

April 2017

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Fiscal Year: 2017

Missoula County Commissioners' Journal: April, 2017

BCC = Board of County Commissioners
 JC = Commissioner Jean Curtiss, Chair
 NR = Commissioner Nicole ("Cola") Rowley
 DS = Commissioner Dave Strohmaier

The following claims lists were signed in April 2017:

Date Signed	Claims List Dated	Signed	Voucher No.	Amount
April 3, 2017	April 3, 2017	JC, NR, DS	1883	\$1,423.70
			1884	\$123,106.96
			1885	\$300.00
			1886	\$772.54
April 4, 2017	April 4, 2017	JC, NR, DS	1887	\$14,050.00
			1888	\$8,079.69
			1889	\$66,311.39
			1890	\$2,002.49
April 5, 2017	April 5, 2017		1894	\$4,945.81
			1895	\$1,500.00
			1896	\$9,807.50
April 5, 2017	April 5, 2017		JC, NR	1897
April 5, 2017	PHC Smartfill ACH			\$147,799.55
March 31, 2017	PHC Amerisource ACH			\$26,180.50
April 7, 2017	April 6, 2017	JC, DS	1899	\$1,581.50
	April 7, 2017		1900	\$198,641.00
			1901	\$51,768.77
Total Report for April 7, 2017				\$2,518,928.96
April 10, 2017	April 10, 2017	JC, NR, DS	1903	\$221,568.81
			1904	\$9,436.70
April 12, 2017	1893		\$6,366.75	
	1905		\$72,362.20	
	1906		\$34,514.14	
	1907		\$64,480.44	
	1908		\$1,321,411.19	
	1909		\$177.60	
	1910		\$32,723.73	
April 13, 2017	April 13, 2017		JC, DS	1911
		JC, NR, DS	1912	\$10,958.88
			1914	\$455.00
April 12, 2017	April 12, 2017	JC, NR, DS	1916	\$409,442.86
April 12, 2017	PHC Smartfill ACH			\$108,323.51
April 7, 2017	PHC Amerisource ACH			\$28,026.77

201802296 B: 992 P: 1102 Pages: 72 Fees: \$0.00
 02/13/2018 12:07:40 PM Commissioners Journal
 Tyler R. Gernant, Missoula County Clerk & Recorder
 eRecording

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Date Signed	Claims List Dated	Signed	Voucher No.	Amount
April 14, 2017	April 13, 2017	JC, NR, DS	1915	\$130.66
			1917	\$55.20
	April 14, 2017		1919	\$4,309.94
			1920	\$23,685.10
			1921	\$30,229.44
			1922	\$36.38
			1923	\$5,737.84
			1924	\$24,630.52
April 18, 2017	1932		\$10.00	
	1925		\$93.00	
	1926		\$9,068.64	
	1927		\$72,352.87	
	1928		\$104.78	
	1930		\$3,673.79	
	1931		\$3,889.81	
April 19, 2017	April 18, 2017		1933	\$1,505.56
	April 19, 2017		1934	\$1,661,824.29
1935			\$2,000.00	
1936			\$116,892.01	
April 20, 2017			1937	\$206.05
			1938	\$22,901.11
			1939	\$1,158.40
			1940	\$35,371.59
	1941		\$4,299.42	
	1942	\$492.58		
	1943	\$274,690.98		
April 19, 2017	PHC Smartfill ACH			\$152,903.78
April 14, 2017	PHC Amerisource ACH			\$51,707.92
Total Report for April 21, 2017				\$4,824,846.82
April 21, 2017	April 21, 2017	JC, NR, DS	1945	\$15.00
			1946	\$10,941.11
			1947	\$5,229.19
April 21, 2017	April 24, 2017	JC, NR, DS	1948	\$39,334.64
			1949	\$45,617.12
			1950	\$35,531.17
			1951	\$240.00
April 24, 2017	April 24, 2017	JC, NR	1953	\$50,000.00
April 25, 2017	April 25, 2017	JC, NR, DS	1952	\$5,342.56
			1954	\$2,508.03
			1955	\$93,946.32
			1957	\$880.55

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Date Signed	Claims List Dated	Signed	Voucher No.	Amount
April 26, 2017	April 26, 2017	JC, DS	1958	\$10,324.26
			1959	\$5,977.32
			1960	\$35,652.74
April 27, 2017	April 27, 2017		1962	\$25,867.73
			1963	\$132,901.80
April 28, 2017			1961	\$24,203.00
	April 28, 2017		1964	\$162.25
			1965	\$10,170.46
			1966	\$11,062.11

All claims lists were returned to Financial Services.

Monday April 03, 2017

BCC met in regular session; all three present.

Calendar

9:00 a.m. - 10:00 a.m. DS - Emily Withnall
 10:00 a.m. - 12:00 p.m. BCC - Budget Kickoff
 1:00 p.m. - 1:30 p.m. JC - Consumer Direct Grant Monitoring
 1:30 p.m. - 2:30 p.m. BCC - Montana Department of Transportation
 2:30 p.m. - 4:30 p.m. BCC - Montana DNRC (Mike O'Herron); Montana State Parks (Chet Crowser)

Items for Signature

County Payroll Transmittal Sheet – BCC signed. Pay Period: 07/CY2017- Pay Date/March 31, 2017. Total payroll \$1,631,229.17. To Barbara Berens, Auditor's Office.

Letter No. 2017-095 – BCC Signed. Dated April 3, 2017 discussing the ethical and purchasing issues associated with Sheriff McDermott's purchase of Montana Electronics and the roles and responsibilities of the Commissioners and the County Attorney in vetting any concerns about the purchase. To Kirsten Pabst, County Attorney's Office.

Letter No. 2017-096 – BCC Signed. Dated April 3, 2017 concurring with the opinion letter of Chief Deputy County Attorney, Jason Marks, that stated the Sheriff's Office will not purchase any equipment or services from Montana Electronics as long as Sheriff McDermott is Missoula County Sheriff. To Sheriff McDermott.

Tuesday April 04, 2017

BCC met in regular session; all three present.

Calendar

9:00 a.m. - 10:00 a.m. BCC - Human Resources Update
 10:03 a.m. - 11:05 a.m. BCC - Commissioners' Administrative Public Meeting
 11:00 a.m. - 12:00 p.m. BCC - Patty Baumgart
 1:00 p.m. - 2:00 p.m. DS - Risk and Benefits
 1:30 p.m. - 2:30 p.m. NR - Mayor's Downtown Advisory Commission
 2:30 p.m. - 3:30 p.m. BCC - Fairgrounds Extension Memorandum of Understanding
 4:00 p.m. - 5:00 p.m. DS - Robin Carey

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Items for Signature

Larchmont Claims – BCC signed one signature page for the Larchmont Golf Course Accounts Payable Invoice Register dated April 4, 2017. Amount \$58,609.80. To Barbara Berens, Auditor's Office.

Replacement Warrant- JC signed. PCI Electrical, Missoula, MT. Partnership Health Center warrant 30283656, issued July 11, 2016 on Missoula County fund 2274. Amount \$3,654.90 for contracted services. Warrant not received in mail.

Indemnity Bond – JC signed. All American Trophy, Missoula, MT. Missoula County Public Schools Warrant 27-149256, issued October 19, 2016 on school funds. Amount \$154.50 for engraving. Warrant lost.

Indemnity Bond – JC signed. Security Benefit, Topeka, KS. Clinton School District #32 Warrant 20020120 issued December 30, 2016 on school funds. Amount \$700.00 for annuity. Warrant lost.

Letter No. 2017-094 – BCC signed. Dated April 4, 2017 requesting a speed study in the Bonner/Milltown area on newly constructed road. To Ed Toavs, P.E., Montana Department of Transportation – Missoula District.

Administrative Meeting

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
April 4, 2017 Start 10:03 a.m. - End 11:05 a.m.**

ATTENDANCE Present: Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Andrew Czorny, Chris Lounsbury, Anne Hughes, Adriane Beck, Barbara Berens, Dori Brownlow, Katie Klietz, Greg Robertson
Other Attendees: Sarah Bell, Martin Kidston, Peter Friesen, Sindie Kennedy, Lynn Fagan, Chris Jensen, Dan Neuman

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None

II. ACTION ITEMS

1. Request board approve lease agreement between Partnership Health Center and Missoula County. The lease is for approximately 5,000 square feet to house the Community and Planning Services staff. The yearly lease amount is \$43,062. CAPS will be responsible for its pro rata share of utilities, incidental maintenance and janitorial services.

Presenter: Vickie Zeier
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0

Additional Info:

Original agreement to Vickie Zeier, Commissioners' Office.

2. Request board appoint new member to the Local Emergency Planning Committee.

Presenter: Adriane Beck
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0

Additional Info: Appointed William Van Horn to a vacant two-year term from 1/1/2017-12/31/2018. Original to Sarah Bell, Commissioners' Office. Letters of appointment mailed by Commissioners' Office. Letter No. 2017-097 to William Van Horn.

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3. Request board approve an Emergency Proclamation due to flooding potential in Missoula County.

Presenter: Adriane Beck
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0

Additional Info:

Filed with Clerk and Recorder/Treasurer's Office. Original to Adriane Beck, Office of Emergency Management (OEM).

4. Request board approve chair to sign amendment no. 1 to professional services agreement with HDR Engineering, Inc. to perform engineering services associated with special district maintenance projects for \$23,556.

Presenter: Greg Robertson
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Upgrade of wiring for pump house 1 (Lolo RSID 901) and install a backup generator at the location.

Filed with Clerk and Recorder/Treasurer's Office. Original to Greg Robertson, Public Works.

III. CORRESPONDENCE

1. Bonner Milltown Speed Study Request

IV. DISCUSSION ITEMS

1. Letter from BCC for the SAMHSA Grants to Benefit Homeless Individuals (GBHI) - The grant application must include a letter from the County indicating that the proposed project addresses a county-identified priority.

Presenter: Sindie Kennedy

2. Missoula County Airport update

Presenters: Cris Jensen, Director
Lynn Fagan, Administrative Manager
Dan Neuman, Business Development Manager

3. Advice from the commissioners on future board vacancy procedures and appointments. Continued to April 5, 2017

4. Legislative Update Continued to April 5, 2017

5. Upcoming board meetings and review of meetings Continued to April 5, 2017

V. UPCOMING EVENTS AND INVITATIONS

1. Annual State of Downtown Luncheon - April 19, 2017 Wednesday 12:00 p.m. - 1:30 p.m. at The Public House

VI. OTHER COMMENTS/INSTRUCTIONS None

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Wednesday April 05, 2017

BCC met in regular session; all three present.

Calendar

9:00 a.m. - 10:00 a.m.	BCC - Senior Staff Update
9:00 a.m. - 10:00 a.m.	JC - Crown of the Continent
10:04 a.m. - 11:03 a.m.	BCC - Commissioners' Administrative Public Meeting
12:00 p.m. - 1:00 p.m.	NR - Human Resource Council Program Council
1:00 p.m. - 1:30 p.m.	BCC - Rural Infrastructure Issues
1:30 p.m. - 2:30 p.m.	BCC - Missoula Economic Partnership/Bitterroot Economic Development District
4:00 p.m. - 5:00 p.m.	JC - Missoula Economic Partnership Governance Committee

Items for Signature

Resolution No. 2016-183 – NR, JC signed, dated April 5, 2017. Approval of use of private tow companies to remove illegally parked vehicles at recreational sites in Missoula County that are marked with traffic control devices and signage in an effort to reduce use of Sherriff's Office resources for nuisance parking violations. Hearing held and resolution approved at public meeting June 29, 2016. To Vickie Zeier, Commissioners' Office.

Administrative Meeting

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
April 5, 2017 Start 10:04 a.m. - End 11:03 a.m.**

ATTENDANCE Present: Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Andrew Czorny, Chris Lounsbury, Anne Hughes, Barbara Berens, Annie Cathey, Katie Klietz, Matt Jennings

Other Attendees: Amanda Henthorne, Sarah Bell

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None

II. ACTION ITEMS

1. Request Commissioners Curtiss and Rowley sign Resolution 2016-183 finalizing action from public meeting held on June 29, 2016.

No motion required. Resolution 2016-183. Filed with the Clerk and Recorder/Treasurer's Office.

III. CORRESPONDENCE None

IV. DISCUSSION ITEMS

1. Advice from the commissioners on future board vacancy procedures and appointments.
2. Legislative Update
3. Upcoming board meetings and review of meetings

V. UPCOMING EVENTS AND INVITATIONS None

VI. OTHER COMMENTS/INSTRUCTIONS None

Thursday April 06, 2017

BCC met in regular session; all three present.

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Calendar

8:00 a.m. - 9:00 a.m.	DS - Sawmill Gulch
9:30 a.m. - 10:00 a.m.	BCC - Interview Bonner West Log Yard Representative-Eric Groenweghe
10:08 a.m. - 11:02 a.m.	BCC - Commissioners' Administrative Public Meeting
11:00 a.m. - 12:00 p.m.	BCC - Mayor/Chief Administrative Officers
1:00 p.m. - 3:00 p.m.	BCC - Fuels Reduction Project in the Rattlesnake

Items for Signature

Employee Benefits Claims – BCC signed Employee Benefits Manual Check Claims dated March 30, 2017. Amount \$27,982.27. To Barbara Berens, Auditor's Office.

Letter No. 2017-128 – BCC signed. Dated April 6, 2017 to the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Review Committee to support the City of Missoula's grant application to obtain funding to support homeless veterans.

Administrative Meeting

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
April 6, 2017 Start 10:08 a.m. - End 11:02 a.m.**

ATTENDANCE Present: Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Chris Lounsbury, Anne Hughes, Adriane Beck, Barbara Berens, Annie Cathey, Erica Grinde, Katie Klietz, Bernadette Roy

Other Attendees: Heidi Fritchen, Ashley Bohrer, Sergeant Jeremiah Peterson, Rebecca Birket

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None

II. ACTION ITEMS

1. Request board sign employment contract with Chief Administrative Officer (CAO) Vickie Zeier for a term of three years, commencing June 15, 2017 and ending June 15, 2020.

Presenter: Chris Lounsbury

Moved: Nicole Rowley

Second: David Strohmaier

Motion: Motion passed as written

Vote: Yes 3, No 0, Abstained 0

Additional Info: Pay: \$58.70 per hour. Term: June 15, 2017 to June 15, 2020.

Filed with the Clerk and Recorder/Treasurer's Office. Original to Patricia Baumgart, Human Resources.

2. Request board sign proclamation recognizing the week of April 9-15, 2017 as National Public Safety Telecommunications Week

Presenter: Adriane Beck

Moved: David Strohmaier

Second: Nicole Rowley

Motion: Motion passed as written

Vote: Yes 3, No 0, Abstained 0

Additional Info:

Original to Adriane Beck, Office of Emergency Management (OEM).

3. Request board sign memorandum of understanding for grant proposal establishing the West Central Montana Drug Task Force.

Presenter: Ashley Bohrer

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Sergeant Jeremiah Peterson
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: If grant award received program would expand to add third canine unit. \$179,711 requested in proposal \$77,019 match required.
Original to Ashley Bohrer, Sheriff's Office.

4. Request board approve chair to sign 30 year communications use lease with the United States Department of Agriculture, Forest Service for continued use of emergency communications equipment and facilities located at Point 118.

Presenter: Adriane Beck
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Lolo National Forest - No payment required.

Original to Adriane Beck, OEM.

5. Request board approve an independent contractor agreement between Partnership Health Center-Missoula County and Cindie Woods, Licensed Clinical Social Worker, Professional Limited Liability Company, not to exceed \$2,000 per month for the satisfactory completion of services listed in Exhibit A.

Presenter: Bernadette Roy
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Services performed include supervising employees pursuing licensure as a Licensed Clinical Social Worker and assist Behavioral Health staff with case review. Term: Jan. 2, 2017 through July 2, 2017.

Filed with the Clerk and Recorder/Treasurer's Office. Original to Lindsey Cromwell, Partnership Health Center (PHC).

6. Request board approve standard form of agreement between Partnership Health Center-Missoula County and D. Lower Construction, Inc., for Phase 5 of Partnership Health Center building, in the amount of \$631,044.30.

Presenter: Bernadette Roy
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Basement Construction. Term: 100 days from noticed project commencement.

Original to Lindsey Cromwell, PHC.

7. Request board approve the Department Clinical Affiliation Agreement between Partnership Health Center-Missoula County and University of North Dakota School of Medicine and Health Sciences.

Presenter: Bernadette Roy
Moved: Nicole Rowley

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Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: PHC to provide professional education and training of University of North Dakota students. Term: April 6, 2017 to April 6, 2022.

Filed with the Clerk and Recorder/Treasurer's Office. Original to Lindsey Cromwell, PHC.

III. CORRESPONDENCE None**IV. DISCUSSION ITEMS**

1. Discussion on FY18 insurance rates
2. Sheriff's Torch Run - County Support Day
May 12, 2017
3. Legislative Update

V. UPCOMING EVENTS AND INVITATIONS None**VI. OTHER COMMENTS/INSTRUCTIONS** None**Friday April 07, 2017**

BCC did not meet in regular session. JC and NR out of office all day.

Items for Signature

Settlement Offers – BCC signed. Dated April 7, 2017 offering a refund for fees incurred for towing of a vehicle from Kona Ranch Road and Sandalwood Court during the Fourth of July weekend in 2016. In exchange and upon cashing of the enclosed check, the recipient waived any rights to sue Missoula County or its employees for any towing related damages. Letters 2017-98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124 and 125.

Letter No. 2017-126 – BCC signed. Dated April 7, 2017 to Ian Williams offering congratulations on winning the Montana National Geographic Bee.

Letter No. 201-129 – BCC signed. Dated April 10, 2017 congratulating Matthew Driessen, DeSmet School District on being one of the top performing school breakfast programs in Montana.

Journal Approval

DocuSigned by:

604CF6776D68405...

Tyler Gernant
Clerk & Recorder

DocuSigned by:

C78299876BC14F6...

Jean Curtiss, Chair
BCC

Monday April 10, 2017

BCC met in regular session; all three present.

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Calendar

9:00 a.m. - 9:30 a.m.	BCC - Upcoming Meetings Discussion
9:30 a.m. - 11:30 a.m.	BCC - Community and Planning Services Update
11:30 a.m. - 1:00 p.m.	NR - City Club Missoula
1:00 p.m. - 4:00 p.m.	JC - Camas Road, Hole-in-the-Wall and Hidden Treasure Court Road Viewing
1:00 p.m. - 2:00 p.m.	DS - Allen Ault
2:30 p.m. - 4:30 p.m.	DS - Bureau of Land Management
6:00 p.m. - 8:00 p.m.	DS - Seeley Lake Community Council

Items for Signature

Replacement Warrant - JC signed. Madeline Delaney, Missoula, MT. Missoula County Public Schools Warrant 246269, issued March 17, 2017 on county payroll fund. Amount \$2,150.47 for wages. Warrant not received in mail.

Monthly Report - JC examined, approved and ordered filed the monthly reconciliation report for Justice Court 1, Judge Marie A. Andersen, and Justice Court 2, Judge Landee N. Holloway, for the month ending March 31, 2017.

Employee Benefits Claims - BCC signed. Employee Benefits Manual Check Claims dated April 7, 2017. Amount \$253,588.75. To Barbara Berens, Auditor's Office.

Community and Planning Services Update**Agenda:**

1. Public Comment
2. Communications
3. General Updates
 - a. 9:30 - Mountain Line Update - Corey Aldridge
 - b. 9:45 - Stenerson Subdivision Extension Request - Jamie Erbacher
 - c. 9:50 - 8140 Lindbergh Lake Road Variance Request - Rescheduled - Jamie Erbacher
 - d. 9:50 - Ranch Club Phasing Plan Amendment - Christine Dascenzo
 - e. 9:55 - Consider Comments Prior to Signing Resolution to Adopt County Zoning Amendments Part 1 - Jennie Dixon
 - f. 10:00 - Support Letter for Grant to Benefit Homeless Individuals - Sindie Kennedy
 - g. 10:05 - Request for Easement Through a County-Owned Parcel, referred to as Memorial Park in Seeley Lake - Garrick Swanson
 - h. 10:20 - Parks & Trails Advisory Board By-law Changes - Lisa Moisey
 - i. 10:25 - Big Sky Park Perimeter Trail - Lisa Moisey
 - j. 10:35 - FMRP - Contract Update - Lisa Moisey
 - k. 10:45 - Fair Housing Month Proclamation - Erin Kautz
4. Director's Update Patrick O'Herren

Tuesday April 11, 2017

BCC met in regular session; all three present.

Calendar

9:00 a.m. - 10:00 a.m.	BCC - Chief Administrative Officer Update
10:01 a.m. - 10:36 a.m.	BCC - Commissioners' Administrative Public Meeting
10:00 a.m. - 11:00 a.m.	DS - Smurfit-Stone Mill Site-Quarterly Teleconference for Agency Stakeholders
11:00 a.m. - 12:00 p.m.	NR - Judge Holloway
11:30 p.m. - 12:15 p.m.	DS - Community Assistance Fund
1:30 p.m. - 3:00 p.m.	DS - Local Emergency Planning Committee
3:30 p.m. - 4:30 p.m.	DS - Larchmont Board

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Items for Signature

Monthly Report – JC examined, approved, and ordered filed the Monthly Reconciliation Report for Clerk of District Court, Shirley Faust. Details of fees and collections for March 2017.

Letter No. 2017-127 – BCC signed. Dated April 11, 2017 thanking the Swan Valley Community Council for inviting the Commissioners to attend the April 18, 2017 community council meeting. Commissioner Strohmaier planned to attend the meeting and Chair Curtiss and Commissioner Rowley will attend future meetings. To the members of the Swan Valley Community Council.

Resolution 2017-038 – BCC signed, dated March 23, 2017. Approval of petition to abandon a portion of a county road right-of-way known as Holland Creek Road that serves as a turnaround at the end of the road. Hearing held at public meeting on March 23, 2017. To Steve Niday, Public Works - Surveyor.

Administrative Meeting.

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
April 11, 2017 Start 10:01 a.m. - End 10:36 a.m.**

ATTENDANCE Present: Jean Curtiss, Nicole Rowley, Vickie Zeier, Anne Hughes, Barbara Berens, Annie Cathey, Rebecca Connors **Other Attendees:** Sarah Bell, Martin Kidston, Dillon Kato, Eric Lindbled

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None

II. ACTION ITEMS

1. Request board approve a resolution adopting revisions to the County Zoning Regulations, known as "Housekeeping Amendments" and "Capital Changes," be approved and signed on April 11, 2017, for an effective date of April 11, 2017.

Presenter: Jennie Dixon

Moved: Nicole Rowley

Second: Jean Curtiss

Motion: Motion passed as written

Vote: Yes 2, No 0, Abstained 0

Additional Info: Adoption of zoning "housekeeping amendments". Intent to adopt signed as Resolution 2017-33 and approved at BCC public meeting March 9, 2017.

Resolution 2017-39. Filed with the Clerk and Recorder/Treasurer's Office. Original to Jennie Dixon, Community and Planning Services.

2. Request board approve a resolution for abandonment of turnaround on Holland Creek Road.
Approved at a Public Meeting on March 23, 2017.

3. Request board approve grant agreement with Montana Department of Agriculture, Noxious Weed Trust Fund, for 2017 Biocontrol Workshops and Field Days for \$17,500.

Presenter: Bryce Christiaens

Moved: Nicole Rowley

Second: Jean Curtiss

Motion: Motion passed as written

Vote: Yes 2, No 0, Abstained 0

Additional Info: Term: April 1, 2017 to Oct. 31, 2018.

Filed with Clerk and Recorder/Treasurer's Office. Original to Bryce Christiaens, Extension Services and Weed Control District.

4. Request board approve independent contractor agreement with Mountain Valley Plant

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Management for the Blackfoot River Noxious Weed Treatment Project for \$5,700.

Presenter: Bryce Christiaens
Moved: Nicole Rowley
Second: Jean Curtiss
Motion: Motion passed as written
Vote: Yes 2, No 0, Abstained 0
Additional Info: Term: July 1, 2017 to Sept. 30, 2017.

Filed with Clerk and Recorder/Treasurer's Office. Original to Bryce Christiaens, Extension Services and Weed Control District.

5. Request board approve a resolution for The Special Election for United States Representative is held on May 25. This causes scheduling conflicts with many of our polling places. To reassign 16 precincts to 8 polling places for the special election. Following the May 25 election, those precincts will revert back to their normal locations for future polling place elections.

Presenter: Rebecca Connors
Moved: Nicole Rowley
Second: Jean Curtiss
Motion: Motion passed as written
Vote: Yes 2, No 0, Abstained 0
Additional Info:

Resolution 2017-040. Filed with Clerk and Recorder/Treasurer's Office. Original to Rebecca Connors, Elections Office.

6. Request board consider a petition for inclusion into Missoula County RSID No. 901 (Lolo Water and Sewer District) as requested by Mike Grunow for Tract No. 1 of Certificate of Survey No. 2937. Postponed**7. Request board approve a professional service agreement for Missoula College, Heavy Equipment Program to restore the Big Sky Park Perimeter trail for a cost of \$44,820. Postponed****8. Request board appoint a representative for the Bonner West Log Yard Targeted Economic Development District Advisory Board.**

Presenter: Sarah Bell
Moved: Nicole Rowley
Second: Jean Curtiss
Motion: Motion passed as written
Vote: Yes 2, No 0, Abstained 0
Additional Info: Eric Groenweghe appointed as representative for the Bonner West Log Yard Targeted Economic Development District Advisory Board 3 year term starts immediately - 6/30/2020.

Original to Sarah Bell, Commissioners' Office. Letters of appointment mailed by Commissioners' Office. Letter 2017-131 to Eric Groenweghe.

III. CORRESPONDENCE

1. Letter to Swan Valley Community Council

IV. DISCUSSION ITEMS

1. March for Science Postponed
2. Legislative Update
3. Upcoming board meetings and review of meetings

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V. UPCOMING EVENTS AND INVITATIONS

1. Operation Bosslift
2. MMW Architects 20th anniversary

VI. OTHER COMMENTS/INSTRUCTIONS None**Wednesday April 12, 2017**

BCC met in regular session; all three present. NR out of the office from 1:00 p.m. – 5:00 p.m.

Calendar

9:00 a.m. - 10:00 a.m.	BCC - Clerk & Recorder/Treasurer
10:04 a.m. - 10:50 a.m.	BCC - Commissioners' Administrative Public Meeting
11:15 a.m. - 12:00 p.m.	DS - Daniel Werwath Phone Interview
12:00 p.m. - 1:30 p.m.	JC - Missoula Economic Partnership Luncheon
12:00 p.m. - 1:00 p.m.	DS - Marilyn Marler
1:00 p.m. - 2:00 p.m.	DS - Chris Bryant
2:30 p.m. - 3:30 p.m.	DS - Randy Arnold
3:30 p.m. - 4:30 p.m.	DS - Mike Snook

Items for Signature

Letter No. 2017-130 – BCC signed. Dated April 12, 2017 giving Kim Seeberger, Chief Deputy Treasurer, authority to act on behalf of Missoula County in collecting unclaimed property due the county. To Montana Department of Revenue.

Tax Abatement Requests – At a meeting with Tyler Gernant, Clerk and Recorder, on April 12, 2017, BCC approved or denied the following requests. Letters were mailed April 18, 2017.

- Denying request from Jeanette Stangl, Missoula, Montana, for a refund of penalty and interest regarding Taxpayer IDs: 419673, 1955306, and 641902. Tax notices were not received at a temporary forwarding address.
- Denying request from Lance Boyd, Missoula, Montana, for a refund of penalty and interest regarding Taxpayer ID: 2038050. Payment was designated for the wrong property.
- Approving request from Capstoned, Inc., Missoula, Montana for a refund of accrued interest and costs related to the tax lien purchased on the Post Office building.

Administrative Meeting

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
April 12, 2017 Start 10:04 a.m. - End 10:50 a.m.**

ATTENDANCE Present: Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Andrew Czorny, Chris Lounsbury, Anne Hughes, Barbara Berens, Annie Cathey

Other Attendees: Shannon Therriault, Nicole Rush, Evan Tipton

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None**II. ACTION ITEMS**

1. Request board approve chair to sign 2017 cooperative agreement with the Department of Public Health and Human Services regarding reimbursement for licensed establishment inspections for approximately \$100,000.

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Presenter: Shannon Therriault
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Term: Jan. 1, 2017 to Dec. 1, 2017. Approximately 1500 inspections a year.
 Original to Shannon Therriault, Missoula City-County Health Department.

2. Request board approve resolution to support Missoula County's application for a BSTF Category I Job Creation Grant for Tomis, LLC and authorize the chair to sign the application when it is completed.

Presenter: Eric Tipton
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0

Additional Info:

Resolution 2017-041. Filed with Clerk and Recorder/Treasurer's Office. Original to Nicole Rush, Missoula Economic Partnership (MEP).

3. Request board approve and chair to sign close-out Certification form for LGT Sustainable Energy Systems' BSTF Job Creation Grant contract # MT-BSTF-1-15-06.

Presenter: Nicole Rush
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: No fiscal impact.

Original to Nicole Rush, MEP.

4. Request board approve a letter for the Substance Abuse and Mental Health Services Administration's (SAMHSA) Grants to Benefit Homeless Individuals proposal that indicates the proposed project addresses a county-identified priority. Correspondence only no motion needed.

III. CORRESPONDENCE None

IV. DISCUSSION ITEMS

1. Legislative Update

V. UPCOMING EVENTS AND INVITATIONS

1. Rotary Centennial Gala - Friday May 5, 2017 - 5:30 p.m. - 10:00 p.m. at the home of Kathy Ogren

VI. OTHER COMMENTS/INSTRUCTIONS None

Thursday April 13, 2017

BCC met in regular session; all three present.

Calendar

9:00 a.m. - 10:00 a.m. NR - Sam Sill
 10:02 a.m. - 11:13 a.m. BCC - Commissioners' Administrative Public Meeting

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11:00 a.m. - 2:00 p.m.	NR - Human Resource Council Board
11:00 a.m. - 11:30 a.m.	DS - Swan Update
12:00 p.m. - 1:30 p.m.	DS - Downtown Master Plan Implementation Committee
2:00 p.m. - 2:49 p.m.	BCC - Commissioners' Public Meeting
4:00 p.m. - 7:00 p.m.	BCC - Scott Newell Retirement Party

Administrative Meeting

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
April 13, 2017 Start 10:02 a.m. - End 11:13 a.m.**

ATTENDANCE Present: Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Andrew Czorny, Chris Lounsbury, Anne Hughes, Annie Cathey, John Hart, Greg Robertson

Other Attendees: Lisa Moisey, Bradley Seaman, Bryce Christiaens, Ben Schmidt, Shannon Therriault, Kris Blank, Erik Dickson, Jody Faircloth, Matthew Driessen - Principal for DeSmet School

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None

II. ACTION ITEMS

1. Request board approve amendment number one to contract no. 17-07-3-01-010-0 between the Montana Department of Public Health and Human Services and Partnership Health Center continuing implementation of the Montana Comprehensive Cancer Control Plan in Mineral, Missoula, and Ravalli counties for the total reimbursement to the contractor not to exceed \$364,348.00.

Presenter: Jody Faircloth
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Term ending Sept. 30, 2017
 Original contract to Lindsey Cromwell, Partnership Health Center.

2. Request board approve amended bylaws for Parks & Trails Advisory Board.

Presenter: Lisa Moisey
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Amended language for meeting dates and times to allow additional flexibility in scheduling.

Filed with Clerk and Recorder/Treasurer's Office. Original to Lisa Moisey, Community and Planning Services – Parks, Trails & Open Lands.

3. Request the board adopt resolution to appoint three members to the Missoula County Post-Election Audit Committee in order to update committee members.

Presenter: Bradley Seaman
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Appointed Sharon Gaffney, Todd Mowbray and Denver Henderson. Alternative

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Info: members Kim Seeberger, Shyra Scott and James Lainsbury.

Resolution 2017-042. Filed with Clerk and Recorder/Treasurer's Office. Original to Bradley Seaman, Elections Office.

4. Request the board adopt resolutions to cancel Special District Elections because the number candidates is equal to or less than the number of positions to be filled.

Presenter: Bradley Seaman
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0

Additional Info:

Resolutions filed with the Clerk and Recorder/Treasurer's Office. Original to Bradley Seaman, Elections. Letters of appointment mailed by Commissioners' Office.

<u>Election Resolution</u>	<u>Elected Members</u>
Resolution 2017-044. Bonner-Milltown Community Council	Letter 2017-135 to Donald Felton
Resolution 2017-045. Clinton Irrigation District	Letter 2017-136 to Patrick Byrne
Resolution 2017-046. East Missoula Community Council	Letter 2017-137 to Rick Stephens
Resolution 2017-047 East Missoula Rural Fire District	Letter 2017-138 to Adam Pummill Letter 2017-139 to Cynthia Winchell
Resolution 2017-048 EvaroFinley O'Keefe Community Council	Letter 2017-140 to Janet Carol Stevens
Resolution 2017-049 Frenchtown Irrigation District	Letter 2017-141 to Gyla Steiner
Resolution 2017-050 Frenchtown Rural Fire District	Letter 2017-142 to Dana Cotnoir Letter 2017-143 to Benjamin Domenic Martello Jr.
Resolution 2017-051 Greenough Potomac Fire District	Letter 2017-144 to Gary Burnett
Resolution 2017-052 Missoula Irrigation District	Letter 2017-145 to Robert Cole Letter 2017-146 to Shawn Clouse
Resolution 2017-053 Missoula Rural Fire District	Letter 2017-147 to Larry Hanson
Resolution 2017-054 Seeley Lake Community Council	Letter 2017-148 to Kristine Martin Letter 2017-149 to Sally Johnson
Resolution 2017-055 Seeley-Swan Hospital District	Letter 2017-150 to Mary Ann Morin Letter 2017-151 to John Addis
Resolution 2017-056 Swan Fire District	Letter 2017-152 to James Demarest Boyd
Resolution 2017-057 West Valley Community Council	Letter 2017-153 to Judy McKinney
Resolution 2017-058 Big Flat Irrigation District	No candidates filed.
Resolution 2017-059 Clinton Rural Fire District	No candidates filed.
Resolution 2017-060 Greenough Potomac Fire District	Two vacant positions. One candidate filed; see Resolution 2017-051. No candidate filed for second position.
Resolution 2017-061 Lolo Community Council	No candidates filed.

5. Request board approve chair to sign memorandum of understanding between Missoula County Weed District and Montana Fish, Wildlife and Parks granting authority and \$90,000 to Missoula County to operate a permanent watercraft inspection station at Clearwater Junction and granting authority to operate roving stations at waterbodies in the Clearwater, Swan and Blackfoot drainages within Missoula County.

Presenter: Bryce Christianens

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Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Term: April 13, 2017 to Nov. 10, 2017

Filed with Clerk and Recorder/Treasurer's Office. Original to Bryce Christianens, Extension Services & Weed Control District.

6. Request board consider a petition for inclusion into Missoula County RSID No. 901 (Lolo Water and Sewer District) as requested by Mike Grunow for Tract No. 1 of Certificate of Survey No. 2937.

Presenter: Greg Robertson
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Water and sewer service to new distillery. Expenses paid by petitioner.
Resolution 2017-043. Filed with Clerk and Recorder/Treasurer's Office. Original to Greg Robertson, Public Works.

III. CORRESPONDENCE

1. Congratulations to DeSmet School District
2. Unclaimed Property for Missoula County

IV. DISCUSSION ITEMS

1. Public Works' dust abatement program and independent contractor permits for residents
Continued to Tuesday April 18, 2017
2. Legislative Update

V. UPCOMING EVENTS AND INVITATIONS

1. March for Science

VI. OTHER COMMENTS/INSTRUCTIONS None

Public Meeting

Meeting minutes linked to the audio recording of public meetings are available online on the Missoula County Commissioners' Meeting Minutes & Agenda portal. The portal may be found at the following web address:
<https://www.missoulacounty.us/government/administration/commissioners-office/commissioners-meeting-agenda-portal>

MISSOULA BOARD OF COUNTY COMMISSIONERS
PUBLIC MEETING MINUTES
CONFERENCE ROOM 151 – COURTHOUSE ANNEX
THURSDAY, APRIL 13, 2017 - 2:00 PM

1. CALL TO ORDER

Commissioners Present:
Chair Jean Curtiss
Commissioner Nicole Rowley

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Commissioner David Strohmaier

Staff Present:

Christine Dascenzo, Planner, Community and Planning Services

Jamie Erbacher, Planner, Community and Planning Services

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

Proclamation: Fair Housing Month

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Commissioner Curtiss – If it is alright with both sides we will have our first hearing be item f (Canyon River Phasing Plan Amendment and Plat Adjustment).

5. CURRENT CLAIMS LIST

Claims received as of March 17, 2017 to April 7, 2017 by the Commissioners' Office total \$2,518,928.96.

6. HEARINGS

a. Canyon River Phasing Plan Amendment and Plat Adjustment

Commissioner Curtiss – So, I will reopen the hearing for the Canyon River Phasing Plan Amendment and Plat Adjustment. Did you have anything you want to add, Christine, we would just like to get a little report on how the homeowners meeting went, right?

Christine Dascenzo, Planner, Community and Planning Services – I don't actually have any new information on how that meeting went, but I could give another overview of the request if you want.

Commissioner Curtiss – Okay, why don't you give an overview.

Christine Dascenzo – So, it is a request for Canyon River, a phasing plan amendment and a plat adjustment. The phasing plan amendment would shift Lot 116 from Phase 11 to Phase 6 and the second part of the request would adjust the lot sizes in Phases 6, 7 and 11. You can see that shifting of Lot 116 is in the green that is between the red and the blue and the shift would roll it into Phase 6. The adjustment to lot sizes would affect lots in Phases 6, 7 and 11 and you see the bulk of the change in the shift of Lots 32 and 33 into Phase 11. This slide also shows the sort of before and after with the current configuration in black and all of the adjustments in their respective phase colors. CAPS (Community and Planning Services) is recommending that both requests be approved.

Commissioner Curtiss – Okay. Is there anyone who would like to come forward and report on how the Homeowners' Association meeting went?

John Warner – My wife Kathryn and I, who is here today, own Lot 145 Canyon River Subdivision. After the last hearing which was continued until this day there have been actually two meetings. The homeowners have established a little group called Canyon River Group in order to actually communicate with the developers, Canyon River Property, and the developers that live in Montana, one here in Missoula and one in Butte and I think most of the developers live in Oregon. That meeting was interesting. It was productive in that people, ever the idea, was to hire Mr. Kevin Jones, he was there, and give him the questions that could be asked so that it could get organized

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and everybody would have an opportunity to say what they wanted to say and they did. But notes were taken, things were organized by Mr. Jones, representing the little Canyon River Group and with that and in my opinion, I think because of a direct relationship with your very, what I would say, wise decision to delay this hearing or at least a decision and to continue it on. The developers called a special Homeowners' Association meeting which they control by virtue of the fact that they own most of the lots. At that meeting Mr. Jones appeared along with Mr. Orizotti and Ms. O'Keefe, from Butte and Mr. Bezanson who lives here and is an employee of the developers and questions were asked and answers were made. It went well, everybody got along, nobody threw anything and things progressed. There has been something there and I came here today and some of the others have not, but we have talked about it and I have a little further report and a statement that I could make, if that would be appropriate at this time.

Commissioner Curtiss – Sure.

John Warner – So, I think I brought you up to date. Now when I start this, I even made some notes, I have to first start with a disclaimer. What I am going to say is going to contain some opinion and so by statute I am required not to practice law and I don't have a license to practice law and I can't get one, at this point, because I am still active so I can only represent myself and I don't want to get in trouble with the disciplinary commission so I have to say that what I say is me and only me. I have been told by some others that they agree with me and I am quite sure that there are some that do not agree with me, they haven't really told me so, but I think that that's probably it. So my opinion is kind of in two parts. The first is, at the finding of fact and conclusions of law that are supporting these things are inadequate. All of the cases and rules, administrative law, require that any finding of fact must be supported and must state the reason for that decision and what evidence is relied on to support the findings of fact so that yourselves, the decision makers in this instance, people know the reason that you made that decision and this of course means there's got to be some evidence of that and that would mean that according to your criteria there has to be some evidence relating to a finding of fact concerning that there is no economic impact, it doesn't change the neighborhood and other criteria which I am sure you are familiar with. Just a mere statement that it is met, that wouldn't do. And again, in this instance, the conclusions of law should refer to some statutes, administrative rules, or case law to support that conclusion and again, in this instance, not only are the conclusions not stating anything, I don't know why we got there. And while you may disagree I have been unable to find in either the case law, the statutes, the constitution or the administrative rules of Montana anything that says that your voluntary Planning Board or this Commission may not, in applying their criteria, and should not consider the effect that those changes will have on the actual subdivision and the people that live there. In other words, I am not sure what Ms. Pabst would say and maybe you will seek her opinion, maybe you won't, but I don't think that that was done in this instance and I think that as usual would not stand muster if challenged. That being said, I want to sincerely thank this Commission for considering the objections that have been made by the homeowners and especially to the plat that has been there and I want to especially thank you for what I believe is a wise decision to delay and to continue this hearing that started on April 7 to this time and as Madame Chairman your opening thing was, I think and I am convinced that your delay was wise and that it, when considered by the developer was probably the direct cause of communicating and calling a meeting and actually talking to the homeowners in the HOA meeting that was held and for that I thank you. And at that meeting, just as a little bit of history, in the marketing, well actually the platting, the marketing and all before this time both written and oral promises were made concerning the makeup of this Canyon River Subdivision and those promises were that they would be high-end homes that were of similar construction in the neighborhood and that they would be single-family residences, not multi-family or townhouses, I don't believe would apply and these promises were relied on by others and they were relied on by me when I moved out there and my wife. The delay that you have granted, causing the developers to actually come and talk to us, they also made some representations upon which I personally rely and those representations were that they would be willing to consider in good faith more than they had proposed before for houses on the lots has changed here and that they would invite such consideration and that they would act in good faith. So with that and thinking about it and not wanting to engage in this as my colleague Mr. Leepart

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would say, kerfuffle, I choose on behalf of myself, and I can only represent myself, that you may consider the objection that I made to the change is withdrawn. I will rely on the good faith of the developers and I thank you for what you have done in bringing that to the table. So that's my statement. Thank you.

Commissioner Curtiss – Thank you Mr. Warner. Are there others who would like to make public comment on anything regarding the proposal that has happened between last time and this time?

Rick Orizotti, member of the ownership group-Canyon River Properties and Canyon River Golf Course – I am sorry I didn't hear all Justice Warner's comments, but I heard half of them or whatever. I appreciate his comments. I just would like to say that I think we as developers of Canyon River, and we are really the second developer if you will. The first developer was an entity called Canyon River Development, LLC. Although, I was an owner of Canyon River Development, LLC, both Terry O'Keefe and I were owners in the previous developer and we are owners in the current developer. Although our roles have changed considerably where we were not active in any major way in the first development. But regardless of that said, I just want to emphasize to this Commission that we have every intent to continue the quality of development at Canyon River. I am a homeowner at Canyon River, I live there, we take a great deal of pride in the development and I think we've done a good job and will continue to do a good job. But I also want to say though, that change is something that is inevitable from the viability of a residential development. We definitely are proud of the homes we have at Canyon River. We are also proud of the homes that we are proposing for Canyon River and particularly the style of homes that we are proposing on these 12 lots in Phase 6 that's before your Commission right now to adjust the boundary lines on those lots and to make them a little bit different. More of a front entry type of style, as I am sure Jason has explained to you, and that sort of thing. I just wanted to briefly kind of give you our thinking on this from a marketability and feasibility standpoint and that is really that the Meadows Homes are, and these will continue to be Meadows models, but these models will be a little bit different, a little bit smaller and a little bit lower price point, but the quality of the homes will remain the same and the exterior of the homes, the colors of the homes will be the same as what's out there in Anglers Bend one and two, with all the Meadows models. We have made representations to that effect as John has said and we certainly will abide by those and carry through with those. I just want though this Commission to understand that there are only so many buyers in a market at the upper end level and we are trying also to reach and give an opportunity for people to live at Canyon River that may not be at that highest price point but they may be at just a bit lower price point and give options. That's the whole idea behind this. We appreciate your consideration of this and we also certainly understand and appreciate the postponement of the hearing like John was saying. I do want to say though, that it was not the postponement that lead us to communicate with the homeowners. We had always intended to communicate with the homeowners, but we had a misstep right at the beginning and we apologized for that. We had a meeting at the Grant Greek Inn meeting room because our clubhouse is a little bit too small to accommodate the folks that were interested in attending and at that meeting we explained everything as best we could and then we also committed to have another meeting that dealt with HOA issues as well, or concerns. We had that meeting last week. During that meeting, the issue before this board was brought up as well. And as John said, I, on behalf of the owners, committed to requesting any input, any suggestions that any of the homeowners have with respect to input on the design, the style of the homes that will be allowed to be placed on the 12 lots in Phase 6. We approach everything in good faith and we certainly will consider and what we will do with that input is bring it to our designer, to Mark Shoenrock, our designer of the homes and also to our three preferred builders, all local builders, who built the model out there, the Meadows houses. So, we definitely welcome input. The more input the better. The better product we can get the better we like it and the better for our development. I think that is all I have to say if anybody has any questions or anything, but thank you for the opportunity to appear before you.

Commissioner Curtiss – Thank you. Other comments?

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Thomas Daniel Gillen – My wife and I live in the Canyon River community at 714 Anglers Bend Way. I don't have a lot to say, but it is very important, so I hope you listen carefully. We have lived at Canyon River for the past eight years. During that time I have served on the Homeowners' Association Committee and the Architectural Committee. According to the bylaws and a vote tally both of those groups are controlled by the developers/owners, so as a result, the homeowners have absolutely no control over anything. There are covenants for Anglers Bend Way that are different from other streets and developments at Canyon River. So I speak only of Anglers Bend Way. Let me read one of the covenants under article seven and the use of lots on Anglers Bend Way.

7.11 The Use of Meadows Lots: The following use restrictions apply to all Meadows Lots: (i) no yard art or sidewalk art; (ii) no swing set or playground equipment of any type or character; (iii) no basketball hoop; (iv) no trampoline; (v) no volleyball net; (vi) no skateboarding in the street, sidewalks or driveways of a Meadows Lot or the Meadows Lot Neighborhood; (vii) no vehicle be parked in the street for more than two consecutive nights and rules on parking vehicles in driveways may be passed by the Association; and (viii) no bicycles, tricycles, battery-powered vehicles or motorcycles may be parked in the lawn, sidewalk, driveway or street of a Meadows Lot or the Meadows Lot neighborhood when not in use.

So, I think the picture is pretty clear. Anglers Bend Way was determined and designed for a specific purpose, a retirement community. Eight years ago, I recall, Canyon River was thought of as a "Golf Retirement Community" and it is still linked, online, to "Golf Community 55 plus of age Active Adult Community." Today it is being billed as a "Golf Community" and the way I see it is heading, eight years from now, it will be called "Canyon River subdivision." There is a huge difference between a retirement community and a subdivision and I think you understand what that is. At that time my property taxes will probably have increased, as they have over the past eight years and my property value will probably have decreased, as it has over the past eight years. Thank you for hearing what I have had to say but please remember this, there is a huge difference between hearing what was said and listening to what was said. Thank you.

Commissioner Curtiss – Thank you Mr. Gillen. Any other public comment? Okay, so I appreciate that you have all taken the time to get together because we like it when neighbors can figure out their own issues, especially when they are things that we really don't have the authority to vote on. I would also like to apologize if my comments last time were offensive. I just meant that I thought that the new houses were nice looking and would be very inviting to own. So, it sounds like, I mean I always believe that you have a right to rely on promises and it sounds like the ownership group agrees with that. But I hope that you do understand that we are limited in what our authority is which is more just those boundary line changes and I have confidence that going forward you will, while you might not have control, you will have input on what your neighboring houses will look like and I don't know if the Commission has anything else to add before we close the hearing?

Commissioner Rowley – I would just like to echo Justice Warner's sentiment that we should consider an overall impact on the subdivision and the people that live there and we do. And last time during the last, I have to apologize too for the last hearing because I said we do just look at it as lines on a paper, but I was trying to draw the distinction between looking at the subdivision as opposed to looking at the housing types which is entirely private, but absolutely it is not just lines on a paper and we do consider the people and the overall impact on the subdivision and the environment and I did feel that the root of the dissention from the public was primarily that housing type issue not the subdivision alteration itself.

Commissioner Strohmaier – I think I was in favor of extending the public hearing. I think this is a good example of where I know there might have been some anxiety to take action, on the part of some, but a little patience, I think, can often times build a lot of good will and hopefully maybe you are not all the way there, but hopefully you are making process as work toward building relationships and I would encourage continuing to work on communication going forward. So thank you for all of your effort to date. And are we ready for motions?

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Commissioner Curtiss – Yes, if there is no more public comment, I will close the public hearing portion.

Commissioner Strohmaier – Can we take these together or do we want to separate them out? Does it make any difference? Okay, I am going to make one motion and if there is any objection to dividing them we can.

Commissioner Strohmaier made the motion that the request to amend Phase 6 and 11 of Canyon River be approved based on the staff report and public testimony and also that the request to adjust the lot lines in Phases 6, 7, and 11 of Canyon River be approved based on the Planning Board recommendation, staff report and public testimony.
Commissioner Rowley seconds.

Passed 3-0.

[Letter 2017-159: Dated May 2, 2017 mailed to Jason Rice, Territorial Landworks, Inc.]

Commissioner Curtiss – Thank you very much for all of your comments and for working together in a very nice community.

b. Petition to Establish a County Road – Camas Road, Hole-in-the-Wall Road and Hidden Treasure Court – Continued to May 11, 2017

Commissioner Curtiss – Our next item then is the petition to establish a County road on Camas Road, Hole-in-the-Wall Road and Hidden Treasure Court. So, we are scheduled today to make a decision, but the petitioner, Mr. Boucher, is out of state for family emergency. We are going to delay our decision, we did do the site visit, but we will delay the decision until May 11. Was anyone here for that particular hearing? Okay, so we will recess the hearing until May 11. So next we have a zoning variance for 8140 Lindbergh Lake Road.

c. Zoning Variance, 8140 Linbergh Lake Road – continued to April 27, 2017

Jamie Erbacher, Planner, Community and Planning Services – Thank you, Jean. This one we are also going to continue as a request from the applicant's representative Alan McCormick, he had to be out of town as well, so this will be continued until April 27.

Commissioner Curtiss – Right. Was there anyone here today for this particular item? Okay, so we've been asked by the owner to delay until April 27 so we will move that one until April 27, which is going to be a busy day.

d. Resolution of Support for National Bison Range Lands Restoration to Confederated Salish and Kootenai Tribes - Continued to unknown date

Commissioner Curtiss – And then the next item, it is a busy day to do this too; we were planning to adopt a resolution of support for the National Bison Range Lands Restoration to the Confederated Salish and Kootenai Tribes and we are also going to postpone that to a date unknown because of the recent communication from Secretary Zinke in regard to the Bison Range in general and we continue to work with the Tribal Council to see when it best fits. Anyone here for that item? Because we could take comment. Okay, well we moved through those pretty fast which is why the 27 will be busy. So next, we have the Stenerson Subdivision and Jamie is the planner.

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e. Stenerson Subdivision

Jamie Erbacher, Planner, Community and Planning Services – This is a request from Lynn and Randy Stenerson to extend the phasing plan for the existing subdivision. So, Stenerson Subdivision is a four lot minor subdivision approved by the Commissioners back on March 4, 2009. At that time it also received a one year extension to Feb. 15 of 2011. Later, a phasing plan was approved with final plat submittal deadlines of March 4, 2017 for Phase 1. Phase 1, consists of one lot and it is in the southwestern corner of the overall property. Phase 2, was extended to March 4, 2018. As you can see on the screen that's the southeast corner of the property and then Phase 3, was extended to March 4, 2019 and that consists of two lots on the northern portion of the property. At that time when the phasing plan was created an additional Condition #25 was added and that was for a Weed Management Plan. Unfortunately, that Weed Management Plan was not implemented and followed through with. The dates above show that as of June 15, 2012 they were supposed to submit a Weed Management Plan to the Weed District as well as the Planning Office. My understanding is that that process was started but the developer's representative misplaced the file and so there were some other issues and missed communications between the landowner and their representative at that time. So, unfortunately this Weed Management Plan was never followed through with. When they came in to request the proposed phasing plan we mentioned to them that that Weed Management Plan had not been followed through with which they obviously thought it had been so we informed them that if we were to support this that we would also recommend to the Commissioners that those dates be amended to reflect current application dates and implementation dates. So, originally the applicant did request that all the phases be extended out to March 4, 2020 and staff originally was recommending approval of that with the condition that the Weed Management Plan condition be amended to have a submittal date June 15, 2017, a file date of Oct. 15, 2017 and then the implementation of that actually on Sept. 15, 2017 with follow-up and approval of the implementation of that on Oct. 15, 2107. I understand there was some concern about that Weed Management Plan not being followed through with so, staff has drafted two different sets of motions for the Commissioners to consider. The first one is in support of the applicant's request to extend the phasing plan out to 2020, for all phases, and then also amending the deadlines for the Weed Management Plan. The additional staff recommendation or alternative recommendation is to extend the phasing plan for Phase 1 to Dec. 31, 2017 and then extend the phasing plan for Phases 2 and 3 out to March 4, 2020 and then the addition of the amended dates in the Weed Management Plan. And I believe Lynn and Randy are both here today so they may have additional comments on what happened back in 2012 and where they are in that Weed Management Plan as well.

Lynn Stenerson, owner – So, this property has been in our family for lots of years. His father used to have a construction company that was run off of there and has since, that first lot that is in Phase 1, is where their current construction business is right now. Our whole intent when we started to do this subdivision request back in 2008 was to be able to split that property so our kids down the road were able to have a piece of property. We have it split, we wanted to keep it within our family, we weren't looking to build a big subdivision we just wanted it for family purposes, but because of the business being in a portion of it, it's in our LLC., so we couldn't do a family transfer or anything like that. We had to go through a lot of hoops to get a variance for the septic systems because of some issues that happened on Touchette Lane that were to the east of this property years ago. So our main concern was to make sure that we were able to be able to have this property that would be an asset for our family down the road. So, when we got down to get the variance approved and the subdivision approved we checked just to see what it was going to cost us in property taxes by putting this through. Randy had gone to the Department of Revenue and was informed that it was going to be, as soon as we platted it, it was going to be several thousands of dollars per lot on there. So that's where we decided to see about, the option was presented to us to do the phasing, and we did have Bryce Christiaens come out to the property, explain to us the weed management, met with Randy, we drew up at the weed management implementation and we also had it put into the covenants on the property. We turned that in, but then I, our fault too, I don't know what happened but didn't know that there were more steps to be taken on it until this all arose when we found out the extension was up and we needed to plat but then we had not taken

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care of that. When we talked to WGM they couldn't find out file, so I've got my own file that I have had, but the gal that we were working with through this process is no longer with WGM so we were kind of in a bit of a scramble and not knowing what to do. So, Jamie has been great to kind of help me and give me some direction on how we are supposed to put this through. That's our intention to get that Weed Management Plan put into place. And like I said and move forward eventually phasing in those lots on there. We of course would love to have a little bit longer extension on it just for the tax implication, but down the road I guess if we have the option to be able to put those plats into place earlier if we wanted to, I guess that is an option too, right?

Jamie Erbacher – Yeah, you could file before.

Lynn Stenerson – You could file it before that time period. So, our kids are older now and if they decide they would want to build or do something on it then we would have that option that we could put them in sooner.

Commissioner Curtiss – So, at this time, it's the construction business that's there, nobody lives there?

Lynn Stenerson – Yep, his mom lives right on the front of that piece of property, just in that Lot 1.

Commissioner Curtiss – Okay, the house that we show.

Lynn Stenerson – Yep, but there's no lots. As you can see, we have done a really good job taking care of that property. We have planted alfalfa, we hay that property all summer, it is irrigated property, so we feel like we take care of the weeds very well compared to rest of the properties surrounding us that are all knapweed and so we feel like we have done a really good job taking care of that property and it really has been our sole purpose to keep it within our family if we could.

Commissioner Curtiss – Okay, thank you. Any questions for Ms. Stenerson?

Commissioner Strohmaier – So, would you see there being any impediment to filing the final plat for Phase 1 by the end of this year?

Lynn Stenerson – You know, I don't think so. What do you think Randy, that's where your shop is? It's just really that weed implementation, correct, that we have to get into place?

Commissioner Curtiss – Right, because there is no infrastructure required for that lot, right?

Lynn Stenerson – Right.

Commissioner Curtiss – No road or anything.

Lynn Stenerson – Right.

Commissioner Curtiss – But it would increase your tax because of the size of the lot.

Lynn Stenerson – Right. They should all be about five acre pieces that they are, to split them.

Commissioner Curtiss – Looks like it. Alright, any other questions? Thank you, Ms. Stenerson.

Lynn Stenerson – Thank you very much.

Commissioner Curtiss – Is there any other public comment on this subdivision, the phasing plan extension? So, I think the biggest question when the Commissioners saw this, when we were

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briefed on it, was the weed plan didn't get done. But there was a point in time when we added those to everybody's because there were a lot of lots that were just sitting vacant with a lot of weeds. Yours doesn't look like it's in that state so it is probably an extra step for you that might not have been needed, but we were applying it equally. So I guess the Commission's choice is whether we feel like the original request to just extend all of them out to 2020, right?

Jamie Erbacher – Correct.

Commissioner Curtiss – Or, whether we want this first one to get done because either way the Weed Management Plan now has dates to get done this fall?

Jamie Erbacher – Correct.

Commissioner Rowley – And that was our concern was the weed management. So, I don't think we, or I don't, necessarily object to extending them all to 2020 if there are dates by which the weed plan will be implemented, is that?

Commissioner Curtiss – Right.

Jamie Erbacher – And in the motion to amend the Weed Management Plan we also noted that there would be no further opportunity to extend that Weed Management Plan.

Commissioner Curtiss – Okay.

Commissioner Rowley – And that's the language regardless of?

Jamie Erbacher – Correct.

Commissioner Rowley – Okay. Do you see any reason to cut back the deadline to the end of this year for the phasing plan?

Jamie Erbacher – Not necessarily. I mean if the Weed Management Plan can be done, which I think it can, they have a draft already prepared that they had submitted with this request, so.

Commissioner Rowley – Okay.

Commissioner Curtiss – And staff supported that in the beginning until we brought up concerns, right?

Jamie Erbacher – Correct.

Commissioner Curtiss – So, I will close the public hearing.

Commissioner Rowley – In the case of the testimony that's been presented and learning a little bit more about the case I would feel comfortable not putting a harsher deadline on the first phase and allowing there to remain a little bit more flexibility with when that gets filed.

Commissioner Rowley made the motion that the request to extend the phasing plan deadlines be approved to 2020 on all phases based on the staff report and public testimony.

Commissioner Strohmaier seconds.

Passed 3-0.

Commissioner Rowley made the motion that the dates for the Weed Management Plan implementation be amended as shown in Attachment D. in subject to the deadlines in Condition #25 without the opportunity for further extension based on information in the staff report and public testimony.

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Commissioner Strohmaier seconds.
Passed 3-0.

[Letter 2017-154: Dated April 28, 2017 mailed to Lynn and Randy Stenerson, Stenbro, LLC.]

Commissioner Curtiss – Alright, thank you for coming today. And you will get a letter from our office in a week or so. So our last item today is the Ranch Club Phasing Plan Amendment and Christine is going to present this one.

f. Ranch Club Phasing Plan Amendment

Christine Dascenzo, Planner, Community and Planning Services – So this is a request to amend the phasing plan for Ranch Club Subdivision. Ranch Club Subdivision is located south of the airport along Mullan Road, here is Mullan Road here and the subdivision is here (referring to map). The subdivision was approved in 2003 with 11 phases and Phases 1-8 have been filed. It was a subdivision approved in the county, has since been annexed into the city and the county continues to review any changes requested to that subdivision. So, it is a request to divide Phase 9 into two phases and so that's the green phase in the middle and this is how the proposal looks. To split Phase 9 into two phases, 9A and 9B. 9A would have 17 lots, 9B would have 32 lots. There is no extension of the previously approved phasing deadlines with this request so those would remain Phase 9A would be Dec. 31, 2021 as would 9B. Phase 10 would be Dec. 31, 2023 and Phase 11 would be Dec. 31, 2025. Staff is recommending approval.

Commissioner Curtiss – Okay, does the developer's rep have anything to add?

Kirby Christian – I represent the developer. I am also in the ownership group and really appreciate staff's attention to this and Christine's; basically we are just concerned with the size of the phases that we are in. The development would like to be able to kind of move through those in a little smaller segmental development pattern so we are asking to split it. And then the product type in Phase 9 was two different types of product. So there's larger homes in 9A and smaller lots in 9B and sort of based on what's out there right now for inventory there's quite a little bit of smaller inventory on the market out there so we were wanting to give it another year or so to let that absorb in the market, hopefully, and then come forward with 9B later.

Commissioner Curtiss – And it looks like it also makes a nice connection.

Kirby Christian – Yes.

Commissioner Curtiss – Okay, any questions for Mr. Christian?

Commissioner Strohmaier – Kirby, so if the deadline is the same for 9A and 9B, what's the, come again at me as far as other than the house styles being different, why it's being split?

Kirby Christian – Yeah, we can then put the improvements in on 9A, which would only be to 17 lots, file that now then give it a year or two because the phasing plan on that one is 2021 and then do 9B maybe in a couple years from now as opposed to now.

Commissioner Strohmaier – Okay.

Commissioner Curtiss – It just doesn't constrict their time.

Commissioner Strohmaier – Thanks.

Commissioner Curtiss – Any public comment on the proposal to change the phasing plan or amend the phasing plan? Okay, seeing none I'll close the public hearing.

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Commissioner Strohmaier made the motion that the request to amend the Ranch Club Subdivision phasing plan by dividing Phase 9 into two phases, Phase 9A and Phase 9B be approved based on the applicants' submittal and the staff report.
Commissioner Rowley seconds.
Passed 3-0.

[Letter 2017-158: Dated May 2, 2017 mailed to Kirby Christian, Christian, Samson & Jones, PLLC.]

7. OTHER BUSINESS

Commissioner Curtiss – Is there any other business to come before the Commission? Seeing none, we are in recess.

8. RECESS

Commissioner Curtiss – Called the meeting to recess at 2:49 p.m.

Friday April 14, 2017

BCC met in regular session; all three present.

Calendar

9:00 a.m. - 10:00 a.m.	NR - Advisory Council-Aging
11:00 a.m. - 12:00 p.m.	NR - Midtown Mojo
12:00 p.m. - 1:30 p.m.	NR - Partnership Health Center
3:00 p.m. - 4:00 p.m.	BCC - Fairgrounds Development Discussion
4:00 p.m. - 5:00 p.m.	DS - Emily Bentley

Items for Signature

Indemnity Bond- JC signed. Door Service of Montana, Missoula, MT. Missoula County Public Schools Warrant 27-153344, issued Feb. 2, 2017 on food service fund. Amount \$79.00 for door repair. Warrant Lost.

Journal Approval

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Tyler Gernant
Clerk & Recorder

DocuSigned by:

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Jean Curtiss, Chair
BCC

Monday April 17, 2017

JC and DS met in regular session; quorum present. NR out of office all day.

Calendar

9:30 a.m. - 10:30 a.m.	DS - Erin Lipkind
11:00 a.m. - 12:00 p.m.	DS - Sustainability Initiatives
1:00 p.m. - 1:30 p.m.	JC - Swearing In-Tracy Rhodes
3:30 p.m. - 7:00 p.m.	JC, DS - A New Frontier: Montana's Entrepreneurship Ecosystem

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Items for Signature

Records Disposal/Transfer Authorization – JC signed. From: Missoula County Justice Court 2. Disposal Number: 2017-08: 1) Civil 10 years closed cases 2005-4150 thru 2006-9699 (1/2005 – 12/2006); 2) Criminal 10 Years 2005-1375 thru 2006-2900 (1/2005-12/2006); 3) Tickets 10 Years 2005-8700 thru 2006-16899 (1/2005-12/2006).

Employee Benefits Claims – BCC signed. Employee Benefits Manual Check Claims dated April 17, 2017. Amount \$56,812.41. To Barbara Berens, Auditor's Office.

Letter No. 2017-132 – BCC signed. Dated April 17, 2017 confirming approval of the Training Drive Subdivision and setting the plat approval expiration date for March 23, 2020. To B & E Corporation.

Letter No. 2017-133 – BCC signed. Dated April 17, 2017 to Montana Governor Bullock encouraging him to veto HB 339 and base water appropriation and use standards on sound scientific principles.

Letter No. 2017-134 - JC and DS signed. Dated April 17, 2017. Confidential grievance correspondence.

Tuesday April 18, 2017

BCC met in regular session; all three present.

Calendar

8:00 a.m. - 9:00 a.m.	BCC - Legislative Meeting
9:00 a.m. - 10:00 a.m.	BCC - District & Justice Courts Staff
10:00 a.m. - 11:05 p.m.	BCC - Commissioners' Administrative Public Meeting
11:00 a.m. - 12:00 p.m.	BCC - County Attorneys
1:30 p.m. - 3:00 p.m.	JC, DS - Transportation Policy Coordinating Committee
2:30 p.m. - 4:00 p.m.	NR - Coordinated Compliance
7:00 p.m. - 9:00 p.m.	DS - Swan Valley Community Council

Items for Signature

County Payroll Transmittal Sheet – BCC signed. Pay period: 08/CY2017 – Pay date April 14, 2017. Total payroll \$1,635,212.95. To Barbara Berens, Auditor's Office.

Administrative Meeting

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
April 18, 2017 Start 10:00 a.m. - End 11:05 a.m.**

ATTENDANCE

Present: Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Chris Lounsbury, Anne Hughes, Dori Brownlow, Jason Emery, Katie Kliez

Other Attendees: Sarah Bell, Emily Bentley, Tom Aldrich, Campbell Barrett, Jim Sadler, Peter Freisen, Erik Dickson, Kris Blank, Dennis Bragg, Martin Kidston

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None**II. ACTION ITEMS**

1. Request board approve Fair Event Committee's recommendation to make the Western Montana Fair free-admission.

Presenter: Tom Aldrich, Support Services Coordinator
Emily Bentley, Fairgrounds Director

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James Sadler, Fair Event Committee, Chair
Campbell Barrett, 4-H Agent
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0

Additional Info:

Copy to Tom Aldrich, Fairgrounds Management.

2. Request board approve and sign Missoula County Fair Event Committee by-laws.

Presenter: Emily Bentley, Fairgrounds Director
Tom Aldrich, Support Services Coordinator
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Approved on the condition that Chris Lounsbury will make final mentioned edits and then submit the final copy to be recorded.

Original by-laws to Chris Lounsbury, Commissioners' Office.

3. Request board approve a budget enhancement of \$44,332 for a new storage array for Technology Department.

Presenter: Jason Emery, Director of Technology
Moved: Nicole Rowley
Second: David Strohmaier
Motion: The Board of County Commissioners approve a budget amendment of \$44,332 for a new storage array for Technology Department (IT).
Vote: Yes 3, No 0, Abstained 0
Additional Info: Motion passed using the word amendment in place of enhancement. FY2017 budget.

Resolution 2017-062. Filed with the Clerk and Recorder/Treasurer's Office. Original to Teresa Graham, Financial Services. Copy to Jason Emery, Technology.

III. CORRESPONDENCE None**IV. DISCUSSION ITEMS**

1. Public Works' dust abatement program and independent contractor permits for residents
2. Upcoming board meetings and review of meetings
3. Legislative Update

V. UPCOMING EVENTS AND INVITATIONS

1. Headwaters Health Foundation of Western Montana welcoming Brenda Solozano, CEO - Thursday, May 4th, 2017 at Holiday Inn Parkside 5:30 p.m. - 7:30 p.m.
Attending: Jean Curtiss, David Strohmaier
Not attending: Nicole Rowley

VI. OTHER COMMENTS/INSTRUCTIONS None

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Wednesday April 19, 2017

BCC met in regular session; all three present.

Calendar

8:30 a.m. - 9:30 a.m.	BCC - Missoula Chamber of Commerce County Update
10:02 a.m. - 10:32 a.m.	BCC - Commissioners' Administrative Public Meeting
12:00 p.m. - 1:30 p.m.	DS, NR - Annual State of Downtown Luncheon
2:00 p.m. - 3:00 p.m.	DS - Rattlesnake Trail
3:00 p.m. - 3:30 p.m.	DS - Carol Bishop
6:30 p.m. - 7:30 p.m.	DS - Evaro-Finley-O'Keefe Community Council

Items for Signature

Larchmont Claims - BCC signed one signature page for Larchmont Golf Course Accounts Payable Invoice Register dated April 18, 2017. Amount \$5,442.26. To Barbara Berens, Auditor's Office.

Administrative Meeting

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
April 19, 2017 Start 10:02 a.m. - End 10:32 a.m.**

ATTENDANCE Present: Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Chris Lounsbury, Anne Hughes, Barbara Berens, Annie Cathey, Dori Brownlow, Katie Kliezt

Other Attendees: Lisa Beczkiewicz, Deb Bell, Peter Friesen

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None

II. ACTION ITEMS

1. Request board approve chair to sign the Montana Tech Clinical Affiliate Agreement with Missoula City-County Health Department.

Presenter: Lisa Beczkiewicz
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0

Additional Info: Agreement allows Montana Tech nursing students to obtain clinical experience. Filed with the Clerk and Recorder/Treasurer's Office. Original to Holly Behlke, Missoula City-County Health Department.

2. Request board approve budget amendment to pay Missoula Economic Partnership for State of the Workforce Study in the amount of \$12,500.

Presenter: Vickie Zeier
Moved: David Strohmaier
Second: Jean Curtiss
Motion: Motion passed as written
Vote: Yes 2, No 1, Abstained 0
Additional Info: JC and DS - Aye / NR - Opposed

Resolution 2017-063. Filed with the Clerk and Recorder/Treasurer's Office. Original to Teresa Graham, Financial Services.

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3. Request board approve class III site located in Seeley Lake, the Montana Department of Environmental Quality now requires a Deed Restriction to be filed on the title before they will renew our permit for the closed site.

Presenter: Deb Bell
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Landfill site.

Filed with the Clerk and Recorder/Treasurer's Office. Original to Deb Bell, Public Works.

III. CORRESPONDENCE None

IV. DISCUSSION ITEMS

1. Legislative Update – Letter to governor regarding HB 33

V. UPCOMING EVENTS AND INVITATIONS None

VI. OTHER COMMENTS/INSTRUCTIONS None

Thursday April 20, 2017

BCC met in regular session; all three present.

Calendar

9:00 a.m. - 10:00 a.m.	BCC - Sheriff Update
11:00 a.m. - 12:00 p.m.	BCC - Finance Staff Introductions
12:00 p.m. - 1:00 p.m.	DS - VALIC Training
12:15 p.m. - 3:00 p.m.	JC - Health Boards
1:00 p.m. - 2:00 p.m.	NR - Schools Discussion
1:30 p.m. - 3:30 p.m.	DS - Parks and Trails Advisory Board
3:00 p.m. - 4:30 p.m.	BCC - FY 18 Compensation Committee

Administrative Meeting

The BCC administrative public meeting for April 20, 2017 was canceled.

Friday April 21, 2017

BCC met in regular session; all three present.

Calendar

9:00 a.m. - 12:00 p.m.	DS - Missoula Ranger District Visit
9:30 a.m. - 2:00 p.m.	JC - Mental Health and Child Development Center Boards
1:00 p.m. - 4:00 p.m.	DS, NR - Bonner Visit

DS to attend March for Science on April, 22, 2017, 1 p.m. to 3 p.m. at Caras Park on behalf of Missoula County.

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Journal Approval

DocuSigned by:

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Tyler Gernant
 Clerk & Recorder

DocuSigned by:

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Jean Curtiss, Chair
 BCC

Monday April 24, 2017

BCC met in regular session; all three present.

Calendar

9:30 a.m. - 11:30 a.m.	BCC - Community and Planning Services Update
12:00 p.m. - 1:30 p.m.	BCC - Community and Planning Services FY18 Work Program
2:00 p.m. - 3:30 p.m.	NR - Missoula Ravalli Transportation Management Association
3:00 p.m. - 4:00 p.m.	DS - Grant Kier
6:00 p.m. - 9:30 p.m.	DS - Era of Megafires

Community and Planning Services Update**Agenda:**

1. Public Comment
2. Communications
3. General Updates
 - a. 9:30 - P & A - Spurgin Ranch Subdivision - Christine Dascenzo
 - b. 9:45 - Bison Range Resolution - Karen Hughes
 - c. 10:00 - Missoula Horse Council Maintenance & Management Agreement - Lisa Moisey
 - d. 10:10 - Update on FMRP Grand Opening, Phase I Plans - Lisa Moisey
 - e. 10:20 - Northwestern Energy Easements for FMRP - Lisa Moisey
 - f. 10:25 - Floodplain Regs, Swan Flood Study, Doubletree 310 Updates - Todd Klietz
 - g. 10:30 - Revisions to Planning Board Bylaws - Jennie Dixon
 - h. 10:40 - 8140 Lindbergh Lake Road Zoning Variance - Jamie Erbacher
 - i. 10:50 - County Crest No. 12 Subdivision - Casey Drayton
 - j. 11:00 - FY 18 Alcohol Tax Fund Application Process - Melissa Gordon
 - k. 11:10 - FY 18 Substance Abuse Prevention Mill Levy Application Review Team Recruitment - Melissa Gordon
 - l. 11:20 - Budget Amendment - HB 33 - Erin Kautz
 - m. 11:25 - Budget Amendment - Innovation Fund - Erin Kautz
4. Director's Update Patrick O'Herren

Tuesday April 25, 2017

BCC met in regular session; all three present.

Calendar

9:00 a.m. - 10:00 a.m.	BCC - Chief Administrative Officer Update
10:06 a.m. - 10:53 a.m.	BCC - Commissioners' Administrative Public Meeting
11:00 a.m. - 1:00 p.m.	JC, DS - Healthy Start Luncheon
1:15 p.m. - 1:45 p.m.	BCC - Interview Evaro-Finley O'Keefe Community Council
2:00 p.m. - 3:30 p.m.	BCC - Missoula Aging Services Annual Volunteer Recognition
3:30 p.m. - 5:00 p.m.	JC - Blackfoot Clearwater Stewardship Act of 2017
4:00 p.m. - 5:00 p.m.	NR - Technical Advisory Group

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Items for Signature

Employee Benefits Claims – BCC signed. Employee Benefits Manual Check Claims dated April 20, 2017. Amount \$108,406.25. To Barbara Berens, Auditor's Office.

Administrative Meeting

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
April 25, 2017 Start 10:06 a.m. - End 10:53 a.m.**

ATTENDANCE Present: Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Anne Hughes, Barbara Berens, Dori Brownlow, Annie Cathey, Bernadette Roy

Other Attendees: Lisa Moisey, Bradley Seaman, Tori Swope, Ashton Sandberg

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None

II. ACTION ITEMS

1. Request board approve a 10-year renewal of the Maintenance and Management Agreement with the Missoula Horse Council for use, management and maintenance of 30 acres of land at Big Sky Park for operations of the Missoula Equestrian Park.

Presenter: Lisa Moisey
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Term: April 24, 2017 to Feb. 23, 2026

Filed with the Clerk and Recorder/Treasurer's Office. Original to Lisa, Moisey, Community and Planning Services.

2. Request board approve Business Associate Agreement between Partnership Health Center-Missoula County and University of Montana, Bureau of Business and Economic Research to comply with privacy standards adopted by the United States Department of Health and Human Services.

Presenter: Bernadette Roy
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Term: April 13, 2017 to April 13, 2018

Filed with the Clerk and Recorder/Treasurer's Office. Original to Lindsey Cromwell, Partnership Health Center (PHC).

3. Request board approve Scott Stringer, DDS's Employment Agreement with Partnership Health Center-Missoula County for the term of 06/15/2017-06/30/2018 for the annualized salary of \$156,000 for 1.0 FTE.

Presenter: Bernadette Roy
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0

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Additional Info:

Filed with the Clerk and Recorder/Treasurer's Office. Original to Patricia Baumgart, Human Resources.
Copy to Lindsey Cromwell, PHC.

III. CORRESPONDENCE None**IV. DISCUSSION ITEMS**

1. Oath of office and swearing in procedures
2. Upcoming board meetings and review of meetings
3. Legislative Update

V. UPCOMING EVENTS AND INVITATIONS

1. Missoula Historic Preservation Awards Ceremony - Thursday May 4, 2017 at 7:00 p.m. at the Roxy Theater
2. Bitterroot Trail Bridge Grand Opening - Saturday April 29, 2017 at 11:30 a.m. east end of the bridge over south Reserve Street.
3. New Local Food Bank celebration - Thursday May 25, 2017 at 5 - 7 p.m.
4. Recovery Center Missoula Celebrating Four Years - Saturday May 6, 2017 at 6:30 - 8 p.m.

VI. OTHER COMMENTS/INSTRUCTIONS None**Wednesday April 26, 2017**

BCC did not meet in regular session. JC and NR out of office all day for meetings and training.

Calendar

8:00 a.m. - 5:00 p.m.	NR - Jail Diversion Training -- Rapid City, South Dakota
8:00 a.m. - 5:00 p.m.	JC - Public Health System Improvement Task Force -- Helena, MT
1:30 p.m. - 2:15 p.m.	DS - Swan Update

Administrative Meeting

The BCC administrative public meeting for April 26, 2017 was canceled.

Thursday April 27, 2017

JC and DS met in regular session; quorum present. NR out of office all day at training.

Calendar

8:00 a.m. - 5:00 p.m.	NR - Jail Diversion Training -- Rapid City, South Dakota
9:00 a.m. - 10:00 a.m.	BCC - Public Works
10:03 a.m. - 10:35 a.m.	BCC - Commissioners' Administrative Public Meeting
11:30 a.m. - 12:30 p.m.	DS - Ginny Merriam
2:00 p.m. - 5:56 p.m.	BCC - Commissioners' Public Meeting
4:00 p.m. - 5:00 p.m.	JC - Missoula Economic Partnership Board of Directors

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Administrative Meeting

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
April 27, 2017 Start 10:03 a.m. - End 10:35 a.m.**

ATTENDANCE Present: Jean Curtiss, David Strohmaier, Vickie Zeier, Barbara Berens**Other Attendees:** Kali Becher, Shantelle Gaynor, Shannon Therriault, Bradley Seaman, Gary Elliott, Peter Friesen**I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None****II. ACTION ITEMS**

1. Request board sign claim form/invoice to accept \$181,601 allocation from DEQ for the county junk vehicle program and approve budget amendment to put \$58,946 (unbudgeted revenue) into junk vehicle's capital vehicle expenditure category.

Presenter: Shannon Therriault**Moved:** David Strohmaier**Second:** Jean Curtiss**Motion:** Motion passed as written**Vote:** Yes 2, No 0, Abstained 0**Additional Info:** Chair to sign; \$58,946 to purchase a smaller tow truck

Resolution 2017-171. Filed with the Clerk and Recorder/Treasurer's Office. Original resolution to Theresa Graham, Financial Services. Original invoice and copy of resolution to Shannon Therriault, Missoula City-County Health Department.

2. Request board approve contract with Montana Legal Services to provide civil legal services to victims of domestic and sexual violence, funded by the Office of Violence Against Women (OVW) Rural Domestic Violence Grant.

Presenter: Shantelle Gaynor**Moved:** David Strohmaier**Second:** Jean Curtiss**Motion:** Motion passed as written**Vote:** Yes 2, No 0, Abstained 0**Additional Info:** Contract amount \$22,410; Provide services in Mineral County.

Filed with the Clerk and Recorder/Treasurer's Office. Original to Shantelle Gaynor, Relationship Violence Services.

3. Request board approve to rescind one resolution and approve two new resolutions for Evaro Community Council.

1.) Rescind Resolution No. 2017 - 048

2.) Approve resolution to cancel Evaro Community Council Election by Acclamation

3.) Approve resolution to cancel Evaro Community Council Election with Vacancy

Presenter: Bradley Seaman**Moved:** David Strohmaier**Second:** Jean Curtiss**Motion:** Motion passed as written**Vote:** Yes 2, No 0, Abstained 0**Additional Info:** Corrected name to Evaro-Finley-O'Keefe Community Council

Resolutions 2017-166, 2017-167, and 2017-168. Filed with the Clerk and Recorder/Treasurer's Office. Original to Bradley Seaman, Elections Office.

4. Request board approve amendments to the Open Lands Citizen Advisory Committee bylaws and

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sign updated bylaws.

Presenter: Kali Becher
Moved: David Strohmaier
Second: Jean Curtiss
Motion: Motion passed as written
Vote: Yes 2, No 0, Abstained 0

Additional Info:

Filed with the Clerk and Recorder/Treasurer's Office. Original to Kali Becher, Community and Planning Services.

5. Request board approve chair to sign agreement between Energy West Resources Inc. and the Missoula County Detention Center for natural gas services.

Presenter: Gary Elliott
Moved: David Strohmaier
Second: Jean Curtiss
Motion: Motion passed as written
Vote: Yes 2, No 0, Abstained 0

Additional Info:

Filed with the Clerk and Recorder/Treasurer's Office. Original to Larry Farnes, Facilities Maintenance.

6. Request board approve chair to sign agreement between Energy West Resources Inc. and Missoula County for natural gas services in the Courthouse.

Presenter: Gary Elliott
Moved: David Strohmaier
Second: Jean Curtiss
Motion: Motion passed as written
Vote: Yes 2, No 0, Abstained 0

Additional Info:

Filed with the Clerk and Recorder/Treasurer's Office. Original to Larry Farnes, Facilities Maintenance.

7. Request board approve a budget amendment for HB 33 funding to reduce the amount previously approved for expenditures by \$152,403 and revenue by \$163,812. Postponed to May 3, 2017**III. CORRESPONDENCE** None**IV. DISCUSSION ITEMS**

1. Legislative Update

V. UPCOMING EVENTS AND INVITATIONS None**VI. OTHER COMMENTS/INSTRUCTIONS** None**Public Meeting**

Meeting minutes linked to the audio recording of public meetings are available online on the Missoula County Commissioners' Meeting Minutes & Agenda portal. The portal may be found at the following web address:
<https://www.missoulacounty.us/government/administration/commissioners-office/commissioners-meeting-agenda-portal>

MISSOULA BOARD OF COUNTY COMMISSIONERS
PUBLIC MEETING MINUTES
CONFERENCE ROOM 151 – COURTHOUSE ANNEX
THURSDAY, APRIL 27, 2017 - 2:00 PM

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1. CALL TO ORDER

Commissioners Present: Chair Jean Curtiss, Commissioner Strohmaier

2. PLEDGE OF ALLEGIANCE**3. PUBLIC ANNOUNCEMENTS****a. Fort Missoula Regional Parks Presentation – Parks and Trails Bond Project – Lisa Moisey, Parks and Trails and Open Lands, Community and Planning Services.**

Thanks Commissioners for allowing us a few minutes of your time on this busy public hearing day to share with you the work of the Fort Missoula Regional Park. As you know, we are having a grand opening on Saturday to officially open and ribbon cut the western half of the park which is Phase 1 and as part of that, we would like to take a few minutes today to update you on the project and where we are. I have Neil Miner here; he is the City of Missoula employee and the project manager for this joint City-County project. Before I pass the microphone to him I wanted to remind folks, in addition to the ribbon cutting and all of the fun festivities planned at Fort Missoula Regional Park, I wanted to remind folks about two other events. One is the City of Missoula and the MRA will be hosting a ribbon cutting of the new south crossing bridge at 11:45 a.m. on Saturday. Secondly, throughout the day from 9 a.m. until 4 p.m. at the Historic Museum at Fort Missoula is the 21st Annual Forestry Day celebration and that event is free to the public and will be going on concurrently. Anybody visiting this area will have a plethora of activities, free activities, to do for the whole day. I encourage everybody to come out. Thank you.

Neil Miner, Development Manager, Parks and Trails Design – Just want to give you an overview and kind of an update of Fort Missoula. Like Lisa said, I work for City Parks and Rec, but I am the project manager of Fort Missoula Regional Park and the joint city-county team. I have a few pictures and updates. This is the big Bella Vista Pavilion and Plaza and behind it, you have the synthetic turf field. Like Lisa mentioned, we are doing the grand opening, I will get to that a little later and this is all pictures of Phase 1, which is very near completion on the construction. Just some of the partnerships aside from the City-County partnership, we have some Knife River credits that we have worked with some throughout the project. We had partnership with the University of Montana on a lease on 10 acres on the western side of Phase 1. A little background and context we, the City, purchased 100 acres for what is considered Phase 1 or the City portion with the 1995 Open Space Bond. The entire project is within the historical district so we have met all of the state historic preservation office concurrent with enlarging that district to include the project and meeting all of their items that we needed to. Part of that is open view sheds, the reason why they put the fort out there was they could see all around 360 degree view, so limiting where you have trees and buildings and then the other one is to meet the civilian conservation corps error, the 30s and 40s, kind of the national park infrastructure look. We started with a 2002 Master Plan and then we went into the design details in 2008 and 2012 with the two parcels. We passed the County wide Parks and Trails Bond in November 2014. Like Lisa mentioned, the final portion of the Missoula to Lolo Trail, which is the bridge over South Reserve, is being completed this weekend as well with the grand opening. The budget, \$38 million of the Parks and Trails Bond was for Fort Missoula Regional Park. Kind of a breakdown in the costs, \$3.3 million went to the design and construction manager. South Avenue, we had to set aside some money for our frontage work for South Avenue along our frontage of Fort Missoula Park on both phases. Then a little over \$1 million went to kind of the owners' budget, so everything that we needed to acquire and to open the park, so all of the new mowers and field line striping, and soccer goals and all these things we had to buy to be able to run the park from day one. The Knife River credits I mentioned, these were in that 2002 Master Plan we determined we wanted the sunken bowl so we contracted with Knife River to do that excavation work for us and they gave us a credit to use later in the park so we rolled that into the project. Our available money for construction was \$33.5 million. Phase 1 was at \$16.8 and Phase 2 was just about \$16.7. The breakdown of local contractors and job creation, 22 of the 23 contractors on Phase 1 were local, that's basically within a 100-200 mile radius of us. Phase 2, 25 of the 27 were local with the remaining two still from Bozeman and Great Falls. Job creation, I found the most conservative number I could, it was also the most recent from 2016 in Oregon, and that was the factor that I used to figure out our job creation of 347.7 full time equivalent jobs. The fun challenging weather facts, we have run into during construction, our fourth wettest October on record last year; snowiest and coldest winter on record. We had 177 consecutive days below 60, we are still well below average on that front, and our March precipitation is the fifth wettest on record. Despite all of these we are still ready for our grand opening on the 29th so I have to hand it to the contractors they have done an amazing job. Phase 1, this is what's opening on Saturday, includes the western portion of the park which has nine multi-purpose

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fields, one synthetic turf field, one rugby pitch, a 15 acre native grass prairie open space area, all of the adjoining parking, restroom buildings, the 5,000 square foot pavilion and the entry monument off of South Avenue at the roundabout. These are some of the pictures through construction of the overlook shelter up on the left, the big Bella vista pavilion in the background of that; the big stone fireplace, reminiscent of the stone and log that the civilian conservation corps used a lot with the regional materials; some of the pavilion plaza. The synthetic turf field that we have out there, we have had this open when it has been clear of snow all winter and the user groups have been really, they have really taken a liking to it and we have rented it I think as much as we physically can right now with the park still being under construction. The entry monument, we had a dedication for the statue that it is at the roundabout at 36. These gates will be open and we can all drive through. I haven't even drove through these gates yet, so it will be exciting to drive to the park on Saturday and to drive through this monument. The statue in the middle is a CCC (Civilian Conservation Corps) worker statue that will also be dedicated that day and it's, I think, the 70th one in the nation and it's through all of these different headquarters of the CCC in that era. Each one has one of these statues and then some pictures of the playgrounds that we have out there. I have some aerial views; this was last Nov. when we actually had some good weather to do construction. You can see the synthetic turf field, the rectangle sports fields off to the top. The pavilion and the plaza and then that grass at the dirt area is now covered in sod. Another view, this one is a good relation to the river and the background and just kind of the perspective we have out there. This is another view; you can see the dirt pile in the background, right under where it says Phase 1, that's the Phase 2 construction that's ongoing now. This was on the original Fort Missoula Park parcel which is the County owned portion of the park and that's where the seven softball fields, the inclusive playground, I have a plan of that I'll get to, the parking, the tennis courts, the pickleball courts, the dog park, all of that is on Phase 2 under construction right now. Here is a little picture from an aerial. Right in the middle there is a little foundation you can see, that's the middle of the five-plex and there's one backstop wall to the left of that, that will be the middle of the five-plex that's a concession building and then the five-plex will surround that and then in the back you will see the two-plex eventually. They have already started putting the fencing up around the fields so they are starting to take shape; it's kind of neat to be out there. Another building you can see right by the white truck, off to the right, that's one of the backstop walls. It's kind of hard for everyone to see but, off to the left center of the photo there's a lot of PVC pipe coming out of the ground, that's all of the plumbing coming up out of the ground for the concession building. Some of the major events that we have already scheduled out there, we have the state tournament for rugby, lacrosse, and soccer this year. The Strikers, which is a youth competitive soccer group in Missoula, they are hosting their Intermountain Cup soccer meet out there. We have the cross-country running meet scheduled for out there and then we have a large volleyball tournament that's using some of the grass at the rugby pitch. Some of the other events that we have already scheduled are off to the right and they kind of run the gamut of everything. We also had some rentals based on, there is a state park directors association, so we have the directors representing all 50 states coming to Missoula for a conference, this is not an athletic event this is just to come. One of the questions we kept getting asked is if we are competing with Caras Park and these guys are meeting at Caras Park one day and Fort Missoula the next. I think we have a good mix of both athletic and weddings, meetings, graduation parties, everything in the park so far. Rentals on the Bella Vista synthetic turf; this is kind of going back to what I mentioned. We had high school lacrosse, athletic soccer out there, the university rugby, a lot of Strikers and FC Missoula which is another competitive soccer group in town, they have been having practices and matches out there all spring and winter and had some of these quotes, "This is the best field I've ever seen." These guys travel all over the region basically playing on different fields and I know some of the lacrosse guys were down in Seattle the weekend before we had the high school Hellgate-Sentinel match and they thought it was the best field they've played on. Then just some of the others, "It's nice to see our tax dollars put to such good use!" "Some of the nicest, softest turf I've played on." And, "This is the best field I've ever seen!" And getting us to the grand opening on Saturday. We are hosting the grand opening from 12-4 p.m. We have worked with the museum on the Forestry Days to kind of coincide and get a lot of people out to the fort area and we will do our ribbon cutting at 1 p.m. I just want to make sure that everyone knows to come out and have a good time.

Commissioner Curtiss – You've requested good weather?

Neil Miner – Yeah.

Commissioner Curtiss – Typical spring weather

Neil Miner – It looked like it was going to be the nicest day of the week, so hopefully that holds true.

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Commissioner Curtiss – Hopefully, it was snowing when I came in. Thank you, thanks, Lisa. All right, are there any other public announcements? I think they covered them all. Is there any public comment on items that are not on today's agenda?

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Nancy Arnold, Missoula resident, Hayes Drive – What I am requesting of the Commissioners is to change the Missoula County animal control ordinance that pertains to nuisance dogs. Is this the appropriate forum and time to ask?

Commissioner Curtiss – You can put it on the record.

Nancy Arnold – Okay. Currently, Section 2 in the definitions defines barking dogs as a dog that “barks, howls, yelps, whines, bays or makes other noises at repeated intervals or incessantly for a total of 30 minutes in a 24 hour period that annoys any person to an unreasonable degree.” My understanding, a little bit of background about that, is that previous to when the city changed the ordinance from 15 minutes to five minutes that the County ordinance read the same that it was five minutes of barking, not 15 minutes of barking. So, the city ordinance was changed just a few years ago and that reads that, “A nuisance barking dog is any dog that barks, howls, yelps, whines, bays or makes other noises at repeated intervals at least five minutes with less than one minute of interruptions that annoys any person to an unreasonable degree.” In talking with Jeff Darrah about the discrepancy between the city and the county ordinance, he says, that when the city ordinance was changed that there was a clerical error that inserted the 15 minutes into the county ordinance and it was not supposed to be 15 minutes. He says, prior to that it read five minutes. So, we have talked with Jeff about this for a couple of years and a couple of years ago he said that he would go ahead and pursue it, but he said that he was really busy at the time, that there were other priorities going on. Then, we followed up awhile later and he said he just hadn't gotten to it and we said, fine let's just let it go. So, again, this Nov. we started talking to him again about it and he said he would pursue it, but recognizing the area that he has to cover and that he has a lot of duties. We just thought that we would bring it before the commissioners and request it ourselves. So that's why I am here.

Commissioner Curtiss – All right, thanks.

Nancy Arnold – So, I guess, can you tell me what the next step in the process is?

Commissioner Curtiss – Well, the Animal Control is actually under the Board of Health so a recommendation would go through the Board of Health and then it comes to the Commission. I sit on the Board of Health.

Nancy Arnold – Okay, so is there something more I need to do, or how do we proceed from here?

Commissioner Curtiss – If you sent comment to the Board of Health too, it would be helpful, and we meet the third Thurs. of each month.

Nancy Arnold – Okay. So appear in front of the board as we are doing here.

Commissioner Curtiss – You could, or you could just send comment.

Nancy Arnold – Okay. Thanks.

Commissioner Curtiss – Thank you.

Commissioner Strohmaier – So, in your estimation what length of time would you like to see the maximum amount of barking?

Nancy Arnold – I would like to see no barking, but recognizing that's not going to happen, it's not just the length of time of barking, but it is the onerous, what happens if you are the person that has to be the complainant and then keep a log. Keeping a log for barking up to 30 minutes a day is pretty difficult to do and that's one of the reasons I understand that they changed it to the five minutes. It could be five minutes or 30 minutes a day, I mean you know,

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the rule could read that loosely, but to be able not to have to record for a full day's worth of 30 minutes is pretty difficult, does that loosely answer your question?

Commissioner Strohmaier – Yes, thank you.

Commissioner Curtiss – And Mr. Darrah has brought it up to the commissioners that it is time to look at our ordinance again; I don't know that we mentioned that part specifically. The Board of Health is May 18.

Nancy Arnold – All right, thanks.

Commissioner Curtiss – Any other public comment? Okay.

5. CURRENT CLAIMS LIST

Claims received as of April 10, 2017 to April 21, 2017 by the Commissioners' Office total \$4,824,846.82.

So, today you get a new lesson in Montana law. Because the commissioners will have been joined by the Tyler Gernant who is our County Treasurer and Sylvia Weisenburger who is a citizen who lives in citizen initiated zoning district and Dick Ainsworth is also a citizen who has property in a citizen initiated zoning district. So, I asked our Deputy County Attorney John Hart to just give us a little bit of a primer to what the purpose and the expectation of the Board of Adjustment is. I mean act like a Board of Adjustment, the Planning and Zoning Commission.

6. HEARING (Planning and Zoning Commission)

John Hart, Civil Deputy Attorney, County Attorney's Office – All right, I will try to do that Commissioner. This will not be nearly as exciting as hearing about Fort Missoula Regional Park I guarantee that. I have been in the County Attorney's Office for two years and I have not seen the Planning and Zoning Commission meet, nears as I can tell they haven't convened since 2013 and when they last convened, they heard an issue of a 50 foot set back from Placid Lake. So, they are experts on setbacks from our lovely lakes in Missoula County. There's two ways to zone in the county. The first way is sort of, what I will call a top down way and that's where the governing body or the planning department says, we want to zone a certain area of the county. They come up with regulations and then they sort of impose it on the property owners in that area. And that's a very, very uncommon way to zone for obvious reasons; people don't like to have that top down zoning come at them. The much more common way, in Missoula County is the other way, and that's citizen initiated zoning and that is when property owners that comprise ownership of at least 40 acres of land or more get together and say, 'We want to have the opportunities and limitations and restrictions of zoning on our property' for various reasons. They get together. They decide what kind of regulations they want to have. They work with the county planning department and come up with the kinds of zoning that they want to have on their land and so long as 60 percent of those property owners in that area say, 'We want to do this,' they come to the Planning and Zoning Commission. Which is a commission created by the legislature to deal with citizen initiated zoning. And so, we are here today to hear a variance from the regulations of one of our citizen initiated zoning districts and that is Zoning District 25A, it's the homeowners on the developed part of Lindbergh Lake which is the headwaters of the Swan River. I'll tell you, I can't really say what the duties are of the commission. I will read you what the legislature has said their duties are and I want you to note just how helpful this is. "The Planning and Zoning Commission shall have such powers as may be appropriate to enable it to fulfill its functions and duties to promote county planning and carry out the purposes of citizen initiated zoning." That's pretty broad, but doesn't give a lot of clarity to what they do. But I can tell you one of the things that the commission does is hear variances and that's what they are going to hear today. And then, it's a little quirky, I'll admit, I haven't seen it happen yet, but the commission which of course is made up of three commissioners, they are going to hear the variance request, they are going to make a decision and that decision will be a recommendation then that they make to the commissioners. So, as soon as the commission makes its recommendation then they will recess the public meeting will go back and continue and then the commissioners are going to make a decision as to whether or not to grant or condition or deny that variance request. So, it's a two-step dance and it's a little odd if you ask me, but it's the way we do it here and I might take the position that the commission could make a decision on its own, but this particular zoning district specifically states that a variance has to be granted by the Board of County Commissioners. So, that's why we are doing this two-part step. Is that good enough? Have I taken enough time to put everybody to sleep?

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a. 8140 Lindbergh Lake Road – McCrane Variance

Commissioner Curtiss – So, I will recess our meeting as the Board of County Commissioners and reconvene as the Planning and Zoning Commission which Dave and I are a part. Commissioner Rowley is out of town today attending a Jail Diversion Conference so that's why she is absent. We will start with the staff report.

Jamie Erbacher, Planner, Community and Planning Services – Thank you, Jean. The other member of the Planning and Zoning Commission is Greg Robertson, he is the director of County Public Works, however, he is not here today, so here we are. So this request is from David and Cynthia McCrane represented by Alan McCormick of Garlington, Lohn and Robinson, for a variance to the 25A Zoning District to allow an 8.2-foot encroachment into the 50-foot setback for an addition to the existing single-family residence. This single-family residence was built in 1968. The property was zoned in 1970. In 1992, the regulations were amended to include a 50-foot setback from the high water mark. Historically, and up until 2008 that distance was measured by an onsite inspection and the vegetation line was a general indication of the high water line. However, in 2008 there was a new home built just down the road from this one. The new structure clearly did not comply with the 50-foot setback as they had proposed on the plans, but rather than telling the homeowners they had to tear it down they had the option to go forward for a variance, which they did and the variance was ultimately approved. However, at that hearing the commissioners asked county staff to establish high water mark elevation specifically on Lindbergh Lake. County staff did so with the help of the County Surveyor's Office and that elevation was set at 4,335.1 feet. This elevation is reevaluated every so often and I believe most recently in 2016. I mention this because the applicant has noted the difference in setback requirements based off of the established elevation mark and the vegetation line. So here on this slide you will see the applicant's proposal and this is based off the 50-foot setback as determined by the set elevation mark and the variance request is based off of this, like I said I'm including the vegetation line, but that is just for reference because it is in the applicant's packet. So, on the top part of the screen, that there is the elevation line, bisecting the house is the established then 50-foot setback. So, if we zoom in on that same footprint, the area in blue polka dots, those are the additions that do not comply with the 50-foot setback and that would require a variance. The area on the left is approximately 72 square feet, the main floor includes expansion of the kitchen, then there is also a lower level, and that will include expansion of just a living area downstairs. The area on the right hand side is approximately 84 square feet and that is basically the creation of a master bedroom and bath. On the top part of the screen, there's 162 square foot area that's proposed to be removed from the structure. This is an existing bedroom and over the top of that is a portion of a deck. Decks are unique in this zoning district; they can go into the required setback. There is no set distance that they have to be away from the high water mark, however we do have county shoreline regulations and those are 20 feet back from the high water mark. So, in the event they wanted to expand the deck beyond what they are showing here, they could do so up to 20 feet from the high water mark based on the shoreline regulations. So here is that same floor plan, however we are looking at it from the vegetation line. So, the same footprint, on the left hand if we were to consider the setback from the vegetation line, it would only be 44 square feet that encroaches into that 50 foot setback. On the right hand side, that master bedroom would not require to be asked for the setback. This is just a floor plan showing the existing main level. The upper part of the screen and the lower part of the screen are the additions where the variance will be requested for and the area on the left hand is that deck above that is going to be removed so further back from the lake. This is the proposed lower level floorplan, again just addition on the lower end of the house, expanding the footprint of the living area downstairs and then noting that that bedroom on the left hand side is to be removed. So, here is what the cabin looks like today, some rough sketches. I believe the Commissioners and the Planning and Zoning Commission they have some colored photos in the applicant packet. So, they had those. This here is the proposed elevations of the cabin. The north elevation is what it would look like from the lake, additional elevations for the south and west side. I would also like to note that in 2009 the McCranes came before the Planning and Zoning Commission for a variance to build a new home basically in this same footprint of the existing home. However, that variance was denied based on comments that we received from Fish, Wildlife and Parks and what used to be rural initiatives. So, our office is now part rural initiatives. There was some concern over the bull trout and their habitat and the sediment that could potentially go into the water if a new home was built on this property, closer than 50 feet. We did reach out for comment to Fish, Wildlife and Parks for this request we did receive a no comment, no concern back from them. I would like to note that by allowing this addition as proposed with the removal of the bedroom, which is closest to the lake, less erosion and less concern for disturbance of that habitat for the bull trout. It is expected, obviously, if you have a new home and you are deconstructing an entire residence you are probably likely to get more erosion and there is greater concern for that bull trout habitat. By allowing the addition as proposed, it keeps within the spirit of

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the zoning and allows legal nonconforming structures to remain and this will make it also more livable for the homeowner. As required by the zoning we did post this request in three locations and notified the homeowner's association as well as neighbors within 300 feet. We did receive eight letters of support from neighbors that surround this property, two of which I had given you today. The others were included in the staff report. We did not receive any response from the HOA we also notified a number of agencies throughout Missoula County. We did not receive any substantial comment from them that we thought would require a condition of approval for this requested variance. So, as such, we are recommending approval of the variance as proposed by the applicant. As John mentioned, since this is within the citizen initiated zoning district, the Planning and Zoning Commission will make a recommendation to the County Commissioners based on the criteria that states, "That a variance may be authorized if the variance will not be contrary to the public interest where owing to special conditions literal enforcement would result in a clearly established and unnecessary hardship." So once the Planning and Zoning makes their recommendation the hearing will recess and the County Commissioners will reconvene and make the final determination for this variance request. That's all that I have for the staff report. I believe Alan McCormick is here as well as David and Cynthia McCrane.

Commissioner Curtiss – Okay. So, would the McCranes or their representative like to present?

Alan McCormick, Garlington, Lohn and Robinson – The McCranes, David and Cynthia are right here behind me. We are happy to answer any questions that you have. We are very happy to give the Planning and Zoning Commission something to do. It sounds like you haven't been very busy, so you need a little bit of practice, and this is a pretty good one to practice with. I don't want to repeat what Jamie has said, she has done a great job with the presentation and staff report. This is the elevation, or the setback as marked from the elevation line. I just wanted to highlight a couple of things, first note, that most of the house is already encroaching, that's legal, that's a permitted encroachment the house was built in 1968 I believe and the 50 foot setback didn't come into play until 1992, I believe. So, all of that is legal conforming. Note that sort of the red-hashed mark there at the top of the photo, that's the enclosed bedroom that's going to go away. So the extent to which this building currently encroaches into the setback area is going to decrease. That portion is going to come out of there and then there is going to be two small additions added onto the side and note that neither one of those additions on the east and the west side of this structure encroach any further into the setback than the existing building. So in effect, the encroachment decreases here. By granting the variance, you are allowing them to provide two very minor expansions of each side of the structure here without encroaching any further into the setback that already exists. As Jamie mentioned, this hardship criteria works a little differently than most of the hardships. In this case, you have to look at whether it's not contrary to the public interest and of course we received no negative comments at all because this decreases the extent to which it encroaches in its certainly not having any additional effect on the public interest and then would have to be some special circumstances. As you can see from the one photograph that Jamie showed and if you know the area, these are very steep slopes on this property. There's lots of mature trees, there is a road, the road actually swings down into the property and kind of bisects the property. So, there is nowhere else on this property to go with just a minor addition as they are proposing to put on. In fact, if you wanted to move this addition back you are going to be digging out of that steep slope, you are going to potentially be taking out larger trees and you are going to have a much more significant effect on this. So, what we are proposing here is a very minor encroachment in the setback and in fact, it allows them to have a minor addition to the house without having any significant effect at all. So you have any questions we will certainly answer them and Dave and Cyndy can answer them as well.

Commissioner Curtiss – Any questions at this time? Thank you, Mr. McCormick. Is there anyone else who would like to speak on this variance request? I know that we have quite a few letters of support from neighbors that live in the area, if anybody wants to add to that, we can take that comment, too. Okay. Are there any questions or comments from the commission? So, Dick, I know you have a cabin up there somewhere, so you probably are familiar with this space.

Dick Ainsworth – My wife's family has a cabin on Lindbergh Lake, the Leo Smith cabin, it is down on Lots 32 and 33 I think, that was built in the mid-50s. She inherited it with her sister, who lives out of state. My family had a cabin on Placid Lake that was built in 1953 and I inherited it with my sister, who lives out of state. It is convenient for the sisters because we get to take care of them and then they come from out of state and enjoy them. At any rate, so, I am familiar with Lindbergh Lake and as it happened, and I didn't know that until I got to reading the staff report, my former surveying company had done the survey work on this thing, PCI which I sold and retired from about 10 years ago. There's a lot of these kinds of situations on all of those lakes up there. Placid Lake, as you

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know, or at least Jean knows, we did a citizen initiated zoning district up there a few years back and we got that setback, a similar setback, and we created a similar bunch of encroachments. I think it's good to work with and try to make the existing cabins work and not have to tear them down and dig out a big huge portion of the hillside to replace them. I think what they are doing here makes sense and I would certainly support that.

Sylvia Weisenburger – I would support this variance. I think that, especially when we do have zoning on these lakes, and I live at Lake Inez, that we initiated that zoning to protect all of us. But that didn't mean that we were set in stone forever because of circumstances that were going to come up, particularly when you are living on a lake that has steep banks and wherever we ended up is where we ended up. But I think that this variance should be approved.

Commissioner Curtiss – Tyler, it's your turn.

Tyler Gernant – I have no particular comment, but if no one else has comments, I would be happy to move that the commission recommend approval to the other commission of this variance.

Commissioner Curtiss – Okay, is there a second?

Dick Ainsworth – I would second that.

Commissioner Curtiss – Okay, it has been seconded twice. Any further discussion?

Steve Niday, Land Survey Manager, Public Works – I just have a question about the setback line that was shown on that exhibit. Since that's determined from an elevational line, I would expect it to be a curvilinear line and not straight lines like that. Can someone address that for me?

Commissioner Curtiss – So, it should have followed that elevation line on the right hand side.

Jamie Erbacher – I think it is somewhat hard to tell, but I would agree that on the left hand side it looks fairly straight. There is a little bit of curvature right near the polka dotted area and then out to the right further. Alan, if you have any additional?

Commissioner Curtiss – Because in reality it looks like if you follow those lines there's actually less encroachment. Is that what you see, Steve? So, there is a little bit of encroachment.

Steve Niday – Yeah, I am not suggesting that this should be denied on the basis of that exhibit, I was just curious if someone knew why that line was so straight and not contouring. But...

Commissioner Curtiss – So, because it is elevation line not distance line. That looks like that's what they did. If you look at the one that's closest to the lake. The dotted line is pretty close to the curvature, but then they just measured 50 feet back from that line rather than 50 feet in elevation.

Steve Niday – Yeah, I think they just kind of did a more or less a gross interpretation as opposed to trying to follow every nuance of the line, which seems reasonable.

Commissioner Curtiss – Okay, which probably isn't clear in the regulations because it says 50 feet from it, it doesn't say 50 feet in elevation. But, good point, they have less encroachment than they thought. Okay, any other discussion? All in favor of the motion to grant the variance as proposed say aye. Five ayes, zero nays. Then we will adjourn as the...

Dick Ainsworth – We may not meet very often but we are compensated accordingly.

Commissioner Curtiss – Yeah, we raise their pay annually. So, we will adjourn as the Planning and Zoning Commission. Again, thank you for being part of the commission. Now this commission has a motion to accept from the Planning and Zoning Commission. So, that motion was made and seconded John, so that means we just have to, we don't have to make another motion, right? According to the Robert's Rules of Order? I guess we could move to accept the recommendation.

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John Hart – That sounds appropriate.

Jamie Erbacher – I think that's how we have done it in the past, Jean.

Commissioner Strohmaier – So, I will just add that this seems pretty straightforward in terms of there not being any net increase in the encroachment and that in and of itself seems to constitute the special condition alluded to in the zoning district language.

Commissioner Strohmaier made the motion that Board of County Commissioners accept the Planning and Zoning Commission's recommendation to approve the variance [to vary from the required 50 foot setback from the high-water line on Lot 70, Diamond L Bar Ranch Third Lake Shore Tracts, COS 951 in Zoning District ZD#25A].

Commissioner Curtiss – And, if I didn't remember to reconvene as the Board of County Commissioners, I will do that and then I will second the motion.

Passed 2-0.

[Letter 2017-165: Dated May 25, 2107 mailed to David and Cynthia McCrane.]

Commissioner Curtiss – Thank you, you will get a notice from us, I guess. All right, we have a petition for annexation into the Florence Rural Fire District to consider, so Shyra will give us the staff report regarding the petition.

7. HEARINGS

b. Petition for Annexation into the Florence Rural Fire District – Shyra Scott, Chief Deputy Clerk and Recorder, Clerk and Recorder's Office – A petition was received by the Missoula County Clerk and Recorder's Office to annex land described as outlined in the petition recorded in book 977 page 679 into the Florence Rural Fire District. The petition has been signed by the property owners who represent at least 40 percent of the acreage and 40 percent of the taxable value of the property to be annexed. The petition fee has been paid in full and a notice of hearing has been published in an approved newspaper.

Commissioner Curtiss – Thank you, Shyra and this has also been reviewed by the fire district, right, that they would accept it?

Shyra Scott – It has been reviewed and approved by the fire district, correct.

Commissioner Curtiss – Okay, is there anyone here representing this property or the Florence Rural Fire District? Okay, did you have a question?

Commissioner Strohmaier – Shyra, could you just explain this a little bit more in terms of, were these folks who are the petitioners in a fire district at all? I am assuming not. Is that how it originated, that folks who lived out there just wanted to be included in the fire district and...I have not been through one of these petition processes before.

Shyra Scott. So, I believe a portion of it was under DNRC (Montana Department of Natural Resources and Conservation) fire protection, but not under a fire district. And so, by annexing this in of course, they gain that fire protection and they also add a little bit of funding to the Florence Fire District to support fire suppression efforts.

Commissioner Curtiss – And just a little history, we find sometimes these lots have assumed they were in the fire district and they weren't and this also gives them better fire rating for their fire insurance. So, is there anyone from the public who would like to comment on this petition to annex into the Florence Rural Fire District? Seeing no one come forward I will close the hearing and accept a motion.

Commissioner Strohmaier made the motion approve or adopt the petition of the properties as listed into the Florence Rural Fire District. Commissioner Curtiss seconds.

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Passed 2-0.

[Resolution 2017-214: Approval of annexation to the Florence Rural Fire District.]

Commissioner Curtiss – That is probably the longest description I have ever seen, however.

Shyra Scott – I really appreciate not having to read that, yes, thank you, John.

Commissioner Curtiss – We also have a petition to alter a county road on East Mullan Road. So, I will open that hearing. Shyra will give us a similar report about the petition.

c. Petition to Alter a County Road – East Mullan Road

Shyra Scott – The Clerk and Recorder's Office received a petition to alter East Mullan Road right-of-way in the north half of Section 21, Township 12N, Range 17W. Beginning at the north line of Section 21 and ending at the east line of Section 21. All affected land owners are named in the petition. The petition has been signed by at least 10 of the free holders of the Missoula County Road District. The petition fee has been paid in full and a notice of hearing has been published twice in an approved newspaper.

Commissioner Curtiss – And this property is in the Clinton area, is that right?

Shyra Scott – Let me pull up this map here. It is near Holden Addition. Essentially it travels out, it is one of the instances that we have come across before where Mullan Road isn't actually, the right-of-way for Mullan Road isn't actually located where Mullan Road currently travels, so where people are driving. And so, this is an effort to correct that right-of-way so it actually lines up with where people are driving.

Commissioner Curtiss – Okay, is there someone here representing the petitioners?

Ken Jenkins, Montana Northwest Company – representing a piece of property that this realignment would affect. It is in the Clinton area and as Shyra said, it merely is a petition to move a potential right-of-way that is shown on the GLO (General Land Office) plat for the old military road, which, as we know is Mullan Road, to move that potential right-of-way over to where the road actually exists. The GLO plats can be a reliable map of where a road may have been, but not always is that the case. And in this case the area that is most affected is out in the middle of the section and the GLO wasn't really measuring the roads in the middle of the section and so I think it will just clean up one more area of Mullan Road if you approve.

Commissioner Curtiss – Okay. So, this is a public hearing, so we don't make a decision today on roads because we are required by law to go out and look at the road, one commissioner is with our Public Works or Surveyor's Office. So is there anyone here that wants to comment on this alteration of road proposal? Okay, so, I will recess the hearing. Ken, do you know anybody besides yourself that might want to make sure that we notify them? The next commissioner to go visit is Commissioner Rowley, she is not here today, so we will have to set it in her schedule.

Ken Jenkins – I would think that the viewing would be done from the current present traveled way of Mullan Road out in the pasture where the potential right-of-way would be there's nothing out there; horses, grass.

Commissioner Curtiss – Okay. So, there is adjacent landowner lists here, do you think all of those folks want to be notified or do you think they want to join us?

Ken Jenkins – I don't know what protocol is. I can't imagine anyone would have any interest in this.

Commissioner Curtiss – Would you like to be notified?

Ken Jenkins – Not really.

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Commissioner Curtiss – Okay. Then I think that we can get this done by, there's no big rush right, Ken? So, if we said that we we'd put it on our meeting of May 25 that would be okay? That way we have plenty of time to schedule it. Okay, so, I will recess the hearing and we will reconsider the motion, the petition, on May 25. All right, we have a two-lot subdivision for Country Crest No.12 and Casey is going to be our planner today. So, I will open this hearing.

d. Country Crest No. 12 Subdivision – Two Lots

Casey Drayton, Planner, Community and Planning Services – This is a proposal by Tollefson Properties, LLC represented by Montana Northwest Company. The site of the proposed subdivision as highlighted in blue is legally described as Country Crest 3A Lot 37, north of Mullan Road. The existing conditions of the property as seen on this aerial photo are primarily developed and maintained in a residential nature with domestic grasses, trees and shrubs. The property does not function on its own or as part of a larger agricultural enterprise. A site visit will reveal a relatively flat lot with residential characteristics as shown in the photo. This property is part of the 2005 Wye-Mullan West Plan Area, which recommends the density of two dwelling units per acre. The plan development guidelines for the suburban residential area makes a recommendation that development on lots one acre or larger be situated to one side to allow the potential for future lot splits. This property is located in the C-RR2 residential zoning district the density proposed as 1.96 dwellings per acre is less than the maximum density of two dwelling units per acre allowed in the zoning district. Country Crest No. 12, the proposal here today, is a two lot minor subdivision that would result in the creation of Lot 37A a .34 acre lot to the south, containing the existing home, and Lot 37B .68 acre lot will be found to the north. The property lines are displayed as the thin red lines on the preliminary plat shown. This subdivision proposal is found to be in substantial compliance with the C-RR2 zoning district, Missoula County Growth Policy, and Wye-Mullan Plan. The property is served by both Peregrine Loop and Peregrine Court. These are County maintained roads within a 60 foot wide easement. No on-site roads are proposed with the subdivision. The subdivision will have an impact on the Mullan/Flynn and Mullan/Reserve intersections. A recommended condition of approval requires fees for mitigation of the impact to the intersections. The Wye-Mullan Plan recommends that transit should be a major consideration in proposals for new development. Mountain Line has requested that the property owner's petition for the parcels to be included in the district, this is a recommended condition of approval. No pedestrian facilities are proposed or required for the two-lot minor subdivision. The map that you are seeing on the screen represents all the properties surrounding that are a part of the Missoula Urban Transportation District. Lot 37A receives water supply from an existing well at the southeast corner of the property, circled in blue. Lot 37B will receive water from a proposed well shown at the northeast side of the property, also shown with the blue circle. Lot 37A is served by an existing sewer connection that runs along the west property line and your several other utilities and an existing 15 foot wide public utility easement. An additional 10 foot private sewer easement, shown as the light green shade, is proposed parallel and contiguous to the 15 foot wide public utility easement. Easements are required to be 20 feet in width per the subdivision regulations. Side by side easements can be combined to meet the requirement if similar in nature. As the sewer is a public utility, a condition of approval is to label the 10 foot wide private sewer easement as a 10 foot wide public sewer line easement or generic public utility easement. Lot 37B will connect to city sewer by contract from an extension of the existing sewer along Peregrine Court. A condition of approval is that fire sprinklers shall be provided for each new residential structure that comply with NFPA standards, to be reviewed and approved by the Missoula Rural Fire District. A set of development covenants is included in Section 9 of the applicant's submittal. The following recommended conditions of approval are related to the covenants to amend the language to acknowledge County Public Works as the agency issuing permits for stoves a modification to the language regarding installation of fire sprinklers, inclusion of the fire prevention building permit and wildlife section which cannot be altered or eliminated without governing body approval. The existing 15 foot wide stormwater drainage easement is proposed to be relocated south of the existing location. The new location is shaded in red and you can see the old location has a dashed white line and black lines above just to the north. This relocation will align with the culvert at the southeast corner of the property to facilitate the drainage. Easements are required to be 20 feet in width per subdivision regulations. This 15 foot easement will require a variance to the regulations. These findings of fact are located on page 11 and 12 of the staff report. The additional memo that you received just now adds one additional recommended condition to the list found in the staff report. Condition 13 as it's labeled on the memo reads that plans and installation of grading, drainage and erosion and erosion control, including drainage improvements within the 15 foot wide drainage easement, shall be reviewed and approved by County Public Works prior to final plat approval. Improvements may be allowed after final plat, subject to an improvements guarantee. You will also note at the back of the staff report there has been one comment received from an adjacent property owner addressing

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drainage and the necessity of maintaining it as that drainage flows from across the street through the lot and out to the northwest corner and off of the property. Staff recommends variance approval as well as subdivision approval on this request.

Commissioner Curtiss – Thank you, Casey. Is there a developer's rep, do you want to present?

Ken Jenkins – I am glad that we are finally at the hearing for this. In theory, a Country Crest Subdivision should be as simple as they get. It's been one year, almost, since we started and a whole lot of money to get to this point. There's two of the conditions of final plat that I would like discussion and consideration of some changes. One is the requirement that the lot owners petitioned into the Urban Transportation District that was requested by Mountain Line bus. If you look at the staff report relative to that request it does say the majority of parcels in Country Crest have been included in the Missoula Urban Transportation District many by recommended petitions. So, understand that most of the lots in Country Crest were created by the subsequent subdivision of those original lots. This requirement to petition into the Transportation District has come not because the citizens there want that, but because it was forced upon the subdivision process. And so, what happens there is in order to record this plat the owner will have to petition into the Transportation District. What that does is amount to about \$200 a year addition to their taxes. This area is no longer served by Mountain Line. So, I am pretty sure that if this wasn't forced through the subdivision process that as a general neighborhood the people that live in Country Crest probably would never consent to a concept of raising their taxes \$200 when there is no service being provided. So, fundamentally I would like you to consider dropping that as a condition. The other one that I want to discuss is the condition that really didn't happen until today. This swale, it is a little surprising that we are having a discussion about the swale, so the existing 15 foot easement that runs through there, there is not any fancy drainage structure there that happens to be a low swale on natural ground that runs through that lot. What we were trying to do by adjusting that swale to the south is to create a bigger envelope for a building footprint. The condition is being imposed because it is being called a subdivision improvement. Therefore, it has to be built prior to plat but, if we record this plat without moving that drainage soil, in other words, if we record this plat until the day someone goes to build on the new lot, the improvement is already there as a function of the previous plat, as a function of the natural ground there. So, it's not until someone goes to build on this new vacant lot that there's a change necessary and in fact, if you design the right kind of house it wouldn't need to move at all. So, the appropriate time, I think, to move the drainage soil would be at the time that a house is being built. The burden with having that as a condition of final plat approval is that we would have to mobilize the equipment out there, do a whole lot of dirt work just in order to record the plat. Then someday, it could be 10 years down the road, when a house is built on that lot they are going to have to mobilize the same equipment. You know, excavate the foundation and all of that. It's kind of an economic burden to have to do the site grading before you are really ready to build. The lot won't be built on until such time as the plat's recorded. There is no doubt that the new drainage swale will probably have to be built. At some point, depending on what someone wants to build on there, the construction of the house takes care of itself. I don't have a problem with the idea of moving the drainage swale; it's just that as a subdivision improvement it already exists.

Commissioner Curtiss – But it seems that if I bought this new lot, almost half of this red drainage swale is on the other lot, so then what do I have to make sure that that end of it gets built if it's not done ahead of time? I mean, I see what you are saying, but if they never moved it, but since you are proposing it be over here, half of it needs to be built on the existing lot.

Ken Jenkins – Well, it's an easement that will be created by the new plat.

Commissioner Curtiss – But then, I buy the new lot, I build my piece, who's going to build that one? I mean, I don't think anybody's going to have a hammer to build it.

Ken Jenkins – Well, no. At building permit it would have to be built, which includes the piece on the neighboring lot. That's the hammer that the county would have. Is at the time of building permit...

Commissioner Curtiss – But who's going to pay for it? I just think that you are putting it...

Ken Jenkins – It's going to have to be the owner of the new lot if it's tied to the building permit.

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Commissioner Strohmaier – Yeah, I guess I am seeing a disconnect here between what, maybe I am reading this incorrectly, between what Public Works was suggesting and what the condition is saying. The condition of approval #13 states that, “Improvements may be allowed after final plat.”

Commissioner Curtiss – If they have an improvements guarantee, so that’s a bond.

Commissioner Strohmaier – Right, but what you were suggesting, Ken, was that the improvement would need to be made prior to filing the final plat, am I misunderstanding?

Ken Jenkins – Well, our two options as the condition is written is, to either go out there and build the new drainage swale or, to post a bond to guarantee the county that it will be built. That is not for something like this, that’s not an easy process, the whole bond thing.

You have to have plans, you have to get bids, you have to Public Works to approve it. You have to get a bank to loan money on it. All of that costs money. Its process costs money. So the preference would be to just build the swale at the time that the building on the new lot necessitates, the movement of the swale.

Commissioner Curtiss – So, the existing swale functions now.

Ken Jenkins – Yes

Commissioner Curtiss – I guess the other one is to just leave it that way. I still think that if I was the one that was going to buy the vacant lot and then I am expected to pay for the swale to go through the existing lot too I guess I would rather know that it was done and it was incorporated in the cost of my lot.

Commissioner Strohmaier – Casey, I guess I would be interested to hear from you as far as other thoughts on this and is this the only, is the improvements guarantee the only mechanism to ensure that the improvement actually gets constructed at the point that someone builds a house there?

Casey Drayton – It would be the only guarantee to get it through both lots. Tying it to a building permit or something like that would really only guarantee it on Lot 37B to the north. I believe Jean was kind of hinting at with her statements at least with the bonding of it, it would be for the subdivision as a whole and not lot specific. I think it would be tough to tie it to anything else to get that full swale completed. The realignment that they are showing here makes sense in connecting with an existing culvert that comes out of the driveway that you can see at that very southeast corner. The lot’s currently pretty low lying for the most part through that whole central area. I can jump back up to that lot photo; you can see it in there. Basically, the whole lot is serving as somewhat of a drainage swale at this point in time.

Ken Jenkins – If I might just quickly add one thing. The fact that the easement exists on two lots would not preclude anyone from building, the easement is the legal right-of-way, if you will, to build the swale. The easement is not lot specific. The other thing is, just some perspective for you as to do with my request to change this to building permit, the property is now owned by Tollefson Construction. Their plan is to develop the vacant lot. I know that there’s no guarantee of that either once the plat’s filed, but that’s the reason for the request.

Commissioner Curtiss – Okay. And then the other one was about the Urban Transportation District. I know we have had conversation with the Urban Transportation District about, there’s several areas in the county where people are paying into the urban trans and there is no service, although everybody else in this place has already got hit with it.

Commissioner Strohmaier – Yeah, I guess along those lines, is there any possibility of modifying, what would be the upshot of modifying the condition of approval to, I guess in essence, not allow the right to protest I guess.

Commissioner Curtiss – Right. To put a waiver saying, you can’t protest when service is available.

Commissioner Strohmaier – Yeah a waiver of protest. I think we dealt with this out at the Wye here recently. If it’s unclear at what point in time, if ever, service will be provided out here by Mountain Line. It’s kind of cross that

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bridge when you come to it at some point they could be included but the property owners just waiving the right to protest. Is that a possibility?

Casey Drayton - I would say it would be a possibility. The comprehensive plan makes a strong recommendation that these properties be considered as part of the Urban Transportation District. As the District functions as a whole support from all of the properties pay into this community resource which could lead to challenges down the road if these properties haven't, if additional properties are divided out that way aren't included. I don't know what the funding stream looks like, but it could lead to challenges down the road and I am basing that off the strong recommendation in the comprehensive plan that transit should be a major consideration and that petitioning for inclusion be included.

Commissioner Curtiss – Was that in the Wye/Mullan Plan?

Casey Drayton – Yes.

Commissioner Curtiss – And at that time there was service out Mullan Road, that's the difference.

Casey Drayton – I believe so, yes.

Commissioner Strohmaier – Do you happen to have a schematic that shows the district boundaries at all? I am just wondering how checker boarded it is out there in terms of...

Commissioner Curtiss – He showed us the one for just this area.

Commissioner Strohmaier – Right, but do you have anything broader?

Casey Drayton – I could pull up the property information system and show you on a broader.

Commissioner Strohmaier – Yes, please do.

Commissioner Curtiss – So, Tim, while he's doing that, do you have any comments about if we changed Condition #2 to talk about, they waive the right to protest to petition when service is available again?

Tim Worley, Planner, Community and Planning Services – I am not sure if that is a workable, legal mechanism, but it probably wouldn't hurt to have it on the plat. I mean you could have something, "The plat shall include a waiver of protest to petition into the Missoula Urban Transportation District, subject to CAPS (Community and Planning Services) review and approval prior to final plat approval." I mean, we could have that note on the plat, I am just not sure of the legal mechanism once, if there's service reestablished along Mullan Road for instance.

Commissioner Curtiss – Whether the Mountain Line District would have the ability to enforce it.

Tim Worley – To really enforce it in this subdivision, but it probably doesn't hurt to have it on the plat if that's the direction you opt to go in.

Commissioner Curtiss – Wow. So, the green is the urban trans district?

Casey Drayton – Correct.

Commissioner Curtiss - Well, Mountain Line is doing a strategic planning right now so folks out Mullan could get involved I guess. All right, this is a public, well, it is a consideration I guess, but is there anyone who would like to comment on this subdivision?

Dave Scott, adjacent property owner – I am the one that did send the letter in about the water problem out there. I guess the first thing I would like to just say is that you know, we did have Mountain Line service for years out there and that's probably the fastest growing area in the county and then they cut it out. I know you guys don't control any of that, but it's something to consider.

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Commissioner Curtiss – We have advocated for it.

Dave Scott – Can you pull up that whole plat subdivision?

Commissioner Curtiss – Of Country Crest?

Dave Scott – Yeah, the one that showed the lots, I think it was the first on you showed maybe. Basically, if you go up Peregrine Court, Peregrine Loop is the southernmost road there that ties in close to where the lot's at. Peregrine Court is the northern route. Okay, there's Peregrine Court, the one to the south is Peregrine Loop. Where my lot is, that kind of triangular one right there, just to the east of this proposed subdivision, 34 I think is our lot, now go south, that's our lot. Okay, that drainage there, I am thinking of one time. If you look at where the lot line divides down behind all of the houses, it must have been at one time an old streambed. What happens out there, I'd say most springs, we've been there since 2000 and probably 50 percent of the springs we've had this run off problem out there and what happens is along Peregrine Court when they put those houses in they didn't put culverts in underneath the driveways. What happens is, the water spills down into that back lot line between both sides, if you can understand what I am saying.

Commissioner Curtiss – So, your number is 2670, so between you and 7503 like the back of your lot?

Dave Scott – Yeah, you see that back line right there goes all the way up to the road, if you go east, you follow that road or that line, the back lot, right there, follow that line.

Commissioner Curtiss – And go up.

Dave Scott – Yeah, that whole thing turns into a stream at times. Runs into that culvert, goes into the, I'm glad to see that the planning had mentioned the swale, but there's a lot of water that comes down through there. I think it's like a 15 or 20 inch culvert, that's a county culvert there, I've had the county come out and pull that out because it has gotten plugged up before, but there is a lot of water that goes down underneath. Me and my wife are not opposed to the subdivision but we want to make sure that whoever buys this lot is aware of what goes on there. I would hate to build a house there, wake up in the morning, and see a creek running through. And I know they are putting in this swale and everything, but the other considerations would be, I looked at the covenants real quick before I left it's like 25 feet from the county road line the houses had to be 25 feet from there. You look at the corner, unless there is some waiver here or something, so they've got to be 25 feet back off the county road line on both sides of that lot. And I guess the only thing I would say is make sure there is enough room there for a house, not only with the County easements, but with the covenants in Country Crest. To make sure there's enough room for a house and that it's going to be adequately protected from water because that's clay country out there and you know how clay is. Almost everybody out there has got water problems. So, I guess that's about all I've got to say.

Commissioner Curtiss – All right, thank you. Any other public comment? So Ken, did you want to address at all whether the proposal that you've drawn on the map understands those setbacks, right? Where you've drawn where a proposed house would fit.

Ken Jenkins – Yes (from audience).

Commissioner Curtiss – Okay. Any other questions or comments or anything? Okay, I will close the hearing. I mean, I agree, that it's not fair to have, and they're not the only place in the county that pays for transportation district without service, but I do think that we can continue to lobby because there is, a lot of people live out there. There are a lot of people.

Commissioner Strohmaier – I would tend to agree that especially looking at the current boundaries of the transportation district out there, in the spirit of fairness, this parcel is almost fully surrounded and rather than not including or not requiring them to petition into the District, at this point, I would much rather see us make as strong a case as possible with Mountain Line that they actually add service out into this area which I think is desperately needed. So I would tend to keep that condition in the conditions of approval. Are we ready for any motions?

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Commissioner Curtiss – Yes.

Commissioner Strohmaier made the motion that we approve a variance from Subdivision Regulations Section 3.7.8.1 to reduce the stormwater easement to 15 feet in width based on the findings of fact in the staff report. Commissioner Curtiss seconds.

Passed 2-0.

Commissioner Strohmaier made the motion that we approve Country Crest No.12 Subdivision, based on the findings of fact in the staff report and subject to the recommended conditions of approval in the staff report and the memo from today, April 27, 2017 that adds Condition #13 Drainage Improvements. Commissioner Curtiss seconds.

Passed 2-0.

Commissioner Strohmaier – And I would just add that I think Condition #13 will help ensure that the improvements get done and I recognize, Ken, your concern that it could certainly be done at a later date, but I think this is kind of the belt and suspenders approach to make sure that it happens and that it's paid for.

[Letter 2017-161: Dated May 8, 2017 mailed to Tollefson Properties, LLC.]

Commissioner Curtiss – Okay, the subdivision has been approved as conditioned. Next, we have the Spurgin Ranch Subdivision this is 19 lots, Christine is the planner and I will open the hearing.

e. Spurgin Ranch Subdivision – 19 Lots

Christine Dascenzo, Planner, Community and Planning Services – I will be presenting the staff report for the Spurgin Ranch Subdivision. It is a major subdivision creating 19 residential lots on 20.01 acres and one agriculture and utility lot is proposed. The parcel is owned by Spurgin Ranch, LLC and represented by Paul Forsting with Territorial Landworks. The proposal has captured the attention of members of the public and I just wanted to take a minute and acknowledge their involvement in submitting written comments, attending public meetings and voicing comment at those meetings and here today, it is appreciated and part of what the process is intended for. So, speaking of process, we sent a certified mailing to 15 adjacent property owners notifying them of the subdivision and the public process for it. Notice was published in the Missoulian on March 12 and March 20. Planning Board met on April 4, 2017 and at that time staff was recommending denial due to a lack of mitigation of potential agriculture impacts. That night a motion by the Planning Board, recommending denial failed four to five and a motion recommending approval with appropriate findings and conditions passed six to three. So, in order to develop those conditions based on the Planning Board discussion and subsequent interactions between the applicant, the applicant's representative, interested parties and CAPS staff, additional mitigations have been proposed. These include mitigations that were not discussed at Planning Board and touch on the viability of agriculture, irrigation, water allocation, zoning compliance alternatives for the agriculture and utility lot and connectivity to Mount Avenue. I will touch on each of these and more in my presentation today and note that based on these additional mitigations staff is now comfortable recommending approval of the subdivision. A Planning Board summary and staff memo containing this information was posted on the CAPS website and also available by links on today's agenda and then extra copies are available to members of the public at the table in the back of the room. Admittedly, despite those efforts, it may have been difficult for the public to stay abreast of those events, so given that and the fact that there is another item on today's agenda the applicant is amenable to continuing the hearing to May 11, if necessary. So then, we have today's meeting, today's public hearing in front of the Board of County Commissioners on April 27, 2017 and the 60 day deadline for decision is May 3, 2017. I'll attempt to demonstrate the progression of the proposal and the factors that were considered in both the original denial recommendation and today's staff recommendation for approval, if you'll bear with me.

So we have the state review criteria, which includes agriculture, agriculture water users, local services, natural environment, wildlife, wildlife habitat, and public health and safety. Let's introduce the subject site. So, we have Spurgin Ranch located in the Target Range Neighborhood, west of Clements, south of Spurgin, and north of Mount, and it is east of the Bitterroot and Clark Fork Rivers. Here is a closer look at that site. A review of existing

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conditions; we see Spurgin Road at 24 feet wide with a five-foot wide bike and pedestrian path and then Mount Avenue is similarly 24 feet wide, but does not have pedestrian facilities and continuing with existing conditions. North of the main ditch that bisects the property here, so north of that is 16 acres of agriculture land that's used for irrigated and unirrigated hay and alfalfa and then the southern four acres is currently used for a horse pasture. And then, just an overview of the subdivision proposal. We have 19 residential lots, ranging from 0.61 acres up to 1.09 acres and a 5.28 acre ag and utility lot. One loop road goes through the property and a share access for Lots 8 and 11 in the middle, and an eight-foot wide sidewalk on one side of that road is proposed. So then, we look into the review for zoning compliance and here we are zoned at C-RR1, which is a residential density of one dwelling per acre with no minimum lot size, and the proposal is on 20.01 acres with 19 lots, which gets us a density of one dwelling per 1.05 acres. The land to the south you can see is a zoned C-RR2 allowing two dwellings per acre. Further, into that zoning the minimum lot width is one third the average depth, meaning the length of the lot measured at the building setback can't be more than three times the width. And so the proposed residential lots comply with that minimum lot width, but the ag lot shown in red here on the slide at 7.6 times the average width does not comply. So, staff has proposed

Condition #3 in the Planning Board summary to address this point in one of two ways. But before we dive into that, I just wanted to provide the definition of lot width, the length of a line measured at the building set back line and parallel to the front line. So, going from there the recommended condition language is, "The Agricultural and Utility Lot shall be made zoning compliant by one of the following, prior to final plat approval: 1) the establishment of a Building Setback Line such that the Agricultural and Utility Lot is compliant with the minimum lot width in the C-RR1 zoning, subject to review and approval by CAPS prior to final plat approval; or 2) approval of a minimum lot width zoning variance.

So, that zoning variance would require Board of Adjustment approval. But to demonstrate what we are trying to get at with that first option here are some examples, this isn't what they would be required to do but they could in order to become compliant they would have to move the building setback line back 759 feet, approximately; so this demonstrates this being the buildable area with that adjustment to the building setback line or they could go from moving it back from Spurgin and focusing more building area on the Mount side or they could sort of squeeze those building set back lines together and focus building on either side of that ditch.

Commissioner Curtiss – So, Christine, can I interrupt here? So, even though the lots are not proposed to be building lots, in zoning they need to show they address it anyway, would it apply then to an agricultural building to then?

Christine Dascenzo – Right, it would apply, and that's what the main building would be on here because structures are proposed to be prohibited, except for agricultural lots.

Commissioner Curtiss – Okay, thank you.

Christine Dascenzo - Thanks for that clarification. So then, moving to compliance to the Growth Policy, this area is subject to the Missoula County Growth Policy that was approved in 2016. It was amended by the Target Range Neighborhood Plan in 2010 that was made in 2010. The land use designation here is one dwelling per acre. To the south in the sort of dotted area we see two dwelling per acre recommendation and we have green areas denoting parks and open space and the red line you sort of see throughout is the plan area boundary.

Commissioner Curtiss – You said recommendation, but it is actually zoned, too, right?

Christine Dascenzo – Yes. It is zoned.

Commissioner Curtiss – Oh, so one per acre and two per acre areas are zoned? The plan wanted to change some of it.

Christine Dascenzo – So, the zoning is compliant and represents what was recommended in the land use designation, just part of what we look to the Growth Policy as well. And so this is sort of where we get a divergent recommendation between the Growth Policy and that land use recommendation and the neighborhood plan and this divergent information informed the denial recommendation so we begin to see that here out of the Target Range Neighborhood Plan which identifies a number of issues related to agriculture on page 16 of that plan, including those highlighted here number four, Target Range needs to provide open space within the neighborhood, not just on

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the periphery and agriculture use is good open space option and number nine, low density development that fences off smaller lots, for example, one acre parcels with blue grass lawns also threatens the loss of soil available for agricultural uses. And that plan also identifies prime soils as a unique resource in Target Range, denoted in brown on this slide as also information that eight percent of Missoula County soils are prime if irrigated and 75 percent of the soils in the Target Range area are prime if irrigated. The plan also identifies the site as both irrigated and used for grazing and also as contiguous acreage with three or more acres of contiguous acreage within a parcel. So that is shown in red here and this site is 20 acres of contiguous acres of farmland. So, staying within that Target Range Neighborhood Plan all of that information with the added information of the distance to sewer and water and the current and historic ag use, the neighborhood plan recommends that this site is low suitability for residential development. So, in conclusion on the zoning and comprehensive plan side of things we have residential lots that comply with the zoning as proposed and the agricultural and utility lot that complies with zoning as conditioned and the proposal is compliant with the land use designation, but may contradict the amending neighborhood plan. And just to note, due to state law no land use proposal shall be conditioned or denied based solely on the lack of compliance with the Growth Policy.

So then, we will move into the review for agriculture and agriculture water user facilities review. We have, north of that ditch again, just 16 acres of agricultural land used for hay and alfalfa, it's irrigated and then the southern four acres is used as a horse pasture. And the parcel to the west 67.72 acres of currently used agriculture land for hay and alfalfa.

Commissioner Curtiss – That's off site though.

Christine Dascenzo – It is off site, just part of the review agriculture impacts. So, again we have those prime soils if irrigated and noting that eight percent of Missoula County soils are prime if irrigated and 75 percent of Target Range's soils are prime if irrigated.

Commissioner Strohmaier – Can you go back to that last slide? So, maybe this is later in your presentation, but do you have any more fine grained analysis of the soils in the parcel other than what you have here?

Christine Dascenzo – So we do know that they are desmet and grant loam, I believe.

Commissioner Strohmaier – And I guess, I am more getting at whether there is variation across the 19 or 20 acres in the soil types and maybe you don't have that, and that's fine.

Christine Dascenzo – I don't have it in the presentation. There should be an exhibit in the packet that I can point out to you later. So we have those prime soils current and historic ag use adjacent to agriculture and the proposal for a 5.28 acre ag lot and the proposed mitigation included notification of an ag lease opportunity, productive soils on site, context about living next to agriculture and pet controls contained in the covenants. Just some of the characteristics of that agriculture and utility lot. It is proposed to be 5.28 acres. It is bisected by ditch and that ditch is also sort of serving as a riparian area because it is greater than three feet wide and there is 25 percent slope located in that ditch and the parcel is being used as sort of a co-location spot for the utility lot, which would be a community septic sewer. And so just getting into the information that informed the denial recommendation. The ag lot was not contiguous with adjacent agriculture. There was some unclear information about the water right volume and the irregular and narrow shape of the lot that it is bisected by the ditch, riparian area came into it and the limitations on it by the riparian area and utility lot, and also that public access through the lot is not facilitated in the proposal. So with that and some of the interactions that happened since Planning Board we came to a recommended Condition #6 where the applicant proposes first right of refusal on lots, 1, 2, 3, and 4 that are adjacent to the agriculture and utility lot. And just a note about process as well, so, once a subdivision arrives at the governing body stage of review the applicant is pretty limited in how the design can be altered without having to go through the entire process again. So, with that in mind, staff's previously considered mitigation efforts included greater clustering of the lots and or elimination, but those would have triggered that restart of the process and so with this proposal from the applicant we can maintain the current design of the subdivision and staff is comfortable getting that through the process that's already begun. And so, that first right of refusal on lots 1, 2, 3, and 4 would be offered for the exclusive use of agriculture use at discounted rate. And the applicant is proposing that the discounted price be no more than 80 percent of the appraised value, so a 20 percent discount at least. And lots 1-4, the acreage there equals 3.29 acres. Some 0.39 acres of which would be dedicated road right-of-way. So, if

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fully realized the total acreage of ag land would be 8.75 acres, just sort of a flat look at it, 8.75 acres for ag use. And sticking with that right of first refusal we have the proposed language for that condition here with just those key points highlighted in red. I will just read it for the record, "The developer shall provide documentation of a right of first refusal for lots 1, 2, 3, and 4, binding the subdivider to offering or making a good faith effort to offer the lots for sale or lease to a party for the exclusive use of agriculture for a mutually agreed upon amount of time that shall not be less than 12 months from final plat approval." And so, we would just recommend that you include the price information to read basically a good faith effort to offer the lots for sale or lease at a price no more than 80 percent of the appraised value to a party for the exclusive use of agriculture.

And then, we have an additional recommended Condition #7 that requires the covenants be clarified that the agriculture and utility lot would maintain the senior right for use of irrigation ditch water and that this would not be able to be changed or deleted without governing body approval. Here is that recommended language. So, the total acreage, if the first right of refusal concept is fully realized is 8.57 acres. Portions of this acreage are encumbered and potentially would not be able to be used as farmland, as I will demonstrate in this slide. So, there is a lot going on this parcel we have a 0.28 acre drain field, here. And we have riparian area that staff would recommend be expanded to about one acre and parkland, which I will get to in a later slide. But that would be about 0.27 acres and sort of an isolated area between Lot 4 and the riparian area that could be questionable for its use and that's 0.23 acres and then that road right-of-way along lots one through three is 0.39 acres and so that brings us to a total, if fully realized, of 6.4 acres of usable farmland.

Commissioner Curtiss – However, that isolated area, would be able to be used if lot 4 was used for ag.

Christine Dascenzo – Right. Yes, that's true.

Commissioner Strohmaier – Just for clarification, Christine, so, in your original staff report I think you said there were only approximately 2.59 acres of usable farmland as opposed to the 6.4 that are listed here.

Christine Dascenzo – Yeah, and so the big increase that you see is incorporating lots 1-4 in that calculation.

Commissioner Strohmaier – So the 6.4 includes lots 1-4.

Christine Dascenzo – Yeah, it's down from the sort of flat number of 8.57 acres that you get with the total lot acreage and taking out all of those possible encumbrances. It brings it down to 6.4 acres. There is a lot of information here, I know, thanks for your questions and patience. So, looking to the ag water user facilities the standards are met for the ditch easements and maintenance facilities and the ditch water is considered high quality state water as it connects to the Clark Fork River. So, concluding that review for ag and ag water, the proposed development will preclude future ag use on the developed portion and impacts to agriculture and agriculture water use will be mitigated as conditioned according to staff's review. So then, we look to the local services and we have the 24 foot wide loop road, proposed road A, and a shared access to lots 8 and 11 and an eight foot wide sidewalk on one side of the road. Road and pedestrian standards are met, as conditioned. The individual wells for each lot and easements for isolation zones are proposed and water will be provided to the residential lots. We also have the community sewer system down in the southeast portion of the lot. There is also high ground water within one and two feet in the northern portion of the site. So, the health department has noted that it may be difficult to pass non-degradation analysis, but it must be reviewed through the DEQ process and that's just a separate process where that will be addressed. But sanitary services will be available and solid waste disposal will also be available. In the original proposal that we took to Planning Board the 5.28 acres was proposed to satisfy the parkland dedication requirement, that required acreage is 1.06 for parkland, and they were claiming the 3.10.5.4 waiver, which allows set asides to be used for parkland. We did get a number of neighborhood comments and comments from City Parks and Recreation, County Parks, Trails and Open Lands, and the City-County Air Program that recommended a trail connection from road A to Mount Avenue, something like this, so, we have recommend Conditions #13, 14, 15 that we have run by the applicant and they are amenable to and would require a combination of cash-in-lieu and parkland dedication. So, a pedestrian bike corridor that's at least 20 feet wide that connects the road and sidewalk to Mount Avenue. A development agreement would be required to be submitted before the final plat approval and that would be between the land owner and County Public Works and County Parks, Trails and Open Lands. The trail would have to meet class one core trail standards and that allows surfaces such as asphalt, concrete, and crushed rock. And cash-in-lieu that's generated from the subdivision would be earmarked for the trail construction to offset any of

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those costs. With that, the applicant in reviewing this would like to propose removing the trail to the north along lot 1. That was originally provided to meet the requirement for access to the agricultural lot and rather use this trail for that connection. And staff is recommending that be approved. Local services, continuing with that note, adverse impacts are expected to schools, fire service is available here, law enforcement services are available. And public health and safety, we are not expecting any adverse impacts to public health and safety, as conditioned. And no adverse impacts to the natural environment as conditioned for the expansion of the riparian area, which I mentioned when we were talking about the ag lot and we will get into a little bit more here. So, we have a recommended Condition #17 on the riparian area and this is the exhibit provided by the applicant's representative showing what's currently proposed. We have in Condition #17 recommended that that riparian area be expanded to go along where the fence line is, currently capturing vegetation. You can see that vegetation goes sort of along that fence line here and so we would like to be able to capture that with the expanded riparian area.

As of 1:30 p.m. this afternoon, CAPS office has received 25 comments from the public. The vast majority of these comments oppose the subdivision based on the impacts to agricultural soils, issues of food security and affordable housing. One comment did come in that supports the subdivision, but recommended that trail connection through to Mount Avenue. So in conclusion, with the recommended conditions, potential ag impacts will be mitigated, subdivision will be compliant with the zoning, combined parkland and cash-in-lieu will satisfy the requirement and potentially riparian impacts will be mitigated. The staff recommendation is that the Spurgin Ranch Subdivision be approved as conditioned.

Commissioner Curtiss – I just thought of one more question, as the trail crosses the riparian area would it likely need a culvert then?

Christine Dascenzo – It would need a culvert and originally the riparian area plan allowed for pedestrian access through that, so there would be an increased impact with that culvert.

Commissioner Strohmaier – Do you have a revised acreage amount for the expanded riparian area?

Christine Dascenzo – It would be about an acre. The previous slide that showed the encumbered ag lot included that acre.

Commissioner Curtiss – And, Commissioner, the additional information about the soils is in Section D, page five of 29 and then back here in the supplementals it talks more about that. Is the developer or the representative ready to present?

Paul Forsting, Territorial Landworks, Inc. – I appreciate your presentation, Christine, it includes a lot of maybe the same information, hopefully I can touch on just a little bit different stuff about it. I included a bunch of pictures and hopefully they can speak to the thousands of pages that we provided in our application. Hopefully I can represent some of those with pictures and make it somewhat entertaining. It does have a lot of complexities to it and so we wanted to make sure we have a chance to kind of explain some of those. The first slide you are going to see here is just the review history of a project. Some of it is unique to this project, but if you look at the orange and red stuff, that is the typical process and I put in the second Commissioners' meeting because we do expect the May 11 meeting, assuming we go long here today. All of the meetings on the side, those represent additional meetings. Meetings we have had with the planning department, meetings we have had with the neighbors, some of the neighbors there just to talk about the project and if you add up all the meetings there, we have had seven additional meetings and six meetings of the requirements of the regulations and that puts 13 meetings. So, a project like this has quite a bit of ins and outs. I heard Ken Jenkins there say; it took him a year for his two lot subdivision, so it doesn't make me feel that bad that we have 20 lots here, but we are on that same year timeframe here. So, I have got here, some of the same information Christine had, when we look at a subdivision it is kind of a puzzle of sorts. It's got several different review criteria that we have to look at and we want to make sure if we are doing a good job as consultants that we give all of these areas of the project their focus they need. And so, when we are looking at we are trying to find the balance between all of these different areas, which represent the review criteria for a subdivision. So, first, we have zoning and Christine did a great job of explaining that we are in a one house per acre zoning district. As far as I could tell that zoning district was established 40 plus years ago and it has had that same one house per one acre designation in there. If you read the intent language in the zoning district it says, I think about verbatim what it says today and that was, "This area was zoned with a transitional residential zoning district,

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transition to protect agricultural land.” And so, 40 years ago when it was much less dense out here that’s what the intent was and I know we are updating the zoning, but as it reads today, and as it read 40 years ago it is about the same and that was the goal of this area.

We are right adjacent to the CRR-2 residential zoning district that allows two houses per acre. If we look at the area here, these are addresses just pulled up from that GIS website you mentioned, these are addresses and this is kind of the built environment of the area. We can see the houses all to the south of us have really been built out of that two houses per acre. To the side of us we have the one acre density and we can see almost, probably, all built out there and just directly to the north of us we actually do see two houses per acre there and some of those are actually being subsequently subdivided into one house per acre. But you can kind of see the area here; we sit next to the west there a 67 acre, the last remaining I guess, undeveloped area. Here is what that looks like from Google maps. It is kind of a cool; I think it is cool, just a way of looking at it. We can see those, it’s kind of unorthodox because we are looking south here, but that’s Mount Avenue and those are two houses per acre there. I did my best to put the ag lot in there. We can look to the east here, we see this one house per acre development, you can see the riparian area that was described. Here’s the north, here’s those two acre lots and then here is the west and Christine did a good job on these with her exhibits so I didn’t want to spend too much time on them so we can talk about some of the other stuff. But this is what it looks like to the west there. There are several adopted plans here, the Growth Policy is one, but there are several adopted plans that apply to this project and we feel very strongly that we comply with them. Again, there is the Growth Policy there is also the Target Range Plan, there’s the County Growth Policy and both of those recommend one house per acre on our site and two houses per acre to the south. This is a quote from the Target Range Plan. “A source of pride for many of the Target Range residents is the well-kept and landscaped residential lots that dominate the area. The neighborhood is generally quiet, peaceful and free from congestion.” It really is. It is a nice area. We wrote quite extensively on our compliance with the Target Range Neighborhood Plan, you can find that in the application. We also wrote quite a bit on the County Growth Policy. Here are just highlights from that consistency. We are consistent with the semi-rural character of the area. We feel strongly that our project protects groundwater. We have a high quality wastewater system that is proposed. Our proposed wells will comply with the combined appropriation requirements of the DNRC. If you are familiar with that, what that amounts to is our 19 houses that we propose here we use the combined amount that one house would use, based on the old rules. They’ll get their irrigation water from the ditches and they will get their domestic water from their own wells. All of those own wells, based on our calculations that we provided to the DNRC we will have the right to use the combined amount that one house could have used. So, that’s a little difficult and if we want to talk about that I would be glad to, but I think it is kind of an interesting thing with new development, you are going to see that with subdivisions, people getting creative with how they use their water, especially with domestic wells. We support the use of bicycles and public transportation. We have established a noxious weed plan. These are things that are specified in the Target Range Neighborhood Plan. We have included a recommendation for the proper disposal of pharmaceuticals, and hazardous materials in our covenants. This is something that has given some details in the neighborhood plan. We’ve gladly added that and talked about how you can get rid of those materials in the community. And we have also included what’s called a dark sky ordinance and it promotes full cut-off light fixtures and that’s something else in the neighborhood plan, they would like to avoid light pollution. I grabbed another quote here from the plan. They did a survey, 51 percent of the folks in the survey didn’t feel that any businesses should be really encouraged in the Target Range and then the conclusion that they made in their plan was that that shows many residents consider the primary use of the neighborhood should be for residential housing. Like I said, we also wrote about the County Growth Policy we conform with their land use recommendation. We provide the recommended adjacent ag mitigation technique, I guess you could say and we have included that into the covenants, which is a notification nearby, the nuisance of agriculture I guess you would call it. And then there is a, kind of a finding in the report regarding housing cost and availability and it says, “These figures point to a significant need for new housing that accommodates a range of incomes in both Missoula urban growth area and in and around the unincorporated communities.” We are in Missoula Urbanized Area according to the 2010 Census. Here is where we fit, right within those areas. We are in the Missoula Urban Growth Area and also the wastewater service area, often referred to the Missoula Urban Service Area. This is the map showing that area, this is where our primary infrastructure kind of guidance should go, and that’s what the plan is used for. We fall within the Missoula Active Transportation Area, this areas’ goal is to promote active transportation because it leads to a good community and connected urban areas. We fall within the Metropolitan Planning area according the Missoula Metropolitan Planning Organization. There is a bus route on Clements that is connected by trail to our site and we are excited to connect our trails to that trail so we can go to the bus stop. I kind of lumped together a group of them here because I think they generally fall within the, they play on each other. According to the subdivision regulations, we are in the Missoula Urban Area and we

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are required to follow the Missoula urban standards. I think they base that requirement, if I recall right, based on that wastewater urban service area designation. We are required to have urban level infrastructure in this project, we are proposing such infrastructure, a 24-foot paved road. We have an eight foot sidewalk that kind of functions like a trail but it is an eight foot sidewalk on one side that, like I said, will connect to the five foot striped trail within the Spurgin Road. Christine has mentioned these potential required road connections here and so if you look at these three red areas these are additional 60 foot road right-of-way connections that are required per your regulations and are in the conditions of approval to connect our project to the adjacent property. And what you will see is those actually tie into the existing network of road right-of-way in that 67 acre property there. There is a 60-foot public road easement traversing through there in two locations if you see it. You can see where our proposed right-of-way-connections would go and there is also a 20-foot sewer main easement on the front of this property. So, these are all existing easements that are there. It is kind of more than meets the eye, so to speak. Because of those plans we talked about the city has been preparing for the development of this area. The city certainly doesn't develop any areas, but there's the public easement in place for infrastructure for this development.

Looking at kind of the lump together agriculture and agriculture water facilities here. We have, like Christine mentioned, there's two portions where the ditch touch the site. I tried to show on here kind of how those ditches interact and where the water flows from them. If we look on the east side here the ditch moves in this east to west fashion through the ag lot here and traverses the neighbor's property and at that point interacts with another ditch heading north. That ditch moves north along the property, it does one of these things and actually circles back and leaves the river. And so, we are the second to last user of the ditch is my understanding. The parcel to the west of us uses that ditch also.

Here is how it looks more on a macro scale here with those ditch flows. Here's what the ditch looks like as it enters the property on the far east side. You can see there is a down tree in there. It's not what all ditches look like, but it's really nice, actually, the vegetation around this ditch has grown, it has done well and it's really nice, I like it. This is what it looks like at the beginning of April without water in there. This is kind of just a little further up that eastern stretch of the ditch. Here's the western flank of the ditch without that vegetation covering it. You can kind of see the two different properties here. I wanted to show the ditches and how we plan on getting irrigation water to our lots. This also shows our riparian areas that we had designated and so if you can see on here you'll see flow lines going inward and these just show irrigation easements that will be 20 feet in width. We had them shown as 10, but their conditions of 20 foot easements and they will be routes for irrigation water to be provided to all of the lots. So, prior to the Planning Board meeting we meet with the planning department and talked about kind of the functionality of the 5.28 acre park or agricultural park, I guess you could call it, of sorts. And during that time period there was a discussion on how usable is it? There's no question it's 5.28 acres it's just, what's in that 5.28 acres? That 5.28 is 26 percent of our total property. If we prepared this exhibit to show what it could be used for and what, I guess if you want to call them limitations a park might have, we took a line and put it around the irrigation area and we came up with about eight/nine acres from that area. We've got a drain field that we are going to be putting in. Our preliminary design shows it at .28 acres and then the remainder of that equals 4.11 acres. I think there has been discussion with the planning department; could you use it, could you not use this? I have some pictures of it. I think there is use potential with it, but in general if we subtracted this irrigated/vegetated area and we subtract our drain field we are at 4.11 acres; that's 21 percent of the site. If we say, 'Hey, it's based on the planning department staff report that we have for the Planning Board, if we say it's 2.95 acres that's 15 percent of the property. All of those are pretty big numbers, I think. To me, it is an interesting conversation to have with somebody who owns property that, you know, what's the appropriate number, how much land would mitigate impacts to ag? I can't say that probably anybody in this room knows what that is. There is no regulation that points to it, but I do know that it is a difficult conversation when you are saying, 'Hey, we are going to, let's get to 15, 10 percent.' And it is particularly difficult when you are talking to somebody who's owned the land and had it with their family for a long time. And then, it gets even weirder when you start talking about that that land is going to be protected for ag, something they have used it for. It is a difficult compilation and it is put in a good spot where we are today with that conversation, but what I do know is that if we look at this 26 percent here, you know there was a comment at the Planning Board, 'Hey, what about this park area you guys are doing in the county, what have they done?' If we took 25 percent of that, we are at 35 acres. If we took 15 percent of that we are at 20 acres and so, I just think it is a difficult conversation when we talk about housing we get really, really critical about ag, but we have all these other, I guess areas and things in the community and we are not seeing that. I am not sure they are being translated and you know, it is a message that somebody who has 20 acres can say, 'Oh yeah, I get it I am just doing my part.' It is a difficult conversation, but I guess I am happy to say, that it was clear that the Planning Board said, 'Hey, even at 15 percent that's pretty good and we are willing to make a recommendation of approval.' I heard that loud and clear. So, you are looking at it saying, it is five acres and there is this and that about it. Well, if we look at some pictures of it we

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can start seeing what five acres actually looks like on the ground. This is a picture of it from Mount. You can see the adjacent house there and there is the existing condition of it. It has been used for more of a pasture. I do think the soils, we have done soil profiles across the site, they all look consistent. I think what you will see here is have been less rock has been picked out of it because it hasn't been used as part of that bigger agricultural parcel, but I am confident that somebody could farm this pretty heavily. My mother and I actually farmed, had a little garden on the back of the adjacent lot there and we did plenty of vegetables there. I know Steve mentioned that I think it is his aunt had a pretty sizeable garden on the adjacent property and so the soils are there you just have to put the work into it to make it work and that's what it is. So let's look at this drain field area. We have a groundwater monitoring pipe in this location, that's why I have circled it, so we kind of see where this is at and how that takes shape in the field.

—That's where that pipe is right there and so if you are generally trying to say, 'Hey, where's that drain field going to be at?' Well, it's going to be on that eastern side there. And then if we look at the... And so this is a picture of the back of the lot and it's still pretty sizable here. It shows up on the map and you could say, 'Hey, it's not this big chunk of land.' Well, it is, I think you could do some pretty heavy agriculture back there in that area. That's this area back here. That was just a picture of this back area here and that is this. I have worked on this site long enough where I can kind of pick out buildings and sites and from my maps kind of get a good idea of it, but I can imagine that it is a little bit more difficult for you guys reviewing it. But this is the adjacent barn, that's this here. You are seeing this area back here. I took some pictures of it here in the middle. Here's this area right here, for more than a month, there was a pig in there. This is a picture of this same area. We are looking at this corner here. Here is a picture of it looking down from that slope that has been noted. There is a slope it's just a little drop in the property. It is 25 percent just the way you look at it there, but that's what that corner looks like. If we continue up that ditch if we look upward, we can see it. There is definitely some riparian qualities in there and if you look up in this area, you see that. The vegetation has grown quite a bit. And this is a picture from the fence line in that we are talking about here, but when you look at the areas that we have kind of shown in this .89 acres that's the over study of the vegetation in there. It is kind of an interesting area. The ditch, if you drive down south right now you will see that that ditch has been burned all the way there. It stops on this property probably, I don't know what they do to the neighborhood just to the east of it but, the property owners just stopped worrying about it. They were the last folks on the line. These two properties were, had they cleared it out it would be perfectly, you would have a whole other acre of ag there for you. But it wasn't, it was allowed to grow and it is nice. It is really nice as is and I am proud to say that we get to protect it. Is it half an acre, is it an acre, we've got no plans of developing it at all. It is just going to sit within a nice kind of park and ag area. Here's the, I guess, what I think everybody would say is the most traditional looking ag rectangle, if you will and that's what it looks like. I drew a, I tried my best to kind of draw a sight line on what that ag will look, that parcel. And from Spurgin here, you can see that far fence, that's the middle, that's what it will look like. It will be quite the ag parcel once it is used. When we looked at it, I feel strongly that it could be used obviously I do, we've got some examples here of people using similar sized properties and using them pretty intensely for ag. This is a 2.3 acre house on Third Ave. They've got their house on the front part, probably almost an acre, maybe three-quarters of an acre. They use that back acre and a quarter or so pretty intensely for ag here. It is 160 feet wide. Our ag parcel 150 and it's on its smaller side, on the Spurgin side. This is the Missoula Youth Home. This is a great spot. This is where I get my CSA (Community Supported Agriculture) shares. I am excited to go get them starting in June. This is a 2.41 acre site. It is on Central. It is 175 feet wide. It's got a house and some structures on the front. They are probably again, using maybe an acre and a quarter and they are using it heavily. I don't know if you have been to that site. It is a great site. They do a lot good work there. They use it pretty intensely. I feel strongly that both, if you divided our site in two, there would be two fully usable sites that are larger than this one here. This is an interesting spot. This is approximately two acres. It is approximately 170 feet wide. This is in the Big Sky Park, the equestrian park. There is some ag going on in there. I just tried to kind of size it up and conservatively it is about two acres. It looks like that. I found a picture in the Target Range Neighborhood plan. A quote from that plan says, "The continuing market-garden agricultural activity in this area is one of the reasons Missoula can legitimately be called the 'Garden City.'" Again, I think definitely we can achieve a couple areas of this size and they can be certainly agriculturally productive. So, we feel strongly about that and that is what we took to the Planning Board, but we did have a chance to meet with the neighbors afterwards, we did have a chance again to meet with the planning department and we developed an additional condition here something we had kind of thought about. We are not opposed to expanding this area and if there is demand there let's not get in the way of it and so we provided an opportunity and a right of first refusal for these four lots to expand it. And so, we are talking about going from a 5.2 acre area to what would be 8.57 acres now we are at 43 percent of property. The concept that we came up with, we tried to think when we thought about and what we proposed was we tried to put it into something that could be conditioned and that's where the right of first refusal came from and then it kind of evolved

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with working with the planning department into having a twelve month. We'd love for that somebody to step up and buy it. There has been talk about people coming to buy all 20 acres or buy a quarter of it. I guess I haven't been privy to any of those conversations as we have been going through this project, but we did want to leave that opportunity out there. And so the way it is worded, this right of first refusal is going to last a year after we file the final plat. Well, what I have to tell these guys, if you approved it today we are probably still a year out, well, I know we would be, from being in a position where we could file that final plat. So really we are talking about a two year period year where somebody could say, 'Hey let's make a go at buying this area.' We also committed to a discount of that area, how do we know what that discount would be? Well, we have a general idea of what we think lots are going to go from. I mean that's something you look into when you do a project, but we said, 'Hey, we can get an appraisal of the property and we'd be willing to say we would sell it at no greater than 80 percent of that appraised value.' That at least locks into some kind of arrangement where entity could acquire the property and kind of expand upon what we have done here. Let's jump to local services. There are a lot of, this area is what I guess you could say is blessed with local services. It is in a great spot. It is by Reserve Street, one of Montana's most vibrant service areas, one of our busiest roads in the state. And we are not very far away from it. We're about three miles away from Reserve. We are in a great spot for being located next to the hospital we've got excellent schools in this area. Really, as a planner, when you are looking at growth this is a wonderful spot for growth and I think residents really, you will see the value in the area reflecting that. People really like the area; we are hoping that our project will add to it. We don't have to look at this too much, but this is the park that is going in right now. It is an amazing park. I can only imagine this is going to increase the demand out in this area. It is a wonderful park. I like it and it's 140 acres of one of the best parks in our state. We've got the Equestrian Big Sky Park. We've got the Dale's Dairy and we've got a great set of infrastructure to get you there. There are trails connecting to our site, to Dale's Dairy. You can make it to the equestrian park. I used to live out in this area. It is just a great spot. You can do all the things and at the same time get your little quiet time. Our project here connects into the trail and Spurgin, we have mentioned that a couple times, or I have mentioned it. That connects into the Kelly Island trails. I found this on a bird website. There is a trail network through there that I have been on quite a bit, there are trails along Clements, and again, this is a highly serviced area. There is a bus stop along here on Clements. As we look at our site, this is how I sketched in the park. It is interesting to note that there is a .65 acre park existing just below our site on this exhibit, that's called Cappy Court and so our park will create an interesting linkage from Mount to it. It is .65 acres and then if you went to the west there you are going straight out to Kelly Island and all those trails I just showed you on the other side. I think that's interesting because as of right now if anybody, this whole population here, if they want to go to Kelly Island they make it to Clements, then they go over, and then they come down Spurgin. Well, we are going to be providing, until those right-of-ways that I showed you on that exhibit are fulfilled with their roads, this corridor here is going to provide a great opportunity. I think it's going to be, even though there's plenty of parks in the area as parks said, there's a lot, I think our park is going to add value, it's going to be cool and it is going to be used quite heavily. I know that kids, we've heard comments from the neighborhood meeting and such and some of the neighbors, kids will have a short cut to school and they are going to use this park as such.

Christine mentioned that our proposal, I feel pretty strongly about it, our proposal was that this 5.28 acre ag lot satisfies the requirements of parkland. We have 1.06 acres of required parkland, we are putting 5.28 acres aside and so I don't know, no matter how you slice it I feel like that .06 has been satisfied. Within the regulations there is a waiver that says, "The governing body shall waive the park dedication requirement if it finds the proposed plat provides long-term protection of critical wildlife habitat, or cultural, historical, and natural resources, or agricultural resources, or aesthetic values which also results in the reduction of the area proposed to be subdivided by an amount equal to or exceeding the area of dedication required by this section." I guess the way I read this is there's got to be some way within the areas we had in this property to come up with 1.68 of it being, addressing this requirement. But we came up, we met with the parks department, met with the planning department and we came up with a great park land compromise. What our idea here was, it wasn't our idea actually it was something the parks department came up with-working with CAPS and it is something we are fine with. I

Our request is that we get rid of this segment of trail that we had proposed, along Spurgin. There's already a trail existing here and we are connecting into it. This was just put in to meet a statutory core requirement that we connect into the ag lot. We now have that requirement met and so we are fine with the condition as proposed that says that we would provide a corridor for the park and then we would also provide 50 percent of cash-in-lieu for the parkland dedication requirement. It is my understanding that 50 percent cash can be used for the trail and based on our just understanding of the cost of putting in a trail with a culvert we expect the cost of the trail to exceed what we are going to have to put for parkland, but we don't know that because when you do parkland you have to get an appraisal and some of those are not all known costs. We will have to work with the ditch company to make sure we

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put an appropriate crossing in there, likely a culvert. Like I mentioned to the planning department it is an advantage because if once we put that in we will have a connection from both sides of the park and so it will create a cool system.

I am assuming any ag users out here if they are doing ag on both sides of the property will use that crossing for a convenient way to get across the ditch. The section I have here is regarding natural wildlife and habitat, all important and on some projects the most important, but certainly hasn't amounted to be the most important on this project. I think this statement from the United States Department of Interior, Fish and Wildlife Service kind of wraps up the findings regarding that and it says, "Given the information described in your letter and the project's scope and location within previously disturbed areas, we do not anticipate adverse effects to threatened, endangered, proposed, or candidate species or critical habitat to result from implementation of the proposed project." So, if we look at, we look at the project, we have the review criteria, we were thankful to get the Planning Board approval. We were thankful to get the planning department's approval and we are cautiously optimistic that we can work with you guys and put the last piece of the puzzle here together for our project. So, thank you for your time, I appreciate it and look forward to answering any questions you have.

Commissioner Curtiss – Any questions yet? Thank you, Paul. This is a public hearing, is there any public comment? We do have those of you who sent letters to the commissioners we do have a copy of all of those. We have read them as they come, but we have a copy for the record. Since it's 4:30 p.m. if you don't want to go into a lot of detail or say ditto to what somebody else said, but just keep time in mind a little bit. So, anyone want to come forward?

Fred Stewart, resident, 4675 South Ave West – I will make brief comments. I did not send in a written comment. I worked extensively on the Target Range Neighborhood Plan and I appreciate the fact that the developer and the owners took the information out of the plan that addressed development seriously. I met individually with the owners and with the developer. I think they have a sincere interest in trying to protect agriculture. I am not going to speak in favor or opposition. I am kind of neutral because I feel that within the neighborhood plan, it's looking for more creativity in terms of how those resources might be protected better than what they have done, but I think they have made a good faith effort. It's a tough situation when society is asking for protection of resources and who's going to pay for it and that's really what a lot of this comes down to is we have state law that says we have to mitigate for agriculture, should the owners pay for all of that in terms of reduced value to their property? Should society be stepping forward in terms of open space bond issues and so on? There a lot of those issues, that are really quite important to try to work through. I am happy that this is not a traditional type of a development that totally ignores agriculture. I believe that the portion that they are talking about and those four lots that might have some restrictions placed on it would provide a lot of potential for agricultural use. They are small, as Paul showed, there are some small parcels that are dedicated and being used in agriculture. We commonly hear that small parcels are just going to be weed patches. I have a two acre orchard and I know other small farm operators that are quite productive on small parcels. So, again, I am neutral but I am encouraged in terms of the attitude of the owners and the efforts that they have taken. I would like to see more ag land protected, but then again, who's going to pay for it? Thank you for your time. I appreciate it.

Commissioner Curtiss – Thank you, Mr. Stewart. Anyone else?

Jim Surrena, resident, 1445 42nd Ave – We did submit a written letter to the planning folks and you should have a copy, page 475. Anyway, we have lived in the Target Range area for more than 30 years and just live a short distance east of this proposed development. We have known the Ruana family all of those years and we've known Lorna Richardson all of those years and we think that those folks should be allowed to develop this land as they see fit as long as this proper subdivision and land use rules are followed. The other thing is we are really glad that the planning folks and the folks from the trails department have proposed the connection to Mount Street, that's very important to us. So we want to thank you for doing that. That's it. Thank you.

Josh Slotnick – I am also on the City-County Planning Board, but I am here just representing myself not the Planning Board. My family and I have been farming commercially in this area since 1992. So, I am really familiar with the soil and the water etc. The land that we are talking about here today is an absolute gem. It's a one of a kind deal. Mr. Forsting showed pictures at the beginning of all the development all around it and said, 'Look, there's nowhere left to build.' And he's right. He is totally right. There is also nowhere else left to farm. And what is left is hands down the best piece. Another local farmer I know really well said that alfalfa is so thick you could swim in it,

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1.8 percent of Missoula County has prime if irrigated soil and this is part of that and this is the best of that. I don't believe that family should have to carry the financial burden for the rest of us as the last gentleman talked about saving a resource. I don't think that's right. I think what we could do here is a more creative design. We could orient the design differently, save more ag land and still allow the family to get the return that they deserve since they own this property. One additional criticism with this design is the idea of leaving these lots 1-4 open for a right of refusal at 80 percent, which sounds like a generous deal. I just did this on my phone a moment ago thinking well, if the lots go for \$150,000 and there is four of them that gets us to \$600,000 and 80 percent of that was \$480,000 for 3.2 acres. That is not farmland prices, no farmer could buy that. It would be a lot easier for me to stomach if the development rights through some type of a deed restriction or some other legal mechanism were stripped from those four acres and actually dropped the price down to something that's more affordable. But even better than that and I think very doable is a far more creative design. Put houses closer together, orient them looking at this land, instead of building on the best land and farming on the worst land, which is what's happening. Let's farm on the best land and build on the land that's not suitable for agriculture and get the family the return they deserve and I believe that is absolutely doable if you ask them to do it. Thanks.

Neva Hassanein – I have submitted written comment so I am not going to repeat all of that, but I do want the hard copies of the comments I've made and the reports that I have cited to be included in the written record on this subdivision. I would like to take a couple minutes though to hit a couple high points. I serve on the Planning Board I am here on my own behalf. I have observed this process for many years and I sympathize with the developers that there is no guidance available. On that basis, at the basis of the findings of fact and conclusions of law that the staff made, prior to the Planning Board hearing they said, 'No we should deny this because it does not mitigate the impacts and that it cannot be mitigated through conditions of approval.' Two weeks later here we are and apparently it can be mitigated through these conditions and the only condition that's really changed since the Planning Board hearing was that this idea of the right of first refusal. I was really surprised to see that. I have studied farmland protection policies for about 10 years now. I have never heard of a community that claims to mitigate the impact to agriculture land by a right of first refusal that has no conditions on it regarding how this land would be protected, whether it would be sold at a value as Josh Slotnick at agriculture value, 80 percent is not agriculture value. In the instances where cash-in-lieu has been used to create mitigation, the percent reduction over assessed value has been 35-50 percent. That's typical when we look at conservation easements that have been placed here in the county, rarely are they 20 percent of the land value. So, if we are talking about that development value being removed. I really appreciate that the developers have clearly stated that mitigation must occur and indeed the reports that have been commissioned by the County have reinforced that idea including those works that have been done by the land law clinic. The Board of County Commissioners has the sole responsibility for mitigating the impacts of subdivision on agriculture. The proposal here before you, while it is trying to do that and I applaud that, it does not match any of the proposals that have been put forward or discussed in the community in the past. Most places have a one to one ratio for mitigation and even at that rate we are saying we are willing to give up half of the nation's best soil that's left. And so, I would urge you to return to the staff's original findings of fact and conclusions of law, which said that there was no reasonable way to mitigate the impacts on agriculture with conditions of approval, and certainly that's the case when the proposal here is something that has no guarantee that that land would stay in agriculture. Nor be affordable for agriculture. Also, with respect to the agricultural lot, I think if we went with the proposal, as it is there is no mechanisms or conditions of approval designed to protect the quality of the soil during the building process. Will there be heavy machinery running up and down this soil? Most likely. How will that soil's quality be protected in the process? That has not been clear to me. I guess the last thing I want to say is that, these prime soils, I know that many of you might think it's just dirt, what are they so worked up about? If we were talking about building right in the riparian zone you would realize how valuable this is, it's the same thing actually in terms of the value to our, the riparian zones provide a value to maintain water quality and habitat. Agricultural soils also provide a variety of ecosystem services and they are extremely, extremely rare. We've lost most of what has naturally existed in the Target Range, Orchard Homes neighborhoods. Yes, people can develop gardens and small farm there and that's terrific and I support that. That's not the same as carving up the last remaining large parcel of agricultural land, which actually is adjacent to another large parcel of agricultural land, which those impacts on that neighboring land owner have not been mitigated, or the neighboring property. Instead, the lot is located on the east instead of the west where it would have been adjacent and contiguous with the remaining parcel next door. So, I appreciate your attention. Sorry to go, but I would like all of these documents included in the written record. Thank you.

Jim Cusker – Good late afternoon to everybody who is still here. I appreciate your being here and listening to what's being said today. I have, first of all, a letter to read from Jaunita Vero of Greenough. She had designated

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Alicia Vanderheiden to read it this afternoon. Alicia had to leave, so with your permission, I will read her letter and there is a copy of it that I will also leave with you.

Commissioner Curtiss – Okay, is it the same letter she submitted to Planning Board? We have one letter from her, but go ahead Jim.

Jim Cusker – reading letter from Jaunita Vero.

Missoula Board of County Commissioners,

Thank you for the opportunity to comment on the Spurgin Ranch subdivision proposal. Coming from where I live in a more rural part of the County, this subdivision makes sense at face value especially considering the type of development that surrounds it. What isn't immediately appreciated, however, is the quality of the dirt under this proposal. These prime soils and trying to better conserve them are an important consideration under Montana state law. Yet with no concise effective, mitigation for loss of agriculture soils, both developers and decision makers are doomed to anger themselves and citizens. Last year the Board of County Commissioners asked that working groups be formed to craft solutions. After months of meeting, comprised of thoughtful, dedicated stakeholders, including this development firm and members of the Planning Board I am disheartened that this is the first subdivision proposal that is presented. Where is the incentive for subdivision design to protect agricultural soils? Because there are no "clear rules" shouldn't be an excuse for a design that disregards one of the development issues Missoula citizens have been grappling with for the past decade: the loss of prime agriculture soils. Planning staff originally recommended denial of this subdivision proposal. Water rights ownership was muddy and the agriculture set aside was disingenuous. Unrelated but important to note, during the Planning Board hearing there seemed to be some confusion about what the sufficiency review meant. The developer was frustrated that the design had passed sufficiency review, but was recommended by staff for denial. It would have been helpful for the Planning Board to explain that sufficiency review only means the boxes are checked and design is ready to be assessed. It does not inform the quality of the design. We know now that staff has approved the subdivision with adding the Condition that the four eastern lots will be offered for sale to a conservation buyer. That offer, however, can be withdrawn after 12 months if no conservation buyer steps forth and these lots will then be included as part of the subdivision. I am still requesting the denial for at least a more lengthy delay in granting approval since if the asking price of the four lots is not based on comps obtained from the sale of the undeveloped acreage of comparable size and thus exceeds a reasonable value, the subdivision will be approved with the original small acreage of questionable merit for median suitable agriculture mitigation for the loss of important farmland that put that back in place and would thus be subject to the objections which caused staff to recommend denial in the first place. I ask that these developers work with Planning Board and Community Food and Agriculture Coalition to craft a clustered design that addresses prime soil concerns. There is a subdivision design that will work for this property, let's ask for it. - Jaunita Vero

Jim Cusker – And making my comments. I would like to first point out some discrepancies in the percentage of prime soil that covers Missoula County. You may have noted that Josh in his testimony said it's 1.8 percent and Christine in her very thorough report said it was eight percent. The eight percent refers to the 130,000 acres of the important farmland existing in Missoula County. That was noted in a NRCAS memo of I believe either 2006 or 2008. Of that 130,000 1.7 percent or 1.8 is the appropriate figure for the percentage of prime soils in Missoula County. Interestingly enough, that corresponds nationally and actually globally to the approximate two percent on the entire planet of soils of this importance. This points out of course that we are dealing with a very precious, very finite commodity. Starting my comments, if I may, the first thing I would like to do is to thank the commission for making Missoula the only Montana county to take seriously the mandate of state law which dictates that each proposed subdivision be reviewed for its possible impact on agriculture. And thanks also, to the Commission, for some years ago designating CFAC to act as an ag reviewing agency to present their findings of the probable impact on agriculture on every proposed subdivision. Jean, as the senior member of the commission, I know that you are very aware that several subdivisions in the past during your tenure have been recommended for denial on the basis for their adverse impact on agriculture by CFAC and often by staff and Planning Board as well. In each case, the commission has reluctantly approved those projects largely due to the lack of sufficient guidelines, state or county, as to how satisfactory mitigation could be achieved. Although since these guidelines are not yet agreed upon it was also appreciated that the commission requested, as was mentioned awhile back, that several public committees this past summer reviewed different aspects of this ongoing problem and suggest possible solutions. And you have recently received reports from each of these committees. And you probably noticed that as you read over these

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recommendations, from both the development and the tools committee that these stated both of these reports stated, that clear guidelines must be implemented to mitigate the loss of important agricultural land. It was further suggested that following these guidelines be the first step, not the last step, the first step of any subdivision proposed on important farmland. It certainly makes sense that this vital issue is addressed before considerable time and money is invested in costly infrastructure planning. Putting ag mitigation as the first step will also do this. It will clearly highlight Missoula County's commitment to view important farmland as a finite resource, essential for future generations rather than just an ordinary commodity. The ag controversy surrounding the Spurgin Ranch project has occurred because of the lack of these guidelines. They simply have not been in place. The recent proposal by the owner and developers to temporarily withhold four lots for proposed development for a limited period of time and even the sale to a conservation buyer would have been so much more attractive had these lots been included in the original proposal, to be sold as a part of a sizable ag parcel. This would have also guaranteed permanent protection of a nice chunk of fertile farmland. In the new proposal, if a conservation buyer does not come forth in the designated time period, the four lots, as Juanita pointed out, once again become part of the housing development and the subdivision reverts to the original proposal, rejected by the staff as having inadequate mitigation for the loss of farmland. So this late afternoon, I request of the commission, either deny this proposed subdivision as was presented earlier or at the very least delay its approval until permanent protection of a suitable portion of this valuable resource consisting of land covered by our very best soils is submitted for approval. Thank you.

Commissioner Curtiss – Thank you, Mr. Cusker. You can hand those to Christine. Yes, sir.

Ross Prosperi – Thank you for the opportunity to comment. Speaking on behalf of Montana Conservation Voters (MCV) members, there are about 1,000 members here in Missoula. Our organization, we serve as the political arm of Montana's conservation and environmental community and our members have been growingly concerned with the continued loss of agricultural lands due to subdivision. The Planning Board's most recent iteration of proposed changes to the subdivision regulations on ag land mitigation policy, members of the BCC voted down called for this one-to-one ratio of acres of ag land saved to loss. Excuse me for repeating this because I know we have heard it from a couple folks before me, but you know, this subdivision represents a three-to-ten ratio at best if the four lots are purchased for ag land conservation and if it's not it's a one-to-ten ratio and that's a far cry from adequate ag land mitigation suggested by the Planning Board and a far cry from what our membership finds adequate. Obviously, this is a very sensitive situation because this whole chunk is prime land that's being developed and it's amongst a larger chunk of prime agriculture land in this area. And so, essentially if these four lots end up being developed then you would, again, be affectively approving a subdivision your own planning staff recommended denial for falling short of adequately mitigating for the loss of ag land under the law. And so, I think really the time is now to establish some precedent for what constitutes adequate ag land mitigation and so MCV recommends you deny this proposal and so we can guarantee meet adequate ag land mitigation at least far better than a one-to-ten ratio of willingness to lose Missoula's already extremely sparse prime ag land. Thank you.

Bonnie Buckingham, Community Food and Agriculture Coalition – In light of the time and previous testimony I am simply going to present a memo in written form rather than reading through it, but as many people have already stated we are asking for denial for this due to the lack of ag mitigation on this extremely important ag parcel. Thank you.

Bob Carter, neighbor – Commissioner Curtiss, Commissioner Strohmaier thank you. My name is Bob Carter, as an immediate neighbor to the property I have to admit, I hate to admit actually that I am actually neutral on the development proposal. I would not stand in the way of anybody processing their own property the way they want to, following all legal resources and complying with regulations and so on. But, what I would hope would happen is one, do I want to see it? No, certainly not, but in light of all of the ag considerations and being someone who's very interested in ag themselves I kind of think we have the process a little flipped. Rather than proposing the development and going forward with it and then the backside saying, 'Oh, let's see what we can do to purchase this and make the owners right with it.' Or as Mr. Tucker famously said that the owners don't have to take a haircut on their property, I think that having the opportunity for groups or organizations that are interested in conservation, they should have the opportunity to step up first and be able to have an opportunity to actually purchase the land, put their money where their mouth is and if that can't happen at that point then certainly go forward with it and do what's needed and what can be done with the property. But in the interest of time and as others have so elegantly put it I will keep my comments to a minimum also. Thank you.

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Steven Tucker, grandson representing Spurgin Ranch – Good afternoon commissioners, thank you for your time, I do recognize that it's getting late in the day, I'll try to make this short and sweet, but at the same time I want to make sure that you hear where we are coming from. Not only am I part of Spurgin Ranch, but I am part of the family. I am the Richardson grandson as are the Ruanas here sitting next to me and this is our back we are talking about, this is where we grew up. This is not something that we take lightly. We are not some big high dollar out of state developers coming in to upset the community or do something that doesn't fit within the neighborhood plan, but we also feel that we have a right to do what we choose with our land within the context of current laws and guidelines. It's interesting, I listened to the testimony here earlier from Neva and Josh and I appreciate them stating their opinions and that they were here on their own behalf, not the Missoula Planning Board, but it made me wonder if they were present at that meeting the other night when we had six to three vote in our favor to move forward with development contingent upon meeting contingencies brought up by the Planning Board. The only reason it was ever discussed for denial was because the ag lot did not meet zoning guidelines. Anybody that's ever farmed or ranched recognizes the fact that an ag lot doesn't necessarily facilitate a one-third by two-third dimension. In fact, most ag lots are better served with a long rectangular shape, which is what you will see with our ag lot. We've worked through that process patiently and with a listening ear, but it's frustrating to me to hear such conflict of value when we talk about our precious prime agricultural soils on one hand and making the owner whole, yet devaluing on the other hand and saying, 'Oh, it's not worth that.' The developer is expected to not only give 25 percent of their land for ag preservation for utility, but yes, you should also give us another three acres or four acres at ag value. What is ag value? What is this magic number that keeps being tossed around? One-to-one? You know on my way over from Billings today I couldn't help but notice the miles and miles of beautiful agricultural farm land; through the Yellowstone Valley, through the Gallatin Valley, through Three-Forks, on into the Clark Fork Valley, miles and miles of farmland. Honestly, and this is my opinion, but this is not a matter of land being available. This is not preservation of agriculture that should be the focus; it should be the focus of the preservation of the farmer, the rancher, making it economically viable for them to compete in a global economy. It's not that kids don't want to farm, that they don't want to ranch, it's that they have the difficulty finding the ability to subsist on a farm or ranch income. There's been a paradigm shift in farming. We no longer compete on a local level. We no longer have the advantage of exclusivity. We compete with Brazil. We compete with Ecuador. We compete with people on the equator where they have eight to 12 months a year to farm their land. We have at most three to four months of economic production from our farms and ranches. Over this 70 years that my grandpa owned the property, it has been hay land. I think that my dad could comment on this. I think there was certain period of time where there was some soy beans planted, but it's been primarily hay land and they hayed it for the cattle. It wasn't some big farming operation that provided food for our community like this is being led to by some of the people that have testified today that somehow we are not going to be able to take care of our community if this 20 acres is given up to subdivision. And actually, it's not 20 acres, we are talking less than 75 percent of the operation, but it has been painfully evident to me that it wouldn't matter if it was 25 percent, 50 percent, 75 percent, we would hear those same testimonies today in contrast or in defense of prime agricultural soils. We have to find a balance; we have to learn to balance our growth with our subsistence. This isn't a big plea for development; this is a plea for some responsible governing to have some concession on both sides. We heard our cause, if we can't come to the middle here. We feel as farmers, ranchers, developers, owners, we have done our part. We have offered up 25 percent and then come back to the table, offered up a trail, offered up lots 1-4 for first right of refusal. We are told that's not enough. Undoubtedly, if we had given that at the beginning they'd be asking for the other 10 acres. I mean, where is the line drawn here? In closing, I would like put some perspective on the percentages that were being thrown out there. Jim Cusker is very knowledgeable on this area. He is very knowledgeable about the prime agriculture soils available, he corrected the previous references, and I believe I wrote them down correctly, but I heard eight percent of the soils in Missoula County are considered prime, if irrigated soils. Of that acreage, 1.8 percent considered prime agricultural soils in the Missoula County area or in the Target Range area and 130,000 acres total. To put that into perspective, our 20 acres one-half of one one-hundredth or I am sorry, 1.5 hundredths of one percent. We are not talking about tomorrow's food or the ability to provide for the community. We are talking about a responsible, tasteful development that meets zoning guidelines, meets Missoula County Growth Policy, meets the Target Range plan, neighborhood compliance, we have Planning Board approval, we've gone above and beyond in talking to the neighbors, we've added a connection trail, we are giving up 25 percent for ag preservation and utility and we have given in addition to that a first right of refusal to buy lots 1-4 at 80 percent of appraised value. How much is enough? Thank you.

Lorna Richardson, aunt to the Ruanas and to Steven Tucker – We own the adjacent property to their land that has been inherited by their family, by my sister-in-law and brother-in-law, we feel they have the right to do as they

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choose. The average age of farmers is increasing. The last report I read was 56 years of age. I am beyond that point myself, by quite a few years. I do not think it is fair to say that we cannot not subdivide our property. We have saved it, nurtured it and if they choose to sell it, I think they have the option. We farm next to them and will continue to until the need arises for us to sell, but we do not feel that it is appropriate to be told, we cannot retire. The ditch that is an issue runs from May 1 to Oct. 1, it does not run year round. There are deer and there are fox, we deal with those on a daily basis, but that is part of farming. If we choose to farm, we can move to a different area. Subdivision is what this property will be and is best suited for. We cannot pay agriculture prices for subdivision land. It's not feasible. If you inherit the farm, maybe you can make a living, if you have another job outside of the farm. I am from Canada and they give farmers tree permits to cut Christmas trees to supplement their income. We do not have that privilege. We make our hay and our pastureland is our income. Subdivision is the future and we feel they should be allowed to subdivide if they choose and we do not suggest a conservation easement. Thank you.

Rob Fleming, owner Spurgin Ranch – I will just keep it really short. I just think it is important that you guys know for perspective and context that this 20 acre parcel was for sale as one parcel for quite a long period of time up until just a few years ago and I know that some people looked at it for agricultural purposes, it was pretty much set at agricultural prices, nobody bought it. I think when we are hearing about the opportunity to buy this piece at reasonable agricultural prices it was already there and it didn't happen so I just want to make sure that everybody is aware of that. In fact, in one of those pictures that Paul had up there was a for sale sign and that was the for sale sign when this property was for sale just a few years ago. So, thank you.

Commissioner Curtiss – Thank you. Other comments? Commissioner, do you want me to close the hearing, do you want it to stay open? Have you got questions?

Commissioner Strohmaier – Yeah, I've got some questions. So, first question I guess would be for either John or Christine. When it comes to the threshold of how much you can condition a subdivision before it is so modified that it becomes a new subdivision and has to go back through the review process again, we have heard comments to that effect here today, any insight that you can provide.

John Hart, Civil Deputy Attorney, County Attorney's Office – Really none, I can't tell you where that line would be.

Commissioner Strohmaier – So, here's a hypothetical, so we've got currently on the table the added condition or the proposal to offer up lots 1, 2, 3 and 4 first right of refusal for these. What if, hypothetically, some lots were just deleted and merged with other lots? For instance, what if those four lots were essentially deleted and merged with the ag lot, is that a significant modification? Could that be done at this juncture without starting the whole process again?

John Hart – Christine, do you want to talk about that?

Christine Dascenzo – Sure. So, we considered that in the proposal before Planning Board as potential ways to mitigate for the impact to agriculture and deemed those as too far of an extremes because it does change the design of the subdivision. In that case I think that would be, they would have to start over.

Commissioner Strohmaier – So, I guess, how confident are you in that? And I have a question for the applicant or the applicant's rep here related to this in a second, but...

Commissioner Curtiss – I think in the past we've been told when you change lots very much it is, right?

Commissioner Strohmaier – Even though we are talking contiguous lots and not rearranging any lot lines other than, I mean it would just essentially become one parcel rather than the five parcels that there are right now, the five lots. If we do continue this hearing, don't feel like you have to answer that right now, but I throw that out there as something to think about in terms of, we have had a number of folks testify here tonight in terms of what they think might be a more satisfactory mitigation for agricultural impacts, but the question is, what can we do at this stage of the game?

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Christine Dascenzo – And there may be, I would want to check on this, but there may be some guidelines in applying the criteria for a plat adjustment which triggers if a subdivision is preliminary approved, the same criteria that would trigger Planning Board review could be a good way to gauge.

Commissioner Curtiss – And we have one of our senior planners here that might be able to answer, Tim.

Tim Worley, Planner, Community and Planning Services – In chapter five of the subdivision regulations, what are considered material changes is what I think we are talking about. And those include configuration or the number of lots, road layout, and infrastructure construction plans, water and/or septic proposals, configuration of parkland or open spaces, easement provisions and designated access. Those are some examples of what would constitute a material change that could send this application back to the beginning. So we were cognizant of those as these conversations were occurring, whether we reaching some sort of material change threshold. I don't think we have.

Commissioner Curtiss – But we would. It sounds to me that we would hit about three of them on that list.

Tim Worley – I think you would have discretion as to whether you think it's hit that threshold or not. I don't think it has. I think if you delete lots, if you plat that subdivision that you are seeing on the screen right there and then you just offer up a handful of rights with this first right of refusal proposal, I don't think that in my opinion reading the regs meets a material change threshold.

Commissioner Curtiss – But what Commissioner Strohmaier is saying is if we consolidated four lots with the ag lot that, I think, hits what you listed as a material change.

Tim Worley – Yeah that would be pushing the edge of material change.

John Hart – You know, it's obvious I am not a planner, and we have plenty of expert planners in the building, but what you don't want to do is change things so much after the public has had an opportunity to understand the proposal, comment on the proposal because then you get into a situation where you are not providing the public an opportunity to participate which is their constitutional right in Montana.

Commissioner Curtiss – And then you had a question for the developer?

Commissioner Strohmaier – Yeah, if the developer's rep wants to come up. So, I guess if we bracket that for a minute in terms of, I guess for the sake of argument, assumed that a material change would not be triggered by merging lots 1-4 which you are now offering up for sale, the right of first refusal to someone who might be interested in ag. Incorporated those four lots into the bigger ag/utility lot, would that be even something that, and again if you want to mull it over I would be fine with that rather than just shooting from the hip, but is that even in the realm of possibility of something that you would consider to ensure that a more robust piece of ag land is preserved?

Paul Forsting – Well, we would certainly want to mull it over, but you know we've got 25 percent of our property in a 5.28 acre parcel and this is, I think, the fundamental point of the conversation here is we think that's sufficient, the Planning Board said that's sufficient. We met we are willing to add more to that area and here is a mechanism where we could do that. We of course want to be paid for that amount. I mean, we are going to plat it, it's going to have infrastructure, the project itself has a suite of infrastructure that if regardless if we don't have those four lots we are putting in. We are putting in urban infrastructure. We looked at the total value of this or the property owners did and that five acre chunk of land is somewhere in the ballpark of half a million dollars. That's the value of five acres of land in the Target Range. I am just throwing that out there. I am not saying that I can swear by it. Once it becomes ag land, I think obviously without development rights it becomes a lot less. And so, I guess the point there is are you saying, David, that 43 percent of the property is the number that has to be mitigated to be acceptable? That would be the question. And if that's it, if that was something that was laid out in front of the applicant then they would have to strongly consider that and I guess we have a break to do that, but the way we set it up and we feel strongly about this, is that we will file these lots. They will be available for, it will take us about a year, like I mentioned before, so there is a year there for somebody to build momentum and decide if this is something you want to do and then once we file there will be a whole year, kind of a sun setting clause so to speak on the right of first refusal and our hope would be, or at least my personal hope, but I confidently think I share the property owner's

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hope is that somebody would be wanting to use the whole 8.5 acres and yes, they would be buying four lots at an appraised value and we can speculate at what that cost is, but they would be getting 8.5 there and so we find that to be meeting in the middle.

Commissioner Strohmaier – So, would the four lots be sold as a unit or hypothetically could someone peel off one or multiples?

Paul Forsting – I think hypothetically you could. In a perfect world, I think somebody would come in and want the whole area, wants to use 8.5 acres that would be I think in the perfect scenario that we don't have here today.

Commissioner Strohmaier – So, I guess speak a little bit more in terms of the original proposal or even with the additional condition related to the right of first refusal for these four lots. Is the ag utility lot, was that originally envisioned as owned by the HOA or sold off as a separate lot even though clearly the utilities are a portion of it?

Paul Forsting – Well, good question. Really, you can think of it as an agricultural lot, which is a thing, I believe, with a utility easement on it. We wanted to be very clear our utilities have to go there and so we have to get those in the place they are and once they are there then there's just a utility easement and just a little bit over a quarter acre is going to be drain field and that's about it and there will be a pipe through it.

Commissioner Curtiss – Because you can still graze cows on it, you just can't plow it.

Paul Forsting – Yeah, you don't want to compact the soils on top of the drain field and we have a replacement area. There is a replacement area in case that drain field ever did fail, we would have to move it over and that's why it is a little bigger of an easement there.

Commissioner Strohmaier – But you were contemplating the possibility of selling the ag utility lot?

Paul Forsting – I think if an entity wanted to buy it, yeah, it makes sense, you know, or if they wanted to lease it at property tax value. I mean those are things that seem to make sense to me, but if it just sits there and we are waiting for somebody to use it for ag then the only person we can put in the hands of now is the HOA, yes. But, I think the beauty of the designation and we worked with Christine on this is that you will see on the plat and you see on this exhibit, there is a very defined purpose of this lot. It is forever to be for ag use or ag buildings wherever those ag buildings can go which we would have to figure out, that's the only use other than wherever we put the utilities which I think are going to go there forever unless the commissioners say, 'Hey, we can lift this restriction.' And that's similar to the ag lot exemption in state law, which basically says, you can create an ag lot, but to remove it you have to go through subdivision and get commissioner approval. The idea there is if you build it they will come. I think strongly based on what I have seen that somebody will be farming quickly. Neva mentioned some restrictions on machinery and damaging the area, we will put the drain field in there, but we would like to work with you we don't want to damage it. We want it to be nice and kind of a useful area. So, hopefully that added a little clarity to it. There is kind of that balance there.

Commissioner Strohmaier – Is there a reason other than just to offer more acreage for potential agricultural use, any reason why the utility portion of the lot was not severed off as kind of its own lot? I mean that would ensure that it's not compacted.

Paul Forsting – We could do it. I mentioned that we could even, you could put a fence around it or something. I mean we would be fine. However, we talked about breaking it into different chunks to avoid the one per three distance things. I don't see a problem with that having a common area in multiple chunks. I don't see a problem with it. And even if these one through four lots there got added to one through eight, you know having five ag lots. I don't see a big problem with that, you know, you hope you can get them all classified for ag, I guess you'd hope for tax purposes and I guess I don't see a fundamental problem with having it be one or five. I think all of them would be undevelopable so to speak, forever, unless you commissioners decided or other commissioners decided to lift that restriction.

Commissioner Strohmaier – Talk a little bit more about the 12-month time frame. Because one of the concerns I have heard folks articulate is that, that time comes and goes and the lots are not sold for agricultural use, then we are

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kind of right back to where we were and why at that point of time would not, of course you would probably take exception with staff's original recommendation of denial, but we are essentially back at that moment in time where the original proposal is in effect and mitigation of at least in some people's minds, mitigation impacts on agriculture would not have occurred. Would there be any openness to address some of those concerns? Would there be any openness to simply put a deed restriction on those lots? So, I guess in perpetuity they would be available for agricultural purposes and they would remain on the market as such so there would be no time limit associated with the sale of those lots.

Paul Forsting – Well, maybe I need a little bit more information on that. I think the timeframe gives the developer some reasonable expectation on when they can sell them. It fits their need and they know that they either have 19 lots, which they have expected for and which has been the concept of the project or they are going to sell these four lots at a discounted rate and get rid of them and not have to carry and hold them for a while. I think anybody who has lots wants to get rid of them as soon as they have them because they stand to be charged taxes on them. So, I am not sure what the deed restrictions, maybe I need a little more information on that.

Commissioner Strohmaier – I am just thinking in terms of ensuring that even if they remain as separate lots they would be reserved, in a sense mitigate, continue as mitigation into the future for impacts on agriculture. So, it's not going to be the case that two years from now if the lots, not all of them sell, some portion of them might revert to residential use. It is a way to ensure that a greater percentage of the property serves as mitigation.

Paul Forsting – Well, the appealing part of this proposal here to the developer is that either somebody will buy them and we'll know what's going to go on with the eight and a half acres or somebody or they can market for residential purposes. Is there something in the middle? Maybe there is.

Commissioner Strohmaier – One of the things in the middle and I think I know the answer to this already, I get it as far as the property owners wanting to retain the ability that development rights if you will, you might not be even be able to use that term in this context, but to be able to build out to the zone potential of the overall parcel. So, one of the concerns would be, if you delete four lots from residential use, is there a means to make up for that elsewhere in the subdivision? Unfortunately, I think, we are probably talking a material change at that point if we are needing to shoehorn in four additional lots into the rest of the subdivision, but that would be

Paul Forsting – That would be difficult and I can almost guarantee the answer to that one would be back paying, we'd paid \$10,000 review fee or something close to it, we would be in another year of review to get back to you. And so, we are hopeful that we can come up with a compromise today or on May 11 when the extension is expected. You know, something I am just thinking about up here and something I haven't even talked to Rob and Steve about, you know we are talking about lots 1-4 and the right of first refusal well, I think Rob and Steve would be open to the idea of having houses on those to make up for that cost. With somebody buying it saying we are going to do something clever with these four, something unique with it, we are going to save most of this three acres by being clever with our design, it would have to fit within the covenants and the design scheme. I am just throwing it out there, something we would have to talk about, but it's a haircut, I mean it's a lot of land. I meet with the building office all of the time, they think we are way beyond at 25 percent, but I think everything is site specific, I really do. They want to talk to you about ag and we follow the ag conversation, we did. They wanted to know exactly what was going on and we wanted to see how the new regulations shaped up and so I think it is pretty clear that it's unclear. I go back to the Planning Board was able to talk it through and say, 'Hey, at 15 percent, given all the plans in this area with the zoning and such at 15 percent of usable ag land, that is sufficient mitigation.' We are willing to go beyond that, we think we already have beyond that at 15 percent, but we think we have 25 percent or 20, but we definitely with this right of first refusal and being creative with it, yeah I think we are providing exceptional opportunity for folks to get their hands on ag land. So, I don't know if that answered it, Dave.

Commissioner Curtiss – So, I think that there's lots of questions left and we've already talked to you about May 11 and I think that Commissioner Rowley would like to be involved in the conversation, so, I think that probably the best route is, if you have specific things that you would like brought for next time, but otherwise I think it's a good idea to probably just recess until May 11 and continue the hearing then, rather than close it. I mean I know it's an inconvenience for you because you came all the way from Billings, but I think that, well, I have learned, I have done subdivisions that ended at 10 o'clock at night, but you usually don't make good decisions then. And I think that we have some things to mull over. Is there specifics that you would like before next time? I mean, do you want, I am

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pretty sure that if we start monkeying about lines we are going to have to notice again so that the public knows that we have monkeyed lines. Because the public has commented on this proposal. Now, today, there's been a little bit of mitigation it's not changing any lines it's saying they would offer them up for sale. My problem is, this land has been zoned for 40 years. The people that own it have some expectation that's what zoning is supposed to give you is some predictability. I also think that if you go and get too creative with the housing style and you go against what the character of the neighborhood is, I mean we had a subdivision in Condon one time that I remember somebody saying, 'Well you should just stack up all of those houses and make condos.' Well, that isn't what they all live in and that's not what they want in their neighborhood necessarily. So, you know, I think that this, letting people have another chance to buy land that's been for sale might be the way to go.

Commissioner Strohmaier – Yeah, and I think it's fine to extend the hearing because I do think that there are folks who we have received comments from over the past number of days who were for all intents and purposes commenting on the proposal that came before the Planning Board as opposed to even though these materials might have been online related to the additional conditions of approval. In the spirit of giving folks to comment on some of the modifications that developers are proposing, I don't think there's any problem with giving some additional time for that. I mean, if the applicant absolutely wanted us to make a decision tonight I suppose that we could, but uh, as Jean mentioned as the hours go on one's ability to be as sharp in your thinking also diminishes. I do have another question for Paul and I think it would be good to get this on the table right now.

Paul Forsting – Yeah, and let me just say we have agreed to the extension for May 11 so that's your call when you are ready to stop talking.

Commissioner Strohmaier – So, one thing that we have heard from folks as far as the original design and questioning the design of the proposed subdivision is why the ag/utility lot is on the eastern edge rather than the western border of the property. Could you speak to that?

Paul Forsting – Yeah, it's a good question. In the whole balancing of our project, one important aspect is our road and where our road sits. On our list of meetings that we went to the first one we really had to hit on was Public Works and where they want their road and we actually had a lot more frontloaded driveways onto Spurgin and they said no you are going to get to accesses and so we had to pick where those go. Engineering design puts those accesses right cornered with the existing accesses there. Take that into consideration with those right-of-ways that are platted to the west of us and it's hard to look at that land to the west as forever going to be ag land. There's two 60 foot right-of-ways that traverse through there and we've got sewer easement going on the front of us. I mean, we are being pulled in different directions, but important to our design is that road. If you look at our road loop there, for a long time that was a very important planning neighborhood block feel connector and we have added more connectors to it. It really is and so it's going to build a nice little neighborhood there and most importantly from where we can put it, we can't offset it from those intersections and if you do if have to really start moving them around because it creates a traffic site distance conflict and so, met with Public Works, found an appropriate spot for them and said okay let's look at where everything else is going to go. We try to fit the puzzle together and make it all make sense, but I know whenever you look at it from one angle it can be easy to say, why didn't it shape a little bit different.

Commissioner Strohmaier – Okay, thank you.

Commissioner Curtiss – Any other questions or specific things that you would like answers to between now and May 11.

Commissioner Strohmaier – I guess I would like staff to mull over a little bit more in terms of material changes to the subdivision. Yeah, I think in order for us to intelligently think about conditioning, at what point, and I get it as far as if you are monkeying around with the subdivision in a way that people had previously commented on in earlier iteration so they have not had the opportunity to really provide comment on the modifications. At what point does that kick that back in the process? I mean, clear to the beginning? Or at some other intermediate stage? Because I think, that's certainly a legitimate concern. Are they starting from ground zero, or somewhere in between?

Commissioner Curtiss – If you do too much of a redesign you move the roads again. And then you have Public Works to address.

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Commissioner Strohmaier – Yeah. I think that's it for now.

Commissioner Curtiss – Okay. Well, then I will recess the hearing until May 11 and we will try to make sure that there is not such a full agenda that day. Okay, we do have one thing left. Todd's been sitting here waiting; floodplain amendments. Thanks to all of you for being very civil in your discourse. Okay, so I will open the hearing for the floodplain regulation amendments.

f. Floodplain Regulation Amendments

Todd Kliez, Floodplain Administrator, Community and Planning Services

We are bringing before you today amendments to the Missoula County Floodplain Regulations. The amendments you've got copies of a clean copy of the proposed regulations as well as a copy of the redlined regs, which you probably want to refer to. So for these regulations, the legal advertisement was first published in the Missoulian on April 16 and again on April 23. In addition to the legal notice we have provided information about this project through letters and emails sent to agencies on all of Missoula County's local engineering consulting firms. An email notice to more than 700 addresses through the CAPS (Community and Planning Services) email list and we have also put information out there in the Missoula County CAPS newsletter. So the primary amendments that we have before you are the identification of low danger engineering study and high danger zone for automobiles and pickup trucks during flood. Which also prohibits new construction with vehicular access outside of the low danger zone. Now this is currently subjective and what we have attempted to do with this was to follow the DNRC, Montana DNRC Dam Safety Program their guidance for determining when vehicles would be swept away during flood. So, based on this graphic that you are seeing before you, we know that, on the left hand side, the depth of two feet if it is very slow moving water that's going to be fine for a vehicle it will not be swept away during flood and that's the low danger zone. Even at flood velocities of 16 feet per second, a flood depth of one foot is going to be fine for a vehicle. We also know that at three feet deep it is a high danger zone. Tailpipes are going to be inundated; cars will stall and be swept away and depending on how fast the waters are moving it can also, even on a lesser depth, can cause those trucks to be washed away. In the middle, we have the engineering study zone. That's an area where it's questionable and we would rely on recommendations from the engineering consultants would review both the flood velocities and depths to determine an appropriate suggestion for the County Commission to consider. We are allowing flood alterations for private benefit if flood impacts have been mitigated. Currently, that's only allowed for public projects. For example, a big bridge, if the government body puts in a big bridge that causes some back water affects and increased flood depths that's allowed for the government, but not for a private citizen. And what we are suggesting with this amendment is that if a private entity wishes to mitigate for the increase in flood elevations, for instance, either buying a flood easement on an adjacent property owner or elevating their structure to meet the impacts that they would be proposing that they should be allowed to do that. We are also complying with state law that floodplain permits cannot be denied based solely on the Growth Policy compliance that's an MCA that is now going to be reflected on our floodplain regulations. We are recommending adding timeframes, draft findings and conclusions and staff recommendations to the variance process. The County Commission gets a floodplain variance request maybe one every two to three years. What we are recommending is to basically have the floodplain process mimic the County subdivision process and provide you with draft findings and conclusions and also forming recommendations from the floodplain. The thing that we have here is ensuring floodplain study requirements for subdivision exemptions found in our County Subdivision Regulations are consistent with our floodplain regulations. Along with that what we have are comments that were received by Missoula Organization of Realtors (MOR) and we also received comments from WGM Group and all of those comments were reflected in the current regs that you are seeing in front of you. What I have done is to bring up the pages we are formally making recommendations for changes to. So we don't necessarily have to go through all of them, but the first one we see which is on page five of the regs has to deal with fill. This came out of the concern from WGM Group that wanting to have what the County considers to be authorized uses of floodplain fill to have that consistent with what the regulations actually say. The regulations currently say, "That uses have to be fitted for the purpose of supporting the intended use and or permanent structure." And we would issue a permit based on compliance with the Growth Plan, compliance with the zoning in the areas that are zoned, but in unzoned areas our real reliance is to how to handle what's appropriate for that area is looking at the Growth Policy. While that can't be our sole reason for denying a permit we have to consider that for a floodplain permit. And let's say that someone is found compliant with what they are proposing, they get their floodplain permit, they fill that property, they then go through a process with FEMA to remove that property from the floodplain, years go by their original development doesn't go through, they intended to do it but

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they didn't proceed with that, and something else is proposed that is no longer compliant with the Growth Policy, we no longer have any jurisdiction over that. So that's why we are recommending to go with authorized use which is also found throughout the regulations, rather than intended use. The next page we are talking about what you see here highlighted in green was a recommendation from WGM Group that we clarify what we mean by access through the floodplain for vehicular safety. This section here, 5A, is going back to ensuring that private parties can raise the 100 year flood elevation if those impacts have been mitigated and we are deleting d that indicates that this can only be done for public projects. On page nine, we are really not changing anything on page nine, but it does refer to the top of page ten which goes back to the Growth Policy so that #13 is highlighted here on page nine and where we are changing that on page ten is to indicate that a floodplain permit cannot be denied based solely on non-compliance with the Growth Policy. We are also referring to the safety of access to property in times of flooding as determined through the flood depths and velocities shown in our flood insurance study. Through their independent engineering analysis in an approximate Zone A which does not have flood depth and velocities and also with that figure that we previously looked at. What's lined out here in green is actually just being moved from f to g just to clarify the order of how that should be done. It's not really being eliminated. The variance section, which I spoke about briefly, we, are added a 60 day working timeframe to that. We try to get these out. Sometimes those can take several months so we are trying to reduce that to 60 days. We had a lesser working day in there, although DNRC commented and said that 60 days would be more appropriate. And, again, this is where the Floodplain Administrator will provide you with recommended findings of fact and conclusions of law. One of the initial comments that we received from the organization of realtors was they were questioning who actually does the noticing so we added here in green that Missoula County shall provide the public noticing. Again, when the commissioners make a final decision instead of just sending that summary to the applicant we will also include the findings of fact and conclusions of law. In the last go around of Floodplain Regulations, which was in 2015, the DNRC had mandated that attached garages had to be two feet above the 100 year flood elevation. We had attempted to eliminate that in this particular go around, however, DNRC was adamant that we could not do that. However, in the 2015 we then, to accommodate some of that, we put detached garages and lumped them together with our agricultural structures, which can't actually be that way. We actually have to have a separate standard for detached garages, which is what we are putting back. Again, rather than having the intended use this would be the authorized use. And as far as prohibited uses, we are adding a new prohibition for these areas that have flood depths outside of the low danger zone. The last major one that we are doing has to do with ensuring that the Missoula County's Floodplain Regulations are consistent with the Missoula County Subdivision Regulations and this actually has been requiring developers to determine what the 100 year flood elevation and approximate A Floodplains has been a standard since Missoula County was first blessed with them back 1983. So, what we are doing here though is to mesh these now with what the commissioners adopted in the Subdivision Regulations last year. This caused you to receive, just today, another comment from the organization of realtors regarding the cost of these studies and their belief that the burden of these costs should not fall on the property owners, but should fall onto the government. It's not necessarily an argument that this doesn't have to happen because it's required by federal law that we do this, but their concern is actually, who pays the cost of that, who should pay the cost. These regulations don't actually specify who does that just that an engineer has to do that. And then the last thing of course is the insertion of that figure.

Commissioner Curtiss – Okay, so I guess the question from the realtors is more of a philosophical question about who should pay for it, but we do take advantage of opportunities when we can have, like we have done recently in the Swan, to get grants and things to that, but I don't think that we can guarantee that we are going to pay for everybody's engineer when they want to develop their property.

Commissioner Strohmaier – Yeah, I guess so on that note, right now if the amended regulations are adopted in the case that MOR is kind of concerned with here, would it definitely fall upon the property owner or would it be a case by case basis in which we evaluate whether we want to foot the bill for the evaluation ourselves?

Todd Kletz – I think the commissioners can make that determination at any time. You do have surveying staff and engineering staff that could do this kind of work. It is just tasking which budget you want to take that out of and whether or not commissioners believe that is a responsibility of the County, state and federal government or whether or not that is the responsibility of the applicant.

Commissioner Curtiss – So I think, we are just leaving it open, I guess. All right, this is a public hearing. Is there anyone who would like to make comments on the Floodplain Regulation Amendments? Thank you, Todd. All right, seeing no one I will close the hearing.

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Commissioner Strohmaier made the motion that the Board of County Commissioners adopt the amendments to the Missoula County Floodplain Regulations as presented. Commissioner Curtiss seconds.

Passed 2-0.

[Resolution 2017-165: Approval of the floodplain regulation amendments.]

8. OTHER BUSINESS

Commissioner Curtiss – Is there any other business to come before the commission? Seeing none, we are in recess.

9. RECESS

Commissioner Curtiss – Called the meeting to recess at 5:56 p.m.

Friday April 28, 2017

JC and DS met in regular session; quorum present. NR out of office until 1:00 p.m.

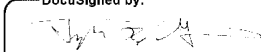
Calendar

8:00 a.m. - 1:00 p.m.	NR-Jail Diversion Training -- Rapid City, South Dakota
9:00 a.m. - 11:00 a.m.	DS-Lalonde Ranch Historical Evaluation
1:00 p.m. - 3:00 p.m.	DS-Jan Dersham

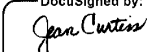
Items for Signature

Letter No. 2017-154 – BCC signed. Dated April 28, 2017 to Lynn and Randy Stenerson documenting approval of the phasing plan extension for Stenerson Subdivision including reference documents. BCC approved the phasing plan extension at a public meeting on April 13, 2017.

Journal Approval

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Tyler Gernant
Clerk & Recorder

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Jean Curtiss, Chair
BCC