

The Board of County Commissioners approved the format of their meeting minutes as summary minutes. While in the process of moving to audio/summary minutes with time stamps, the Commissioners' Office will provide summary minutes and a Windows Media Player audio file online. **The time stamps noted on the document will not work.** They can, however, serve as an approximate counter for the Windows Media Player file (convert the time stamp to a counter by subtraction). For example, the time stamp may read 1:29:38 PM, which would be 0 minutes on the Windows Media Player counter. The time stamp next to the item you want to listen to may read 2:53:56, which would be about 1:24 on the counter (2:53 minus 1:29). You can then pull the "seek" button on the Windows Media Player to the approximate time).

P U B L I C M E E T I N G
MISSOULA BOARD OF COUNTY COMMISSIONERS
MONDAY, AUGUST 18, 2008 – 1:30 P.M.
ROOM 201 –COURTHOUSE ANNEX
M I N U T E S

1. CALL TO ORDER

[1:33:29 PM](#) Chairman Jean Curtiss called the meeting to order at 1:33 p.m.
Commissioners Present: Chairman Jean Curtiss, Commissioner Bill Carey and Commissioner Larry Anderson. Absent: None.

Staff Present: Deputy County Attorney James McCubbin, Rural Initiatives Senior Planner Karen Hughes, and Consultant Linda Stoll.

2. HEARING (Continued from July 23, 2008): Continuation of Amendments to Missoula County Subdivision Regulations

[1:34:29 PM](#) Linda Stahl presented the staff report. ([Request for Commission Action, Attachment C](#) and [Attachment D](#))

- a. [1:37:21 PM](#) Chair Jean Curtiss opened discussion on **"MINOR HOUSEKEEPING/NON-CONTROVERSIAL AMENDMENTS, ATTACHMENT D"**
[1:38:17 PM](#) Karen Hughes, staff comment

[1:38:59 PM](#) Jackie Corday, **Attachment D, Amendment #8, 3.2.2 ROAD STANDARDS AND REQUIREMENTS, 3.2.2.1 Legal access**

[1:40:50 PM](#) Chair Jean Curtiss

[1:41:07 PM](#) Linda Stoll

Public Comment

[1:46:14 PM](#) Elaine Hawk

[1:46:52 PM](#) Alan McCormick

[1:50:48 PM](#) Deb Evison, **Attachment D, #27, 5.2 SUBDIVISION APPLICATION FORM AND SUPPLEMENTAL MATERIALS, (5)** ...For major subdivisions, the information must be provided for at least two access routes.

[1:51:31 PM](#) Linda Stoll

[1:52:36 PM](#) James McCubbin, language suggestion, "For major subdivisions, the information must be provided for any access routes required by (and add section references) at least two access routes."

[1:53:22 PM](#) Discussion on language suggestion

[1:54:00 PM](#) Ken Jenkins, **Attachment D, #22, 4.1.13 GOVERNING BODY DECISION AND DOCUMENTATION**, "The governing body may not approve or conditionally approve a subdivision application and preliminary plat unless the proposed subdivision...(b) Provides legal and physical access to each parcel within the subdivision and the notation of that access on the applicable plat and any instrument transferring the parcel..." AND "(f) complies with any other applicable regulations. AS DESCRIBED IN 3.1(1) OF THESE REGULATIONS."

[1:55:46 PM](#) Discussion on language suggestions by staff and Commissioners
Public Comment

[1:57:51 PM](#) Debra Evison

[1:59:48 PM](#) Ken Jenkins

[2:00:41 PM](#) Discussion and language suggestions

Public Comment

[2:11:24 PM](#) Ken Jenkins

[2:11:55 PM](#) Discussion

[2:12:06 PM](#) Chair Jean Curtiss, language as suggested, "The governing body may not approve or conditionally approve a subdivision application and preliminary plat unless by the time the final plat is filed, the proposed subdivision:"

Public Comment

[2:12:31 PM](#) Elaine Hawk

[2:13:02 PM](#) Discussion and other language suggestions

[2:14:56 PM](#) Linda Stoll, language suggestion, "Will" at the beginning of (a) and (b) and "at the time of final plat approval" at the end of (a) and (b).

[2:15:46 PM](#) Discussion on language suggestion

[2:16:56 PM](#) Ron Ewart, Fire jurisdiction's review of subdivisions

[2:17:54 PM](#) Denise Alexander and Chair Jean Curtiss, clarification of language suggestions, #22.

[2:18:50 PM](#) Denise Alexander, **#25, 4.7.2 PHASING PRELIMINARY PLATS**, language suggestion, "A plan that designates when lots and improvements will be filed in each phase when phasing multiple plats of a single subdivision over a period of time."

[2:19:17 PM](#) Discussion

[2:21:34 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners amend Attachment D, #3 to read "A plan that designates when lots and improvements will be filed in each phase when phasing multiple plats of a single subdivision over a period of time." Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[2:22:25 PM](#) Commissioner Bill Carey made a motion that the Board of County amend Attachment D, #22 to read, "(a) Will provide easements for the location and installation of any planned utilities at the time of final plat approval;" and "(b) Will provide legal and physical access to each parcel within the subdivision and the notation of that access on the applicable plat and any instrument transferring the parcel at the time of final plat approval;" Commissioner Larry Anderson the motion. The motion carried on a vote of 3-0.

[2:23:06 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners amend Attachment D, #27, 5.2 (5), last sentence to read, "For major subdivisions, the information must be provided for any access routes required by

Section 3.2.2.” Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

2:24:03 PM Commissioner Bill Carey made a motion that the Board of County Commissioners adopt the amended Attachment D as presented by staff, due to it’s non-controversial nature. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

2:24:32 PM Effective Date of Amendments Discussion, postponed to end of meeting.

- b. **2:31:46 PM ATTACHMENT C, AMENDMENTS TO THE MISSOULA COUNTY SUBDIVISION REGULATIONS, August 8, 2008, with minor revision made August 18, 2008.**

2:32:20 PM Attachment C, Page 1, #1, 1.6 CONSTRUCTION TIMING, strike sentence, “For the purpose of this section, a subdivision is considered proposed at the time a pre-application conference is held.”

2:33:27 PM Denise Alexander, in addition, strike sentence, “OR UNTIL THE APPLICATION PERIOD (AS DESCRIBED IN 4.1.1(5) IN THESE REGULATIONS) HAS EXPIRED.”

2:34:21 PM Public Comment

2:34:30 PM Jackie Corday

2:36:24 PM James McCubbin

2:37:19 PM Debra Evison, (3) and (4)

2:38:51 PM Discussion

2:47:34 PM Ken Jenkins

2:50:37 PM Elaine Hawk, (4)

2:51:52 PM Alan McCormick, (3)

2:53:49 PM Discussion

2:55:28 PM James McCubbin language suggestion, “No new construction work, development or alteration of the site, including grading or excavation relating to improvements, on a proposed subdivision shall proceed...”

2:56:44 PM Executive Session

2:57:29 PM Denise Alexander, language suggestion, (3), “Activities identified by the applicant, which do not conflict with the above provisions...”

Public Comment

2:58:24 PM Ken Jenkins, (3) and (4)

2:59:08 PM Discussion

3:02:06 PM Executive Session

3:03:51 PM James McCubbin, strike the words, “do not conflict”

3:04:05 PM Chair Jean Curtiss language suggestion, “(3) Activities that are to occur after the application is submitted, that are identified between the applicant and the Planning Director and have been approved in writing by the Planning Director.”

3:04:37 PM Discussion

3:05:20 PM Ken Jenkins, “and have been acknowledged in writing by the Planning Director.”

3:05:34 PM Discussion

3:05:46 PM Chair Jean Curtiss, “and have been confirmed in writing by the Planning Director.”

3:05:49 PM Discussion

[3:06:32 PM](#) Chair Jean Curtiss, back to "(3) Activities that are to occur after the application is submitted, that are identified between the applicant and the Planning Director and have been approved in writing by the Planning Director."

[3:06:54 PM](#) Executive Session

[3:07:19 PM](#) Chair Jean Curtiss, order of #(4) and (3) reversed

[3:07:31 PM](#) Discussion

[3:07:48 PM](#) Linda Stoll, (3) final language, Item (3) would be (4), "Activities identified by the applicant as being likely to occur after the subdivision application has been submitted and which have been approved in writing by the Planning Director."

Public Comment

[3:08:45 PM](#) Elaine Hawk

[3:09:19 PM](#) Executive Session

Public Comment

[3:09:38 PM](#) Elaine Hawk, strike in (4), "The construction of a single residence if the land to be subdivided is ~~otherwise undeveloped~~, and the construction of any necessary improvements and closely related outbuildings that are necessary to serve the single residence."

[3:09:56 PM](#) Discussion

[3:10:09 PM](#) Denise Alexander, concern regarding (3) language suggestion from Linda Stoll

[3:11:03 PM](#) Denise Alexander, regarding Elaine Hawk's language suggestion for (4)

[3:11:47 PM](#) Discussion

[3:13:18 PM](#) Chairman Jean Curtiss language suggestion (4), "The construction of a single residence which would otherwise be a permitted use, ~~if the land to be subdivided is otherwise undeveloped~~, and the construction of any necessary improvements and closely related outbuildings that are necessary to serve the single residence."

Public Comment

[3:13:42 PM](#) Zane Sullivan

[3:15:07 PM](#) Executive Session

[3:16:43 PM](#) Linda Stahl final language reading, (3) and (4) switched, "The construction of a single residence which would otherwise be a permitted use, ~~if the land to be subdivided is otherwise undeveloped~~ and the construction of any necessary improvements and closely related outbuildings that are necessary to serve the single residence."

[3:17:17 PM](#) Executive Session

Public Comment

[3:18:28 PM](#) Elaine Hawk

[3:19:07 PM](#) Discussion

[3:19:56 PM](#) Linda Stoll, final complete language, "1.6 CONSTRUCTION TIMING - No construction, development or alteration of the site, including grading or excavation relating to improvements, on a proposed subdivision shall proceed from the time the application has been submitted until the governing body has granted preliminary approval of the proposed subdivision plat. All resources on the site shall remain unaltered, including but not limited to historic, cultural, archeological and natural resources. Riparian vegetation within an Area of Riparian Resource may not be damaged or removed. Nothing in this section should be construed to prevent the following:

- (1) Work related to testing, analytical or monitoring activities that may be required by these regulations or are relevant to the processing of the subdivision application, or
- (2) Previously scheduled work, unrelated to the subdivision proposal described in the application, related to utility maintenance or utility construction, or
- (3) The construction of a single residence which would otherwise be a permitted use and the construction of any necessary improvements and closely related outbuildings that are necessary to serve the single residence, or
- (4) Activities identified by the applicant as being likely to occur after the subdivision application has been submitted and which have been approved in writing by the Planning Director.

[3:21:52 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners approve the "1.6 Construction Timing" as read by Linda Stoll. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

[3:22:16 PM](#) **1.6.1 Construction Timing - Enforcement**

[3:22:44 PM](#) Public Comment

[3:22:49 PM](#) Discussion

[3:23:18 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners add Attachment C, 1.6.1. Construction Timing - Enforcement -- Construction or alteration of resources on site as described above will render a subdivision application insufficient for failure of the application to accurately describe the current status of the land proposed for subdivision, and must be addressed through submission of an amended application pursuant to Section 4.1.7 prior to further processing of the application. Restoration of any resource alteration, as described above, may be required as a condition of subdivision approval for an amended application." Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

[3:24:32 PM](#) **Attachment C, #7, (9) Mitigate Adverse Impacts**

[3:24:58 PM](#) Linda Stoll presented the change, recommend moving to another discussion.

[3:26:24 PM](#) Discussion

[3:27:11 PM](#) Public Comment

[3:27:30 PM](#) Alan McCormick

[3:30:09 PM](#) Discussion

Public Comment

[3:30:45 PM](#) Jackie Corday

[3:32:08 PM](#) Discussion

Public Comment

[3:35:07 PM](#) Deb Evison

[3:36:24 PM](#) Zane Sullivan

[3:37:21 PM](#) Discussion

Public Comment

[3:40:08 PM](#) Jackie Corday

[3:40:18 PM](#) Discussion

[3:43:16 PM](#) Executive Session

[3:43:36 PM](#) Commissioner Larry Anderson, language suggestion, last sentence, "Significant adverse impacts may be identified by reference to these regulations, other federal, state and local regulation, and by agency and public comment."

[3:44:01 PM](#) Discussion
[3:45:05 PM](#) Commissioner Larry Anderson, language suggestion, last sentence, "Significant adverse impacts may be identified by reference to these regulations, and by agency and public comment identified through the review of the application."
[3:45:23 PM](#) Discussion
[3:45:38 PM](#) James McCubbin, strike last sentence
[3:45:44 PM](#) Discussion
Public Comment
[3:48:23 PM](#) Ken Jenkins
[3:49:12 PM](#) James McCubbin comment
[3:52:14 PM](#) Executive Session
[3:52:34 PM](#) Linda Stoll, language suggestion, "Significant adverse impacts may be identified through the review of the application affected agencies and members of the public" or "...identified through the public review of the application."
[3:53:40 PM](#) Discussion
[3:54:26 PM](#) Linda Stoll, language suggestion, "Significant adverse impacts may be identified through the review and comment on the application by affected agencies and members of the public."
[3:54:37 PM](#) Discussion
Public Comment
[3:55:33 PM](#) Elaine Hawk
[3:56:11 PM](#) Jackie Corday
[3:56:34 PM](#) Alan McCormick
[3:57:40 PM](#) James McCubbin comment
[3:57:56 PM](#) Discussion
[3:58:53 PM](#) James McCubbin, language suggestion, add in "documents, testimony, or other materials."
[3:59:10 PM](#) Linda Stoll, language suggestion, "Significant adverse impacts may be identified through the review and comment of the application by agencies and members of the public, including, but not limited to, testimony, documents, and materials relevant to the application."
[3:59:35 PM](#) James McCubbin, language suggestion, strike "including, but not limited to" and replace it with "and," so it would read "...the application by agencies and members of the public and documents, testimony, or other materials received during the review process."
[4:00:13 PM](#) Executive Session
Public Comment
[4:00:59 PM](#) Zane Sullivan
[4:01:58 PM](#) Denise Alexander
[4:03:13 PM](#) Debra Evison
[4:04:24 PM](#) Linda Stoll
[4:05:17 PM](#) James McCubbin, language suggestion
[4:08:08 PM](#) Denise Alexander
[4:08:31 PM](#) Discussion and Executive Session
[4:09:57 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners amend (9) Mitigate Adverse Impacts -- The subdivider shall design the subdivision to reasonably mitigate potentially significant adverse impacts, resulting from the subdivision including, but not limited to, impacts to agriculture, agriculture water use facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety." [4:10:44 PM](#) Discussion. [4:10:56 PM](#) Chairman Jean Curtiss seconded the motion.

[4:11:00 PM](#) Discussion. [4:11:13 PM](#) The motion carried on a vote of 2-1, with Commissioner Bill Carey in opposition.

[4:11:36 PM](#) Attachment C, #9., 3.2.2 ROAD STANDARDS AND REQUIREMENTS

[4:12:19 PM](#) Linda Stoll presented the change.

[4:13:10 PM](#) Public Comment

[4:13:19 PM](#) Ken Jenkins

[4:17:02 PM](#) Deb Evison

[4:17:31 PM](#) Elaine Hawk

[4:18:05 PM](#) Ron Ewart

[4:19:00 PM](#) James McCubbin, strike from the word “unless” through the end of the paragraph and leave original language.

[4:20:45 PM](#) Discussion and Executive Session

Public Comment

[4:25:22 PM](#) Ron Ewart

[4:27:05 PM](#) Deb Evison

[4:28:01 PM](#) James McCubbin, maintain current language, strike unless through end of paragraph.

[4:28:49 PM](#) Commissioner Bill Carey, repeat of James McCubbin actual language suggestion, “(5) All subdivisions within areas of Wildland Residential Interface (WRI) shall have more than one improved access route.”

[4:29:03 PM](#) Executive Session

Public Comment

[4:29:26 PM](#) Elaine Hawk

[4:30:23 PM](#) Ken Jenkins

[4:33:10 PM](#) Chair Jean Curtiss, language suggestion, include “providing ingress and egress from within the subdivision sufficient that meets the standards contained in Article 3.2.2.2(4) to provide for emergency travel” to the end of James McCubbin’s suggestion.

Public Comment

[4:33:54 PM](#) Deb Evison

[4:34:31 PM](#) Commissioner Bill Carey, language suggestion, “(5) All major subdivisions within areas of Wildland Residential Interface (WRI) shall have more than one improved access route providing ingress and egress from within the subdivision sufficient that meets the standards contained in Article 3.2.2.2(4) to provide for emergency travel.”

[4:35:06 PM](#) Linda Stoll

[4:36:17 PM](#) Executive Session

[4:36:44 PM](#) James McCubbin

[4:37:50 PM](#) Executive Session

[4:39:34 PM](#) Chair Jean Curtiss, language suggestion, include WRI language

[4:39:57 PM](#) James McCubbin

[4:40:01 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners amend Attachment C, 3.2.2 Road Standards And Requirements . . . , 3.2.2.2 Access design, (5) All major subdivisions within areas of Wildland Residential Interface (WRI) shall have more than one access route providing ingress and egress from within the subdivision that meets the standards contained in Article 3.2.2.2(4) to provide for emergency travel.” Commissioner Larry Anderson seconded the motion. [4:40:47 PM](#) Discussion. [4:42:24 PM](#) The motion carried on a vote of 3-0.

[4:42:27 PM](#) Chair Jean Curtiss **wrapping up, effective date, and fire (Ron Ewart’s issue)**

[4:42:49 PM](#) Effective Date of Amendments, Executive Session

[4:43:52 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners set the effective date of all amendments approved today as September 1, 2008. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[4:44:16 PM](#) Continuation of Hearing, Thursday, August 28, 2008, 11:00 a.m. to 3:00 p.m.

[4:48:51 PM](#) Ron Ewart, fire issue, Page 23 of Subdivision Regulations, 3.7.1.(e), "(e) Residential Sprinkler Systems - In the event that residential sprinklers are recommended by the appropriate fire jurisdiction and approved by the governing body as an acceptable alternative for fire protection, the requirements of installation shall be included in an agreement with the governing body which shall be filed with the plat."

[4:50:09 PM](#) Discussion

[4:53:43 PM](#) **Attachment C, #11, 3.2.2.6 On-site road improvements**

[4:54:06 PM](#) Denise Alexander, suggested language change, change from Attachment C, "(1) When 'through' streets are not feasible, turn-around facilities, such as hammerheads, t-intersections, and cul-de-sacs shall be required and must be able to accommodate emergency service vehicles. When cul-de-sacs are proposed, cul-de-sacs must meet the following standards: (a) The minimum right-of-way of the turnaround radius shall be 60 feet; and (b) The minimum pavement surface width of the turn-around radius shall be 45 feet."

[4:54:43 PM](#) Discussion
Public Comment

[4:57:33 PM](#) Deb Evison

[4:57:55 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners amend Attachment C, #11, 3.2.2.6 On-site road improvements, (1) to read, "When 'through' streets are not feasible, turn-around facilities, such as hammerheads, t-intersections, and cul-de-sacs shall be required and must be able to accommodate emergency service vehicles. When cul-de-sacs are proposed, cul-de-sacs must meet the following standards: (a) The minimum right-of-way of the turnaround radius shall be 60 feet; and (b) The minimum surface width of the turn-around radius shall be 45 feet." Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

The next hearing on subdivision regulations will be Thursday, August 28 at 11:00 a.m.

[4:58:45 PM](#) **RECESS**

There being no further business to come before the Board, the Commissioners were in recess at 4:58 p.m.