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PUBLIC MEETING
MISSOULA BOARD OF COUNTY COMMISSIONERS
WEDNESDAY, APRIL 8, 2009 – 1:30 P.M.
ROOM 201 – COURTHOUSE ANNEX
MINUTES

1. CALL TO ORDER

[1:36:41 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, Office of Planning & Grants Planner Tim Worley (did he speak?).

2. [1:36:46 PM](#) PLEDGE OF ALLEGIANCE

3. [1:37:06 PM](#) PUBLIC COMMENT

4. ROUTINE ADMINISTRATIVE ACTIONS

a. Weekly Claims List - \$587,435.19

[1:37:18 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$587,435.19. Commissioner Michele Landquist seconded the motion. The motion carried on a vote of 3-0.

5. DECISION (From March 18, 2009 Hearing) -- POSTPONED TO APRIL 29, 2009

a. [1:37:31 PM](#) Petition to Abandon a Portion of Public Highway Easement (Parallel to Miller Creek Road)

6. HEARINGS (Certificates of Survey)

a. Blair (Sandra) Family Transfer

[1:37:44 PM](#) Chair Bill Carey opened the hearing.

[1:37:56 PM](#) James McCubbin presented the [staff report](#).

[1:39:57 PM](#) James McCubbin questioned the applicant's spouse, Mark Blair

[1:43:50 PM](#) Question regarding wife's transfer to spouse

[1:45:41 PM](#) Public Comment

[1:45:48 PM](#) Questions from Commission

[1:47:37 PM](#) Staff comment, James McCubbin

[1:49:11 PM](#) Mark Blair and Commissioner Jean Curtiss

[1:50:04 PM](#) Staff comment, James McCubbin

[1:50:23 PM](#) Public Comment

[1:50:25 PM](#) Executive Session

[1:50:29 PM](#) Commissioner Jean Curtiss comment

[1:50:54 PM](#) Staff comment, James McCubbin

[1:51:01 PM](#) Commissioner Jean Curtiss comment

[1:51:22 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners **approve** the request by Sandra Jenni Blair to create two additional parcels for transfer to Sandra and Mark Blair's two children by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. In addition, to **deny** the request to create a parcel for Mark Blair based on the fact that there does appear to be an attempt to evade subdivision review.

[1:51:36 PM](#) Questions from Commission

[1:51:55 PM](#) Staff comment, James McCubbin.

[1:52:19 PM](#) Commissioner Michele Landquist comment

[1:53:43 PM](#) Chair Bill Carey seconded the motion. The motion carried on a vote of 2-1, with Commissioner Michele Landquist opposing.

b. Jensen (Robert) Family Transfer

[1:53:55 PM](#) Chair Bill Carey opened the hearing.

[1:54:18 PM](#) James McCubbin presented the [staff report](#).

[1:55:21 PM](#) James McCubbin questioned the applicant, Robert Jensen

[1:59:08 PM](#) Public Comment

[1:59:13 PM](#) Questions from Commission

[2:00:16 PM](#) Executive Session

[2:00:19 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the request by Robert S. Jensen to create two additional parcels by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Michele Landquist seconded the motion. The motion carried on a vote of 3-0.

c. Peterson (Dennis) Family Transfer

[2:00:40 PM](#) Chair Bill Carey opened the hearing.

[2:00:52 PM](#) James McCubbin presented the [staff report](#), Norma Peterson is the applicant.

[2:02:37 PM](#) James McCubbin questioned the applicant, Travis Coleman (Norma Peterson's son)

[2:04:26 PM](#) Public Comment

[2:04:33 PM](#) Questions from Commission

[2:05:00 PM](#) Executive Session

[2:05:03 PM](#) Commissioner Michele Landquist made a motion that the Board of County Commissioners approve the request by Norma Peterson to create one additional parcel by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

d. Hunt (David) Family Transfer

[2:05:26 PM](#) Chair Bill Carey opened the hearing.

[2:05:34 PM](#) James McCubbin presented the [staff report](#). [2:06:23 PM](#) Property titled to LLC, need proof of transfer to David and Marlene Hunt

[2:06:59 PM](#) Identification of representative, Lorraine Steinmeyer (David and Marlene Hunt's daughter)

[2:07:12 PM](#) Discussion on transfer of property
[2:08:35 PM](#) James McCubbin questioned the Hunt's daughter, Lorraine Steinmeyer
[2:11:02 PM](#) Public Comment
[2:11:08 PM](#) Questions from Commission
[2:12:13 PM](#) Executive Session
[2:12:18 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the request by David and Marlene Hunt to create two additional parcels by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review, contingent upon the recorded transfer from Winterset LLC to David and Marlene Hunt being presented at the time of filing. Commissioner Michele Landquist seconded the motion. The motion carried on a vote of 3-0.

7. HEARING (Continued from [April 1, 2009](#))

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

[2:12:50 PM](#) Chair Bill Carey opened the hearing.

[2:13:24 PM](#) Commissioner Jean Curtiss

[2:13:47 PM](#) Staff comment, James McCubbin and discussion on new information being presented by staff.

[2:16:45 PM](#) Executive Session

[2:16:55 PM](#) Commissioner Michele Landquist

[2:18:21 PM](#) Staff comment, James McCubbin and Commissioner Michele Landquist

[2:19:32 PM](#) Terry Forest, DJ&A and Commissioner Michele Landquist

[2:20:10 PM](#) Commissioner Michele Landquist

[2:21:05 PM](#) Discussion on fire protection and predator control, Condition #29 and covenants

[2:26:27 PM](#) Staff comment, James McCubbin

[2:28:20 PM](#) Staff comment, Janet Rhoades

[2:28:51 PM](#) Continued Discussion on fire protection and predator control, Condition #29 and covenants

[2:30:13 PM](#) Staff comment, Janet Rhoades, language suggestion

[2:31:33 PM](#) Commissioner Jean Curtiss

[2:32:51 PM](#) Staff comment, James McCubbin and Commissioner Jean Curtiss

[2:33:57 PM](#) Staff comment, Janet Rhoades, language suggestion, and Commissioner Jean Curtiss

[2:35:15 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners add Condition 37(i) to state, "The building setback on Lot 23 shall be measured from the Deschamps Lane easement as shown on the plat." Commissioner Michele Landquist seconded the motion. The motion carried on a vote of 3-0.

[2:35:51 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners add Condition 37(h) to state, "Annual mowing of common area shall be required to address wildland fires and predator control." Commissioner Michele Landquist seconded the motion. The motion carried on a vote of 3-0.

[2:36:33 PM](#) Commissioner Jean Curtiss
[2:37:10 PM](#) Staff comment, James McCubbin
[2:38:14 PM](#) Terry Forrest, DJ&A

[2:38:34 PM](#) Hawthorne Grove, fencing, mowing, and no-build zone discussion
[2:48:36 PM](#) Discussion on stating goal and staff coming up with language later.
[2:49:09 PM](#) Further discussion on issues

[3:01:53 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend Condition #36(c) to read, "A wildlife-friendly fence shall be constructed along all lot boundaries shared with common areas adjacent to O'Keefe Creek and maintained by the homeowners' association." Commissioner Michele Landquist seconded the motion. [3:02:36 PM](#) Staff comment, Janet Rhoades. [3:03:02 PM](#) Discussion. [3:03:30 PM](#) Reinsert what was struck by Planning Board, which stated, "These fences shall be constructed in accordance with the FWP specifications included in "A Landowner's Guide to Wildlife Friendly Fences."
[3:03:41 PM](#) The motion carried on a vote of 3-0.

[3:03:59 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners add a condition, Condition #37(j), to state, "Wildlife-friendly fences along the boundaries of the common areas shall be maintained by the homeowners' association." Commissioner Michele Landquist seconded the motion. The motion carried on a vote of 3-0.

[3:04:22 PM](#) Terry Forrest, clarification of motion.
[3:06:41 PM](#) Kristy DuBois, Fish, Wildlife, and Parks
[3:07:52 PM](#) Discussion on suggestion

[3:10:26 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend Condition #25 to read, "The southern boundary of the riparian buffer zone, no-build alteration zone across from Lots 59-62 shall be expanded south to the northern boundaries of Lots 59-62." In addition, to add a condition stating, "Lots 59-62 shall be a maximum of 100 feet deep subject to review and approval by OPG prior to final plat approval." Commissioner Michele Landquist seconded the motion. The motion carried on a vote of 3-0.

[3:10:40 PM](#) Lot 5 and Lot 66 discussion.

[3:14:55 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend Condition #26 to read, "Lots 5 and 66 shall be eliminated and relabeled as Common Area 4, subject to review and approval by OPG prior to final plat approval." Commissioner Michele Landquist seconded the motion.
[3:15:16 PM](#) Chair Bill Carey. [3:15:31 PM](#) Staff comment, James McCubbin.
[3:15:47 PM](#) Terry Forrest. [3:16:39 PM](#) Discussion. [3:21:05 PM](#) The motion carried on a vote of 3-0.

[3:21:11 PM](#) Discussion on interstate fencing

[3:23:07 PM](#) Condition #4 discussion

[3:23:37 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend Condition #4 to read, "The developer shall contribute \$230/lot to the cost of installation for a traffic signal at the Waldo Road and Highway 93 intersection. Payment of this contribution shall be verified by OPG prior to final plat approval." Commissioner Michele Landquist seconded the motion. The motion carried on a vote of 3-0.

[3:23:55 PM](#) Condition #13 discussion

[3:24:22 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend Condition #13 to read, "The subdivider shall reimburse Missoula County for the cost of subdivision review and inspections regarding fire protection by the county fire inspector. The payment shall be \$300 for preliminary plat and application review, \$150 per Final Plat review, and \$200 per lot for lots with buildable sites 150' or greater from the road serving the lot, as determined by OPG prior to final plat approval. Payment of the reimbursement shall be verified by OPG prior to final plat approval of each phase." Commissioner Michele Landquist seconded the motion. The motion carried on a vote of 3-0.

[3:25:05 PM](#) Condition #14 discussion

[3:26:20 PM](#) Variance #3 discussion

[3:27:05 PM](#) Condition #37(c) discussion

[3:28:40 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend Condition #37(c) to read, "The following language shall be added to the plat and to Article I as a new section:" Commissioner Michele Landquist seconded the motion. The motion carried on a vote of 3-0.

[3:28:49 PM](#) Condition #37(d) discussion

[3:30:42 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend Condition #37(d) to read, "All fencing, except privacy fencing immediately adjacent to homes, is recommended to be wildlife friendly."

[3:30:53 PM](#) Terry Forrest. [3:31:53 PM](#) Staff comment, James McCubbin and discussion. [3:32:57 PM](#) Commissioner Michele Landquist seconded the motion. The motion carried on a vote of 3-0.

[3:33:19 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners **conditionally approve** the variance request from Article 3.13.5, which prohibits roads across riparian areas to permit Gallatin Drive to cross the area of riparian resource adjacent to O'Keefe Creek, based on the findings of fact and subject to the conditions of approval in the staff report." In addition, to **conditionally approve** the variance request from Article 3.2.3(2), which requires a 5'-wide concrete sidewalk with 10'-wide landscaped boulevard along the south side of Waldo Road adjacent to the subdivision to allow an 8'-wide paved pathway with 10'-wide landscaped boulevard, based on the findings of fact and subject to the condition of approval in the staff report." [3:33:48 PM](#) Commissioner Michele Landquist seconded the motion. The motion carried on a vote of 3-0.

3:33:52 PM Commissioner Jean Curtiss made a motion that the Board of County Commissioners **conditionally approve** the variance request from Article 3.3.2(1)(b), which requires blocks to be less than 480' long to allow the block bounded by Gallatin Drive, Monique Drive, and Jadey Court to exceed 480', based on the findings of fact and subject to the conditions of approval in the staff report. Commissioner Michele Landquist seconded the motion. The motion carried on a vote of 3-0.

3:34:35 PM Commissioner Jean Curtiss made a motion that the Board of County Commissioners **conditionally approve** the variance request from Article 3.3.2(1)(b), which requires blocks to be less than 480' long to allow the block on the north side of Jadey Court to exceed 480', based on the findings of fact and subject to the conditions of approval in the staff report. In addition, to approve the variance request from Article 3.3.2(1)(b), which requires blocks to be less than 480' long to allow the block on the northeast side of Monique Drive to exceed 480', based on the findings of fact in the staff report. In addition, to approve the variance request from Article 3.3.2(1)(b), which requires blocks to be less than 480' long to allow the block on the southwest side of Gallatin Drive to exceed 480', based on the findings of fact in the staff report. In addition, to approve the variance request from Article 3.3.1(5), which prohibits through-lots to permit the lots between Waldo Road and Gallatin Drive to be through-lots, based on the findings of fact in the staff report. 3:35:19 PM Commissioner Michele Landquist seconded the motion. The motion carried on a vote of 3-0.

3:35:23 PM Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve Gallatin Estates Subdivision be approved, based on the findings of fact and subject to the conditions of approval in the staff report as amended by the Commissioners. Commissioner Michele Landquist seconded the motion.

3:35:44 PM Terry Forrest, Condition #19. 3:36:26 PM Discussion. 3:41:32 PM Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend Condition #19 to strike the word "paved" and strike "480" and replace it with "600 feet" to read, "Plans for and installation of a minimum 5'-wide walkway, within a 20'-wide public pedestrian access easement, connecting Jadey Court to the Common Area north of Jadey Court in a mid-block location no more than 600' from either end of the block, shall be reviewed and approved by County Public Works prior to final plat approval." Commissioner Michele Landquist seconded the motion. The motion carried on a vote of 3-0.

3:42:13 PM Commissioner Michele Landquist, water meter discussion

3:43:02 PM The main motion carried on a vote of 3-0.

8. **3:43:33 PM OTHER BUSINESS**

9. **3:43:36 PM RECESS**

There being no further business to come before the Board of County Commissioners, the meeting was recessed at 3:43 p.m.