

MISSOULA COUNTY COMMISSIONERS' JOURNAL: NOVEMBER, 2016

BCC = BOARD OF COUNTY COMMISSIONERS

NR = Commissioner Nicole ("Cola") Rowley, Chair
JC = Commissioner Jean Curtiss
SR = Commissioner Stacy Rye

The following claims lists were signed during the month of November, 2016:

Date Signed	Claims List Dated	Who Signed	Amount
November 1, 2016	November 1, 2016	NR, JC	\$74,319.08
November 2, 2016	November 2, 2016	BCC	\$110,060.12
November 3, 2016	November 3, 2016	NR, JC	\$395,741.68
November 3, 2016	November 3, 2016	NR, JC	\$66,915.30
November 4, 2016	November 4, 2016	NR, JC	\$149,365.98
November 2, 2016	PHC Smartfill ACH		\$119,367.22
November 4, 2016	PHC Amerisource ACH		\$49,202.34
			\$309.90
November 9, 2016	November 7, 2016	BCC	\$114,491.59
November 10, 2016	November 10, 2016	NR, JC	\$250,731.96
Total Report for November 10, 2016			\$4,299,517.53
November 14, 2016	November 14, 2016	NR, JC	\$40,099.88
November 15, 2016	November 15, 2016	NR, JC	\$1,109,718.59
November 16, 2016	November 16, 2016	NR, JC	\$21,972.41
November 17, 2016	November 17, 2016	NR, JC	\$346,977.17
November 9, 2016	PHC Smartfill ACH		\$101,583.57
November 14, 2016	PHC Amerisource ACH		\$48,427.81
November 21, 2016	November 18, 2016	BCC	\$1,173,873.79
			\$38,696.84
November 21, 2016	November 21, 2016	NR, JC	\$566,860.00
November 22, 2016	November 22, 2016	NR, JC	\$70,268.41
November 16, 2016	PHC Smartfill ACH		\$53,033.40
November 18, 2016	PHC Amerisource ACH		\$20,276.41
November 23, 2016	November 23, 2016	NR, JC	\$292,229.16
November 28, 2016	November 23, 2016	NR, JC	\$133,924.41
	November 28, 2016		\$64,853.43
Total Report for November 29, 2016			\$4,082,795.28
November 29, 2016	November 28, 2016	NR, JC	\$63,851.40
	November 29, 2016		\$78,547.76
November 23, 2016	PHC Smartfill ACH		\$193,516.40
November 25, 2016	PHC Amerisource ACH		\$35,090.79
November 29, 2016	November 30, 2016	NR, JC	\$38,706.02
November 30, 2016	November 30, 2016	NR, JC	\$180,127.62

All claims lists were returned to the Financial Services Department.

TUESDAY, NOVEMBER 1, 2016

BCC met in regular session; all three present. Afternoon: NR attended Mayor's Downtown Advisory Commission meeting. JC attended Missoula Broadband Project meeting.

ADMINISTRATIVE MEETING

Funding Request – BCC approved request by Friends of Two Rivers for up to \$5,247.00 from the Parks, Trails, and Open Lands Program budget to help cover preliminary engineering and design work on a proposed shared-use path parallel to Highway 200 between East Missoula and Bonner. Match for donated consulting services performed by Morrison and Maierle, Inc. To John Stegmaier/Parks, Trails, and Open Lands.

Resolution No. 2016-154 – BCC signed, dated November 1, 2016. Budget Amendment to transfer funds to pay for \$11,000.00 in expenses associated with the Big Read project. Formally adopted as part of FY17 budget. To Leslie Wood/Missoula Public Library.

Resolution – BCC approved, NR signed. Resolution from Montana Property and Supply Bureau establishing agents of the County who may reserve surplus federal and state equipment. To Andrew Czorny/Chief Financial Officer.

Additional discussion item(s): Upcoming board meetings and review of meetings.

WEDNESDAY, NOVEMBER 2, 2016

BCC met in regular session; all three present. Morning JC participated in conference call for Crown of the Continent. Afternoon: NR attended YWCA annual luncheon. NR attended Human Resource Council Program Council meeting.

Larchmont Claims – BCC signed Signature Page for A/P Invoice Register dated November 1, 2016. Amount/\$39,917.79. To County Auditor.

Employee Benefits Claims – BCC signed Employee Benefits Claims Signature Page for Manual Check Listing dated October 26, 2016. Amount/\$105,170.09. To County Auditor.

Letter – BCC signed, dated November 2, 2016. To Don Johnson. Regarding concerns about appraisal and use of Open Space Bond funds to purchase conservation easement on Isbell property.

ADMINISTRATIVE MEETING

Appointments – BCC appointed Vickie Zeier as the Municipal Separate Storm Sewer System (MS4) Coordinator for Storm Water Management Program for Missoula County. Appointed MS4 Committee members: Peter Nielsen and Travis Ross/Missoula Valley Water Quality District; Brent O'Connor/Public Works; Erica Grinde/County Attorney's Office; Shane St. Onge/Commissioners' Office; Mike Snook/Geographic Information Systems; and Tim Worley/Community and Planning Services.

Letter – BCC signed, dated November 2, 2016. To West Valley Community Council, Frenchtown Rural Fire District, and Frenchtown School District. Regarding questions about former Smurfit-Stone mill site and property taxes.

Additional discussion item(s): None.

THURSDAY, NOVEMBER 3, 2016

BCC met in regular session; quorum present. SR out of the office.

Monthly Report – NR examined/approved/ordered filed the Monthly Reconciliation Report for Justice Courts 1 & 2 (Marie A. Andersen and Landee N. Holloway) for month ending October, 2016.

Monthly Report – NR examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of District Court, Shirley Faust, for month ending October, 2016.

Records Disposal/Transfer Authorization – NR signed. From Missoula City-County Health Department: 1) Contract/Grant billing files (7/2006-6/2007); 2) Expenditure files (7/2006-6/2008); 3) Qwest phone (7/2007-6/2008).

Replacement Warrant – NR signed. Paul Hutchison, Missoula, Principal for Frenchtown School District #40 Warrant #26080478, issued October 8, 2015 on County Payroll fund. Amount/\$65.89 (for salary). Warrant not received in mail.

Replacement Warrant – NR signed. Ernst Visscher, Principal for Frenchtown School District #40 Warrant #26070347, issued March 10, 2010 on County Payroll fund. Amount/\$25.45 (for salary). Warrant not received in mail.

ADMINISTRATIVE MEETING

Professional Services Agreement – BCC signed Professional Services Agreement between Child Care Resources, Incorporated and Missoula City-County Health Department (MCCHD) for MCCHD to provide daycare and child care health consulting. Amount/\$21,266.00. Term/July 1, 2016-June 30, 2017. To Holly Behlke/MCCHD.

Contract Amendment – BCC signed Guaranteed Maximum Price Amendment #3 adding Phase 1 Change Orders and Phase 2 Bid Package 2.0 Early Project Start Items for Fort Missoula Regional Park project. Amount/\$444,778.57 for Phase 1 change orders and \$319,703.31 for Phase 2 bid package. Term/November 3, 2016-October 31, 2017. To Garrick Swanson/Parks, Trails, and Open Lands.

Reimbursement Agreement – BCC approved, NR signed. County Detention Reimbursement Agreement between Montana Department of Corrections and Missoula County Juvenile Detention Facility to provide youth detention services. Amount/\$225.00 per day per youth. Term/November 3, 2016-September 30, 2017. To Dawn Seaton/Sheriff's Office.

Resolution No. 2016-157 – BCC signed, dated November 3, 2016. Budget Amendment for \$95,000.00 to partially fund purchase of Mobile Data Terminals for patrol vehicles. Formally adopted as part of FY17 budget. To Dawn Seaton/Sheriff's Office.

Professional Services Agreement Amendment – BCC signed Amendment to Professional Services Agreement with LifeGuard Ministries to extend the contract term for three years. Provides chaplain services

to the Sheriff's Office. Amount/\$30,000.00 per year. Term/January 1, 2017-December 31, 2019. To Dawn Seaton/Sheriff's Office.

Resolution No. 2016-158 – BCC signed, dated November 3, 2016. Budget Amendment for \$86,319.00 to provide bridge funding for Co-Occurring and Veteran's Court Program. Formally adopted as part of FY17 budget. To Dawn Seaton/Sheriff's Office.

Grant Agreement – BCC approved, NR signed. State and Local Agreement for Emergency Management Performance Grant. Pays 50% of Disaster and Emergency Services related salaries and 50% of operational supplies and expenses. NR signed letter appointing Adriane Beck as agent for the grant. Amount/\$115,631.86. Term/October 1, 2016-September 30, 2017. To Adriane Beck/Emergency Management.

Grant Agreement – BCC approved, NR signed. Grant Award Agreement for U.S. Department of Transportation Hazardous Materials Emergency Preparedness Grant to facilitate hazardous materials education and preparedness. Pays 80% of costs associated with Haz-Mat exercise in spring of 2017. Amount/\$20,000.00. Term/October 1, 2016-September 30, 2017. To Adriane Beck/Emergency Management.

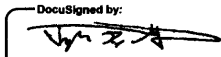
Grant Application – BCC approved, NR signed. Cover letter for grant application to Safety and Justice Challenge Innovation Fund. Grant would attempt to address disproportionate number of Native Americans incarcerated in Missoula County Detention Facility. To Nancy Harte/Grants and Community Programs.

Letter – BCC signed, dated November 3, 2016. To Steve Ganalon, DIRECTV. Regarding five year lease renewal from December 22, 2016-December 21, 2021.

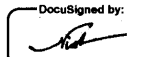
Additional discussion item(s): None.

FRIDAY, NOVEMBER 4, 2016

BCC met in regular session; all three present. Afternoon: NR attended Aging Services Advocacy Committee Meeting.

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Clerk & Recorder

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Nicole "Cola" Rowley, Chair
BCC

MONDAY, NOVEMBER 7, 2016

BCC met in regular session; all three present. Morning: NR attended Aging Services Board meeting. Afternoon: BCC met with Montana Department of Transportation. BCC met with Montana Department of Fish, Wildlife, and Parks.

TUESDAY, NOVEMBER 8, 2016

COURTHOUSE AND ADMINISTRATION BUILDING CLOSED FOR ELECTION DAY HOLIDAY

WEDNESDAY, NOVEMBER 9, 2016

BCC met in regular session; all three present. Morning: JC met to discuss South Placid Lake Road petition.

Replacement Warrant - NR signed. Janet Phillips, Huson, Principal for District Court Warrant #30253328, issued May 27, 2014 on County 2180 fund. Amount/\$51.20 (for jury duty). Warrant not received in mail.

Replacement Warrant - NR signed. Rhonda L. Smith, Missoula, Principal for District Court Warrant #30249305, issued February 25, 2014 on County 2180 fund. Amount/\$18.17 (for jury duty). Warrant not received in mail.

Letter – BCC signed, dated November 9, 2016. To Christopher and Linda Johnstin, c/o Ken Jenkins, Montana Northwest Company. Confirming approval of Johnstin Family Transfer at October 26, 2016 public meeting.

Letter – BCC signed, dated November 9, 2016. To Rachel Habets, c/o Martinsen Surveys. Confirming approval of Habets Family Transfer at October 26, 2017 public meeting.

ADMINISTRATIVE MEETING

Resolution No. 2016-156 – BCC signed, dated November 9, 2016. Budget Amendment for reallocation of Development District budget to attribute 45% to the Industrial District, 45% to the Tax Increment Technology District, 5% to Bonner Mill Tax Increment District, and 5% to the Bonner West Log Yard Targeted Economic Development District. To Dori Brownlow/Development Districts.

Grant Agreements – BCC signed Sub-recipient Agreements with YWCA of Missoula for Ada's Place Rapid Rehousing program. Provides rental assistance and support services to homeless families. Amount/\$460,986.00 grant. Term/October 1, 2015-October 31, 2017. To Sindie Kennedy/Grants and Community Programs.

Contract Amendment – BCC signed Contract Addendum #1 to Contract CMV00543 between University of Montana (UM) and Missoula County-Partnership Health Center (PHC) extending contract for one year. PHC has Affiliation Agreement with University of Washington School of Medicine (UWSOM). UM has Memorandum of Understanding to invoice UWSOM and distribute funds. Amount/Not to exceed \$3,000.00. Term/July 1, 2016-June 30, 2017. To Bernadette Roy/PHC.

Purchase Authorization – BCC authorized purchase of FujiFilm SonoSite Ultrasound machine for PHC. BCC signed purchase quotation. Amount/\$53,935.00. To Bernadette Roy/PHC.

Additional discussion item(s): None.

THURSDAY, NOVEMBER 10, 2016

BCC met in regular session; all three present. Morning: JC attended meeting on Lindbergh Lake Road bridge. Afternoon: NR attended Human Resource Council Board meeting.

Letter – BCC signed, dated November 10, 2016. To Bernadette Roy, Partnership Health Center (PHC). Supporting application for funding through Health Resources and Services Administration (HRSA) Service Area Competition.

ADMINISTRATIVE MEETING

Professional Services Agreement – BCC signed Professional Services Agreement with Western Montana Mental Health Center (WMMHC) to fund building an emergency detention unit at WMMHC's Dakota Place. Project will add two beds in a secure facility for involuntary stabilization. Amount/\$394,567.00 from HB33 crisis mental health diversion grant funding. Term/July 1, 2016-June 30, 2017. To Erin Kautz/Grants and Community Programs (GCP).

Professional Services Agreement – BCC signed Professional Services Agreement with WMMHC for Jail Mental Health Therapist and Crisis Response Team services. Amount/\$95,968.00. Term/July 1, 2016-June 30, 2017. To Erin Kautz/GCP.

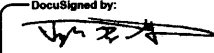
Certifications – BCC approved, NR signed. Montana Department of Commerce Home Investment Partnership (HOME) Program Annual Certification for Rental Housing for Opportunity Resources, Inc. Pioneer I and Pioneer II. Recertifications of affordability. To Erin Kautz/GCP.

Public Meeting Change – BCC approved changing regular public meeting day from Wednesday to Thursday in order for meeting to be broadcast live on MCAT. Meeting start time 2 p.m. Effective February 9, 2017. To Sarah Bell/Commissioners' Office.


Additional discussion item(s): None.

FRIDAY, NOVEMBER 11, 2016

COURTHOUSE AND ADMINISTRATION BUILDING CLOSED FOR VETERAN'S DAY HOLIDAY

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Clerk & Recorder

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Nicole "Cola" Rowley, Chair
BCC

MONDAY, NOVEMBER 14, 2016

BCC met in regular session; all three present.

Community and Planning Services (CAPS) Update – BCC/CAPS Staff. Agenda: 1) Public comment; 2) Communications; 3) General updates: a) Gallatin Estates Phasing Plan Extension; b) Willard Agricultural Covenant Extension; c) Climate action efforts; d) Isbell-Blue Heron Joint Open Space Bond Project; e) Update on contracted snow removal services on County non-motorized shared use trails; f) Floodplain regulations; g) Reschedule annual meeting with Confederated Salish and Kootenai Tribes; 4) Director's update.

TUESDAY, NOVEMBER 15, 2016

BCC met in regular session; all three present. Afternoon: NR/SR attended Transportation Policy Coordinating Committee meeting. BCC attended Smurfit site update. Evening: BCC attended Bonner/Milltown Wastewater Treatment Feasibility Study meeting.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 23/CY2016 - Pay Date/November 10, 2016. Total Payroll/\$1,681,978.75. To County Auditor.

ADMINISTRATIVE MEETING

Phasing Plan Extension – BCC approved Phasing Plan Extension for Gallatin Estates Subdivision. Extending Phase 1 from June 30, 2017 to June 30, 2020; Phase 2 from June 30, 2019 to June 30, 2022; and Phase 3 from June 30, 2022 to June 30, 2025. Subdivision approved on April 10, 2013. Two year phasing plan extension approved on May 4, 2015. To Christine Dascenzo/Community and Planning Services.

Budget Agreement – BCC signed FY2017 Extension Services Agreement between Montana State University Extension and Missoula County. Amount/\$646,099.00. Term/July 1, 2016-June 30, 2017. To Jerry Marks/Extension.

Additional discussion item(s): Upcoming board meetings and review of meetings.

WEDNESDAY, NOVEMBER 16, 2016

BCC met in regular session; all three present. Morning: BCC met regarding Freedom Gardens lease.

Replacement Warrant – NR signed. Susan Dansie, Frenchtown, Principal for Frenchtown School District #40 Warrant #25061688, issued May 20, 2015 on County Claims fund. Amount/\$40.30 (for reimbursement). Warrant not received in mail.

Replacement Warrant - NR signed. Jennifer Shourds, Missoula, Principal for Frenchtown School District #40 Warrant #26079596, issued March 17, 2015 on County Payroll fund. Amount/\$82.44 (for salary). Warrant not received in mail.

Replacement Warrant - NR signed. Benefit Plan Trust, Frenchtown, Principal for Frenchtown School District #40 Warrant #26080173, issued June 29, 2015 on County Payroll fund. Amount/\$6,368.47 (for health insurance contributions). Warrant not received in mail.

ADMINISTRATIVE MEETING

Contract Amendment – BCC signed Amendment No. 03 to Agreement for Engineering Services with HDR Engineering, Inc. for the South Avenue Bridge Project. For additional floodplain related work including Bitterroot River Conditional Letter of Map Revision, evaluation of O'Brien Creek, and evaluation of Big Flat Ditch Structure. Amount/\$65,487.51. Term/October, 2011-October, 2018. To Erik Dickson/Public Works.

Service Agreement – BCC approved, NR signed. Service agreement with Blackfoot Communications for new wireless link from Water Works Hill to the Courthouse Annex and from the Fairgrounds to Water Works Hill. Provides two new high speed wireless links to connect the Fairgrounds more reliably to the County network and provide more bandwidth for other sites including Records Management and Animal Control. To Jason Emery/Technology Department.

Additional discussion item(s): 1) Fairgrounds building rental rate; 2) FY17 budget enhancement for maintenance of County trails.

PUBLIC MEETING – NOVEMBER 16, 2016

MISSOULA BOARD OF COUNTY COMMISSIONERS

PUBLIC MEETING MINUTES

Conference Room 151-Courthouse Annex

If anyone attending the public meeting is in need of special assistance, please provide advance notice by calling 258-4877. Missoula County is happy to provide auxiliary aids and services.

WEDNESDAY, NOVEMBER 16, 2016 – 1:30 PM

1. CALL TO ORDER

Commissioners Present:

Chair Nicole "Cola" Rowley
Commissioner Jean Curtiss
Commissioner Stacy Rye

Staff Present:

Kali Becher, Rural Landscape Scientist – Community and Planning Services
Shyra Scott, Chief Deputy Clerk and Recorder – Clerk and Recorder's Office
John Hart, Civil Deputy Attorney - County Attorney's Office
Judge Landee Holloway, Justice of Peace – Justice Court
TJ McDermott, Sheriff – Sheriff's Office
Christine Dascenzo, Planner – Community and Planning Services
Erik Dickson, Assistant Director/County Engineer – Public Works

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

Commissioner Curtiss - On Sunday at the Historical Museum it will be their winter Christmas opening and it is all about dolls this year and it is free.

Commissioner Rowley – Hearing e. Donovan Creek petition we are going to move up after b. New or Expanding Industry. That will be an agenda rearrangement.

Missoula City Council roll call:
Marler - present
Hedahl – present
Jones – present
Armstrong - present
Bentley - present
West - present
Wells - present
von Lossberg - present
DiBari – present

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

5. CURRENT CLAIMS LIST

Total claims from October 20, 2016 – November 10, 2016 = \$4,299,517.53

6. HEARINGS

a. Request board approve expenditure of up to \$75,000 of the County's portion and \$75,000 of the City's portion of the Open Space Bond funds, via the attached resolutions, toward the purchase of a conservation easement on approximately 75 acres for the Isbell-Blue Heron Open Space bond project.

Kali Becher, Rural Landscape Scientist – Community and Planning Services – This item before you today is a request for Open Space Bond funding from Five Valleys Land Trust for the Isbell-Blue Heron Project with request for funding from the City and County portions of the 2006 Open Space bond. This funding would go towards the purchase of a conservation easement on 75 acres in the Grass Valley area. This project has been reviewed and evaluated by staff as well as advisory boards and it has been established as a qualified Open Space Bonds project by the Board of County Commissioners. Sarah Richey from Five Valleys Land Trust is the project sponsor and she will give a brief presentation on the project, after which Elizabeth and I will both give staff reports.

Sarah Richey, Conservation Project Manager - Five Valleys Land Trust – I am here today to present a proposal for \$150,000 of Open Space Bond funds to help us purchase a conservation easement on a 75 acre property out in the Grass Valley west of Missoula. The conservation easement will protect the properties open space, wildlife habitat and agricultural values. The property is 75 acres and it is owned by Brad and Stephanie Isbell and Brad Isbell is here with us today. The property is west of Missoula out in the Grass Valley area so out Mullan Road just past Council Grove State Park and near the Clark Fork River. It is in the Grass Valley which regionally has been a great area for agricultural viability for our region with really good soils and great water availability important to our food system. The property is in the heart of the Grass Valley Clark Fork River Important Bird Area and you can see that outlined in green on the map. This bird area is designated by the Audubon Society as not only locally and regionally important for bird habitat and bird conservation but continentally important for migratory birds. There has been a lot of good conservation work in the Important Bird Area over a long period of time as you can see from the map including the Deschamps conservation easement project which recently came through the Open Space Bond process. There is some good habitat and agricultural lands that are either conserved long term or in perpetuity in the area. There is just a lot of really good potential in this valley for additional long term or perpetual conservation work to protect the agricultural lands and that entire Clark Fork River riparian area. The property sits right near the boundary of the City Open Space planning region and then in the Frenchtown Open Space planning region, a County planning region and that is why the request is for \$150,000 is structured as half of the City's portion of the bond and half of the County's portion of the bond; so \$75,000 from each City and County portions. The project is also matched with a financial contribution from the Audubon Society and then importantly a really generous donation from the landowner, nearly 75 percent of the project cost is donated in kind from the landowner. The property itself is one parcel. It is currently undeveloped, it is in agricultural now and the property as similar to the rest of Grass Valley has a lot of really good soils on it. You can see here in green is 62 acres of soils that are ranked prime if irrigated by the NRCS (Natural Resources Conservation Service) and then at the southern end of the property you can see that there is a slough associated with the Clark Fork River flowing through the property and it is shown here as well supporting a really nice riparian area, here you can see some of that Douglas Hawthorne that is really important for bird habitat. This property is in open space now, it has a fair amount of open space lands around it but it is also in an area that is close to Missoula it has experienced development pressure in the past and has a number of subdivided lands around it and I think as many of you know, years ago in 2010 this Isbell property was approved as a 16 lot subdivision. The subdivision was approved but not filed and has since expired but that did show that this property is developable, it is physically possible; it is legally permissible to do some such development on this property. Instead of becoming a subdivision in 2013 Brad and Stephanie Isbell bought the property, Brad is pictured here (referring to slide), and they have it in agricultural and

they want to see it stay in agriculture. They are raising goats and sheep on the property now, leasing additional lands near and adjacent to the property to support their agricultural operation. Brad and Stephanie's goals are long term. They just want to see this property stay in agriculture, they want to see it be available to agriculture both for their kids, whom they hope want to keep farming it, but beyond that whoever owns the property in the future they want it available to agriculture and available as wildlife habitat and open space. We have been designing a conservation easement around that and the conservation easement will protect that riparian habitat, keep the land open and available for agriculture and protect the open space values long term and all the while balancing that with the ability for somebody to farm the land and to make a living off that land. At its core the conservation easement will keep that property united as one parcel and will limit and restrict the development to no more than three residences all confined to a two acre building envelope on the 75 acre property. We feel like this project has good conservation values and good public values in addition to keeping that open space in perpetuity we are keeping land and soils for agriculture and we are protecting wildlife habitat and then in general conservation easements are a nice tool to provide good value for the public dollar because the monetary value is a fraction of what that land is worth in fee title. In this case too there is a large portion of that conservation easement in kind by the land owner. Again, that land stays in the hands and the ownership of the land owner so there is no long term maintenance or stewardship costs to the City or County that is taken care of by the land owner continuing to steward that land and pay taxes and the land trust is responsible for ensuring that those conservation easement terms are met in perpetuity and that those conservation and open space values are held in perpetuity. In closing thank you for your time and for considering this project and for all of your good work in making the Missoula County Open Space Bond a good asset to our community.

Elizabeth Erickson, Missoula City Open Space program – I just want to point out a few additional details about this project. The City of Missoula's Open Space plan which was passed in 2006 specifically prioritizes the conservation of agricultural land. It states that that type of conservation land contributes significantly to an open space system by providing open vistas supporting the local food system, providing wildlife habitat in serving other ecosystem services such as helping protect water quality. As you all know, historically larger tracks of land such as this agricultural land have been developed more frequently in recent years and as Sarah mentioned this property was actually proposed for subdivision and so this is a unique opportunity to support a land owner who wants to protect the agricultural and other conservation values on his property in perpetuity and this close to Missoula. Again, the 2006 Open Space Bond was passed to accomplish specific purposes and this project will accomplish a number of those purposes including: conserving working ranches, farms and forests; protecting wildlife and habitat; managing for growth; providing for open space and scenic landscapes and protecting the quality of rivers, lakes and streams. So a lot of the goals of the Open Space Bond will be accomplished through this project and again this is an opportunity for partnership between the City and the County just based on the shared goals of preserving this type of land as well as its proximity to those planning region boundaries as Sarah mentioned. One other thing to note is that because this property will remain in private ownership and the conservation easement will be stewarded by Five Valleys Land Trust it means that the City or the County do not incur those management and maintenance costs. It will be borne by the landowner long term with that stewardship being covered by the land trust. A quorum of the City's Open Space Advisory Committee unanimously voted to support this project and I strongly recommend that you elect to fund this proposal. Thank you.

Kali Becher – Just as a follow up to Elizabeth's staff report I want to make it clear that from the Open Space Bond Interlocal Agreement the Board of County Commissioners shall approve an open space project recommended to them by City Council unless a.) The project has substantially changed in scope and no longer meets the purposes of the bond or b.) Evidence has been presented that raises questions of the lawfulness and the board determines that the project is unlawful. That is from the Interlocal agreement; as for the County staff report I will go over a few recommendations and aspects of the project. On Oct. 27, 2016 the Board of County Commissioners determined this project as a qualified Open Space Bond project through adopting reimbursement resolution 2016-152 this qualified the project for funding up to \$150,000 in bond funding. The Missoula County Open Lands Advisory Committee met on Oct. 29 and voted to recommend project approval. They ranked it highest in terms of working landscapes, proposed funding and unique values. This project also meets purposes of the Open Space Bond as established in the Interlocal agreement and meets the five purposes that Elizabeth just mentioned in her staff report. As Sarah mentioned this does contain many acres, I believe over 60 acres of important agricultural soils that are designated as prime if irrigated. It has also been used as agricultural land for many years. The property currently contains no residences but the conservation easement would establish a two acre building envelope that would contain residential buildings. On that note I wanted to make it clear that the land owner and Five Valleys Land Trust has been meeting with staff and Community and Planning Services, including the floodplain administrator and they have discussed the location of the building envelope given that a portion of the property contains floodplain area designated as a 100-year floodplain as well as areas with high ground water so that has been vetted. But it is important to note that any approval of Open Space Bond funding or once the conservation easement is placed doesn't mean that there doesn't have to be

any additional permitting, those buildings would still have to go through and comply with all regulations. In terms of proposed funding the total project cost is \$716,000; this includes an estimated easement value of \$685,000. The bond funds would be applied towards the purchase of the conservation easement on the entire 75 acres. Five Valleys Land Trust is requesting roughly ten percent of the total project cost from the County's portion of the Open Space Bond, remaining funding would come from Five Valleys Audubon, significant contribution from the land owners as well as the request of the City's portion of the Open Space Bond. Staff recommends approval of this project; there are no special conditions and the draft approval resolutions are in your packet. There are two resolutions, one is for the City portion of the bond funding and the second is for the County portion of the bond funding.

Harlan Wells, Ward 2 - Missoula City Council – If you could just go over where the bond funds came from and the history of it a little for the people that may be watching this for the first time on TV or seeing it in the news for the first time and explaining where these funds originally came from.

Kali Becher – The Open Space Bond was passed by Missoula County voters in 2006 and it was passed for ten million dollars and that was to be allocated five million to be spent outside the Missoula valley planning region and five million dollars to be spent inside the planning region and the money could be spent as was designated in the ballot initiative that was approved. It could be spent on land or interest in land for seven established purposes, those include the five that were mentioned today as well as purposes relating to trails and scenic values and access to river so both commuter and recreational trails.

Commissioner Rowley – The land owner is here. Did you have anything you wanted to add?

Brad Isbell, property owner – When my wife and I bought this property a few years ago we thought, wow this is a great opportunity; good farmland, good wildlife habitat and there is a subdivision on it as well. At that time we really didn't know which way we were going to go on that. Soon thereafter we were approached by many different people who tried to explain to us the concept of highest and best use. Developers have a different opinion of highest and best use as do the realtors. We were contacted by a number of people. I had no idea how many people actually worked on this project before but I now know that many have. At that time we were also contacted by local farmers and ranchers who had also farmed that same property over time and they all gave us their definitions of highest and best use. We decided there are weeds all over the place we are going to go ahead and put a crop in. That first year we had a beautiful three foot standing crop of barley and oats and after we harvested that off at three ton per acre I watched 500 ducks and 200 geese going back and forth cleaning the fields and then into the riparian zone and into the slough they would go back and forth all the time. In the spring time I watched blue herons and sand hill cranes, a dozen of them, hopping all over the place. It occurred to us that highest and best use was being represented by those entities as well and so we came to the conclusion that although it is a good property for development there are other properties in the valley that have that same monitory development availability that can't share that same agricultural and wildlife opportunity. We opted on highest and best use based on the Sandhill cranes and the ducks and geese and the agricultural opportunity. That is what we have done. After contacting Five Valleys Land Trust who I knew some people in, they then said there were open space funds that might be used for this as well and I appreciate you reviewing that and taking the opportunity to view this as for open space funds as well. Thank you.

Commissioner Rowley – At this time I will open public comment on the open space project for the County.

Marilyn Marler – And I will open public comment for the City.

Jim Brown, Five Valleys Audubon – We are very much in support of this project in part because it is in the Important Bird Area, which I described in some detail at an earlier meeting. One thing that I would like to add to that important thing about this bird area is that this 25,000 acres of the important bird area is 80 percent owned privately so it is very important to achieve conservation that we work with the private land owners in this area. The Isbell property is particularly important for bird life and actually some other wildlife for two reasons; one where it lies on the landscape because it does border a large area of undeveloped bottom land in this valley which is under big threats for development. So it is important because of where it lies and wintering raptors for one thing really take advantage of this. The other reason is what you have seen in some of the pictures is wetland which is ground fed water that keeps a year round source of water and it is a very valuable wetland even though it is small it does support a number of breeding species in that area as we found in surveys it is a very important part of this important bird area and we thank you for giving this very worthwhile project your consideration.

Annie Heuscher, Program Director, Community Food and Agriculture Coalition – The Community Food and Agriculture Coalition (CFAC) is happy to support Five Valleys request for Open Space funds for this project. CFAC is a strong advocate for the conservation of Missoula's most important agricultural soils and strongly supports the use of open space funds for agricultural conservation. Conserving farmland helps to protect and provide essential ecosystem services,

contributes to long term potential for the local food economy and provides a connection to the land as part of Missoula's collective heritage and identity. The Isbell-Blue Heron property is located in the heart of Grass Valley where most of the remaining contiguous ag soils remain yet where development pressure is most pressing. This conservation easement will ensure these fertile soils remain a productive asset for our community in perpetuity. Brad has come and attended many of our business planning and production planning for farming jobs over the years and we know that he has a strong interest and commitment to be part of that community. Thank you.

Ron Schlader, Missoula County Open Lands Advisory Committee – On Oct. 7 a cold blustery Oct. morning we went out and looked at the site and what we saw was a great example of a large chunk of open space slowly being encroached upon by subdivisions. At our monthly meeting on Oct. 20 we discussed the proposal as a group and we had a good discussion on this and by vote of six to one we decided to bring the proposal to the County commissioners. Therefore, the Missoula County Open Lands Advisory Committee recommends that the County authorize the expenditure of up to \$75,000 of open space bond funds towards the purchase of the conservation easement on 75 acres of land owned by Brad and Stephanie Isbell.

Commissioner Rowley – Is there any further public comment? Seeing none, I will close the hearing for the County.

Marilyn Marler – Closed the hearing for the City.

Commissioner Rowley – And then if the City Council wants to commence on the discussion and vote on the project.

Marilyn Marler – Do we have any questions from City Council? Okay, Mr. von Lossberg.

Bryan von Lossberg – I move that the Missoula City approve the resolution to authorize the expenditure of \$75,000 of the City's portion of the 2006 Open Space Bond funds to cover a portion of the costs of purchasing a conservation easement of 75 acres of working agricultural land in the Grass Valley area of Missoula and authorize the Mayor to execute the appropriate documents.

May I speak to the motion?

Marilyn Marler – Go ahead.

Bryan von Lossberg – I first want to thank Elizabeth and Kali for your continued good work on staff with these projects. I want to thank the advisory committees and councils that also do exceptional work to vet these projects and bring them to us, so thank you for that. Primarily I want to thank Brad and Stephanie Isbell both for expressing your values and acting on your values and engaging the conservation easement tool to keep this land in agricultural production and all the other values associated with that land. Conservation easements continue to be a fantastic market recognized tool that really make these a win-win situation for everybody so thank you. I really wanted to stress the fact of expressing your values and acting on those values, so thank you very much.

Marilyn Marler – Thank you that motion is in order; is there any other discussion?

Gwen Jones – I just wanted to say that a couple weeks ago I had the opportunity to go on a field trip with Elizabeth Erickson where I got to see some of the most recent acquisitions and projects for open space in Missoula County and the Isbell property was one of them so I got to see it. It is a beautiful area. Thank you so much for all of your work on this, for all of the different entities that have worked on this and Mr. Isbell for your family's values that you are acting on as Bryan said. It is wonderful that you had that awareness and the curiosity to see what you could do with this property. So thank you so much; it is a beautiful place. I appreciated going out there.

John DiBari – Like my colleagues I also want to thank everyone who was involved in putting this project together. I consider this to be a very happy ending to this particular piece of ground in our community. Prior to the subdivision plat that you saw on the screen there was a proposal that allotted the entire chunk of land which was antithetical to a host of directions that people in this community find important in terms of production of natural resources and specifically agricultural lands and I think where we have wound up today in terms of protecting this parcel speaks to the real importance that we need to have a comprehensive policy in how we address protection of not just agricultural land but other resources as we move through the subdivision process. So thanks so much for protecting this chunk of land, I appreciate it.

Marilyn Marler – Any additional comments? Before we vote I want to add my thanks to staff for working on this and to the Isbell family thank you so much and thanks for your comments and I want to echo Mr. Brown from the Audubon that said we have to work together with public and private partnerships. There is a perception that conservation can only happen when you kick people off of land or fence people out or something and it's really not true and I just love this example of working together to keep your family farming the land and to protect the future like that. If they want

to, I don't mean to force your family to work on the land but to preserve the agricultural use of the land. Ms. Rehbein, City Clerk, is going to do a roll call vote.

Rehbein – On the resolution to approve the open space acquisition:

Bently – yes

Hedahl – yes

Wells – yes

Marler – yes

Armstrong – yes

Jones – yes

Dibari – yes

West – yes

von Lossberg – yes

Nine ayes and three absent.

Commissioner Rowley – Thank you. Are there any questions or discussion from the commission?

Commissioner Curtiss made a motion that the Missoula Board of County Commissioners approve the expenditure of up to \$75,000 of the County's portion of the Open Space Funds via the attached resolution towards the purchase of a conservation easement on approximately 75 acres for the Isbell-Blue Heron project based on findings that the project qualifies for funding and that the City has referred recommendation for approval and that the project meets the purposes of the Open Space Bond and it has not been determined unlawful.

Commissioner Rowley – Just to clarify was that the City's portion of the bond?

Commissioner Curtiss – This is the County's portion of the money.

Commissioner Rye – Seconds.

Passed 3-0.

Commissioner Curtiss – I would just say ditto to what everyone else has said. It is always nice to see the highest and best value doesn't necessarily mean in your pocket book but it does mean for the community so thanks.

Commissioner Rowley – And could I get another motion for the City's portion of the bond funds.

Commissioner Rye – For us?

Commissioner Rowley – We approve the expenditure of the City's funds.

Commissioner Rye made a motion that the Missoula Board of County Commissioners approve up to \$75,000 of the City's Open Space Funds via the attached resolution towards the purchase of a conservation easement on approximately 75 acres for the described project based on findings that the project qualifies for funding and that the City has referred recommendation for approval and that the project meets the purposes of the Open Space Bond and it has not been determined unlawful. This is contingent on receipt of the signed City approval resolution.
Commissioner Curtiss seconds.

Passed 3-0.

Commissioner Rowley – I will just clarify. The reason there is two motions is because since the County issued the bonds, even though it is the City's portion of the bond we still have to approve the expenditure that the City approved. I know it is confusing for everybody and the public so that is to clarify why we do two. Those hearings are closed. I thank the City Council for being able to attend today and thanks for taking time.

Marilyn Marler – Thank you for having us; we will slip out quietly.

b. New or Expanding Industry Classification Application Revision

Shyra Scott, Chief Deputy Clerk and Recorder – Clerk and Recorder's Office – I am proposing an amendment to a previously reviewed new and improved expanding industry classification application. Deer Creek Road Solar 1, LLC received approval for a new or expanding industry

classification application on July 27, 2016. While drafting the resolution it came to my attention that a previous Missoula County resolution #91-101 from Nov. 20, 1991 set forth additional requirements for applicants those being a building permit and an estimated number of new jobs created by the facility. I am asking that the commissioners amend their previous approval of Deer Creek Road Solar 1, LLC new or expanding industry classification to approve classification upon submission of documentation satisfying those requirements of resolution #91-101.

Commissioner Curtiss – So Shyra, this is just that they didn't meet a deadline. We have had the hearing, we think it is a good idea it is just giving them more time to get the building permits and all those of things.

Shyra Scott – Exactly. So the resolution #90-101 requires that they submit a building permit, a couple of letters of approval and then an estimated number of new jobs created by the facility and that wasn't submitted with the original application. The argument is that they wanted to receive assurance that they would receive this classification prior to moving forward with any building plans. So they wanted to get approval to get that in place before they invested any additional money into the project.

Commissioner Rowley – Is there any public comment on this amendment or revision? Seeing none, I will close that hearing.

Commissioner Curtiss made a motion that the Board of County Commissioners adopt the resolution to revise the new and expanding industry classification for Deer Creek Road Solar 1, LLC based on the findings of fact and the testimony given today as to the reason for this revision. Commissioner Rye seconds.

Passed 3-0.

c. Donovan Creek petition to establish a public road.

John Hart, Civil Deputy Attorney, County Attorney's Office – I am not the petitioner who petitioned to establish Donovan Creek Road that was a gentleman named Howard Edwards. I am going to wrap this story up and I am going to be as quick as a lawyer can be. I want to leave a record of what has transpired. I think that is good practice. Mr. Edwards filed a petition to establish a road, Donovan Creek, on May 11, 2016 at a public meeting. That petition was heard on May 25, 2016. Mr. Edwards spoke in favor of it and as you might recall there were several landowners along that road that spoke in opposition to it. On June 1, 2016 there was a viewing of the road required by law. In attendance at that viewing was Commissioner Rye, Steve Niday, John Hart, Shyra Scott, Howard Edwards, Arla Flower, Jeremy Schwartz, Rita Jarvis and Cate Stang. They are all property owners, we had a nice civil discussion, drove up the road, stopped at the far end of it and then had a discussion about the merits of whether or not the folks up there really wanted it to become a public road right-of-way and there was some consensus that perhaps private reciprocal easement amongst all the land owners might be the better option than establishing a public right-of-way. The commissioners heard this petition again at a public meeting on June 22, 2016 and at that meeting again Mr. Edwards spoke in favor and other affected land owners spoke in opposition but pledged their support orally and in writing to signing a private easement if one was presented to them. Mr. Edwards attorney, Kevin Jones, drafted an easement and over the course of the last several months along with help from Steve Niday in the Surveyor's Office convinced everybody along that road who needed to give each other legal access up and down that road they convinced them to sign an easement. That easement was recorded on Nov. 2, 2016. So I wondered what I should do today. There wasn't a provision within the law for withdrawing a petition, the law says that the commissioners either grant it or deny it. I am here to recommend that you deny the petition to establish a public road right-of-way on the length of Donovan Creek Road that was petitioned for. The reason that I make those recommendations is it is no longer necessary for both the petitioner and other residents who signed the petition. There was significant opposition from affected adjacent landowners. There is not an advantage to the general public, the folks who don't live along that road to have a right-of-way because it is only about a mile long and it dead ends. It doesn't provide any more access to public lands or any other lands. I would suggest that there is not a public interest in granting the petition. Finally the cost of purchasing that right-of-way was always a demerit, at least in my personal opinion it was a disadvantage to granting the petition and also a potential source of litigation. Those are the reasons that I would recommend that you deny the petition here today. Do you have any questions for me?

Commissioner Rowley – I don't. I just want to thank you for all of the work that you put into this and guiding the landowners towards a solution that is amenable to all parties and avoided a lot of trouble. Thank you.

John Hart – You bet. I'll accept that but I really didn't do all that much; it was others.

Commissioner Rye – It was an interesting road trip, it has been an interesting process to see this come along. I am glad that all of the parties came to amenable solutions and peace and I know Shyra wants to go on all the road trips from now on and...

Commissioner Rye made a motion that the Board of County Commissioners deny the petition to establish a public road on the Donovan Creek Road right-of-way. Commissioner Curtiss seconds.

Passes 3-0.

Commissioner Curtiss – I too wanted to thank you and Steve for facilitating a solution that ends up meeting the goals of the petition in the first place which was to make sure that everyone had an established recorded legal access to all their properties. So it shows that there are different ways to get there but I think this was a good solution.

John Hart – Thank you. Let me add one thing. By law we have to provide written notice of this discussion to all of the adjacent landowners and I know that Shyra is prepared to do that, I am going to help her do that and we will make sure that letter represents your comments today that this was a win-win situation and express our appreciation to those landowners for doing the neighborly thing. Thank you.

d. Endorse the Jail Diversion Master Plan as presented by the Sheriff and supported by the community.

Judge Landee Holloway, Justice of Peace, Justice Court – On the agenda today is the Jail Diversion Master Plan and I would strongly encourage you to endorse that and accept that plan. I believe that having a master plan, also could be considered a strategic plan, is an overarching umbrella plan of what the community can do. As a judge I understand my judicial authority as how I see fit to keep the community safe and hold offenders accountable but one thing that the master plan has done has brought the issue to the forefront to the community. We now have engagement in conversations at a variety of levels. I see the plan as offering a lot of evidence based recommendations. I don't see the plan for me telling me what to do or how to do my job but if I don't have some of those tools there I can't affectively do my job to provide community safety and hold people accountable. With my work with the State I worked on a strategic plan with the department of corrections and my understanding, and I understand that the master plan is the same, it is a living document sometimes there is pilot programs, there is attempts at different things, I know that we have already implemented several of those items between the City and the County in those plans and I would hope that you would endorse that and continue to move forward because I believe it builds a framework for our community of how we continue to work. Thank you.

Commissioner Rowley – Thank you so much for taking the time to come and for your involvement throughout the writing of the plan. And with that we will open with the Sheriff's presentation of the Jail Diversion Master Plan.

TJ McDermot, Sheriff, Sheriff's Office – Good afternoon commission. Thank you for having me today to talk about something that is very exciting for our department and for our community. I am here with the Jail Diversion Master Plan hoping that that is endorsed and accepted by the commission. A little history, it might be a little redundant but maybe somebody in the audience would appreciate it. When I took office, discussions were under way to build a larger jail or to add onto our jail and we were looking at the cost of that as a result of the overcrowding issues that started occurring in our newest facility here in about 2005. At its worst, a couple of weeks ago we had 20 people sleeping on the floor in booking, a few months prior to that we had 16 people sleeping on the floor in booking. Shortly after I took office I commissioned this Jail Diversion Advisory Board of elected officials, set up meetings with stakeholders, we collaborated with the City of Missoula to hire Senator Cynthia Wolken to write up this plan and specifically to look at alternatives for incarceration for non-violent, non-dangerous offenders, addicts, substance abusers and perhaps most importantly to me the folks with mental illnesses who find themselves incarcerated. Commissioner Rowley is part of the Jail Diversion Advisory Board as well as Councilwoman Emily Bently and I thank them for their hard work. We have given a public presentation; we have answered questions, set up a copy of the plan on both the City and County websites where there is an opportunity for the public to submit comments. I believe Senator Wolken has also given a presentation to the commission and I can tell you that this is something that is hugely important to our community. When this plan first came out and the original draft was released I had such an overwhelming positive response from the public that we were actually looking at dealing with the issues with people that have addictions and substance abuse issues and moving forward in talking with the partners of our community such as our hospitals and other stakeholders about mental health facilities. So I believe it is widely supported, I was very pleased that the City Council adopted the plan last week and I would urge the commission to endorse the plan. I know that it is not perfect but it is a lot of moving parts and a lot of passionate people working together that as we move forward we can tweak the plans so that it fits the needs in our community that need to be better served than in jail.

Commissioner Rowley – Thank you and thanks so much for your leadership on this and assembling the steering committee that went with this and the advisory board and City County cross efforts and that was all under your leadership so thank you so much for recognizing the issue and doing something about it. I have a question about, I know you have implemented several of the

recommendations already, what is the process to move forward? Is there more of a formal moving forward process or just continuing on your own to implement these?

TJ McDermot – Well, my understanding is today hopefully if the commission for consideration adopts the plan then we would look at putting together an implementation plan and that plan would identify areas that the City may be able to invest in as well as the County and between City and County my understanding is we can tackle some of the issues or meet some of the recommendations that are outlined in the diversion plan. Probably can't do all of them but there is a lot of good recommendations with expanding pre-trial release services, home arrest, alcohol monitoring and then we have done a little bit within the jail with expanding programs. My vision is that the County would look at doing things directly within the detention center and pre-trial and the City might take a look at the housing options connecting people to resources and doing some of the things they are able to do and hopefully between those two government agencies we can make a positive impact on this problem.

Commissioner Rowley – Thank you, and I think it is great too that it involves the community aspect of it and what community resources are available and that is one thing that is really strong about the plan is what the County can do, what the City can do and what we can all do and how we can tie into those community resources and how the whole community can work together to help solve this problem. It is a fantastic job so thank you so much.

Any questions for TJ? Any public comment on the Jail Diversion Master Plan? Seeing none, I will close that hearing.

Commissioner Curtiss – I too would like to thank the Sheriff for his leadership in this and all of those who took part. So the Jail Diversion Master Plan is a collaborative plan that looks at all alternatives to jail for non-violent offenders that will help address community issues like overcrowding the jail, over incarceration, of course mental health and substance abuse.

I would move to direct staff to review the plan and prepare a resolution of support for our consideration. Commissioner Rye seconds.

Commissioner Rowley – And that is we didn't have a resolution prepared for today but we will have staff draft a resolution for this plan.

Passed 3-0.

e. Willard Agricultural Covenant

Christine Dascenzo, Planner – Community and Planning Services – Today we are looking at a request from the Willard and Shoquist Family Trust to use the agricultural covenant exemption to the Montana Subdivision Platting Act, a division made outside of a platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and is revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes. So this request is from the trustees of the Willard and Shoquist Family Trust proposed to create one new parcel that is in the dashed red line on your screen and in your packets south of Woodworth Road. It is located southeast of Seeley Lake and legally described as NW ¼ Section 35, T16N, R14W. The current parcel is 160 acres and accessed off Woodworth Road, a County maintained public road. The property is unzoned and has a land use designation of Resource Protection II, one dwelling per 160 acres from the 2010 Seeley Lake Plan. It is located in Floodplain Zone D where the flood risks have not been determined. The parcel is vacant. The proposed agricultural covenant parcel is approximately 23 acres and located south of Woodworth Road. It will be accessed off Woodworth Road and the remaining lot will be approximately 137 acres. The applicants stated that the transferred parcel is intended to be purchased by the State and become part of the Blackfoot- Clearwater Wildlife Management Area.

We do have a representative from Fish, Wildlife and Parks here if you had any additional questions for them. Staff is recommending approval of the agricultural parcel.

Commissioner Rowley – Did FWP want to add anything to that? You don't have to. Is there any public comment on the Willard Agricultural Covenant? Seeing none, I will close that hearing.

Commissioner Rye made a motion that the Board of County Commissioners approve the request by the Willard and Shoquist Family Trust trustees to create the parcel for agricultural use with an agricultural covenant be approved. Commissioner Curtiss seconds.

Passed 3-0.

Commissioner Curtiss – For those of you who aren't familiar with this area, if you go up by Salmon Lake and about halfway up the lake you turn right and you can end up over by Ovando off the Woodworth Road, so this is a perfect solution I think to allow that property that has been split by that road to become part of that Game Range management basically. So it is next to the Game

Range, it would be on State trust lands but it would be managed by the State. As you can see from the map that Christine put up there are a few inholdings within that State land and this allows the property to be managed like it should. So while it will be an agricultural covenant, the agriculture will be wildlife.

f. South Avenue bridge project update.

Erik Dickson, Assistant Director/County Engineer – Public Works – We are chronologically speaking about halfway through our design process for the South Avenue Bridge. Along the way we have had some hold ups with our surveying with our hydrology but even with those holdups we are still anticipating a July, 2017 completion date for our designs for the bridge. We thought it was appropriate at this time to give an update to the commissioners to let you know where we are, what the upcoming events are that are of the primary concern. I think aside from the simple design process itself, obviously the environmental document will be ready for submission hopefully next month. So I have asked HDR to come and present some information to let us know where they are at. We have Dan Harmon as the project manager, Dustin Hirose as the lead bridge designer and Jon Schick as the environmental planner on the project.

Dan Harmon, Project Manager, HDR – We have some handouts for you. I want to specifically point out to the public this information will be posted on the project website and in addition you will hear today from a few of us here. As we are going through our presentation you will hear about other documents that will also be posted formally tomorrow.

I have served as the project manager for the project. We started our efforts pretty sincerely back about Jan. of this year with full intent on schedule to be at this point in time roughly in about July of this year, as a project manager it has been a little bit agonizing to see that things have moved on a little bit slower but there is good reason for why we are where we are at. I guess the one thing that we wanted to make sure is that as we go through our work effort that we do things right, definitely I think folks know that there is a definite amount of sincere interest in what happens with the potential extension of a bridge on South Avenue or whether that doesn't occur. I do have to say that all of the public that we have worked with so far of which we have conducted now two of the three planned formal public informational meetings and three meetings with a technical advisory committee that we have formed to kind of help us step through the process. In working with all of the folks involved it has been very courteous and certainly passionate about where folks feel that they are at. I guess the nice part is it has been professional and very courteous from everybody. I have to say that I am very happy that is the way it has gone. We were a little concerned that it wouldn't be much fun and so far I am just really impressed with the way people have acted and I don't really see a whole lot different. There is certainly going to be a lot of strong feelings that are going to be expressed but hopefully we will get through this process just fine.

As far as the project status goes, like I said we are about four months behind where we had hoped to be. A big reason for that is when we started into the base documents that we have to develop, one of which we ended up uncovering a bit of a surprise and that was with the hydraulics and hydrology involved with the Bitterroot River. There is some floodplain mapping that we used to sort of evaluate what alternatives that might do to the floodplain out in the area and as we stepped into that early on we realized, and this isn't new, there has been other cases within the City and Missoula County where FEMA (Federal Emergency Management Agency), DEFR (floodplain maps) didn't correctly reflect what is actually out there. It largely had to do a lot with the level of survey and the level of information that was available at the time when those maps were put together. What we did was end up contacting the agencies and the County floodplain administrator to determine exactly what we should do. The result was that we ended up doing some additional survey work out there and have done additional hydraulic modeling to get a good understanding of what the existing condition is. There was some added survey work effort that had to be conducted mainly because of the limitations on accessibility to the project site so we ended up in lieu of originally doing it on the ground survey there was a helicopter flight that actually flew and conducted a survey, which did take slightly longer. The only other delay that has occurred is something that has come up somewhat recently with the review of our draft. Hydraulics and our hydrology report, that report was primarily focused on the impact of what would occur with the Bitterroot River floodplain. It was noted by the County floodplain administrator and the DNRC that O'Brien Creek and also the Big Flat ditch were also water facilities that we did need to pay attention to and it was requested that we actually go out and conduct additional study on those two water bodies also; that work has now just begun and we hope to actually push that forward. Just in general overall schedule wise, you are going to hear from Dustin Hirose the bridge design engineer involved in the project sort of in status of the structure elements and then the environmental will be address by Jon Schick. As part of the environmental we do need to put together a number of reports that the environmental effort uses to actually complete the environmental evaluation which is essentially the initial goal of our work. We hope to have that environmental document out and to the public for public review by the first part of 2017. I think I can say I am pretty comfortable that we are going to have a lot of our work efforts in place here in the next several weeks. There is a four to six week review period for FHWA and also Montana Department of Transportation (MDT) in review before we can then put the environment review out for public review. We had intended to have that done by now so that this summary we

would be given to you a few days later we would be conducting the third public informational meeting so that we could show the public just exactly what the results of the environmental document are. We are just not quite there yet. There is a third public meeting that will be scheduled. Again, as the project manager I wish I could nail down a date because it would make me feel a lot more comfortable to make sure that we can move this thing forward in an appropriate time frame, but we do need to finish this additional hydraulics and hydrology review. As you will find here in a minute we are waiting on MDT to write review back on several documents that we have developed and until that takes place Jon won't be able to finish the final writing on the environmental document. So we are close and with that I guess I would like to turn it over to Dustin to address where we are at with the bridge portion of it. Just one other item and that is in terms of status I think Erik said we are roughly 50 percent. We are roughly 50 percent in terms of the cost of what HDR is being paid and our partners are being paid to do the work. The reality is that there is a lot that has to happen first with survey work, geotechnical evaluation, a noise analysis and other sort of background effort that needs to be done to support the environmental document. Regarding the bridge design itself that design and also the road way design are roughly between 25 to 30 percent complete and that is all the further that we want to or need to go at this point. We were instructed by Erick and his staff to only do what is necessary to appropriately address the environmental document and that is all that we are trying to do. So it is one of things that we don't want to get ahead of the game here and until there is an approved signed environmental document we will not go forward with any further design.

Dustin Hirose – What is showing up on the screen here is basically a snap shot of what our project is going to look like. Our project begins on the west side of the river over by Blue Heron Drive and then extends across the river and ends on Hanson Drive which is on the end of South Avenue. We looked at multiple roadway alignments and different bridge alternates and span configurations in putting this together and what you see on the screen is our preferred alternative moving forward. All of this information is documented and summarized in two reports. We have a preliminary roadway and traffic design report and we also have a bridge type size and location report as Dan mentioned. Both of those documents have been submitted to the Department of Transportation (DOT) for review. We have actually received some comments back from the DOT and have responded to those comments. So right now we are waiting for confirmation from the DOT that they are on board with what we are presenting here and what we are moving forward with. We are designing the project as a minor collector in accordance with the Missoula County Public Works manual and what you see up on the screen here are the proposed typical sections and really the thing to point out is that a minor collector is a two lane road way; it has two twelve foot travel lanes and four foot shoulders, in addition to that our bridge typical section which is on the top part of the slide there will accommodate bicycles and pedestrians on a separated shared use path which will be located on the north side of the road way. Finally, this is a rendering of what the proposed bridge alternate will look like. It is a four span steel bridge, total length is about 750 feet and this is one of the renderings that was presented at the last public meeting. As Dan mentioned we are about 30 percent complete with the design. We are at a point where the environmental documentation can be completed and we are basically on hold. There are a few things we can move forward with. We will start looking at esthetic treatments; we will be presenting those to a technical design committee and the public at the next public meeting. At this point we are at a holding point until we have an environmental document.

Jon Schick – Ultimately the goal is to produce an environmental document, get that to MDT, FHWA for review and approval and so that is anticipated to be submitted to the federal and state agency roughly within the next couple of weeks. Again their approval is estimated to be within four to six weeks. We are entering into holiday season and so we are hopeful that we can have a public document available by early next year. Just to touch on a couple of the technical studies that have been produced that are being summarized that feed into the environmental process: the cultural resource survey is a key component to comply with section six to comply with the National Historical Preservation Act, we had a sub-contractor, Historical Research Associates, who conducted the cultural resource investigation that was essentially limited to above ground and kind of an architectural survey and so the archeological field work as far as subsurface was not possible due to restrictions to the private lands and so there will be an addendum I sent to the essentially to the cultural resource report once the properties are acquired for right-of-way and that can be conducted. The cultural resources work is more or less complete with the caveat that there is additional field work to feed into the environmental process and final permitting of the project. So the 106 process is a process that MDT is solely involved with and that is ongoing at the moment. MDT has prepared a determination of effect, the Maclay Bridge Alliance has agreed to be a consulting party in the process to be able to review the determination of effect and that is summarized on this sheet here that there were three national registered ineligible properties that were in the project area that were accessed in the cultural resource report and will be reviewed in the environmental document. Their determination of effect for those properties are of essentially of no effect for the Maclay house, it is a property that is on the southeast corner of the Big Flat Road, River Pines Road, the project does not impact that property so there is a no effect determination there. There is a no adverse effect to the Big Flat ditch, that is a historical property that we will be affecting through widening the road way and needing to expand the culvert there. I guess the most

pertinent is the adverse effect to Maclay Bridge because this project does involve removal of the existing Maclay Bridge which is national register available and currently under review for listing on the national register. That process is playing out and there is more to come on that and we can hopefully see conclusion to that. I think the next steps once the Maclay Bridge Alliance has been allowed to provide comment on the determination effect MDT goes through a bridge adoption process it has been based on provisions of the programmatic agreement that they have that deals with historical bridges. There will likely be an opportunity for the bridge to be adopted and so a memorandum of agreement needs to be reached by all parties of the final result of the Maclay Bridge. The biological report is a large technical report that feeds into the environmental document that includes a biological assessment that document is complete and will be posted onto the website in short order this week. Again, the detailed noise analysis is another technical report that has been completed that is being reviewed by MDT. The findings for that there is basically the noise modeling conducted had determined an increase in noise but based on the State noise policy in the federal thresholds there were no exceedances that constitute an impact so there would be no impact for that. Again, these are reports that are going to be available for public consumption this week and again, would be summarized in the environmental document on top of other resources that are not assessed in this document. That is the update on the environmental work.

Commissioner Rowley – On the biological resource the 'may affect' determination, what does that mean? Does that constitute the need for any follow up?

Jon Schick – It does, correct.

Commissioner Rowley – Okay.

Jon Schick – The biological resource report and the biological assessment are kind of two separate documents. The biological assessment is what is required under section seven of the threatened and endangered species act and so federal actions need to look at the project effect on any threatened or endangered candidates or species. Typically you look at species with potential occurrence within the project area. The main species we are analyzing within that are the bull trout and the yellow-billed cuckoo. The river itself and O'Brien Creek is bull trout habitat and because there is work within the river there is 'may affect' determination and that is kind of a partial call and basically the 'may affect' triggers a formal consultation with the U.S. FWP so what we can anticipate is once the project moves forward we will submit a final biological assessment to the Fish and Wildlife Service for their review followed by a biological order that is a document they send to the project sponsors that essentially assesses the impacts and provides other conservation measures and such that to be implemented to avoid and minimize threat to endangered species. Largely bull trout fish are the species that are going to be most affected by this. Again, the document will be available and the background information and impact assessment is within that.

Dan Harmon – So I am going to try and wrap this up quick here. Many of the products will be out and made available certainly on the project website. We talked with the project team and decided it is much better at this point to get these documents out. We wanted to come meet with you first to let you know they would be out there and posted and then recognizing that we may receive additional comments from MDT or FHWA that we will have to go back and address. As far as the timing goes, again we hope to have our work efforts wrapped up within the next several weeks and get things into review. We do have our hydraulics individuals working right now we have made a request to one of the property owners that is located on the west side adjacent to O'Brien Creek to get permission to walk onto their site to make a couple of hand measurements of some culverts over there. We hope to get that permission as soon as possible, we will still continue our work but we would feel a lot more comfortable if we could get that access and make those measurements. Hopefully we can get that taken care of and then make the final push on finishing up the hydraulics evaluation of O'Brien Creek and the Big Flat ditch.

Commissioner Rowley – Did we have any questions for the presenters? We don't have any questions; we will open up to public comment.

Don St. Peters, property owner – I am a property owner on the west side of the existing Maclay Bridge. First of all I want to thank you for this update, it has been informative. Commissioners if you have not already been solicited to change or abandon this project I am certain that either today or in the near future you will be and so my purpose here is just to encourage you to stay the course, see this project through and get it completed. The primary opposition to this project has come from the Maclay Bridge Alliance and a couple of things have occurred over the last couple of months that they may point to as a reason to abandon this project. One is there was a presentation regarding rehabbing the existing bridge and the presenter made the proposal that the bridge could be rehabbed but the presenter conceded it at that meeting, which occurred partially in this room, that his purpose was much narrower than the two studies that have been done on this bridge. The two studies not only focused on the bridge itself but on the approaches to the bridge, the neighborhoods and the effect of the existing bridge on the Bitterroot River. And so, the presentation regarding rehabbing the bridge was much narrower than the two existing studies and admittedly by the presenter didn't address the issues by the misaligned approaches and the effect of the existing

bridge on the ecology of the Bitterroot River. Although that issue may be reason to abandon your prior decision it really is not a basis for doing that. The other issue is, one was mentioned here the potential for this bridge to be listed as a historic structure. The fact that this is an old bridge doesn't mean it is a historic bridge. The safety issues both to the community and to the river presented by this existing bridge certainly is not a reason to abandon your decision regardless of whether this structure is listed on the national register. Whatever happens with that designation you will still have an existing bridge which has misaligned approaches, traffic accident clusters on both sides, a single lane bridge which is not suited to carry the traffic which is currently occurring on that bridge let alone address expanding traffic in the future you will still have a bridge that abuses and continues to abuse the Bitterroot River and is a safety hazard both to the residents at the west end of the bridge but also those people who recreate underneath the bridge. So again, stay the course this is a good project you should see it through.

George Schreiner – About 13 years ago I retired from the department of transportation, California-mountain division. Unlike these people all I did was road maintenance and we had our share of bridges and climates that had like 65 feet of snow and three feet of ice and in just driving around my community last time there was a hearing there were a number of signs that were removed saying no on Maclay Bridge. Just one week after they were removed they were all back up. Somebody should drive around there and see that the people have what I saw when I retired here years ago and they saw a very safe condition, a bridge that people had to slow down for, had to be courteous when coming into a community. What I don't see here, you mentioned water quality, and I see South Avenue, I see open water aqueducts, I see water being discharged into the Clark Fork River. Now, for over ten years there has been federal funding to divert storm waters into catch basins and things like that and I don't see any planning on this. You have kind of left out is that you are parking a Cadillac into a slum. That is probably a very bad figure of speech but what I am saying is you are putting a high speed corridor in a place where you are going into a residential and agriculture primarily and the area where it is coming from as you go west down South Avenue you are in an area, I am not sure what the zoning is, but you sure haven't worked on the infrastructure, the curbs, sidewalks, potholes and things like that and I think this money should be spent. If you are going to spend it improve the existing bridge the way it was laid out last time, keep it the way it is until you are ready to go out and clean up the whole area, not until you put some infrastructure in there are we ready for that type of a high speed avenue into our backyards.

Fred Steward, property owner – I would like to make two quick comments. First of all, as additional information comes in such as what can actually be done with Maclay Bridge I hope that you keep an open mind because there is new information coming in all the time in terms of funding and what can be done and so on. So please keep an open mind. The second, I was not able to attend the meeting this morning where there was a discussion about changing the agreement with HDR I don't know if it is a contract modification or what the proper term is but could you give me a summary of what the changes are and what the costs are going to be to do those things?

Commissioner Rowley – It was an amendment to the amount of money that is coming from the federal highways administration to add onto to the project. It was an addition to do the hydraulic modeling necessary to include O'Brien Creek and the ditch. It was about \$65,000?

Erick Dickson – Yes, it was about \$65,000 and that was a very accurate summary. After the initial summary report for type size location, roadway hydraulics, hydrology all of that was submitted, County floodplain, DNRC saw the proposed the amount of fill that would be in the River Pines Corridor so they identified that as a potential problem area that was not scoped in the original project agreement we are looking strictly at the Bitterroot River. Once that initial design look was known they said that needs to be modeled for impact so no part of the original scope. We spoke with MDT they understood what the reasoning was so that amendment this morning was just for that additional hydraulic work.

Sharon Sterbis, resident – I have been going to public meetings about this since the beginning. At the first public meeting with HDR I asked the people how are you going to connect this two lane bridge with the shared paths to the smaller South Avenue portion? I was told that they were going to taper it. I don't understand how this can be considered a safer option than the current Maclay Bridge when you are connecting it to a current substandard road. I just want to keep making that point because I live on that substandard road, I run on it every day, my kid rides his bike on it and I want to know that this is going to be a safer option. Thank you.

Commissioner Curtiss – Which side are you referring to? The South Avenue side by Hanson?

Sharon Sterbis – The South Avenue side between Humble and Hanson, yes.

Commissioner Curtiss – So just to add to that this morning we did talk about that when Erick came in. So there is an existing trail along South Avenue ends now so we know that is the portion the County is responsible for so we will be in the planning stages to make sure that doesn't taper and that it continues with County funds.

Commissioner Rowley – Is there any further public comment?

Commissioner Curtiss – I do have one question for HDR. Dustin, could you talk about what kinds of best practices are out there to help design a bridge that has some traffic calming elements to it?

Dustin Hirose – We actually are looking at options to tie this project into the existing roadway. There are a few ideas out there, there is raised medians, channelization, traffic circles - I think is what they are called; we presented some of those concepts at a high level to our technical design committee a couple months ago and we are now refining those and we are going to present them again and more than likely make some recommendations on what they are going to be. It really isn't going to change the footprint of our project so much it is just some of the finer details that we will have to work out as the design advances. As far as the environmental documentation goes it really isn't going to slow that process down, it is just design details that we will end up having to work through.

Bob Schwiezer, resident – I live out on Big Flat Road just three to four miles west of Maclay Bridge so I use that bridge frequently to cross and I think one of the fellows here that preceded me made a very good point that a lot of those people out there selected that area because Maclay Bridge serves a purpose besides crossing the Bitterroot River. It is definitely traffic calming and when you do stop you get a chance to look at the river and see the wildlife and it takes your blood pressure down about ten points right there I think. I can tell you that the traffic circles and the roundabouts don't do that and if anything they probably raise it a little bit. The point I wanted to make is that Big Flat Road was widened on the premise that a wider road is a safer road and I can tell you from experience that since that road was widened in front of my house that road is not safer. If anything we have had just as many if not more accidents in front of my house than we had prior to the widening. People I think are traveling generally faster, I don't know I haven't personally tracked that but I recall one of the reports some time ago that the average speed in a 35 mph area was over 40-42 mph something like that which indicates very few vehicles are going by at the posted speed limit. And here we have a wider street and a much straighter one going to Maclay Bridge coming right down into a residential area and developed area; one that was developed with South Avenue being a dead end and now all of a sudden it is one of the major thoroughfares for Missoula so please consider that when you take this into consideration here in the future. Like you the rest of us are waiting for this environmental documentation. Thank you.

Linda St. Peters, Missoula Common Sense Coalition – Our perspective comes from our name. It does not lower my blood pressure at all when emergency vehicles cannot make it over the bridge because they are too heavy and they are going to have to go a longer route. In fact when I want to take it easy and avoid downtown traffic I actually go on the Big Flat Road because there is very little traffic and it is a beautiful view and yet at the same time there is a two lane bridge that I can get across back and forth. I would really disagree with the last speaker in terms of regressing or trying to prevent progress in attempt to enjoy the scenery. I think we have developed South Avenue so it is an artery we have put a lot of money into that recreational area. So we have a high school, we have a grade school, we have a recreational area we have everybody going down South Avenue, why we would want to divert them into the rest of that neighborhood would be to increase accidents, it would be to retard some kind of rural or any kind of a safe family neighborhood. In addition, it is of concern to me two things; one our planet, this bridge is not good for the Bitterroot River environment and secondly the extraordinarily high number of drownings that have occurred because of that bridge. That is not happening at the Kona Ranch Bridge so I welcome what we are doing, I think we are headed in the right direction, it makes common sense, it is safe and it is ecologically sound. Thank you.

Commissioner Rowley – Any further public comment? Seeing none, I will close that hearing. There is no decision to be made, it was just an update. We look forward to the next public meeting you will hold and see where things go from there. Thank you for coming and for keeping us in the loop we appreciate it.

7. OTHER BUSINESS

None

8. RECESS

Commissioner Rowley – Called the meeting to recess at 3:13 p.m.

Resolution No. 2016-163 – BCC signed, dated November 16, 2016. To expend up to \$75,000.00 of 2006 Open Space Bond Proceeds Towards the Purchase of a Conservation Easement on Approximately 75 Acres for the Isbell-Blue Heron Open Space Bond Project. Approved at November 16, 2016 public meeting.

Resolution No. 2016-165 – BCC signed, dated November 16, 2016. To expend up to \$75,000.00 from the City's Portion of 2006 Open Space Bond Proceeds Toward the Purchase of a Conservation Easement on Approximately 75 Acres for the Isbell-Blue Heron Open Space Bond Project. Approved at November 16, 2016 public meeting.

THURSDAY, NOVEMBER 17, 2016

BCC met in regular session; all three present. Afternoon: JC attended Health Board meeting.

ADMINISTRATIVE MEETING

Business Associate Agreement – BCC signed Business Associate Agreement between Providence Health and Services-St. Patrick Hospital and Missoula County-Partnership Health Center (PHC). To meet Health Insurance Portability and Accountability Act (HIPPA) and Health Information Technology for Economic and Clinical Health Act (HITECH) privacy standards. To Bernadette Roy/PHC.

Affiliate Agreement – BCC approved, NR signed. Clinical Affiliate Agreement between University of Montana Skaggs School of Pharmacy and PHC for joint involvement in occupational education programs. Term/November 17, 2016-November 17, 2021. To Bernadette Roy/PHC.

Closing Documents – BCC signed closing documents for sale of Lot 2A in the Missoula Development Park to Thomas and Christine McCall. Purchase price \$583,705.00 (\$5.00 per square foot). To Dori Brownlow/Development Districts.

Lease – BCC approved, NR signed. U.S. Forest Service (USFS) Communications Use Lease for County owned communication building and tower located at Point Six communications site. County recently purchased building and tower that is located on USFS ground. Lease is for 30 years with no annual fee. To Adriane Beck/Emergency Management.

Professional Services Agreement – BCC signed Professional Services Agreement with Dustbusters, Inc. for liquid deicer purchase. Amount/\$71,550.00 (\$159.00 per ton). Term/November 21, 2016-April 15, 2017. To Erik Dickson/Public Works.

Resolution No. 2016-161 – BCC signed, dated November 17, 2016. Budget Amendment of \$126,427.00 for loan to Western Cider from Community Development Block Grant Revolving loan fund. Formally adopted as part of FY17 budget. To Nancy Harte/Grants and Community Programs (GCP).

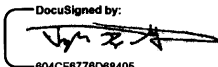
Certification – BCC approved, NR signed. Montana Department of Commerce Home Investment Partnership (HOME) Program Annual Certification for Rental Housing for Carole A. Graham Home. Recertification of affordability. To Erin Kautz/GCP.

Additional discussion item(s): 1) Option to purchase building located at 199 W. Pine; 2) Non-legal holiday office closure on November 25, 2016.

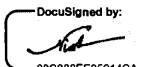
FRIDAY, NOVEMBER 18, 2016

BCC met in regular session; all three present. Morning through mid-afternoon: JC attended Mental Health and Child Development Center Board meetings. Afternoon: NR attended Partnership Health Center Board meeting.

Resolution No. 2016-160 – BCC signed, dated November 16, 2016. Approving the application of Deer Creek Road Solar 1, LLC for New or Expanding Industry Classification. Application for tax incentives for new and expanding industry provided for in Resolution No. 91-101. Classification approved to start the year following completion of construction and the applicant's submission of documentation satisfying the requirements of Resolution No. 91-101. Approved at November 16, 2016 public meeting. To Shyra Scott/Clerk and Treasurer Office.

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Clerk & Recorder

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Nicole "Cola" Rowley, Chair
BCC

MONDAY, NOVEMBER 21, 2016

BCC met in regular session; all three present. Morning: JC attended Forum Advisory Board meeting. Afternoon: BCC attended broadband discussion. Evening: JC attended DeSmet School Board meeting.

Employee Benefits Claims – BCC signed Employee Benefits Claims Signature Page for Manual Check Listing dated October 18, 2016. Amount/\$108,515.13. To County Auditor.

TUESDAY, NOVEMBER 22, 2016

BCC met in regular session; all three present. Morning: JC/NR met with Senator Jon Tester. BCC canvassed the General Election. BCC attended City Council/University of Montana Leadership luncheon. Afternoon: BCC attended South Avenue Bridge meeting.

Indemnity Bond – NR signed. Kermit Joseph Morris III, Missoula, Principal for Detention Facility Warrant #60043926, issued October 19, 2016 on County 2308 fund. Amount/\$20.05 (for funds on account at time of release). Warrant destroyed.

Letters – BCC signed, dated November 22. To newly elected state legislators serving Missoula County senate and house districts. Congratulating on campaign victory. Noting that Missoula County will be closely following session and takes pride in fostering positive and collaborative relationship with local delegation.

ADMINISTRATIVE MEETING – CANCELED

WEDNESDAY, NOVEMBER 23, 2016

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Resolution No. 2016-164 – BCC signed, dated November 23, 2016. Budget amendment in the amount of \$16,460.00 for high/low angle rescue equipment for Missoula County Search and Rescue. Formally adopted as part of FY17 budget. To Dawn Seaton/Sheriff's Office.

Resolution No. 2016-162 – BCC signed, dated November 23, 2016. Budget amendment for \$64,364.00 to fund two Victim/Witness Coordinator positions to fulfill requirements of Marsy's Law. Formally adopted as part of FY17 budget. To Jason Marks/County Attorney's Office.

Payment Request – BCC approved, NR/JC signed. Request for Payment Form-Montana Department of Commerce Big Sky Economic Development Trust Fund (BSTF) for Draw #1 against Consumer Direct's BSTF Job Creation Grant Contract #MT-BSTF-1-17-01. Amount/\$93,800.00. To Nicole Rush/BitterRoot Economic Development District.

Building Purchase – BCC approved exercising lease option to purchase 199 West Pine Street. Signed letter to Garlington, Lohn, and Robinson expressing County's wish to exercise option on February 1, 2017. To Andrew Czorny/Chief Financial Officer.

Budget Approval – BCC approved Larchmont and Caddy Shack 2017 budgets. To Vickie Zeier/Chief Administrative Officer.

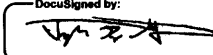
Additional discussion item(s): None.

THURSDAY, NOVEMBER 24, 2016

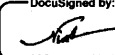
COURTHOUSE AND ADMINISTRATION BUILDING CLOSED FOR THANKSGIVING DAY HOLIDAY

FRIDAY, NOVEMBER 25, 2016

BCC did not meet in regular session; all commissioners out of office all day. Commissioners' Office closed.

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Tyler Gernant
Clerk & Recorder

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Nicole "Cola" Rowley, Chair
BCC

MONDAY, NOVEMBER 28, 2016

BCC met in regular session; quorum present. SR out through Friday, December 16. Afternoon: BCC met with Confederated Salish and Kootenai Tribes Tribal Council.

Letter – BCC signed, dated November 28, 2016. To U.S. Army Corps of Engineers. Enclosing letter from Bonner Milltown Community Council providing comment on Draft Environmental Impact Statement for proposed coal export facility, Millennium Bulk Terminals at Longview, Washington. Reiterating Council's comments on unevaluated impacts related to delays of emergency vehicles at rail crossings.

Community and Planning Services (CAPS) Update – BCC/CAPS Staff. Agenda: 1) Public comment; 2) Communications; 3) General updates-Update on Planning Board attendance; 4) Director's update.

TUESDAY, NOVEMBER 29, 2016

BCC met in regular session; quorum present. SR out through Friday, December 16.

Replacement Warrant - NR signed. Kimberly Ryan-Dufier, Missoula, Principal for Missoula Rural Fire District Warrant #800173085, issued January 12, 2016 on County 7230 fund. Amount/\$705.61 (for medical supplies). Warrant not received in mail.

Letter – BCC signed, dated November 29, 2016. To Willard and Shoquist Family Trust. Confirming approval of Agricultural Exemption at November 16, 2016 public meeting.

ADMINISTRATIVE MEETING

Agreement – BCC approved, NR signed. Agreement between Montana State University and Missoula City-County Health Department (MCCHD) for Montana Dietetic Internship Program. MCCHD's Women, Infants, and Children (WIC) Program provides educational opportunities and experience to internship students assigned to work with WIC's Public Health Nutritionist. Amount/MCCHD receives \$100.00 per week per student. Term/November 29, 2016-November 28, 2021. To Kate Devino/MCCHD.

Agreement – BCC approved, NR signed. First Choice Health, Big Sky Region, Health Care Provider/Organization Participation Agreement for MCCHD. Allows Outpatient Immunization Clinic to bill for

covered services for clients covered under this plan and receive payments. Renews current contract with First Choice Health (formerly known as Health Info Net). Term/October 1, 2016, with automatic one year renewals. To Sara Heineman/MCCHD.

Resolution No. 2016-167 – BCC signed, dated November 29, 2016. Budget Amendment to transfer \$262,250.00 from City's portion and \$262,250.00 from County's portion of 2006 Open Space Bond proceeds to expense lines for Deschamps Open Space Bond Project. Formally adopted as part of FY17 budget. To Kali Becher/Parks, Trails, and Open Lands.

Resolution No. 2016-168 – BCC signed, dated November 29, 2016. Budget Amendment to transfer \$75,000.00 from the City's portion and \$75,000.00 from the County's portion of Open Space Bond proceeds to expense lines for the Isbell-Blue Heron Open Space Bond Project. Formally adopted as part of FY17 budget. To Kali Becher/Parks, Trails, and Open Lands.

Resolution No. 2016-169 – BCC signed, dated November 29, 2016. Budget Amendment of \$126,000.00 for loan to Free Cycles from Community Development Block Grant Revolving Loan Fund. Formally adopted as part of FY17 budget. To Nancy Harte/Grants and Community Programs.

Additional discussion item(s): 1) Seeley Lake sewer funding; 2) Consideration of process for releasing an agricultural exemption from building permits; 3) Upcoming board meetings and review of meetings.

WEDNESDAY, NOVEMBER 30, 2016

BCC met in regular session; quorum present. SR out through Friday, December 16.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 24/CY2016 - Pay Date/November 25, 2016. Total Payroll/\$1,717,941.47. To County Auditor.

Letter – BCC signed, dated November 30, 2016. To Willis Curdy, State Legislator. Congratulating on campaign victory. Noting that Missoula County will be closely following session and takes pride in fostering positive and collaborative relationship with local delegation.

ADMINISTRATIVE MEETING

Resolution No. 2016-170 – BCC signed. Budget Amendment of \$36,000.00 to cover one-time maintenance of County trails. Formally adopted as part of FY17 budget. To Lisa Moisey/Parks, Trails, and Open Lands.

Agreement Renewal – BCC approved, NR signed. Renewal of agreement with Rave Mobile Safety for Rave Alerts, the software platform that the 9-1-1 Center uses to issue and manage emergency alerts to the public. Amount/\$18,400.00 per year. Term/February 15, 2017-February 14, 2020. To Adriane Beck/Emergency Management.

Contract Change Order – BCC signed Change Order for Jackson Contractor Group, Inc. work on Courthouse Phase 4 Remodel Project. Amount/\$306,792.59. Term/April 2, 2015-December 30, 2016. To Larry Farnes/Facilities Management.

Additional discussion item(s): None.

PUBLIC MEETING – NOVEMBER 30, 2016

**MISSOULA BOARD OF COUNTY COMMISSIONERS
PUBLIC MEETING MINUTES**

Conference Room 151-Courthouse Annex

If anyone attending the public meeting is in need of special assistance, please provide advance notice by calling 258-4877. Missoula County is happy to provide auxiliary aids and services.

WEDNESDAY, NOVEMBER 30, 2016 – 1:30 PM

1. CALL TO ORDER

Commissioners Present:

Chair Nicole "Cola" Rowley
Commissioner Jean Curtiss

Staff Present:

Pat O'Herren, Community and Planning Services
Jennie Dixon, Community and Planning Services

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

Commissioner Curtiss – There is a cool display at the Historical Museum, a Christmas display, which is lots of dolls and Dec. 9-11, 2016 there are lantern tours of the area; this is the second year to do that. It was very popular last year so check out the Historical Museum.

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None

5. CURRENT CLAIMS LIST

Total claims from November 14, 2016 - November 29, 2016 = \$4,082,795.28

Commissioner Rowley – With that we will move onto our hearings for today. There are no actions to be taken they are just presentations for informational purposes to the commission.

6. HEARINGS

a. North Reserve/Scott Street Master Plan Presentation – no action to be taken.

Chris Behan, Assistant Director, Missoula Redevelopment Agency – We commissioned this master plan, perhaps we should have named it something different because it gets confusing with all of the different plans. About two years ago the City created the North Reserve-Scott Street Urban Renewal District. Urban renewal districts must be created with a pursuant to a series of conditions of blight, that is the legal word in the State law, there is about 20 different conditions of which the district needs to meet most of those. In total, blight sometimes is a nasty word, it makes people feel bad but it fits with this list most of which you can't see. In general those conditions that are really preventing development and redevelopment from happening in a particular area because of high costs. It is generally a lack of infrastructure or poor infrastructure and those kinds of things. We do know that this area that we are talking about between North Reserve Street and Scott Street to the east, to the north I-90 and to the south the railroad, is an area that is finding itself under increased development pressure residential on one end, highway and commercial and so on the other end. It is getting pushed to the point where in a little bit different fashion there are ways that we can prepare the area and work with developers to prepare the area. So we can maximize its use to our community and make sure that it is not only a contributing part in terms of new taxes in the future but also in terms of employment and so on. This particular master plan was called for in the urban renewal plan so that we would take the time to really look at it. The master plan is composed of a series of documents, the master plan itself, three appendices, one is design standards for a variety of kinds of buildings, the second one is pretty much design standards for new streets as they occur in the future, there is also a cursory environmental look for the entire area. It is 1,350 pages long so it wasn't a total cursory but we didn't go out there and dig around but we have a pretty good idea of the limitations that the environmental conditions out there present. We went through a highly public process with three community workshops, many one on one meetings, many group meetings and when I say we that is pretty much the consultant team and Jeremy will be up here in a minute to talk about that. So in all what MRA wanted was a guide to be able to make good decisions in the future in terms of investing tax increment funds with development that is happening in that area. Along the way we found that it would fit also to perhaps upgrade the City's growth policy, and that process is just now starting and will be going to planning board soon. The other piece here, Jeremy will get to it too, but I want to say it at least twice so it is emphasized; we understand that some of the planning area here is not under City's jurisdiction. We also understand that to get to or to leave County lands, if you will which are virtually all industrial, you have to go through the City. We also know that there will be increased development pressure on that industrial. One of the key components of this plan was to find ways that we could actually protect the future of heavy industrial uses out there, good paying jobs. We saw more and more development pressure happening. If inappropriate development happens near them it is going to put pressure on them to move or do something different and we wanted to make sure that we kept that in mind as we move through this and that is one of the key components. With that I would like to invite Jeremy to come up to go through the plan for you.

Jeremy Keene, Principle, WGM Group, Inc – We partnered with a firm out of Boulder, Colorado to do this plan, Winter & Co. They brought a nice outside perspective of what is happening nationally with areas like this and design standards and opportunities that we can look at as we went through the project. So Chris hit on this a little bit, why a master plan? The primary purpose is to help guide investment in that district in the future and the ways the MRA can help guide development through offering assistance with infrastructure and other things they can do. The plan sets a long-term vision, preserving options for the future, illustrates some opportunities that we saw for the future, it provides information to landowners who might consider development of their land and helps with decision making for the agencies that would review those elements. The plan does not force anything to happen, it doesn't force people to change what they are doing today, it doesn't change the existing land uses that are out there and it doesn't create any projects that are imminently going to happen it is a guideline for things that are going to happen in the future so as things do happen and as people do decide to change the use of their property we have a tool to help make that whole district a little more cohesive and work together in a better way. As Chris said we went through about a year long process, we had about three public workshops and developed an initial concept and brought that back to folks to get comments and their feedback on it and then refined a final plan. We are at the point now

where we have a final plan; the redevelopment agency board approved that plan back on Nov. 17. Now we are moving through a process with the Planning Board and City Council to create an amendment to the growth policy which it basically comes down to a map amendment for the future land uses that are shown in that area so that the growth policy is consistent with this plan. The plan itself is not going to be formally adopted as part of the growth policy they are going to consider it an issue plan which means that it just provides additional information to the growth policy. As Chris said, there is a wide range of different activities, different stakeholders and businesses happening out here, it is kind of a diverse area. We have everything from industrial to residential to cemetery use to commercial on Reserve Street, so it is kind of a challenge to figure out how that can go together in a cohesive way. One of the major things that we notice right away is the lack of infrastructure, connectivity for roads and sidewalks and bicycle trails and things like that, limited transit service in the area and deficiencies as far as your public utilities, sewer and water, being able to support future development. A portion of the area that we studied is in the County. The Urban Renewal District is the area in purple (referring to the map) it is the Reserve Street area, it follows along the railroad corridor and kind of this skinny little strip that connects this end to the east along Scott Street. The center of the map is in the County, for the purposes of our plan we just looked at the whole area but for the purposes of the Urban Renewal District it only applies to the parts that are currently in the City or that could annex into the City in the future.

Part of what we did was we looked at existing infrastructure, the environmental constraints, market demand and what we think can be done with that area. We did a fairly detailed assessment of existing environmental conditions that are known, identified what some of the constraints might be around those and then we did a market study to determine what kind of demand we think might be on the horizon for Missoula in general and in particular this area in terms of commercial, residential and industrial use.

The core of the plan is this idea that we want to preserve the viable uses that are out there today. We think we have some good industrial uses that are there and are viable and have made investments in the area so we want to make sure we keep those opportunities available for them to continue to exist as they do today or even expand their industrial base. We think that is a good diversity of jobs and workforce in that area so it is worth trying to preserve those. At the same time we recognize that a lot of the demand we are seeing is related to residential and commercial, so how we balance those things, how we buffer those, it may be incompatible uses was important part of the plan.

There are three unique subdistricts within the plan: the Reserve Street area, the industrial core and the Scott Street area. Those three areas are connected by a series of new roads, open spaces and trails that will help them inter-connect in a better way. Each subdistrict has a unique identity with the idea that we can create livable, business-friendly neighborhoods in each one of those districts that will support existing and new development. Each one has a different theme and purpose in the types of buildings and land uses that we would expect to go there. We want the specific land uses to create buffers and synergies between different uses. Looking at the industrial core, we recognize that some of those uses need to have buffers from other uses like residential housing or high intensity retail uses. So we used this purple color, which is a transitional industrial, it is kind of a light industrial use; it is uses that can be less noisy, less polluting, or less impactful on neighbors so they can provide a buffer around some of the industrial areas. Similarly we used the cemetery and other green spaces to create buffers from the residential neighborhood. Within each one of those land use categories we identified the building types that we might see. The types of land uses ranging from your typical corridor retail, typically single story buildings, to this idea of transitional commercial which might be multistory buildings that might have more office use and even some upper story residential uses eventually, to more of an exclusive office use. More of the office campus or the business park type of use, similar to the new Consumer Direct building that is going in out there. In the industrial areas we see that idea for transitional industrial which can be a light industrial, a softer form of industrial, to the heavier industrial Reserve area where you might have large warehousing or manufacturing processes happening or the fuel storage, the tank farms that are out there. Then there is the unique opportunity to do live/work residential where you may combine some of those light industrial activities; you can imagine somebody's workshop or technology business with a living space up above. Then residential forms that range from single family housing to duplexes to multi-story apartments; we are thinking that residential densities could be in the three to four story building range at the high end and stepping down to more of a single family neighborhood adjacent to the Northside neighborhood. Open space and park plays a key role in all of this and we identified the different types of open space; you have more formal park space, which could be fields and playgrounds, but it could also be a more urban type of park with a plaza or some kind of outdoor space that is attached to a building. We also have just open space for green space and buffer. And then finally the cemetery uses which are kind of a special use within that open space and park category that have a very specific use for reflection and history that we want to make sure is preserved in that category for cemetery.

Circulation is important. In all of this, we emphasized pedestrian safety and comfort in the plan because at the end of the day we are all pedestrians at some point, whether it is walking a long distance to work or just getting to your car from the building, the pedestrian experience is important. We think there are good opportunities for bike circulation in the area both in the commuting transportation element but maybe more so from a recreational standpoint, there is a lot of bike traffic already that goes through the area trying to get to other places like the new Grant Creek trail for instance. Finally vehicle circulation, this is obviously going to remain an area where vehicle circulation is important. It is going to be for the large park auto dominated and it will continue to have a large volume of truck traffic so how you balance large trucks with high volume of cars is an important consideration in the plan. We also looked at design guidelines for both the public realm and the private realm. Really what we are trying to achieve here is the idea that anything we do on the private side with buildings has a big influence on how you experience the public side with our streets and parks and open spaces. Having design standards and guidelines for both of those is an important element and we looked at that from both the neighborhood standpoint, how does a particular design impact the function of the overall neighborhood? Moving down to the site level, how does the layout of buildings on a site affect how that site relates to the parcels around it? Then finally at the building level, how do we create architecture in the building that also creates a good streetscape and a good experience for anybody that is in that area?

There is a lot of detail in the plan. I am going to go through what the general concepts are and will be happy to come back and take questions if you are interested in a particular area. Starting with the Reserve Street District, the primary objective here is to create a new gateway corridor to the area along Howard Raser Drive, this would eventually in the long term extend across the planning area and connect to the Scott Street District. The other important thing here is to create a grid roadway network. As this area develops, it is important to relieve some of the pressure on Reserve Street by having some alternate parallel networks of streets to support that traffic load. We looked at new signals on Reserve Street so that we can get access to that new street network.

Some of the concepts in the plan; these are just concepts to help illustrate what could happen, creating this gateway corridor along Howard Raser where we could have buildings that front the street and a multiuse pedestrian and bike system that would help compliment that circulation throughout the district. We are showing more of a pedestrian scale than what we see out there today, a little bit more of an urban density. We looked at some ways that we can phase some of these things in. We recognize that not everything is going to change at once and so being able to take some steps now and plan for the future of how that might happen. A concept here of creating a new intersection with Reserve Street to connect to Grant Creek Road that would eventually lead to further development and redevelopment of those properties with that new grid street network.

In the industrial core it is mostly leave things as they are and allow for flexibility in the future. We are showing the new road network through here, there are two new roads, Howard Raser Drive extending to a new interchange where Coal Mine Road currently goes underneath. It is a logical place to look at future interchange, future access to the interstate. That could be combined with a road that runs through the industrial area that would help support development in the industrial core if and when that occurs. The opportunities there might be things like multi-mobile transfer centers because have both rail access and interstate access with that. So, the idea that you can have a facility that transfers loads between trucks going on the interstate and railcars could be something that we could see in the future or other industrial uses that rely on either rail or interstate access.

The plan gives a range of building forms some of the things that we typically see out there today and some of the things that we might see in the future relative to both warehousing and lighter industrial uses and even commercial office that's tied to those industrial businesses. In the Scott Street District, we looked at how to create the opportunity for residential growth that is attached to the Northside neighborhood that honors that traditional pattern of grid streets and small lots for single-family homes. One of the big issues here is the truck traffic going through the neighborhood so we are looking at new routes that would allow trucks to get to the industrial destinations or to the landfill without having to go through the neighborhood. We also looked at some reorganization of the land ownership here because right now we have land that is owned by the City cemetery planned for future cemetery use. I don't have a picture but it kind of extends into this residential area and we see an opportunity to consolidate that future cemetery land by doing some land swaps that will allow this neighborhood to be a little bit more cohesive and consistent and allow a little bit more contiguous area for the cemetery to have their future expansion.

Building forms in the Scott Street District, again single-family to duplex. You can imagine some town homes moving up to multi-story apartments, that three to four story level and there are some opportunities for neighborhood commercial. We think that small neighborhood commercial is appropriate there. These would be things like bakeries or cafes that would be destinations for

folks that live there and even things like vertical mixed use that have some of those commercial neighborhood uses below some residential apartments.

Finally, the live-work opportunities. We think this could be a unique area for live-work because of the industrial history and the industrial opportunities that are there in the future to combined that with residential living might be something that we don't have a lot of elsewhere in the city. So we tested all of these concepts against our market feasibility. We looked at utility infrastructure needs and we did some traffic modeling at a pretty high level just to make sure what we are proposing had a reality check to it and was something that was affordable and would function well when that full long term plan is built out. We also outlined a strategy for how public infrastructure investment can be used as a tool to incentivize the kind of development that is consistent with the master plan. Like I said, this plan doesn't force anybody to do anything so we have to have some incentives in there to get people to develop in a way that is consistent with the plan. The redevelopment agency has some strong tools to do that and we see the plan being their guideline for helping to see what projects they fund.

So where we will go from here, we will be at the Planning Board on Dec. 6, the issue plan and growth policy map amendment as Chris said it is kind of a separate process but they are tied together. I expect the Planning Board will be interested in the contents of the plan as well as the specific changes that are being made to the growth policy.

Commissioner Rowley – This is the first time I have seen it so I am just trying to absorb it all. This is a substantial amount of work you guys have put into this. Thank you. Is there any public that wanted to comment on the plan? Chris mentioned the URD (Urban Renewal District) is in the City's jurisdiction, the reason we are hearing this is because it does about County land and we also wanted to give County people the opportunity to comment on it in this forum. Did anyone here want to comment on this plan?

Jeremy Keene – Just to clarify our public outreach process included County and City residents and owners so we didn't draw any lines when we did the planning.

Commissioner Rowley – Thank you for coming we appreciate it.

b. Agriculture Study Groups Presentation to the Commissioners

Pat O'Herren, Community and Planning Services – I would like to do a couple of things; one, just summarize how we got to this point and second, express appreciation for all of the volunteer effort that went into these three reports and then give a sense of where we are going from here. As most people in the room are familiar the County commissioners adopted amendments to the subdivision regulations earlier this year. In addition to that, they asked for volunteers, from the public, to work on an agricultural workshop type approach, to voluntary efforts to conservation of agricultural lands and opportunities. The three groups that came out of that workshop dealt with conservation development models, incubator farms and incentive based tools. The reports that came from those three groups I think are testimony to the incredible effort that citizens have put into this particular project. It is important, I believe, to acknowledge and recognize and thank all of you for the work that has been done to date. Certainly, it is not over but your commitment to this project has been awesome to say the least so on behalf of staff and I believe County commissioners, a thank you is warranted, a great thank you indeed.

Today we will hear a summary from each of the groups on the recommendations and the process they went through to get those recommendations to us. Some of those recommendations are actions that reach well beyond the County's ability to do things such as change tax codes but that doesn't mean there aren't avenues to pursue that sort of thing so nothing is off the table relative to that. Other recommendations deal directly with County regulations and policies that the commissioners certainly have purview over and can consider in the coming months. A couple of examples of the recommendations that we will hear about today include increased cooperation between the City and the County on Open Space Bond projects. I am very happy to say that that cooperation continues to build and to date we've protected over 1,800 acres of agricultural lands in the general urban area. That cooperation continues, those were joint City and County projects and we will certainly continue that effort as well. Other recommendations will require not only commissioner involvement but significant additional public involvement such as the desire to look into some sort of loan program for beginning farmers and that means we will have not only staff involvement and commissioner direction but very extensive discussions with the public as well. As I mentioned we will need to work with State elected officials on any sort of taxing proposals that would change how agricultural land is taxed or provide benefits back to land owners and agricultural operators but again that is certainly something that can be pursued but the commissioners simply don't have it within their purview today.

For today's discussion, Missoula County Community and Planning Services will take extensive notes on any of the comments that are made today. We will follow up then with a summary of all the recommendations. Not only those that are mentioned today but that are in the reports

themselves and provide a summary back to the County commissioners in January or February. On what those proposals are, what the low hanging fruit may be on some of those that could be enacted quickly and others that require work plan amendments if you decide you would like Community and Planning Services to proceed along those lines. That summary report will come to the County commissioners I hope as early as January it may extend into February depending on how things go with the legislative session in Helena which begins the first part of January as well. First up would be anyone of the groups that would like to summarize their report and move forward. Karen has additional copies of those reports if anybody is interested. Before that happens, again I would like to express a very sincere thank you to all of the effort that has gone into this particular project.

Pelah Hoyt, Five Valleys Land Trust – I am going to share on behalf of the Incubator Farm Group. Kate Cotner was the leader of our group she is not able to attend today, but she put a lot of work into this effort. We visited an incubator farm here in the Missoula area. We also visited a couple of different farms that are leased for small-scale agricultural purposes, we talked with some of these farmers and landowners about the model and also about the economics of getting into farming and we also held several meetings. We concluded that investing in an incubator farm is not the best way at this time to address access to farmland or to help beginning farmers and ranchers. Instead, we think it would be more helpful to address the economics of farming that is such a challenge for beginning farmers and ranchers and for access to farmland. We made a number of recommendations for Missoula County to consider ways that they might be able to help with improving infrastructure, improving the regulatory framework and the economic viability of farming here. An example might be meat processing or food processing area, not necessarily, that the County would create one but is there something that the County could do to help get one of these going. I know that one of the few places that you could get livestock processed was Rick's Custom Cut in Arlee and Rick just retired so that place is now gone and it already wasn't meeting the need but it is even a bigger hole than we had before. There are some pretty significant agricultural infrastructure needs that are out there so it could be really helpful in making things viable for new farmers and ranchers.

Jody Wills, rancher – Not so much on the case of incubator farms but talking to people that are doing local food in Missoula County at this time we found it not very encouraging. Some of them are doing well because they have hit the niche market when it was new. Some of them are wondering why they are going to the extra effort of doing what they are doing. One of the ranchers that I visited with quite considerably produces local beef and he said that all the Farmer's Market beef is sold at a loss. If you figure the time and the effort, he does it only as advertising, which got him into some of the various restaurants and businesses in town. Sometimes noble thoughts are not always economical and as I have testified before you several times agriculture is not very economical. I would like to stress the very last point of our report and it is, "Reach out to the Missoula County farmers, ranchers and landowners since they are the experts." We hear too often that we need to get this into the hands of the people who know how to manage it and the ranchers and owners of land in this county have been here, many of them, for several generations and obviously, they know how to manage the land. Many of them have been alienated because of past long-standing efforts to take their land to fund ag conservation. Participation in this process requires much less effort of people from agencies and organizations whose paid job require them to be here to participate and speak on this. Those who have a bigger stake in the process may find participation more difficult because of the nature of their work, recognize this and find ways to accommodate them. I think that came out very clearly in the hearings that we had on the proposed saving ag land that the farmers and ranchers that would be affected the most didn't say very much until the very end because they just don't have the time to be here to testify all the time. Basically I hope that you will consider all of the reports that are given and consider the time and effort that has been put forth by everyone.

Annie Heuscher, Missoula Community Food and Agricultural Coalition – I have been working with beginning farmers over the last three years in western Montana so I take a slightly less negative look at them than Jody noticed from folks, although certainly there are challenges. It is not an easy thing to get into. That is why we chose to focus on marketing. As Pelah said it is pretty hard; if you are in an incubator farm you have to leave at some point and if we are not addressing the land access issue then having an incubator farm helps the business get started but it doesn't help them get land. That is why we switched our approach to looking more at marketing. I think that there are a lot of different ways in which counties and cities across the country are helping and providing policies that are supportive of agriculture and we noted just a few of them but they can be quite powerful so I hope that you will consider these.

Alice Jones, Attorney, Five Valleys Land Trust – I am here today as a representative of Committee C which was the Incentive Based Tools Committee, chaired by Heather McMillin and Jean Zosel. Our committee had a board topic and we decided to focus our efforts on two core tasks. The first was to evaluate agricultural land preservation tools currently being used in Missoula County, including assessing their strengths and weaknesses and exploring how those tools could be used more efficiently. Secondly, we decided to explore agriculture land

preservation tools being used in other communities and assess how these tools could be used in Missoula County. We summarized our findings in a seven page report and I am going to try to provide a quick overview of that report and highlight its key points. Our committee looked at an array of ag preservation tools both voluntary and involuntary although we were tasked with looking at only voluntary tools. I think that is an important point; our committee made a conscious decision not to limit the scope of our in person conversations and I think everyone who participated in the committee would agree that these open ended conversations were valuable and helped underscore our common commitment to agricultural land preservation. After considering a wide variety of conservation methods we focused on three voluntary methods in our report: conservation easements, deed restrictions and fee-land acquisitions. With respect to conservation easements our report articulates the difference between a fully donated bargain sale and a fully purchased conservation easement and the financial incentives to the owners of agricultural land associated with each of these categories of conservation easement transactions. We also considered the concept of a term conservation easement which is a conservation easement with a term of a specific number of years such as 20 or 50 years rather than a perpetual term. These conservation easements are not eligible for a federal income tax benefits and are not commonly used in Montana. Our report assesses the benefits and drawbacks of each these four categories of conservation easement transactions, we noted the fact that Open Space Bond funds can be used to cover certain transaction costs and that that is a significant incentive for landowners who are considering protecting their agricultural land with a conservation easement. Our recommendations to the commission for conservation easements are as follows: we encourage you to continue to permit Open Space Bond funds to be used to cover transaction costs, explore resources for a perpetual funding source for conservation easements, collaborate with land trusts and other entities to educate landowners about the financial incentives associated with conservation easements, lobby for State level funding for open space and agricultural land conservation, lobby the USDA and Congress for continuation of funding for conservation easements in the farm bill, work to pass another Open Space Bond to continue funding agricultural land preservation in our county and finally foster collaboration with private conservation easement funders such as the Audubon Society and Trout Unlimited. Their contributions are financially less significant than Open Space Bond contributions, but their support and financial contributions are important.

The second tool we considered is deed restrictions; these are simply stated restrictions that are placed on real property at the time of transfer. Deed restrictions could be used to limit development on land with good agricultural soils. A unique benefit of this tool is that the transaction costs associated with it are much lower than with, for example, a conservation easement transaction or a fee interest acquisition. The tool could be used to protect smaller tracts of agricultural land and that has been a real challenge of this conversation is how do you protect smaller tracts of land with an incentive based tool that has high transaction costs? The drawback of the tool is that it can really only be implemented when the property changes hands and the right to enforce the restriction is typically held by the seller of the property so there are questions surrounding the enforcement mechanism of the restriction itself. Our recommendations associated with this conservation tool include the following: establish a funding source for paying landowners for placing deed restrictions on their property, in particular if the landowner is developing a new subdivision; explore ways to ensure holders of deed restrictions enforce those rights and consider whether CAPS (Community and Planning Services) would have the capacity to monitor with landowner deed restrictions, if the County ended up using that tool.

Finally, we looked at fee acquisition in order to protect agricultural lands. We looked at a simple straight up fee acquisition, we looked at a pass-through fee acquisition combined with a conservation easement and we looked at the community land trust model. In a straight forward fee acquisition a land trust or local government entity could purchase land and own it in order to preserve it for agricultural use, including use by lessors of that land for agricultural purposes. In a pass-through transaction a land trust or a local government entity would purchase the land and then soon afterwards sell it to a conservation buyer, subject to a conservation easement that would protect agricultural values of that property. In the community land trust model, the community land trust would own the fee interest in the land and the farmers would own the improvements on the land and would lease that land from the community land trust for agricultural use through long-term leases, typically 99 year leases. This model has the distinct advantage of making access to farmland much more affordable for lower income agricultural producers. Our recommendations associated with fee acquisitions include the following: to facilitate pasture transactions the County should collaborate with conservation realtors and organizations such as Farm Link Montana; the County should explore mechanisms to encourage increased use of the community land trust model for achieving agriculture land preservation, this model has already been successfully used to achieve permanently affordable housing in Missoula and we think there is real opportunity to use it in the agricultural land preservation context as well.

In conclusion, I wanted to highlight two overarching themes of our report and perhaps more importantly our committees' in person conversations. Our group recognized the need for reliable

funding sources for all of these tools that I have talked about and there was common consensus and interest in passing a new Open Space Bond. Our group urges the commission to continue taking a proactive approach to the preservation of agricultural land, not only in the subdivision review process but in general.

Commissioner Rowley – As far as the deed restrictions not being used, the historic use is infrequently, is that circumstantial because of the way it is set up or is there a specific reason that deed restrictions are not commonly used? Is it the whole time conveyance piece or do people not know it exists or do we know why it is not frequently used?

Alice Jones – The short answer is no; we don't know why they haven't been used. Our committee also didn't talk about that thoroughly. Just speaking on behalf of my own knowledge, land trusts in Montana don't commonly use deed restrictions as a conservation tool, in part because the land trust would actually have to be the seller of the property and land trusts typically engage in conservation easement transactions so that is probably a big reason is that it is just not a common tool utilized by land trusts. I am sure there are other reasons as well.

Commissioner Rowley – Okay. And then there are a few times when it said the County should establish a funding source, I am wondering if our current Open Space Bond can pay for things or if we pass another one if we could incorporate things into it and then there are places it could be used. I don't know if that means it can currently be used or we would have to pass another one with different language, specifically the funding source for deed restrictions is one example. Do you know?

Alice Jones – I think off the top of my head, without looking at the ballot language in particular, the current 2006 bond authorizes expenditure of bond funds for real-estate interests. I don't think it limits the use of those bonds for acquiring conservation easements or fee acquisitions.

Commissioner Rowley – Okay so we could be using the current Open Space Bond with more flexibility.

Alice Jones – I believe so. Our group did contemplate a future Open Space Bond that would have different language than the current 2006 bond.

Commissioner Rowley – Right. I guess a lot of my questions are for staff. I can ask them at a different time, or should I ask them now? Whether we can legally do things or not, as far as if we can set up something and monitor compliance on conservation deeds is that within the County's purview to do land monitoring for compliance and have actual regulatory teeth to it?

Pat O'Herren – We could do that. That would be one of those items that would be project enhancement that would come before you. We have had some experience with monitoring in the past that did not work out so well because of the expertise that staff did not have and that is why we have relied on some of the land trusts to do that for us but absolutely it can be done.

Commissioner Rowley – Okay, and what is the size limit that a land trust does not want to monitor? It sounded like it was a size issue, so can you give me more information on that?

Alice Jones – Yes. I can speak for Five Valleys Land Trust, there is no specific acreage limitation, we consider every project on a project by project basis. I think the size factor really comes into play when you consider transaction costs in relation to amount of acreage that you are willing to preserve. In the most basic sense there is the biggest bang for your buck concept associated with that. If you are going to have high transaction costs you typically want to protect a lot of acres, but we consider every project on a project by project basis.

Commissioner Rowley – Okay, so we would have to work something out as far as who is monitoring and how that all works. Can the Open Space Bond be used for fee acquisition right now?

Alice Jones – Yes.

Commissioner Rowley – Okay. And as far as, if we were to take fee title we have to auction land as we sell it, would this be a different scenario where we could get around the fact that we can't usually just sell to whoever we want to or have a buyer in mind, and we have to auction land that we owned, but do you know if there are different scenarios where we can just sell land to whoever we want; do you know where that would fit legally?

Alice Jones – I don't know the answer to that question.

Commissioner Rowley – Do you John? John doesn't know. Okay.

John Hart – Inaudible from the audience.

Commissioner Rowley – So he is assuming we would have to follow the statutes and auction. Okay, so that would take more looking into.

Pat O'Herren – Another alternative that has been explored in the past would be the County providing a certain amount of Open Space Bond funding for instance to another entity that purchase as opposed to the County taking acquisition.

Commissioner Rowley – A co-op idea would probably be a cleaner way of fee acquisition.

Commissioner Curtiss – I would think that legislatively if there was a focus statewide to create some different pots of money there could be different strings attached if it was kind of a pass through for agriculture.

Pat O'Herren – Correct. In the past Missoula County has received funding through the legislature for conservation easements and the condition was that the applicants be land rich but dollar poor so there are all different types of site works.

Commissioner Curtiss – That sounds like it fits farmers pretty good.

Commissioner Rowley – I did want to mention the Iverson project as well because it is mentioned how land trusts have been more creative with purchasing the land and then doing a transfer afterwards to make it more affordable for the landowner. That was really exciting, I think the Iverson project is the first and only project we have done where that was able to happen thanks to Five Valleys and so thanks for doing that. The more innovative and different use, and how I am asking all of these questions I sound like an idiot, but it is just that since I have been on we really have historically used the money in one way and so it is great to really know that we can open up the flexibility and actually start thinking about different kinds of projects that we can do and if those can be more helpful in certain situations. Thank you, I think that is all of my questions for now.

Alice Jones – Thank you for recognizing the innovative nature of the Iverson project. It was a challenge for our staff as well, but I would emphasize that interest in innovating was definitely a theme in our group conversations as well. That is a great question of how do you use Open Space Bond funds and this resource in new and innovative different ways to reach more people.

Commissioner Curtiss – So just as a follow up to the question about deed restrictions, it is not a tool land trusts have traditionally used so, do you think that if the focus was there that it would be appropriate for land trust or is this an opportunity for a different entity that maybe has more of the deed restricted focus?

Alice Jones – I think land trusts in Montana have not used, and maybe I am just repeating what I said before, deed restrictions because the conservation easement tool is so effective but I think anytime you consider a restriction the goal of which is to protect agricultural land you have to consider who holds that right and the capacity of that organization to enforce it. So if land trusts were to begin using deed restrictions and there may be reasons for doing that as I mentioned the transaction costs associated with deed restrictions would be substantially less and so there may be situations when a deed restriction would be appropriate, but I think the important thing is that a land trust by definition is set up to hold and enforce real property restrictions for the benefit of the public and so it would have the capacity needed to enforce deed restrictions and if other entities were holding deed restrictions you would just have to look at the effectiveness of that restriction would really be tied to the holders ability to enforce it.

Heather McMilin, Housing Development Director, Homeword – I had the pleasure of co-leading the C group with Jean Zosel at Garden City Harvest. We spent a lot of time talking and I thought I would jump up right now and follow up with that deed restriction piece. We talked about it at length and it was actually a pretty impressive exchange of professional ideas. In my world of affordable housing we use deed restrictions all the time, the City or the County or the State may award us grants that have a deed restriction on affordability and us enforcing that. I think you have staff on the County side that already manages deed restrictions and we've gone through the history of how to make them work better and get triggered when there is a title change so I do think there is some County staff expertise there that you guys could look into and cross pollenate on expertise.

Jean and I took on a pretty hefty task when we went to that group meeting and Pat and Jennie talked with us. I don't know if all of us knew we were going to end up in committees but we did. I would say that committee C's first meeting over at Homeword I would call less of a meeting and more of a therapy session. There was a lot of discussion and there were a lot of feelings at the table by very valid individuals that went through a pretty tough process and that is why you guys put us together to talk about it. At one point we were called out, Homeword and Garden City Harvest, as to why we didn't play an active role at a certain level and the response was because we understood both sides and we didn't understand why both sides couldn't have those conversations. So you can imagine the time we spent and the tears that were at that meeting

and we put a lot of things on the table and it went surprisingly well, I felt exhausted when we were done but then by the second meeting it opened the door for some pretty honest conversations. It was not easy. I think the group that had these discussions, I don't want you guys to take it lightly, it was a lot of effort and a lot of emotion that went into it but there is some real information there; people who have been working on this issue for decades, not just us as housing developers and groups that do preservation of land there is a lot of information there. We threw out the rule of voluntary and we had a lot of discussions about the fact that zoning needs to address this. You need to have inclusionary zoning or incentive zoning where you make it more possible for landowners to spread development rights out to the edge and do conservation. There is a City clustering conservation ordinance in their zoning that works really well. In fact we are looking at a couple of projects right now that will help us afford to do what we did at Orchard Gardens. I think that is probably why Jean and I were thrown into that position is because we have done it once. It wasn't simple and we had to do a whole zoning rewrite. I don't remember what the County's term was at the time, it is different than the City's but it took a lot of time and a lot of brain damage to get it done. We were hoping we could do something like that without having to go through that time and effort so we will continue to work on some of these solutions in the actual development side of things. We are really excited these lead to a lot of agency conversations, partner conversations and I really think the meat in this report you guys should take to heart and we will come back and talk to you about more things as we walk through the process. There is good information and a lot of heart that went into that so thank you for your consideration and if you want to talk technical details through the group that I was in John and Alice and Bonnie and all those guys, we had some very technical conversations so it would be fun to do that again at some point. Thank you.

Commissioner Rowley – Thank you and thank you for all of your work. I am sure we will want to get into some of the technical details as this moves along. I just want to mention that we did put money into the budget for the next three years to redo our zoning codes for the county. That is going to be a long and painful process where we hope to continue to address this from the zoning standpoint and we did take clustering out of the subdivision just because no one was using it. I learned from developers it is because it is a disincentive because once you cluster you are at urban standards and the infrastructure is more expensive and that is why nobody was using it; we need to address making clustering affordable and having the standards so it is not a disincentive for developers to cluster. We have continued to learn a lot and continue to have conversations so thank you for bringing your piece into the picture.

Jim Cusker, member of the Tools Committee – I would like to start off by thanking a number of folks. First of all the County commissioners, I saw how you anguished over the decision that was made looking at the subdivision regulations as far as agriculture was concerned. I was also extremely pleased with the directive that you gave CAPS because you obviously showed your concern for the loss of agriculture land but you needed additional study. You turned it over to Pat O'Herren at CAPS and I want to thank Pat and his crew for organizing the committees, I would like to thank everybody who showed up at that first major meeting it was truly awesome and for everyone on each of the committees who put in their time this summer, it was really, really neat. I have had the opportunity before I came here to look over the reports of all of the committees and I was tremendously heartened to notice considerable overlap between the three reports; that is great. One of the first things that jumped out at me was the emphasis on the need for additional County funds for a new Open Space Bond because the original one will soon be all out of money. As you read through the Tools Committee report, you mentioned Commissioner Rowley, money here is that going to come from Open Space fund, and I think the answer the Open Space Committee would give is we sure hope so because some of these new tools and some of the old tools need to be upgraded and are going to depend upon the influx of a lot of money. My personal hope is that we won't try for a measly ten million this coming time but upgrade it to a least 20, but of course that is an issue for the future. One of the other things that I noticed in one of the other reports was that large and small properties with the agricultural soils should be considered for protection using the open space funds. One thing that I picked up on the development committee report was they listed a tool that our committee didn't think of, listed on page three it is number five at the bottom of the page; Missoula County should explore options for long term agricultural leases. That is nifty and our committee apologizes for not thinking of that but thanks to you guys on the Development Committee for that great job. Many thanks to Heather who chaired the committee; she is an extraordinarily busy person. I don't know how she found the time that she did to lead our group. I was really impressed with the composition of the folks on the committee; a representative from CAPS, representatives from two different land trusts, a representative from the County, one from the County extension service, realtors, ranchers, farmers and small orchard growers and that sort of thing, Garden City Harvest, folks that I thought definitely should of that nature. Alice did a great job of not only giving the report, but of course she was the one who took the rough draft and made it readable and understandable so many thanks there to Alice.

Commissioners as you look at the report you will notice that as each tool is mentioned the historic use of the tool is given, why it works in some cases and why it doesn't. So I hope that this will be a reference point for the commissioners and perhaps CAPS when one of these tools

comes up. If you look at the tools on the bottom of page four it discusses land acquisition; as you are well aware the big sticking point of subdivision review regulations being considered was this, the commissioner sympathized and rightly so with landowners who thought that the regulations as written may have resulted in the taking of some of their land. It was generally agreed that if landowners wanted to get out of agriculture they should receive the highest and best use appraised price for their property; tools which allowed that to occur were not in place at the time. You discussed a few moments ago, Commissioner Rowley, about the Iverson transaction, very unique; one that was a little different but extremely similar happened just this past year in Ravalli County. It worked like this; this older woman who had this rather beautiful farm ranch wanted to pass it on, wanted to sell it to a young couple, they didn't have the money to buy it, so they worked out this scenario, the land trust purchased the land with the understanding that once the conservation easement was put on it they would sell it. They already had the buyers in hand, the young couple and they would pay that bargain price for the land and then the land trust was reimbursed for the difference in price through the expenditure of open space funds of the Ravalli County, beautiful. I would suggest that in the future we would pay attention to tools such as that they are going to cost more money and as Alice also mentioned in response to your question about the size, well when you start considering acreage here in the urban fringe the price goes way up even though it is on agricultural land, way up, consequently it is going to cost more money. However, we also need to remember that the growth of agriculture in Missoula County today the big growth is on those small farm operations there are folks that live on really small acreage that make a heck of a good living and hire other people to work on their land because it is rather inexpensive and they can't get it all done. This land has got to be protected because as you know there is not that much of it left unprotected. I think what the commissioners and CAPS has done, having the reports and having these particular committees come in, will allow the County to say, okay here are some things that are emphasized by the said three committees we need to put that in place and of course we need to pass that \$50 million Open Space Bond.

Interestingly enough within the last couple of months I was able to sit in on a couple of development projects here in the Missoula Valley, most of them 20-25 acres in size both of them sitting on land covered in prime soil. The owners and developers had put a lot of time and a lot of money into the planning process. I noticed on the development committees report and this is the last part of the tools committee report on page seven, recommendations for the implementation of the incentive based agriculture land conservation tools in Missoula County. Number two, preliminary steps be followed by owners of agricultural land and the agriculture portion of the subdivision review regulations. Now as we continue through there it does not say that you have to give up part of your land but it recommends that the first step would be this in the subdivision review process. If a chunk of land that has been used for agriculture is covered with agricultural soils is considered for development there has to be a first step in that process before they spend all of that money plotting things and those steps are outlined, a, b and c. None of these say you have got to choose one of these but here are the available options because in many, many cases the owners of that property are not aware of these and I am convinced that the owners of highly productive ag land, perhaps whose families have been there for a long time or not necessarily because I know new comers to the valley that are just as enthusiastic about saving the agriculture soil as myself. If they had to get out of agriculture or wanted to they need to have the full market value for that but before they want to put in all of this money and if they want to save some agriculture land then we make these the first steps of the subdivision review process. The fact that the land occupies land of historic agricultural use and/or have soils of agriculture productivity then that is the first thing you do and that would speed things up and save a heck of a lot of money and I am convinced that it would save a lot of agricultural land. It might cost the County more in the short run but we want to remember that protecting this particular resource would be a great investment in our future. Thank you.

Commissioner Rowley – Did anyone else want to talk from the tools group? Moving on then, we didn't have much discussion on the first group; I did have one question for the first group. I know we have talked about a food purchasing option for the County, did we not get that all the way through the process or...

Pat O'Herren – The food purchasing policy; we did some initial investigating on that and one of the issues we ran into was the detention center and how to deal with that and also how to deal with the healthy foods policy. So we did do some initial investigating, but have not followed up further, pending recommendations from the groups.

Commissioner Rowley – When I read that I knew we had discussed that piece.

Commissioner Curtiss – We buy a lot of food for the detention center, but you know having cans and cans of corn on the shelf is much better when you are feeding 400 people is, you know, pretty hard to figure out how we would buy all of it fresh.

Commissioner Rowley – Is there a mobile meat processor still, around here?

Annie Heuscher – A lot of local food purchasing policies just give preference to local providers. So it's not that you have to buy everything local or something like that but there is a certain percent that you are encouraged to buy local or there is in the rating system for how you rate different vendors, there are benefits for being local or for providing local products. On the mobile processing facility, there still are mobile processing facilities but none of them have been approved by the county sanitarian in Missoula County. They have been approved by county sanitarians in other counties so they are operating in other parts of the state but not here in Missoula County.

Commissioner Curtiss – So Pat we should have a conversation with the Health Department about what the issues are with the meat processor.

Pat O'Herren – Absolutely.

Annie Heuscher – On the second to last bullet about implementing a solution oriented culture in the Health Department that's one of the really large things that came up in a big way because there are a lot of things, especially around meat, that are able to be done in other parts of the state that aren't able to be done in Missoula County.

Commissioner Rowley – Yes, we are aware of that culture and seeing what we can do about it. I actually had that question on that bullet point is that the regs are State regs. So are there specific regs that are a problem or is that our interpretation is different than other counties interpretation of the same regs?

Commissioner Curtiss – I think one of the big ones in regards to the mobile meat processing is the disposal of blood.

Commissioner Rowley – When you spray the floor to clear it out, what do you do with that waste water?

Commissioner Curtiss – So we need to have a conversation to see if it is an interpretation or what the deal is.

Annie Heuscher – It is a little bit of both I think.

Commissioner Curtiss – And then there is something about cured meats, I think that is the latest one that we have heard about.

Commissioner Rowley – Right, which should be, there are safe ways to do that so we should be able to...

Annie Heuscher – And there was a new curing facility that was just started up in Gallatin County so there are other models that are currently being created within the State under the same set of regulations that we could look to.

Commissioner Rowley – We also have our own set of food regulations. Missoula County has more on certain things but that's definitely a conversation that we need dig deeper into and try to figure out. But if anybody has any specific, whether it be a specific regulation that is a problem or the interpretation of a specific regulation that would be helpful for us to have more specific conversations about how things are being interpreted and how we can get things through. I had a question about developing a loan program. We do have the economic development revolving loan fund that the grants department runs and that was originally CDBG (Community Development Block Grant) money, do you know if this type of economic development would be an applicable use of that revolving loan money?

Pat O'Herren – I do not, but I would be happy to visit with Nancy about it.

Commissioner Rowley – Okay, we already have that pot of money that would be interesting if that money could be used for that.

Annie Heuscher – Typically CDBG because they are through Rural Development, correct?

Commissioner Curtiss – No, it is through Commerce.

Annie Heuscher – Okay. My experience with other revolving loan funds is that they are not able to be used for farmers but they are able to be used for other rural businesses. But for some reason when USDA broke those up between USDA and commerce they said that those can't be used for farmers. But there are communities that are trying to develop revolving loan fund pools that are a little bit more open.

Commissioner Rowley – I wonder too if the initial money couldn't be used for that but the program income money could be? And separate those two pots of money and use the program income money on that potentially if it is not usable in the actual CDBG money. That is something we can research.

Annie Heuscher – Right.

Commissioner Curtiss – I think Lake County has applied for a revolving loan for CDBG money that wasn't for a specific project but rather they pick out the project. So we have a lot to learn from different places I think.

Annie Heuscher – There is an effort at the federal level to create a new pilot program for revolving loan funds for farmers. If it becomes something, Pat, where you think it can't be used for farmers let me know and we will see if that pilot program comes out. We would love to get it here anyway so...

Commissioner Rowley – And then the same question that I have for everything, does opportunity development fund to pay the difference between what a farmer can afford and the value of the land for other purposes, could that be an open space expenditure?

Pat O'Herren – Correct.

Commissioner Rowley – Okay.

Annie Heuscher – This is actually a tool that has come out of Canada. There are some provinces that are using it and it is kind of set up like a community foundation. So there is local fundraising that happens either through taxes or through like foundation fundraising and then they just determine that one of the community values that they have is to keep farmers on the land and so then when there is a difference in price between what a farmer can afford to pay and what a developer can afford to pay that fund can be used to fill that gap.

Commissioner Rowley – Okay. Thank you, now we are ready for the formal presentation.

Mike Nugent, Realtor – I am with the Conservation Development Models Working Group several of our members are in the audience. I would echo some of the things that few of other people said. We had a very diverse group of people and it was a very interesting set of conversations. We met nine or ten times, there was about 20 of us, each meeting had an average of about ten people so we had good turnout, we met most of the summer and basically had some discussion based working sessions but we also did some other things. We joined one of the other groups in a farmland tour with the incubator farm and also took a webinar from the American Planning Association on this exact topic and there were some interesting things and some odd things in that webinar but was a useful part of our process. We have a thorough report seven or eight pages so I am not going to go through each line item line by line. I am happy to answer questions on anything. Our major discussion topics were: Open Space Bonds, zoning, Montana Department of Environmental Quality Subdivision Regulations, Missoula County Subdivision Review and Regulations and then we actually broke that one down a little bit further to agriculture mitigation standards, regulatory predictability and impacts to housing supply and costs. Each of those sections we did a findings section and a conclusion section for each one of those topics. There are several people in the audience, from our group, who could speak to one particular thing or another so at the end I will give them a chance to come up and speak to something they are a little bit more in tune with. Some of the things the tool group mentioned and that Cola kind of stole my thunder on already was cluster development and just why it wasn't working already and the causes for that. Some of those things are out of our control and then obviously a big thing in encouraging dense development is septic and sewer regulations and what you have to do and how much space you need if you can't connect to a public sewer or City sewer. Our overall conclusions from our report were first, County zoning that does not allow, much less encourage many viable design alternatives. Actually, if you read it, there aren't many tools contained within our current zoning that encourage ag mitigation or ag conservation at all; obviously cluster development is a big part of that. We are encouraged that part of the process is ongoing and that is something that my group has been talking about for a while so we will commit to continue to be a part of that conversation. Our second conclusion, a County subdivision process that is difficult, expensive and unpredictable. Attempting innovative designs in that process can be very difficult. So when we are looking at that from the aspect of ag conservation is there some give and take, are there places where we can perhaps provide incentives to the developer to not having to do a specific thing because it is not an urban subdivision it is more of a rural subdivision in exchange for setting aside land and things like that. The third, recent changes to the DEQ that I referenced make small lot clustering very difficult. The reality is that the current DEQ regulations and things like that almost encourage sprawl development or acre plus parcels. If you don't have the ability to form a community sewer system or community water system or connect to public utilities you almost need an acre and a half per house. In one that doesn't really encourage clustering small wise development paired with agriculture. Finally, the demand for agricultural land is struggling to be met with current market land values. We recognize land is expensive in Missoula and it is going up. That is a factor in every part of our conversation, housing costs and all that. Regulatory or subsidized assistance to pair agricultural lands set aside with rural developments without passing all land cost on to residential lots would be beneficial to citizens of Missoula County. That is kind of the

quick and dirty overview of what we talked about. Before we get any questions I would invite anyone from my group to speak.

Andy Hayes – One thing that I want to point out with a lot of this volunteer ag mitigation discussion that we have had in this group and other groups is really dependent on a new Open Space Bond. As you are probably aware we are pretty close to the bottom of what is left and we will probably run out in the next fiscal year. I just saw that time and time again; that mentioned as the vehicle to be able to save ag land and I hope that it will be in the future and that we will get a good strong bond and that we have a little bit different language in the bond that better encourages ag land preservation. I wanted to say that I hope that we move onto the next step in this process that will involve staff from CAPS and if in fact it also is going to be some volunteer members from these groups I would encourage that. In fact I think in order for it to be successful it needs to be vetted with all of the stakeholders as this process was and if we continue with that we can be really successful in what we come out at the end with this. The one other thing that I think is important that hasn't been touched on at all today is I think that the County, CAPS probably, needs to contract some kind of unbiased study that can be done on the impacts of land values which was a huge point during the first year of this process and how the land values that are affected are required ag land mitigation regulations and I know that we had a lot of hearsay talk and different people that felt one way or the other but I think we really need an unbiased study that tells us what impact that has. I'd also like to say that because we were looking totally at voluntary processes we had some conversation about regulation but I don't doubt, I think probably in the end there will be some regulation that fits in here at the very bottom of this process and that is why it needs to be well vetted with all of the stakeholders. Thank you.

Mike Nugent – To follow up on what Andy said, we had a diverse group of people with a diverse group of thoughts and we really only had one point in our entire report where we had all 20 of us say, yeah we will all put our name on that, so we put a little asterisk next to it and moved on. But it was a worthwhile process and the continuing mention of the Open Space Bond by everybody who spoke is obviously something that if nothing else changes I think an Open Space Bond that is broader helps. Obviously, it would be great to pair it with some other things that encourage responsible development that also gave people the opportunity to conserve ag next to it and maybe the agrihoods we've talked about and things like that and find ways to actually encourage that. We welcome any questions you might have.

Commissioner Rowley – I think a lot of my questions with this one are just ongoing conversations based on the conclusions that you came up with. That is a valid conclusion, now what do we do about it and I think that we need to have further conversations and I do think that we need to meet with them more and other people to figure out what do we do about it and how do we move forward. So that is a lot of vague questions on a lot of them.

Commissioner Curtiss – I just have more comments. There is a couple of places we talk about parkland dedication and requirement for trails and other things so when you are sitting in our chair, I can tell you we get just as many calls about why isn't there a trail here and who is going to plow it as we do the other, so you know it is that big balance of making sure people have access to recreation, they have a way to move along beside a farm because you can't always walk along a borrow pit when it is full of snow and wildlife and habitat are important things for us to consider also. So just a couple of comments about regulations I guess.

Commissioner Rowley – You guys have put so much time into this and it is actually pretty dense information so I don't feel like I have all of the background sometimes. My question on page five, number three at the bottom, it is talking about the other six criteria that we have to mitigate in required mitigation efforts should be reasonably similar in scope but I feel that is backwards from the push to do so much ag mitigation because we don't actually specifically do a lot of mitigation for these other things. Or do you disagree with that? It just confused me a little.

Paul Forsting, Territorial Landworks – That is a good point and so there is nothing being done, today there is nothing and tomorrow we will take half. It seems a little bit un-proportional to what has been done or what is being required and so when we look at an impact a subdivision has we, in my position as a consultant, try to guide someone to say what is reasonable to mitigate that. If there is nothing you would say, well I don't have an example; I guess that is what this report would say is we don't have anything to say. We don't have any good examples. It hasn't been necessary in the past; now it is necessary and so how do we get there? And then, when we look at everything else like wildlife we have to say hey we found there is an impact to wildlife what have we done? Those things haven't been as costly as what is proposed for the regulation changes here. They have to be reasonable.

Commissioner Curtiss – There are people who have done subdivisions that have had to mitigate for wildlife that will tell you they have spent a lot of money.

Paul Forsting – Maybe they have but in general just look at the impacts you would want them to be proportional. Like the parkland dedication, theirs is pretty detailed for how processed for you mitigate that impact and it is across the board.

Commissioner Rowley – My follow up question on that is, is there sort of a suggestion where we are going to need super spelled out mitigation standards for each of these things? Is that what you are suggesting?

Paul Forsting – I am not here to suggest anything. I am just saying that when parkland dedication was identified as something requiring mitigation it elaborated across the State and put in a pretty detailed evaluation of when it is required how you address it and what are your options if you don't address it. It is pretty detailed and it provides a really predictable outcome and so when I meet with somebody I can say, hey you've got to do parkland dedication and here is generally how. If we do put something in there that is something to the scope that would be really helpful and then people could evaluate and say this is something...

Commissioner Curtiss – But I think parkland is a whole different ball of wax. So it is identified, it is a percent, it is much easier to see what the impact is. You are going to have, you have a 100 houses you are going to need this much park dedication, it is more formulaic; where ag and wildlife are specific to the property that we are looking at what's around them and so if you put too much in there then you are going to be asking for a variance because in this case it didn't really meet that. So I think that is how it has always been hard for us. You can't just say, well in this case half of this land is ag so therefore this because it isn't always the same every time, it depends. Does it have agricultural water running to it so therefore it can be irrigated? It is just that dilemma.

Paul Forsting – I understand and the regulations, the way they are currently being interpreted, if you have a prime soil, you have this, you are in with it. Even with the soils gone now we are still having the discussion. Just a thought and again, I think people in the group said, hey that's not fair, I want this to be across the board I don't want this just to be on ag land, if I have ag land and if this is really a community benefit, why am I paying this whole cost let's do it for everything regardless, pay the fee get the money. We didn't even strongly push for that exact formula or anything.

Commissioner Rowley – On number five the first sentence says, "The regulations should promote rural designs in areas where ag land preservation is the priority." Do you we have that designation? Like based on the CFAC study or does there need to be those cornerstones, does that need to be defined first?

Paul Forsting – That is a good point there seems to be some push and pull on the regulations; that we want trials, we want infrastructure, we want connectivity but we also want to preserve ag land and we want parkland. It is just pulling you in all directions and because of that we really need to identify where we want it, where we want growth, where we don't want growth, where ag is the priority and look at some creative ways to work around things that might impact ag, hard surfaces. We have a lot of regulations that came from good places. It is hard to say that anything that helps the fire department do their job is a bad regulation but ultimately we are talking about bigger roads; bigger turn arounds, more costs. It is hard to say that anything from the sanitary point of view and the DEQ regulations is unwarranted because we want clean water and air and we don't want congestion on the streets and such. But at the same time those are triggering higher improvements; they are raising the costs, increasing the number of lots that have to be created and creating a more difficult puzzle for somebody to do. Mom and pop developers have really got a tough row to hoe when they do that. I know when I started ten years ago working on subdivisions we had a lot of mom and pops and now it is hard to convince them that is maybe the right thing for them to do and then somebody more similar to a developer has to make those decisions.

Commissioner Rowley – Okay. So when that sentence was written it wasn't that you had an idea in mind of what, like the CFAC document or should that be part of the County's resource mapping that we have talked about doing or what was in mind when that sentence...

Mike Nugent – I think it was more of a conversation of what might still need to be. I want to stress that we intentionally did not go and try to resolve that because we wouldn't have gotten anything else done. The conversation we just had about mitigation standards is probably more time than we gave it in our committee and I want to make sure that I am not grouping anybody into kind of going down a path. We tried to focus on the bigger picture but to acknowledge that that is still an unknown to a lot of people in this report or it was kind of useless.

Commissioner Rowley – And then the next sentence about reducing the hard surfaces; what is the ultimate purpose of that, cost reduction or to have more breathable soil interacting with the air for the environment?

Mike Nugent – It would depend and the answer would probably be both. I think the initial conversation would be cost reduction in infrastructure for the beginning of the project and if there is a tradeoff to encourage more conservation but give the subdivision a more rural feel, so a little bit of a tradeoff there.

Commissioner Rowley – Okay. I was intrigued by the allowing the park areas, common areas to be the parkland dedication and meet ag land mitigation. Do you know if that has been done anywhere else or if that is allowable under the parkland dedication? Or if that would have to be changed?

Bonnie Buckingham, Executive Director, Community Food and Agriculture Coalition – It hasn't been done. We had just discussed, there is set asides that happen through parkland and maybe in certain circumstances it would actually make sense that was a community garden or an agricultural plot.

Commissioner Rowley – In my subdivision there is a parkland dedication and it is just an open field.

Bonnie Buckingham – And some of them are.

Commissioner Rowley – It would be a great place if somebody wanted to use it for ag, you know.

Bonnie Buckingham – Sure, some people have planted fruit trees as well, so there are small examples I think. But we are just trying to think creatively about how to make that happen.

Mike Nugent – Absolutely, kind of keep that tool in the tool box basically.

Commissioner Rowley – And then number 12 on page six, talks about expanding subdivision regulations increases project costs and additional reports and stuff and we tried to address that in our most recent rewrite and even though it is a little longer it is easier and more succinct so we thought we made that better. Did we not make it better, or did we make it worse, or didn't help at all?

Mike Nugent – I think that time will tell. I think it is too early to kind of say definitively. One of the things that we discussed and it is something that we hear a lot in development conversations statewide is that, a project in Missoula County requires a lot more documentation than a project in a lot of other places. I am not sure how the most recent ones went back; Paul might be able to better answer that. The truth is we haven't had that many go through the most recent to know that; I just think that until we are sure it is a conversation that needs to be.

Commissioner Rowley – Okay. I just didn't know if you had experienced that they were worse now when we thought we were making them better...Jennie did you have comment on that or something else? Most of these are just longer conversations that I don't think I should bring up right now. I did want to bring up the one point that it is mentioned a lot that people want flexibility and then it is also mentioned a lot that people want predictability and those two are opposites sometimes in planning but we are trying to strike that balance always. I just wanted to make that comment that those two words are used; having flexibility and predictability is really hard but if you have language on anything, if you have suggestions of how it could be predictable and flexible I would be very open to that because it is such a hard balance to strike.

Mike Nugent – Yeah, I will put that out to our group and if we have any suggestions we will. I would kind of counter that and say that those aren't necessarily mutually exclusive. Like the example that we had Bonnie just come up and talk about, there is flexibility there but could also be predictable because if a developer knew that in a more rural setting that might be an option they can get that in there. One of the things that we talked about in our conversation is the more they know up front the more cost they can save because they do the initial and then have to change it and have to go back, the costs go up.

Commissioner Rowley – Right, so it is kind of different levels. Like categorically it is predictable but then when you get down to the details of its got more flexibility embedded into it.

Mike Nugent – Yes, or either or.

Commissioner Rowley – Gotcha. There is a cash in lieu for the parkland dedication. How did that work? The money got set aside, but it has never been utilized to purchase anything has it? What did we purchase with that?

Commissioner Curtiss – Oh yeah. Well, we reinvested back into that neighborhood where it is collected. Like in Seeley if we sell Drew Creek Park for example, we will reinvest that into another park in the area so it could be for a new park or it could be reinvestment in an existing park.

Commissioner Rowley – So, if they don't want to have parkland, they can pay cash instead and have that paid into the neighborhood in other ways.

Commissioner Curtiss – Well, then we would use it for parks, grants and all that kind of stuff.

Commissioner Rowley - But it doesn't get reinvested into that neighborhood then, the County has a pot that has to be parks?

Commissioner Curtiss – No, the County keeps it in neighborhoods; so if it is collected out on Mullan Road (lost video for the end of this sentence)

Commissioner Rowley – Since I have been on we just haven't done any cash in lieu of parkland or any subdivisions. Since the cash in lieu subject was the subject of the subdivision topic, I would be interested more in how the two are parallel or different; this is talking about number four on page seven, I think that warrants more discussion. Anyways, I think I am done with my specific questions.

Jennie Dixon, Community and Planning Services – I just wanted to address one aspect of this report, hopefully some good news for the group here today. With respect to the recommendations in this report, relative to zoning on page four. First of all I wanted to let the audience here today know that we are very excited, as Cola mentioned, to be starting revisions to our zoning which are in process right now. We are hoping after the holidays to roll that out to the public for conversation and specifically looking at the conclusions one, two and three; we love those. Specifically number one we have added culture in every district so basically everywhere with no minimum size requirement for acreage. Ag structures don't have any specific setbacks unless they are housing livestock so I think that is going to alleviate a small slice of the solution; and then looking at the density and cluster developments that comes along a little bit latter. The zoning amendment process we are taking a long view to do a really good job so initially it is probably going to feel a little bit slow and incremental steps but to be successful we think that is the best approach. Anybody here today who is interested please contact our office and be involved and we will also be contacting you. Thanks.

Commissioner Rowley – Thanks. I just want to mention while we are tooting our own horn, on page three doing ag leases, I don't know if you have read in the paper, it was in the paper a long time ago, the LaLonde Ranch, we have been looking for uses for the LaLonde Ranch for a long time. We have been in discussions with Freedom Gardens, they want to turn it back into ag land and utilize it. We are working out a lot of kinks. It is something new that we haven't done before, it is difficult on that piece of land especially because it is in the industrial area and everything like that so we are trying to hammer out some sort of lease so that can be used as ag. We don't know if that is going to work out or not but certainly an idea that is new and that has started the process of looking to try and accomplish. If this one doesn't work out maybe then moving forward with a concept of something that we started to do.

Neva Hassanein, Professor of Environmental Studies, University of Montana – I really want to thank Mike and Heather and Jean and Pelah and Annie and all the folks that worked on these committees; I personally could not stomach it. Just to be perfectly honest I could not jump into another vague process not knowing whether anything would come out the other end. I am so happy that people in this community were willing to spend their time talking about such a critical issue. I say this with all sincerity I am so glad that these reports came out and that they did the work they did I am really appreciative of it and that said, two things. One, under State law you have a responsibility to review subdivisions for their impacts to agriculture and agricultural water and you have a constitutional requirement under Montana's constitution to protect and promote and develop agriculture. The recommendations from this last group get the closest in trying to move us toward a solution which is really the issue at hand. I have thought a lot about this over the last year and I think the open space program is fantastic; you have done some amazing things here. I have come to realize what the disjuncture is around it and I think is the kernel of the problem, or part of the problem, which is that open space programs are not really a planning tool. They are not really about saying, 'Oh we want to protect this over here or we want to have industrial development over there.' It is open space because it is voluntary and that is what everybody loves about it; the fact is because it is voluntary it is completely driven by the voluntary actions of the landowner and may have zero relationship to the threat of the resource. So for instance, how many of those landowners who received money through the last Open Space Bond actually were intending to develop their land? Were they? I have no idea. It is great if it is protected in perpetuity but maybe it is providing a mechanism for infusion of cash into these operations which itself is good. But I think the public deserves, especially if you are going to come back with a double sized bond, the public deserves some really detailed clear accountability about the existing bond; how it has been spent. Pat mentioned earlier something like 18,000 acres have been protected in the urban area of agricultural land, that doesn't match the numbers I got from his very own office. I think we need an accounting of the open space program that shows exactly what the money has been spent on, what kind of land it is and distinguish which you said really clear earlier, distinguish between working farms and the soil resource; we need both, soils by itself does not make a farm. I absolutely totally agree but the soils are rare and irreplaceable. There is a lot of momentum in this report behind open space money. Well, we know the citizens of this county, and I just sent a \$2,000 check myself to the County, the citizens are getting weary of bonds and have a legitimate question around how the money has been spent, where the priorities are. Unlike the City that actually designated

cornerstones that were the focus of the program, the County has not done that. So it is really not being used as a planning tool and I really think that is a problem. The other piece of the assessment that I would like to see happen is that someone needs to look at when an easement has been placed on land in Missoula County and then that land has been transferred, was the land sold at an amount that reflected its value without its development potential. In other words, let's just say its agricultural land, was it sold at an agricultural value? I am going to guess that when this land has been sold it often still goes for a much higher rate than the value of the land without the development rights. So in other words, are people cashing in through the open space program in a way that is problematic? More importantly is how is that land available for agriculture if it is not affordable for agricultural? In other words, just because it has an easement on it doesn't mean it is affordable for agriculture. That's why the state of Massachusetts has required that all of the lands that have easements on them actually have an option to purchase it at agricultural value tied into the easement itself; it is part of the easement so that when that land is sold, it can only be sold at agricultural value. That has not been used here at all and I think a person could make a pretty good argument that if we are using public money ostensibly to protect agricultural land that that land ought remain at a value that it is affordable for agriculture. It seems reasonable to me. The last thing that I want to say is that there is a lot of, two things. There is a lot of discussion here today about making the Open Space Bond language broader; well I have wondered could we focus it on agricultural land? The City of Missoula has protected the hills. Could we focus a bond measure on agricultural land? I asked that question of Elizabeth Erickson who is the open space attorney for the City and she was really leery that we could do anything like that, that we could make it really targeted because the limits on the County as far as bonding authorities go. I just mentioned that because there is some other discussion here today about using the bond for this or that, you may not be allowed to do that based on the state bonding authority that is granted to you by the state government. I don't know I am not an attorney and I am sure that your attorney can help you out on that but I think that is something that has to be looked at. I offer these just as responses to this very good list of ideas that people have out together and I do appreciate that they have done that. The last thing, I am hoping that we can bring Mike and others from his group to speak to the Planning Board, I am on it now and I'll propose that next week when we meet. But we have done a lot of work in this County already and this is another great report to add to the stack that we have. The fact remains that there is a mitigation requirement under State law and apparently there has been a chilling effect. The failure of the County commission to act earlier this year has meant that a lot of people are holding off on bringing subdivision proposals forward because there is no predictability. I would argue that we did have predictability and flexibility built into the draft ordinance that you considered. Was it perfect? No. Did you fail to really negotiate a solution? No, or yes. The Planning Board has put three years into this already. What is going to happen now with this report is it just going to sit and wait for more subdivisions to come down the pike and then end up possibly in litigation to find out what do you have to do to mitigate? Because the language is pretty clear that you do have to consider the impacts. I wanted to offer that, I do really appreciate the efforts of everyone and I am hoping that at least Mike's group can come speak to the Planning Board because that speaks specifically to the kinds of things that the Planning Board considers. Thank you for your attention.

Commissioner Rowley – I have a question for you Neva, a few actually. In Massachusetts that was?

Neva Hassanein – Yes.

Commissioner Rowley – And what mechanism was that through? How do they...?

Neva Hassanein – It is a State law. They have a state bond that is used for farmland protection only. It requires that when you get that state money that if you are going to transfer that land...it is mostly being used in Vermont though. I just had a graduate student finishing a master's thesis looking at this OPAV (Option to Purchase at Agricultural Value). I am guessing that the land trusts around here won't want to do it because there is a financial incentive to landowners to protect their land and then they could turn around and sell it for more than the agricultural value. I just wonder how much longer the public, maybe the public doesn't even know, I guess the public doesn't know that there is no accountability for that.

Commissioner Rowley – So when you were talking about cashing in on an easement, is that what you were referring to? Because farmers who put an easement on in order to get more money so they can buy more ag land. People could call that cashing in but that is actually increasing the amount of land in farming. So when you say cashing in...

Neva Hassanien – Well, I don't mean that they necessarily buy more farmland. I don't mean anyone in particular or that there is anything nefarious. I just mean if we look, I don't know how many easements have been done in Missoula County, do you know?

Pat O'Herren – Roughly 90.

Neva Hassanien – Okay, so 90 easements in Missoula County. How many of those 90 parcels have been sold?

Commissioner Curtiss – Not that many.

Neva Hassanien – Not that many, so maybe there was no threat to begin with, but if we looked at how many of them have been sold and when they were sold what was the value of that land? Was it sold at an agricultural value? Because presumably it should be, if it's ag land. Presumably, it should be because we have taken the development rights off and we have set them aside. So my point is, if I am a landowner and I receive money for my easement or tax credits or a combination but then I can turn around and sell it for more than the agricultural value. Does that make sense?

Commissioner Rowley – Gotcha. I wasn't sure what you were referring to. Yes, that makes sense.

Neva Hassanien – I am not saying that anyone is doing anything nefarious, I just think especially before this comes back to the public we should really be able to answer clearly the questions that I have not been able to get out of the County in very reliable forms.

Commissioner Curtiss – We get information from them on a regular basis and I consider it reliable. But just as an example one of the last Open Space Bond projects that we approved is the Isbell-Blue Heron. Now that one we definitely know that it was approved for, was it four lots?

Neva Hassanien – Yeah, it was approved for a subdivision.

Commissioner Curtiss – Quite a few lots and now it's going to be continued in ag land. But what we have learned, a lot of times when people say they don't want a subdivision next them it will ruin their values. What we have found is having all of those things next to them increases your value. I don't think in Montana, it will be interesting to do the research on Massachusetts, but with it being a state program and state funding I am sure it has more ability than we have and the County level but it is worth looking at. I don't know if we have that authority. Our problem is if we take something like that to the legislature, that is mostly made up of folks in eastern Montana that don't have the same threats that we do, it might not fly.

Neva Hassanien – I don't know that it would have to go to the state. I think that if you are setting up an open space program and you say that you want that money to go towards protecting agricultural land, or maybe it is any of the land that we are protecting with it. Should we be able to sell it for more than that value without the development rights?

Commissioner Curtiss – Well, conservation buyers a lot of times pay a lot of money for that. Like I said though, in the County we don't have the same authority so I am not sure if we do but we will definitely have staff look at it.

Neva Hassanien – Can I just respond to one thing on the Blue Heron because it is an interesting case? I don't know if you remember commissioner, that that was one of the instances where we were actually able to negotiate with the developer to protect part of the land as an agricultural parcel. Part of it is riparian along the river and then the economy tanked or whatever reason they didn't develop it and they sold it to this other person who put an easement on it. I have been trying to figure out what is the meaning of this story exactly. This person, I don't even remember his name, who put the easement on it now, he's probably not planning on developing it. Is there a threat to that land? My larger point here is what we need to look at is where are the threats? Where are the resources that are left? Do we even know how many parcels there are in Missoula County that are over ten acres that have agricultural land? Where do we want to prioritize the protection? Open space programs prioritize protection for wherever the willing landowner is.

Commissioner Curtiss – That is true. Montana is, while we protect ag land and all of those things we also really protect property rights and I think that is where we have always come from. When you say that is not a planning tool, nope it is not a planning tool; we count on our land trusts to be the ones out there visiting with the neighbors, seeing where there is connectivity, seeing what resources are being protected and that is the tool we have used up to this point. As we go forward with the zoning there is some potential to do that and we also think we have more authority to zone than we used to have.

Neva Hassanien – Are you going to zone the whole County or what's the...? Because if we thought the mitigation fight was no fun, the zoning fight is, you know I don't need to tell you; if we want to do it through zoning great. My point really is, it is not a planning tool and how thinking about the threats, where we want to grow as a County and where is that going to happen? Do we need to be looking at, for instance, something that is like a donut around the City where we have a mitigation requirement that makes sense, whereas the easements and voluntary programs are working really well up the Blackfoot, excellent, wonderful models for the nation and the world.

But around the City we keep creeping out and we haven't just really made a plan for how we want to deal with that and I really hope that you guys will take that on.

Pat O'Herren – One quick clarification Neva, if I misspoke I apologize. I thought I corrected myself it is 1,800 acres not 18,000 and that includes the Deschamps projects in the urban area.

Commissioner Rowley – Thanks, did anyone else have any comments? Okay. Well, thank you, this is fantastic. I don't think we can express enough, we probably sound annoying gushing over it, but we can't express how much we do appreciate the time and the effort people have put into this and how important it has been to us coming into this and having the previous solution come before us and it wasn't a good fit. We both cried over it, I know these groups have cried, it has been a hard process for everybody and I appreciate that people have stuck with it, that we've got ideas to move forward with that have the public piece already because it came from the public. I think we are moving forward in a positive direction. I am very excited to hear the details because as you have heard all my questions are can we do that, can we do that. Having the staff review it, how we can accomplish different things in different ways. What's legal; if it's not how we can finagle it so we can do certain things? Like I said, since I have been here we have done everything the same way and it sounds like we actually have more innovative ways that we can be acting right now without making big changes to State law or to the bond or anything like that. It is exciting to open this new avenue of thought for me, and for hopefully the public, and for any of us who are in things and looking at a new era of a new way. Let's find new ways to do things because what we have been doing sort of worked here, not working here and so what else can we do? I think it is really exciting and I just appreciate so much what everybody has done.

Commissioner Curtiss – Ditto.

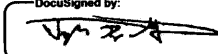
Commissioner Rowley – Thank you for coming.

7. OTHER BUSINESS

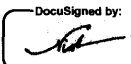
None

8. RECESS

Commissioner Rowley – Called the meeting to recess at 3:37 p.m.

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Tyler Gernant
Clerk & Recorder

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Nicole "Cola" Rowley, Chair
BCC