

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.** However, the time stamps can serve as an approximate counter for the Windows Media Player file.



**PUBLIC MEETING**  
**BOARD OF COUNTY COMMISSIONERS**



**WEDNESDAY, November 17, 2010 – 1:30 P.M.**

**ROOM 201 – COURTHOUSE ANNEX**

**Agenda**

*If anyone attending the Public Meetings needs special assistance, please provide advance notice by calling 258-4877. Missoula County will provide auxiliary aids and services.*

**1. CALL TO ORDER**

Chair Landquist called the meeting to order at 1:30.

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC COMMENT**

Robert Schweitzer a concerned citizen in the Big Flat area representing Big Flat and Target Range Communities with the re-awaking of the Maclay Bridge replacement issue. We are at a lost as to why, since this issue has been dormant since 1994 and at that time was ordinarily opposed by the residence of the area. Perusal of Missoula Long Range Transportation Plan and Missoula Growth Policy does not provide answers. Your own recent approval of the Target Range Neighborhood Plan as written was without comment on the plans recommendation that there was no need for a new bridge to replace Maclay Bridge now or in the next 20 years. Yet the policy makers for Missoula County have nominated this project as a priority and that has given us cause to wonder what plan is in play and what is the expected outcome? After requesting and being granted permission representatives of our group have attended working meetings and conference calls between the County and State, that we've had schedules inexplicably changed at the last minute in at least one incidence. And we acknowledge the County and State personnel are very busy, as are we, but that does not excuse conducting Government Business behind closed doors when tax paying citizens ask to be present. Accordingly, we respectfully request:

1. A schedule of planned meetings or conference calls with Maclay Bridge or its replacement on the agenda. It is our intention to send two representatives to attend the meetings.

2. We request notifications when unscheduled meetings or teleconferences are called so interested person may attend.
  3. We would like at least 24 hours notice if the meeting is canceled or postponed.
  4. We ask that the public hearings be scheduled and advertised before the board of County Commissioners signs a memorandum of understanding MOU between the County and MDOT on this project.
  5. Under the Freedom of Information Act we request a copy of any documents between Missoula county and MDOT that establishes this project as a County priority.
- I've provided an address or email address for response and I have copies for you.

**Chair Landquist:** Thank you Mr. Schweitzer I would appreciate copies for the record.

#### **4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS**

- a. Weekly Claims List (\$1,423,627.73)  
Bill Carey made a motion that the Board of County Commissioners approved the weekly claims list in the amount of \$1,423,627.73. Michele Landquist seconded the motion. The motion carried on a vote of 2-0.
- b. Public Announcements  
None

#### **5. PRESENTATION**

GIS Special Achievement Award presented by Doug Burreson (ESRI)

#### **6. HEARING (Certificate of Survey)**

Lamar (Steve) Family Transfer – [Staff Report](#)

##### **Executive Session**

Bill Carey made a motion that the Board of County Commissioners approve the request by the Lamar Family to create (1) 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. That approval should be contingent upon the claimant's finalization of the parcel of aggregation and lifting of the agricultural covenant. Chair Landquist seconded the motion. The motion carried on a 2-0 vote.

#### **7. HEARING**

##### **Amendments to Missoula County Subdivision Regulations**

**Karen Hughes, Rural Initiatives:** This was county initiated proposal to amend the Missoula County Subdivision Regulations as you know. This is primarily based on the action of the 2009 legislative session so we're just in time for the next round. During that session they produced several bills that resulted local government being required to make some changes to our regulations. In the process in making those revisions we noticed several other language consistencies such as, reference citations that were incorrect and text that need to be changed. We brought forward those proposals, we limited it scope to

just the legislative changes and a few wording fixes, as you know we've talked about the possibility of doing a broader set of revisions and that is anticipated to happen in the future, not with this set. The types of changes that were required by the legislature include; that the discussions by subdivision must be in writing and provided within 30 days of the decision. Wildlife and wildlife habitat were separate to become two review criteria. There was changes to the rural special improvements district waiver language; it required identification of specific improvements and limitations of the term of the waivers to be a maximum of 20 years. The review time period for major subdivisions with 50 or more lots increased from 60 working days to 80 working days. The legislature specified requirements for public hearings on variance requests for major subdivisions and small changes to condominium declaration language. In addition as I said, we made some changes to edit and correct some languages in some changes throughout the document. We changed the term for land surveyor we used registered instead of professional, which is more consistent with the statute and we changed another references and citations. This went out for public comment on September 30<sup>th</sup> there were a couple minor items identified during that time period, one of which had been changed already and the other proposed in the planning board staff report to add some comments to make it correct. In the Planning Board's Public Hearing that was held on October 19<sup>th</sup>, no members of the public were present to testify during that hearing. The minutes from that meeting are included in your packets; primarily it was a set of questions about specific elements in the proposal. They didn't end up recommending any changes to the proposal and unanimous recommended approval of the minutes to the Commissioners with the one small change that was noted in the Staff Report. There was one comment letter that we received from the City Parks Department that talked about making changes to the riparian resources standards which was done in the City Subdivision Regulation revisions. The Planning board thought that was a good idea but they understood the scope of this project and had recommended that be taken up at a future date, I think it is a high priority. There is one small change that I'm going to pass around that we're suggesting. I can't seem to get all the way through this process without having yet another memo, bare with me. One of the Planning Board members brought this up during the Hearing, he and I had a follow-up conversation. He said technically it probably works the way the language is now but he thought that in the section about issuing the governing body decision, which is Section 4.1.13, that it would be best if it was very clear what documents the governing body's decision. We had already proposed to add in item 4, some language about RSID waivers. We didn't make any changes other than numbering to the documentation and governing body decision, section 5 but on sub-section 6 in addition to adding the requirement that the written decision had to be done within 30 working days following the decision to meet the new State Law. We called it a decision letter to make it clear that this is what's documenting the decision and that it include the documentation of governing body decision as described in 5 above. So it would be very clear to anyone that you are going to include the Findings of Fact that waives the proposed subdivisions compliance with evidence that you are required to consider and with the standards you are required to consider under your Subdivision Regulations and then require all these other things required by Law. So it's pretty much just a clarification that we don't have problems with having advertised the set of changes and having this one come at the last minute. The only changes that I would make to the recommended motion is that you consider not only adopting the original proposal and the amendment agreed to by the Planning Board but that you approve this change as well.

**Commissioner Carey:** Well I don't suppose this would happen but is it possible after a waiver expires in 20 years that somebody could renew the waiver?

**Greg Robertson:** No, I don't think that's the way the statute written it has determination that if the waivers to be utilized it needs to be utilized in that period of time. I remember when that bill was going through...

**James McCubbin:** A property owner can grant you another waiver but we can't require it.

**Chair Landquist:** Actually I can see maybe why the legislature did that, after 20 years you'd hope that if roads need to be improved or sidewalks whatever, hopefully in 20 years maybe the neighborhoods established enough, people aren't moving around as much and you're getting older and you have some 'knowns' to do what is going to be fixed for that neighborhood – you know what your taxes are and won't have anymore surprises with special improvement districts and so on because those things age you're gonna have to maybe dig things up and fix things, repair things as it is. I thought that was an interesting and surprising addition that they did.

Public Comment:  
None

Executive Session

Commissioner Carey made a motion that the Board of County Commissioners approve the resolution to amend the Missoula County Subdivision Regulations that incorporates the proposed amendments issued on September 30, 2010. The amendment noted in the Staff Report issued on October 14, 2010 and the changes in the memorandum dated November 17, 2010 which we received from Staff this Hearing. Chair Landquist seconded the motion. The motion carried on a vote 2-0.

## 8. OTHER BUSINESS

**James McCubbin:** I've now had a chance to just briefly review the letter that was submitted by Mr. Schweitzer and I would suggest that the Board of County Commissioners assign somebody to respond or at least address the request for documents.

**Chair Landquist:** Greg will continue to unearth and respond to this matter and will keep everyone in the loop.

## 9. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 2:12.