

The Board of County Commissioners recently approved the format of their meeting minutes as summary minutes. While in the process of moving to audio/summary minutes, the Commissioners' Office will provide summary minutes only online. If you wish to have an audio file sent to you by email, please contact us at 406-258-4877. (A CD version of the recording can also be made.)

PUBLIC MEETING
BOARD OF COUNTY COMMISSIONERS
WEDNESDAY, JULY 23, 2008 – 1:30 P.M.
ROOM 201 –COURTHOUSE ANNEX
MINUTES

1. CALL TO ORDER

Chair Jean Curtiss called the meeting to order.

Commissioners Present: Chairman Jean Curtiss, Commissioner Bill Carey and Commissioner Larry Anderson. Absent: None.

Staff Present: Rural Initiatives Planner Nancy Heil, Office of Planning & Grants Planner Vlad Kryukov, Deputy County Attorney James McCubbin, Rural Initiatives Senior Planner Pat O'Herren, Office of Planning and Grants Planner Michele Reinhart, Public Works Director Greg Robertson, Deputy County Attorney Mike Sehestedt, Consultant Linda Stoll, and Office of Planning & Grants Planner Tim Worley.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

4. ROUTINE ADMINISTRATIVE ACTIONS

- a. Approval of Weekly Claims Lists (\$1,387,750.72)

Commissioner Bill Carey made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$1,387,750.72. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

5. HEARING (Certificate of Survey)

- a. Petersen (Scott) Family Transfer

Chair Jean Curtiss opened the hearing.

Mike Sehestedt presented the [staff report](#).

Applicant not available.

Public Comment

Executive Session

Chair Jean Curtiss recessed the hearing and asked the County Attorney's Office to contact Mr. Petersen to reschedule a hearing.

6. HEARING (continued from July 16, 2008)

- a. Appeal of County Attorneys Office Denial of Requested Subdivision Exemption (Braach, Lemm & McCool)

Chair Jean Curtiss reopened the hearing. ([Staff report](#) from July 16, 2008)

Rob Braach, Applicant presentation, [compromise proposal](#)

Executive Session

Public Comment

Executive Session

Commissioner Bill Carey made a motion that the Board of County Commissioners adopt the proposed compromise as submitted by the applicant's dated July 21, 2008 with the removal of the boundary between Tract 2A-2-A and Tract 6A, as agreed upon during Executive Session. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

7. CONSIDERATION

- a. Larsen Subdivision for Lease or Rent (Additional dwelling on 7.4 acres) - corner of Frenchtown Frontage Road & Viewcrest Drive

Chair Jean Curtiss opened the consideration.

Vlad Kryukov presented the [staff report](#).

Dale McCormick, Developer's Representative

Public Comment

Executive Session

Commissioner Larry Anderson made a motion that the Board of County Commissioners amend Condition of Approval #1 to read, "The access road/driveway from View Crest Drive shall be approved by County Public Works prior to building permit approval. Driveways in excess of 150' in length shall incorporate turn-around for fire apparatus at the terminus of the driveway. The driveway must provide 20 feet of unobstructed horizontal clearance and 13'6" unobstructed vertical clearance the length of the drive. Access road/driveways shall be constructed to support emergency vehicles in all weather conditions, with road construction plans to be reviewed and approved by County Public Works prior to final plan approval. This language shall be included in the development covenants prior to final plan approval and shall not be deleted or amended without governing body approval." Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Larry Anderson made a motion that the Board of County Commissioners amend Condition of Approval #3 to read, "The portion of the existing driveway extending from Frenchtown Frontage Road to the access road driveway from View Crest Drive as shown on the preliminary plan shall be abandoned and fenced off at Frenchtown Frontage Road and shall be maintained free of weeds unless revegetated in accordance with the approved revegetation plan, subject to review and approval by County Public Works prior to final plan approval. The Development Covenants shall be amended to include this requirement." Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Larry Anderson made a motion that the Board of County Commissioners amend Condition of Approval #5 to read, "The applicant shall provide a water supply for fire protection by installing a frost protected standpipe with a 4 ½ inch fire hose fitting using the non-domestic water supply located in the existing pump house and subject to review and approval by County Public Works." Chair Jean Curtiss seconded the motion.

Discussion

The motion carried on a vote of 2-1 with Commissioner Bill Carey opposing.

Commissioner Larry Anderson made a motion that the Board of County Commissioners amend Condition of Approval #9 to read, "The applicant shall provide a Revegetation Plan subject to review and approval by the Missoula County Weed District, prior to final plan approval." Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Larry Anderson made a motion that the Board of County Commissioners amend Condition of Approval #10 to read, "The Final Plan shall show the approximate location of existing and proposed utilities." Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Larry Anderson made a motion that the Board of County Commissioners amend Condition of Approval #11, Section 2 to read, "Both dwelling units shall be accessed from the existing approach off of View Crest Drive and the existing driveway from Frenchtown Frontage Road shall be abandoned and fenced off at Frenchtown Frontage Road." Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Larry Anderson made a motion that the Board of County Commissioners delete Condition of Approval #11, Section 3, which reads, "Shared Road Maintenance Agreement. The purchaser and/or owner of the lot or parcel understands and agrees that the private road construction, maintenance, and snow removal shall be the obligation of the owner or property owners' association and that Missoula County is in no way obligated to perform such maintenance or upkeep until the roads are brought up to standards and accepted by Missoula County for road maintenance." Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Larry Anderson made a motion that the Board of County Commissioners delete Condition of Approval #11, Section 4, which reads, "Interior 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 include the installation of a fire department connection and a domestic value and 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." Chair Jean Curtiss seconded the motion. The motion carried on a vote of 2-1 with Commissioner Bill Carey opposing.

Commissioner Larry Anderson made a motion that the Board of County Commissioners amend Condition of Approval #11, Section 7 to read, "Address signs shall be affixed to the home, being at least five inches in height and contrasting to the color of the home. Green and white metal reflective address signs, the type as approved by the County Public Works shall be affixed to the mailbox post." Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Larry Anderson made a motion that the Board of County Commissioners amend Condition of Approval #11, Section 9 to read, "The following sections of the Development Covenants may not be amended without Governing Body approval: Applicability, Driveways, Shared Road Maintenance Agreement, Living With Wildlife, Address Signs, Weed Control, Radon, and Amendments." Chair Jean Curtiss seconded the motion. The motion carried on a vote of 2-1, with Commissioner Bill Carey opposing.

Commissioner Larry Anderson made a motion that the Board of County Commissioners approve the Larsen Subdivision for Lease or Rent, based on the findings of fact in the staff report and subject to the amended conditions of approval, based on testimony received at the hearing. Chair Jean Curtiss seconded the motion. The motion carried on a vote of 2-1, with Commissioner Bill Carey opposing.

8. HEARING

a. Amendments to Missoula County Subdivision Regulations

Chair Jean Curtiss opened the hearing.

Linda Stoll presented the staff report ([Request for Commission Action, June 20 document](#), [July 18, document](#), [OPG Comments](#)).

1.6 Construction Timing

Public Comment

Zane Sullivan

Alan McCormick

Dale McCormick

John Kellogg

Jason Rice

Colleen Dowdall

Nick Kaufman

Ryan Morton

Ron Ewart

County Attorney comment on Procedure

Executive Session

Public Comment

Ken Jenkins

Executive Session

1.6 Construction Timing, No action

Article 2 - Page 9, Overall Development Plan

Withdrawn by OPG

Article 2, Page 9, Phasing Plan

Public Comment

Executive Session

Article 2, Page 11, Road

Public Comment

Zane Sullivan

Deborah Evison

Executive Session

Staff comments

Public Comment on Phasing Plan, Article 2, Page 9 above

Elaine Hawk

Article 2, Page 12, Wildland Residential Interface

Public Comment

Dale McCormick

Executive Session

Public Comment

Nick Kaufman

Executive Session

Public Comment

Colleen Dowdall

Chamber of Commerce Comment on Procedure

Article 12, Area of Riparian Resource

Article 3, Page 15, Mitigation Language

Public Comment

Michele Reinhart
Zane Sullivan
Jason Rice
Alan McCormick

Article 3, Page 15, Proof of permanent, legal access

County Attorney's Office comment

OPG Comment

Staff Comment

Public Comment

Colleen Dowdall

Executive Session

Public Comment

? with Warden Thane

? with Warden Thane on boundary adjustment, Page 13, #31

County Attorney's Office comment

Public comment

Mr. Dayton
Zane Sullivan

Public Comment, Article 3, Page 15, Proof of permanent, legal access

Zane Sullivan

Ken Jenkins

Jason Rice

Executive Session

Public comment on boundary adjustment, Page 13, #31

Alan McCormick

Tom Alsaker

Nick Kaufman

Ken Jenkins

Jason Rice

#9, Article 3, 3.2.2.2 Access design

Public comment

Deborah Evison

Dale McCormick

Nick Kaufman

Jason Rice

John Kellogg

Ken Jenkins

County Attorney Comment

#15, 3.8.1, Parkland Dedication Exemptions

#10, Article 3, 3.2.2.5 Off-site access road improvements

#11, 3.2.2.6 On-site road improvements

OPG Michele Reinhart, OPG

Public Comment

Jason Rice

Public comment on #10 Article 3, 3.2.2.5 Off-site access road improvements

Jason Rice

Frenchtown Fire District situation

9. OTHER BUSINESS

Deborah Evison, Procedure on Subdivision Regulation Hearings
Monday, August 18, 1:30 p.m., Continuation of Subdivision Regulation Hearing, Room
201

10. RECESS

There being no further business to come before the Board of County Commissioners, the meeting was in recess at 5:10 p.m.