

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).

PUBLIC MEETING
MISSOULA BOARD OF COUNTY COMMISSIONERS
WEDNESDAY, APRIL 1, 2009 – 1:30 P.M.
ROOM 201 – COURTHOUSE ANNEX
MINUTES

1. CALL TO ORDER

1:30:28 PM Chair Bill Carey called the meeting to order at 1:30 p.m.

Commissioners Present: Commissioner Jean Curtiss, Chair Bill Carey, and Commissioner Michele Landquist. Absent: None.

Staff Present: Deputy County Attorney James McCubbin, Office of Planning & Grants Planner Janet Rhoades, Public Works Director Greg Robertson, Office of Planning & Grants Planner Tim Worley, and Office of Planning and Grants Planner John Newman.

2. 1:30:33 PM PLEDGE OF ALLEGIANCE

3. 1:30:53 PM PUBLIC COMMENT

4. ROUTINE ADMINISTRATIVE ACTIONS

a. Weekly Claims List - \$441,102.74

1:31:07 PM Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$441,102.74. Commissioner Michele Landquist seconded the motion. The motion carried on a vote of 3-0.

5. CONSIDERATION

a. Blue Heron Addition (3 lots on 30.47 acres) - North of Huson on Six Mile Road ([verbatim transcription](#))

1:31:28 PM John Newman, request for Blue Heron Addition first.

1:31:39 PM Chair Bill Carey opened the hearing.

1:31:41 PM John Newman presented the [staff report](#). ([PowerPoint](#))

1:50:29 PM Questions from Commission

1:50:43 PM Staff comment, John Newman and Commissioner Jean Curtiss

1:51:09 PM Staff comment, James McCubbin, supplement to staff report

2:00:42 PM Staff comment, John Newman and James McCubbin

2:01:47 PM Developer's Representative presentation, Nick Kaufmann, WGM Group ([PowerPoint](#))

2:02:23 PM Jim Brown, Five Valleys Audubon

2:04:51 PM Continuation of Developer's Representative presentation, Nick Kaufmann

2:19:56 PM Staff comment, Greg Robertson

[2:25:02 PM](#) Public Comment
[2:25:12 PM](#) Gloria Weisgerber
[2:31:33 PM](#) Tammy Nabozney
[2:36:33 PM](#) Ryan Morton
[2:38:30 PM](#) Sandy White
[2:40:19 PM](#) Bernie Weisgerber
[2:43:32 PM](#) Nick Kaufmann
[2:45:01 PM](#) Questions from Commission
[2:45:13 PM](#) Nick Kaufmann and Commissioner Jean Curtiss
[2:47:21 PM](#) Nick Kaufmann and Commissioner Michele Landquist
[2:48:10 PM](#) Bernie Weisgerber, Commissioner Michele Landquist, and Nick Kaufmann
[2:51:44 PM](#) Staff comment, John Newman
[2:52:31 PM](#) Commissioner Michele Landquist and Nick Kaufmann
[2:55:47 PM](#) Bernie Weisgerber, Commissioner Michele Landquist and Nick Kaufmann
[2:57:38 PM](#) Gloria Weisgerber
[2:58:27 PM](#) Questions from Commission
[2:58:45 PM](#) Staff comment, Greg Robertson, Commissioner Michele Landquist, Commissioner Jean Curtiss, and Chair Bill Carey
[3:03:18 PM](#) Commissioner Jean Curtiss, Bernie Weisgerber, and Chair Bill Carey
[3:05:22 PM](#) Staff comment, John Newman, Greg Robertson, and James McCubbin
[3:07:16 PM](#) James McCubbin, findings on variance
[3:07:47 PM](#) John Newman, condition language
[3:08:20 PM](#) Chair Bill Carey, limitations and restrictions on land
[3:08:42 PM](#) Staff comment, John Newman, language suggestion
[3:09:03 PM](#) Staff comment, James McCubbin
[3:09:29 PM](#) Commissioner Jean Curtiss, findings of fact
[3:09:42 PM](#) Staff comment, James McCubbin
[3:09:59 PM](#) Staff comment, John Newman, finding and James McCubbin
[3:11:02 PM](#) Staff comment, Janet Rhoades and James McCubbin
Public Comment
[3:11:54 PM](#) Nick Kaufmann, Condition #8, east side
[3:12:14 PM](#) Staff comment, John Newman and Nick Kaufmann
Executive Session
[3:14:19 PM](#) Commissioner Jean Curtiss, riparian buffer
[3:14:42 PM](#) Commissioner Michele Landquist
[3:16:40 PM](#) Staff comment, John Newman
[3:17:45 PM](#) Nick Kaufmann
[3:18:59 PM](#) Jim Brown
[3:19:34 PM](#) Staff comment, John Newman, language suggestion
[3:20:32 PM](#) Nick Kaufmann
[3:21:38 PM](#) Staff comment, John Newman, language suggestion.
[3:21:59 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend Condition #8 to read, "Plans for and installation of a minimum 5-foot wide paved walkway, with a minimum 7-foot wide boulevard/swale along the east side of Six Mile Road, shall be reviewed and approved by Missoula County Public Works prior to final plat approval." Chair Bill Carey seconded the motion. The motion carried on a vote of 2-1, with Commissioner Michele Landquist opposing.
[3:22:14 PM](#) Findings of fact discussion
[3:23:42 PM](#) Commissioner Jean Curtiss
[3:25:57 PM](#) Condition #10 discussion
[3:30:24 PM](#) Condition #13 discussion

[3:34:48 PM](#) Bernie Weisgerber
[3:36:29 PM](#) Continuation of Condition #13 discussion
[3:37:19 PM](#) Staff comment, John Newman, Condition 13 language
[3:38:07 PM](#) Commissioner Jean Curtiss, Condition 14
[3:38:46 PM](#) Commissioner Jean Curtiss, Condition 16
[3:39:14 PM](#) Staff comment, John Newman, Condition 16(C) language
[3:39:54 PM](#) Staff comment, James McCubbin
[3:40:29 PM](#) Staff comment, John Newman, language suggestion
[3:41:12 PM](#) Staff comment, James McCubbin and John Newman, language suggestions
[3:43:19 PM](#) Bernie Weisgerber, historic water rights
[3:44:02 PM](#) Staff comment, John Newman
[3:44:27 PM](#) Staff comment, John Newman, language suggestion 16(C) language
[3:47:05 PM](#) Staff comment, James McCubbin, water rights
[3:48:02 PM](#) Staff comment, John Newman
[3:48:16 PM](#) Staff comment, James McCubbin, understand substance of Commissioners, can fine-tune language
[3:48:49 PM](#) Commissioner Jean Curtiss, Condition #14
[3:49:19 PM](#) Bernie Weisgerber
[3:50:12 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend Condition of Approval #16(C) to read, "Include the following definition of 'Riparian Buffer Area/No Build/No Alteration Zone:' Riparian Buffer Area/No Build/No Alteration Zone: The Riparian Buffer Area/No Build/No Alteration Zone is a strip of land extending 50 feet east from the eastern edge and 50 feet west from the western edge of the Riparian Resource Area as shown on the plat and the Riparian Resource Management Plan Map attached to these Covenants. The Riparian Buffer Area/No Build/No Alteration Zone shall include the prohibition of all buildings, structures, fences, utilities, parking, roads, motorized vehicle access (except for routine maintenance activities), storage, containment or watering of domestic animals, hay production, mowing except as needed for wildfire prevention or noxious weed control, or any other development. It shall also prohibit any mining, cutting, burning, or removal of live vegetation (except as needed for wildfire prevention, noxious weed control or conservation management), filling with substances such as gravel, soil, slash or other debris, the use of pesticides, herbicides, or fertilizers, or the planting of non-native vegetation such as lawn grasses. Wildlife-friendly fencing is permitted at the eastern and western boundaries of the Riparian Buffer Area to keep livestock out of the Riparian Resource Area and Buffer. Notwithstanding the forgoing, hay production is not permitted within 20 feet of the riparian vegetation and access and transport to utilize water rights." [3:51:09 PM](#) Commissioner Michele Landquist seconded the motion. The motion carried on a vote of 3-0.
[3:51:27 PM](#) Condition #17 discussion
[3:51:44 PM](#) Staff comment, Tim Worley, language suggestion
[3:52:51 PM](#) Commissioner Michele Landquist made a motion that the Board of County Commissioners add Condition of Approval #21(H) to read, "The subdivider shall amend the development covenants to include a section titled 'Land Management' subject to review and approval by Office of Planning & Grants prior to final plat approval. This section shall state that information on land management can be found in booklets from the DNRC and the Conservation District such as, 'Tips for Fighting Weeds on Small Acreage in Montana' and 'Tips on Land and Water Management for Small Farms and Ranches in Montana'

published by the DNRC, which can be found at <http://dnrc.mt.gov>.” 3:53:20 PM Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

3:53:51 PM Staff comment, James McCubbin, Condition #22 language

3:54:16 PM Commissioner Michele Landquist made a motion that the Board of County Commissioners adopt a Condition of Approval #22 to read, “That there be conformity or compliance with any existing covenants of record on the land to be confirmed by County Attorney’s Office prior to filing of final plat.” Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

3:55:09 PM Commissioner Jean Curtiss frontage on Six Mile Road

3:55:16 PM Nick Kaufmann and Commissioner Jean Curtiss

3:55:40 PM Staff comment, John Newman and Commissioner Jean Curtiss

3:56:42 PM Nick Kaufmann and Commissioner Jean Curtiss

3:57:37 PM Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend Condition of Approval #8 to strike the word “paved” to read, “Plans for and installation of a minimum 5-foot wide walkway, with a minimum 7-foot wide boulevard/swale and sufficient easement to accommodate the walkway and walkway maintenance, along the subdivision frontage adjacent to Six Mile Road shall be reviewed and approved by Missoula County Public Works prior to final plat approval.” Commissioner Michele Landquist: seconded the motion. The motion carried on a vote of 3-0.

3:57:56 PM Commissioner Jean Curtiss made a motion that the Board of County Commissioners conditionally approve the variance request from Article 3.2.3(3) requiring installation of pedestrian walkways along the perimeter of the subdivision that abuts a public road to require that a pedestrian walkway separate from the roadway surface be constructed along the east side of Six Mile Road on the frontage of the subdivision based on the findings of fact and subject to the conditions of approval in the staff report as amended. 3:59:03 PM Chair Bill Carey seconded the motion. The motion carried on a vote of 2-1, with Commissioner Michele Landquist opposing.

3:59:09 PM Commissioner Jean Curtiss made a motion that the Board of County Commissioners **deny** the variance request from Article 3.2.3(3) requiring installation of pedestrian walkways on one side of the onsite road to require that a pedestrian walkway separated from the onsite private road by a drainage swale be constructed adjacent to the road within the proposed 30-foot wide private access and utility easement, based on the findings of fact and subject to the conditions of approval in the staff report as amended. Chair Bill Carey seconded the motion. The motion carried on a vote of 2-1, with Commissioner Michele Landquist opposing.

3:59:44 PM Commissioner Jean Curtiss, road width and covenant requirements along Six Mile

4:00:10 PM Staff comment, James McCubbin

4:01:38 PM Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the Blue Heron Addition Subdivision be approved, based on the findings of fact as amended and subject to the recommended conditions of approval as amended as found in the staff report. Commissioner Michele Landquist seconded the motion. The motion carried on a vote of 3-0.

6. HEARING

- a. Gallatin Estates (70 lots on 33.78 acres) - Waldo Road, west of Highway 93, northwest of the Wye ([verbatim transcription](#))

4:12:14 PM Chair Bill Carey opened the hearing.

[4:13:22 PM](#) Janet Rhoades presented the [staff report, Planning Board Recommendations, Memo to Planning Board, Memo to Commissioners.](#) ([PowerPoint](#))
[4:38:05 PM](#) Developer's Representative presentation, Mark Landkammer, DJ&A ([PowerPoint](#))
[4:39:11 PM](#) Terry Crofts
[4:40:14 PM](#) Continuation of Developer's Representative presentation, Mark Landkammer
[4:53:27 PM](#) Mike Hillis, Condition 26
[5:01:40 PM](#) Mark Landkammer
[5:07:58 PM](#) Agency comment
[5:08:15 PM](#) Cary Foresman, Wildlife Professor, University of Montana
[5:15:39 PM](#) Jim Brown, Five Valleys Audubon
[5:21:13 PM](#) Pat Basting, Montana Department of Transportation (MDT)
[5:27:36 PM](#) Kristi DuBois, Montana Fish, Wildlife, and Parks
[5:32:49 PM](#) Pat Basting, MDT
[5:33:17 PM](#) Public Comment
[5:33:23 PM](#) Mark Landkammer
[5:35:12 PM](#) Carey Foresman
[5:36:28 PM](#) Mike Hillis
[5:40:36 PM](#) Stan Hendrickson
[5:44:03 PM](#) Kristy DuBois
[5:47:10 PM](#) Executive Session
[5:47:19 PM](#) Staff comment, James McCubbin
[5:50:10 PM](#) Commissioner Jean Curtiss
[5:50:24 PM](#) Commissioner Michele Landquist
[5:50:34 PM](#) Staff comment, Janet Rhoades
[5:50:42 PM](#) Staff comment, James McCubbin
[5:50:59 PM](#) Discussion on extension
[5:53:11 PM](#) Chair Bill Carey, hearing recessed until April 8

7. [5:53:23 PM](#) **OTHER BUSINESS**

8. [5:53:29 PM](#) **RECESS**

There being no further business to come before the Board of County Commissioners, the meeting was recessed at 5:53 p.m.