

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. NOTE: *A portion of these particular minutes are verbally transcribed.* 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
MISSOULA BOARD OF COUNTY COMMISSIONERS
WEDNESDAY, JUNE 4, 2008 – 1:30 P.M.
ROOM 374 – HISTORIC COURTHOUSE
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.

Staff Present: Office of Planning & Grants Planner Janet Rhoades, Public Works Director Greg Robertson, Deputy County Attorney Mike Sehestedt, and Planner Michele Reinhart.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

4. ROUTINE ADMINISTRATIVE ACTIONS

- a. Approval of Weekly Claims Lists **for Two Weeks** (\$783,499.61)

Commissioner Larry Anderson made a motion that the Board of County Commissioners approve the weekly claims list for two weeks in the amount of \$783,499.61. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

5. PROCLAMATION

- a. UM Retirees' Day

6. BID AWARD (County Commissioners)

- a. Legal Ad Printing Contract, **POSTPONED TO JUNE 11**

7. HEARING

- a. Annex property into Missoula Rural Fire District - Deer Creek Road, Tract 8A of COS 2242, Section 6, T12N, R18W

Chairman Jean Curtiss opened the hearing.

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

Public comment

Commissioner Bill Carey made a motion that the Board of County Commissioners approve the annexation of property described as Tract 8A of COS 2242, Section 6, T12N, R18W.

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

8. HEARING

- a. East Missoula Addition #2 (9 lots on 1.71 acres) - Sommers & Iowa in East Missoula

Chairman Jean Curtiss opened the hearing.

Janet Rhoades presented the [staff report](#).

Ron Ewart, developer's representative, presented his report.

Public Comment

Executive Session

Suggestion to postpone decision for one week.

Ron Ewart, granting of extension.

Commissioner Bill Carey made a motion that the Board of County Commissioners delay decision on the East Missoula Addition #2 proposal for one week. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

9. CONSIDERATION (Postponed from May 21, 2008; continued from May 14, 2008)

- a. Bear Creek Lots Proposed Amendment to Condition 13 (Regarding shared driveway) - Bear Creek Road & Bull Pines Road in Potomac

Chairman Jean Curtiss opened the consideration.

Michele Reinhart presented the staff report.

You have seen this project a few times. I don't have anything new to add, but would be happy to put background information on the record and answer any questions you may have.

Chair Jean Curtiss: We delayed to today because the developer's representative asked that we wait until we had all three Commissioners in attendance. We are all here today, so the request is to allow Lots 1 and 3 to have their own access rather than shared access. Commissioner Carey and I had discussed some of it last time. Mr. Anderson, did you have anything you'd live to bring up for discussion today?

Executive Session

Commissioner Larry Anderson: Couple of points, when we talked about the shared driveway, we did not pin down the location as to be split equally on either sides of those two lots. Is that correct? Would that shared driveway be all on one of these lots. [Inaudible] to say, what is that Lot 1 and 3 or...?

Michele Reinhart: If you look at Condition #13, how it was approved, and this was in response to public comment. Not staff original recommendation, but the way it reads for the shared driveway access easement along the property line between Lots 1 and 3. Somewhere along that line in between is where the condition reads now. If you go on to look at it, driveway plans are subject to review and approval by County Public Works and Greenough-Potomac Fire prior to building permit. That provides for some flexibility for Public Works and for the fire district to determine the best location along that property line. One think that Commissioner Curtiss had mentioned last time was to have it say along or adjacent to and that could allow for adjacent on either side.

Commissioner Larry Anderson: I guess just in general comments, I'd...

Michele Reinhart: Ron--looks like Ron has a comment.

Commissioner Larry Anderson: Oh, excuse me, go ahead Ron.

Ron Ewart: [Inaudible, spoke without mic]. Just real quick, I know there's not much that can be said that hasn't been said already except that what we propose to do is to have Lot 1 access at the northeast corner of the property, so it would be just onto the property. If you remember from

the photos, there was a clump of trees that are right on the property line. There was a fence and then there's an open area just to the west, so the proposal would be that Lot 1 accesses at that location, basically between the fence and the power pole, that's a good access location. Then for Lot 3 to come in at that historical driveway location, there's a good 500 feet of site distance in either direction from either of those two locations. I don't believe that we had any concerns with the driveway access to Lot 3. The concern was that earlier we were proposing a driveway access to Lot 1 that was further to the west, so if this location right on the common boundary of Lots 1 and 3 is good enough for a shared, then I believe it would be good enough for a single-use access and then we'd just use the historical access on Lot 3. I know it's not good to go back and revisit conditions, but I think that this is a peculiar situation. It's a little bit different. It sort of came up toward the end of the meeting. I read through the minutes and I couldn't really see where there was public discussion on this particular shared access location. There was some discussion on some others and I just didn't stand up in time, but I think that this is a different type situation than, let's say OPG wrote a condition and Public Works concurred with it, which is not the case here. Then we came back later and said, well, we want to change the condition. Whenever you have an appeal, there needs to be some peculiar circumstances and I think that is the situation here. If we could just look at this just for what it's worth and consider whether or not those are good accesses for single-use driveways. I know Greg isn't here, but I don't think he had any objection to that either and you do have good site distance, a good 500 feet in either direction from those two locations, so that would be our proposal. Thank you.

Chair Jean Curtiss: Thank you, Ron.

Commissioner Larry Anderson: I guess just getting back to the whole reason that this issue has been back before us on two or three occasions is, number one, that we didn't have a comment from either the developer's representative or the developer about this idea of shared locations, so that put the Commissioners in a position of having to try to do some design elements that personally I don't care to get into. I think those should be brought forward by the Planning staff and the developer at the time. I don't see that this is a major adjustment because if we look at what was presented just here by the developer, we do take into consideration the site distance and the safety aspects of that, so I don't have a problem with approving those as suggested by the developer. What I do have a problem with is not having the public here to hear what is going on and having to revisit these conditions that we put on the subdivision originally. I would--if this were to come back again, I guess I would have strong objections to modifying conditions after we made them. In this particular case, I don't really have a problem with making those modifications as proposed by the developer here today.

Chair Jean Curtiss: So you're saying to have the one...

Commissioner Larry Anderson: The access point to Lot 1 being where the shared driveway was in the general area where it was proposed in our condition and moving the driveway access from three back to where it has historically been located. It looks to me like this is a minor change and not subject to any kind of a major modification of the subdivision.

Mike Sehestedt: Larry, it would be fair to say that implied in your motion is a finding that approving the existing and the new approach at the locations indicated, adequately address the concerns which were expressed about safety for the public traveling on Bear Creek and the people entering and leaving from these particular access points.

Commissioner Larry Anderson: Yes, I would agree to that and I think probably the majority of the safety issues are because the speed limit's set too high for the condition of the road. I would think a 25 mile-an-hour speed limit would be more appropriate here, but that's not the subject before us today.

Chair Jean Curtiss: I think that if we look back at the minutes of that, so a motion's on the floor, I guess. I'll second the motion for the sake of discussion. If you look back at the minutes from--I can't remember which meeting this one is, on the October 17 meeting, on page 4 where Martha Crego is speaking, the one thing that they talk about is the danger, especially on Bull Pine Road. Now Bull Pine Road is the one that drops down past Lot 3 and 4, right?

Unidentified Speaker: Right.

Chair Jean Curtiss: I agree that--I'm glad to state on the record that is not a County road because it's a horrible road, especially in the winter and the spring. I have trouble finding where people were people were as concerned about, and my memory doesn't serve me, that they were concerned as much about Bear Creek Road as Bull Pine Road.

Michele Reinhart: I can show you in the minutes if you want. If you look at page 24 of October 10, this is when Martha Crego first [inaudible] concern about the roads onto the record. It was velocity of traffic as well as coming around corners. So that's the intersections with Bear Creek Road and West Fork, Bear Creek Road as well as Bear Creek Road at Bull Pine. The though was that if you reduce the access points, then it's easier because of intersections with the roads as well and intersections with driveways and primarily winter driving concerns. It was a combination of the location, winter, grade, and curves. Then it's also kind of discussed where you talked about winter driving conditions in general. So those were the original findings for the condition.

The one thing that you could do with the condition, to make it general and provide for flexibility for Public Works and for the fire department to review driveway locations is just have the condition start where it says driveway shall have a minimum unobstructed width of 20 feet and then where it goes on from there. That provides for flexibility in the location.

Chairman Jean Curtiss: On our Commissioner action form...

Michele Reinhart: It would--yeah, your Request for Commission Action--so it would look as is shown there what's stricken and what's left.

Chairman Jean Curtiss: Okay.

Michele Reinhart: Then Public Works and fire department could work it out with the developer prior to final plat or actually in this case prior to building permit approval. That way, should they change their minds again, we wouldn't have to go through this.

Chairman Jean Curtiss: So this is what the developer proposed?

Michele Reinhart: Right.

Commissioner Larry Anderson: I would make a motion to that effect.

Chairman Jean Curtiss: We have another motion on the floor. Cathie could you read us back the motion on the floor, please? Okay, because it's recording. So you note that...going to be fun to see how it works.

Commissioner Larry Anderson: Why don't I do this then, I will withdraw my previous motion and we will consider this condition amendment.

Chairman Jean Curtiss: [Inaudible] is that what is necessary, Mike?

Mike Sehestedt: I think with [inaudible].

Chairman Jean Curtiss: Okay.

Commissioner Larry Anderson moved that the Board of County Commissioners amend Condition #13 to read, "Driveways shall have a minimum unobstructed width of 20 feet and an unobstructed vertical clearance of 13 feet, 6 inches for the length of the driveway. Driveways shall have a stabilized sub-grade with appropriate surfacing to support emergency vehicle loads. The maximum grade of a driveway shall be limited to 10%. Driveway plans are subject to review and approval by County Public Works and the Greenough Potomac Fire District prior to building

permit approval. Lot 4 access shall be immediately adjacent to and north of the area of riparian resource buffer zone."

Chairman Jean Curtiss seconded the motion.

Chairman Jean Curtiss: I think that this is a lesson that Commission needs to keep in mind when we start [inaudible] around with things in a meeting, that we probably should do as we did today and stop and think about things before we go forward, but in going back on site to this particular subdivision with the thinning of trees that's happened, especially on Lot 1, I think there's plenty of site distance and this motion gives the Public Works and the fire department the ability to help locate that in a safe location [inaudible].

The motion carried on a vote of 3-0.

Chairman Jean Curtiss: Michele, thank you for all your time that you put in that also.

Michele Reinhart: You're welcome and Ron will pipe up in the future when he has issues.

Chairman Jean Curtiss: That's right.

10. OTHER BUSINESS

11. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 3:21 p.m.