian easement or the Highway 10 West right-of-way to be reviewed and approved by County Public Works and the Montana Department of Transportation prior to final plat approval."

Chair Curtiss: Mr. Bellon?

Mark Bellon: Mark Bellon. I would like a clarification just right now our easement is appropriately out to the edge here, but we would like to omit this from the infrastructure at this point in time because it's hard to say where this might go and it would be a trail to basically nowhere I think. If we put the improvements in, it should be across where the densities are.

Commissioner Anderson: You mean Safflower and Milo Court?

Mark Bellon: Right.

Jennie Dixon: So you could add to that condition that I just read, "excluding the Lot 83 frontage and Utility Lot 1 frontage."

Commissioner Anderson: Okay.

Chair Curtiss: So, would you like to read it again?

Jennie Dixon: The subdivider shall install a paved eight-foot wide pedestrian pathway along the Highway 10 West frontage excluding the Lot 83 frontage and Utility Lot 1 frontage within the 20-foot wide non-motorized pedestrian easement or the Highway 10 West right-of-way to be reviewed and approved by County Public Works and the Montana Department of Transportation prior to final plat approval.

Commissioner Anderson amended his motion that the Board of County Commissioners amend Condition #15 to read, "The subdivider shall install an eight-foot wide paved pedestrian pathway along the Highway 10 West frontage within the 20-foot wide non-motorized pedestrian easement or the Highway 10 West right-of-way, in locations approved by County Public Works and the Montana Department of Transportation prior to final plat approval, and excluding along the Lot 83 and Utility Lot 1 frontage." Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Anderson: Is there anything else here?

Chair Curtiss: We did add the...

Commissioner Anderson: And we accept the Condition #23 regarding weeds, is that the new one that was added?

Jennie Dixon: What you would do then is when you make your main motion on the approval of the subdivision, it would be subject to the conditions in the orange sheet as amended.

Chair Curtiss: Is there any further discussion on any of the other lots. So we're assuming we're going with Option 2, so that took those three lots and put them at the end of the park. There was discussion at some time about Lots 14, 15, 16, 17. Is there any further discussion on those? That's not in Option 2.

Jennie Dixon: It's on the blue sheet. It would be Condition #6 on the blue sheet and that's the cul-de-sac at the end of Milo Court.

Chair Curtiss: Or the size of any lots?

Commissioner Anderson: I don't have any motions.

Chair Curtiss: I think we've amended all of the conditions that we were interested in amending.

Mike Sehestedt: There had been some discussion about the...

Chair Curtiss: Oh, the permanent farmland.

Commissioner Anderson: Condition #5

Jennie Dixon: That is and what you'll notice is different in this one from the one on the 27<sup>th</sup>, is I added the last part, "subject to the review and approval by the Board of County Commissioners prior to final plat approval." At the meeting on Monday this week, the subdivider indicated that they may DEQ approval as simply--as providing that assurance or that suitable encumbrance that will guarantee the retention of Ag character and use. That's not in the list--in #5 here, which is simply a list of examples of how they could achieve that and so OPG would like to definitely have the Commissioners decide and determine whether Ag use and character is retained through whatever instrument they decide to use.

Chair Curtiss: I think that that's the...

Commissioner Anderson: That's one of the keys to this.

Chair Curtiss: ...Planning Board [inaudible] from the Commissioners. There's a big tradeoff here for having this kind of density in this area and it's to retain that agricultural use. It is not my goal to--we know that sewer's going to get pretty close to this, but...

Jennie Dixon: I think it's definitely...

Chair Curtiss: ...that's not the tradeoff. I don't want this connecting to the sewer when the sewer gets there.

Jennie Dixon: It's definitely important, I think, to get it on the record and I'm glad you brought it up because I don't know enough about the DEQ approval process to have left it in its earlier version and say yeah, that guarantees Ag character and use. I'm not sure that you will know at that time unless they bring evidence forward for you to make that decision.

Commissioner Anderson: I agree, this is a tradeoff based on this land application system for this density.

Jennie Dixon: And we would at that time be asking for input from agricultural agencies such as CFAC, who has participated intensively in this project.

Chair Curtiss: Right, I think we'd want a permanent agricultural easement. Is that what they're called?

Mike Sehestedt: Ag covenant is something we sometimes use in exemptions to the Subdivision and Platting Act

Chair Curtiss: Because we want this to remain in agriculture use, not when the city gets here, all of a sudden it gets to get developed again. At least, that's my...

Commissioner Anderson: [Inaudible].

Mike Sehestedt: I had my attention called to it, I think, Condition 5 covers this.

Chair Curtiss: We do have it on the record though.

Commissioner Anderson made a motion that the Board of County Commissioners approve the Bentgrass Meadows Subdivision for a two-year preliminary plat approval period, based on the findings of fact and subject to the recommended conditions of approval.

Commissioner Carey: Again, I believe the developer's are making a good faith effort to help provide affordable housing and keep some Ag land in production, but I'm going to rely on the staff's findings of fact and conclusions of law in the presentation dated February 5 to the Missoula Consolidated Planning Board. I think the density's just too much. I'd be willing to look at something more than 12, but something less than what's currently proposed, so I cannot second the motion.

Chair Curtiss seconded the motion. The motion carried on a vote of 2-1, with Commissioner Carey opposing.

Chair Curtiss: So you guys are the experiment, so make sure you do a good job and make it work.

### **Bentgrass Meadows Conditions of Approval**

1. The plat shall be revised to delete Lots 41, 42, 43. (*Subdivision Regulations 3-1(4), 3-8*)
2. Lot 79 may be combined with Lot 78. The covenants shall be revised to state that all lots may be developed with single dwellings, except that Lot 78 may be developed with a duplex and Lots 80, 81 and 82 may be developed with four-plexes, and this section may not be changed or deleted without governing body approval. (*Subdivision Regulations 3-1(4) and (5)*)
3. The plat and covenants shall be revised to show a 75-foot building setback for the residential structures on Lots 80, 81, and 82 from the Highway 10 right-of-way, subject to review and approval by OPG prior to final plat approval and this section may not be changed or deleted without governing body approval. (*Subdivision Regulations 3-1(9)*)
4. Three single dwelling lots may be located on the north side of the park, as shown on the subdivider's "Option 2" plat presented at the BCC hearing on February 27, 2008, and attached to this memo. (*Subdivision Regulations 3-1(4), 3-8*)
5. The subdivider shall provide evidence of suitably encumbering Lot 83 and Utility Lot 2 with protections, such as an easement or land trust or irrevocable deed restriction, to retain agricultural character and use of these areas, subject to review and approval by the Board of County Commissioners prior to final plat approval. (*Subdivision Regulations 3-1(9), 4.1.13(2)(d)*)
6. A plan for revising the subdivision design resulting from the subdivision conditions of approval shall be reviewed and approved by OPG, County Public Works, County Parks and the Frenchtown Rural Fire District, prior to final plat approval. (*Subdivision Regulations 3-1(1)(I), 3-1(5), (6) and (10)*)

### **Roads and Access**

7. The right-of-way for the collector road within this subdivision as determined by the MDT Traffic Study and approved by the Public Works Director (Safflower Way or Milo Court) shall be shown as 66 feet wide on the plat, subject to review and approval by Public Works, prior to final plat approval. (*Subdivision Regulations 3-2*)
8. The plat and covenants shall be revised to show a one-foot No-Access Strip along US Highway 10 West, except for approved access points to Safflower Way and Milo Court, as well as the existing driveway to Lot 83, subject to review and approval by Public Works prior to final plat approval. This section of the covenants may not be changed or deleted without governing body approval. (*Subdivision Regulations 3-2*)
9. A street signage plan in conformance with the Manual on Uniform Traffic Control Devices, including, but not limited to, provisions for temporary signage during construction, permanent signage, and cost of installation to be responsibility of the subdivider, shall be reviewed and approved by Public Works prior to final plat approval. The developer must install the temporary signs prior to construction and permanent signs with the filing of the plat. (*Subdivision Regulations 3-1(1)(F), 3-2(2)(F)*)
10. The plat shall be revised prior to final plat approval to show all existing easements in accordance with the recommendations per the County Public Works comment letter dated 5/17/07 contained in Section 6 of the application packet and attached to the staff report. (*Subdivision Regulations 3-1(1)*)

### Drainage and Floodplain

11. If the proposed on-site public water supply system is implemented to include treatment lagoons and a holding reservoir in the vicinity of O'Keefe Creek and its tributaries the subdivider shall prepare a floodplain elevation study to determine the location of the O'Keefe Creek 100-year floodplain and adjust the location of the lagoons and reservoirs accordingly to remove them from any areas within the 100-year floodplain, subject to review and approval by the Floodplain Administrator and the Health Department, prior to final plat approval. (*Subdivision Regulations 3-1(1)*)
12. The detention pond shall be designed according to the following criteria, subject to review and approval by County Public Works and the Floodplain Administrator prior to final plat approval:
  - a. it shall be located entirely outside of the 100-year floodplain of O'Keefe Creek;
  - b. the outlet of the detention pond into O'Keefe Creek shall be elevated above the detention pond floor to prevent passage of silt into the O'Keefe Creek floodplain. (*Subdivision Regulations Article 3-4*)

### Pedestrian & Non-Motorized Facilities

13. The subdivider shall install six foot wide curbside sidewalks on both sides of the collector road within this subdivision as determined by the MDT Traffic Study and approved by the Public Works Director (Safflower Way or Milo Court), except where adjacent to Lot 83, subject to review and approval by County Public Works, the Parks Department, and OPG prior to final plat approval. (*Subdivision Regulations 3-2(8)*)
14. The subdivider shall install five foot wide sidewalks on both sides of all interior streets, except on the collector road within this subdivision as determined by the MDT Traffic Study and approved by the Public Works Director (Safflower Way or Milo Court), subject to review and approval by County Public Works, the Parks Department, and OPG prior to final plat approval. (*Subdivision Regulations 3-2(8)*)
15. The subdivider shall install an eight-foot wide paved pedestrian pathway along the Highway 10 West frontage within the 20-foot wide non-motorized pedestrian easement or the Highway 10 West right-of-way, in locations approved by County Public Works and the Montana Department of Transportation prior to final plat approval, and excluding along the Lot 83 and Utility Lot 1 frontage. (*Subdivision Regulations 3-2(8)*)
16. A bike lane shall be designated on one side of the collector road within this subdivision as determined by the MDT Traffic Study and approved by the Public Works Director (Safflower Way or Milo Court) in compliance with Section 3-2(8) of the Missoula County Subdivision Regulations, subject to review and approval by County Public Works prior to final plat approval. (*Subdivision Regulations 3-2(8)*)

### Common Area

17. The park shall be relabeled as common area, if the Parks Department determines slopes to be unacceptable, and a plan for common area or park management, including but not limited to landscaping, a weed management plan, irrigation, grading, topsoil and seeding and any proposed improvements guarantee shall be reviewed and approved by the Parks Department and OPG prior to final plat approval and prior to installation of any street improvements. This plan shall be incorporated into the covenants prior to final plat approval. The subdivider shall install improvements to the common areas as detailed in the approved plan prior to final plat approval or be included in the improvements guarantee, subject to review and approval by the Parks Department. The Parks Department shall review grading plans for mitigation of slopes that inhibit use of and access to the common area or park prior to final plat approval, and they may require stairs or trails for pedestrian access. (*Subdivision Regulations 3-8(1)(F), 3-8(10), 3-2(15)(E)*)

### Fire

18. Plans for addressing buildings so that address signs are clearly visible from the street in all lighting conditions shall be reviewed and approved by the Frenchtown Rural Fire District prior to final plat approval and shall be included in the covenants which may not be changed or deleted without governing body approval. (*Subdivision Regulations 3-1(1)*)

19. Preliminary driveway plans, including turnarounds / emergency vehicle turnouts for fire apparatus in all weather conditions and driveway widths and grades, shall be reviewed and approved by the Frenchtown Rural Fire District prior to final plat approval. To ensure compliance with the approved driveway plan, the Frenchtown Rural Fire District shall review and approve final driveway plans prior to building permit approval. Driveways and turnarounds shall be inspected and approved by the Frenchtown Rural Fire District prior to occupancy of each dwelling. (*Subdivision Regulations Article 3-2(10)(E) and Subdivision Regulations 3-7*)
20. The subdivider shall install a water supply for fire protection via a hydrant system that provides a minimum 1,000 GPM fire flow with a minimum 30,000-gallon storage exclusively for fire protection approved by the Frenchtown Rural Fire District. A maintenance plan for hydrants and water supply systems shall be approved by the Frenchtown Rural Fire District. Plans for a water supply for fire protection shall be reviewed and approved by Frenchtown Rural Fire District prior to final plat approval. In lieu of a water supply with hydrants, the subdivider shall provide verification from Frenchtown Rural Fire District of approval to install interior residential fire sprinklers that meet NFPA 13D standards in each new home for the purposes of fire protection prior to final plat approval. Plans for the installation of interior residential fire sprinklers shall be approved by the Frenchtown Rural Fire District prior to each building permit approval, and the development covenants shall be amended to include the following prior to final plat approval – which may not be changed or deleted without governing body approval:

“Residential Fire Sprinklers:

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 Frenchtown 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.

No-Build Zones

21. The Riparian Resource Management Plan, covenants and plat shall be clarified that where these areas coincide with slopes over 25%, the more restrictive no-build provisions shall apply. (*Subdivision Regulations 3-13, 3-1(2) and 3-15*)

Primary Travel Corridor

22. The subdivider shall install required Primary Travel Corridor landscaping along Highway 10 West prior to final plat approval, subject to review and approval by OPG. (*Subdivision Regulations 3-14(3)(A)*)

Weeds

23. The subdivider shall prepare a Revegetation Plan for disturbed areas in the subdivision requiring landowners to revegetate with beneficial species any areas of ground disturbance created by construction on or maintenance of these lots at the first appropriate opportunity after disturbance occurs. The Revegetation Plan shall also specifically address noxious weed management in the Common Areas and shall be subject to review and approval by the Missoula County Weed District prior to final plat approval. The covenants shall be revised to require property owners to comply with the Missoula County Noxious Weed Management Plan and the Montana County Weed Control Act. The covenants shall note that the grass species included in the Revegetation Plan are not turf species but for reclamation purposes and are not suitable for maintained turf or lawn use. The approved Revegetation Plan shall be incorporated into the covenants and may not be changed or deleted without governing body approval, subject to review and approval by the Weed District. (*Subdivision Regulations 3-1(1)(B)*)
24. The covenants shall be amended to include a Weed Management Plan for all undeveloped and planned open space areas (*i.e.* utility lots, undeveloped rights-of-way, and common areas) of the subdivision, to be reviewed and approved by the County Weed District prior to final plat approval. The Plan shall include provisions making the developer responsible for its implementation until enough development has occurred to support a Homeowners' Association. The Plan shall include a mechanism allowing the Homeowners' Association or other entity to assume weed management duties from the developer. The Plan and the covenant provisions

related to weed management shall be reviewed and approved by the County Weed District, the Parks Department, and OPG prior to final plat approval. (*Subdivision Regulations 3-1(1)(B)*)

#### Covenants

25. The covenants shall be amended as recommended by the Health Department regarding Energy Efficiency, recommending 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, which may not be changed or deleted without governing body approval, subject to review and approval by OPG prior to final plat approval. (*Subdivision Regulations 5-1(4)(J)*)
26. The covenants shall be amended to include the SID / RSID waiver statements shown on the plat, which may not be changed or deleted without governing body approval, subject to review and approval by OPG prior to final plat approval. (*Subdivision Regulations 5-1(4)(J)*)

#### Other Business

There being no further business to come before the Board, the Commissioners were in recess at 3:18 p.m.