PUBLIC MEETING
BOARD OF COUNTY COMMISSIONERS
WEDNESDAY, APRIL 10, 2013 – 1:30 P.M.
ROOM B14 – ADMIN BUILDING
MINUTES

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

1. CALL TO ORDER
Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Bill Carey, Commissioner Jean Curtiss

Staff Present: James McCubbin, Deputy County Attorney, Tim Worley, CAPS, Hilary Schoendorf, CAPS, Deb Evison, Public Works

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS
None

4. PUBLIC COMMENT
None

5. ROUTINE ADMINISTRATIVE ACTIONS
Bi-Weekly Claims List in the Amount of $908,577.61

Executive Session
Commissioner Curtiss made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of $908,577.61. Commissioner Carey second the motion. The motion carried a vote of 3-0.

6. HEARING
Gallatin Estates Subdivision (70 lots on 33.78 acres) Waldo Road, West of Highway 93

Hilary Schoendorf gave staff report and showed PPT Presentation
Tim Worley also gave report

**Terry Forest, DJ&A:** Bridge width; we feel very strongly that a bridge should not in this case should be something less than the 32’ because what it will do, it will slow traffic down, traffic calming coming into the subdivision. It will also not allow any parking on the bridge. This is room on either side of the 24’ asphalt, there’s a raised sidewalk on each side 5’ of walkable area. There will be a little wall on both sides of the sidewalk so you can’t fall into the creek unless you climb it and a car can’t hit you because it will be like a jersey barrier along that side. Something like that is what we’re planning on doing. We think that a bridge 24’ would be perfectly fine in this situation. The other thing I’d like to talk about for a minute is the location of the road. When we did this project, we eliminated so that there was a walk way for the deer to go to the north and we retained 9 of the 10 lots that were there. I think if you look at the original subdivision, there were 10 lots there and we retained 9 of them. We reorganized them a little bit moved them around to try to get the area so that a house could be built on them and that sort of thing. We think that we have provided the intent of providing a way for the deer to go to the north, I would be very reluctant to say that the developer wants to lose on more lot up there because we tried everything we could by losing those two lots by going down into the subdivision proper and trying to pick up two more lots. The only way we could pick up two more lots is if we moved that road to the east. You cannot move that road back in there in any fashion, like the planning board wanted us to do and not lose at least one of the lots. So we did pick up the lots, they’re a little bit odd shaped down there but the type of housing that’s going to be out here, I think this will satisfy the needs of those houses. I thing about the road is that right along the section line, 30’ either side of it is Deschamp Lane, we put the road in our half of Deschamp Lane, we didn’t go to the other side of Deschamp Lane which legally I believe we could. There’s a subdivision over there, O’Keefe Creek that when they platted there’s and they do have preliminary plat approval with several extensions, they didn’t take that into account and they platted their lots over their 30’ and that’s why there’s through right there. If that would have been set as a road, they probably would of never designed it that way, they would have had that be a road and then would of put blah, blah, blah and so would of we, we wouldn’t of had any reason to have a road there. So we actually put a road in on our side of the lot to try to satisfy the needs of the neighbor who may or may not have some problems with redoing his subdivision. I know that we’ve talked with Steve Smith, County Surveyor and he’s very firm that he wants that subdivision modified so that that right-of-way stays there. We thought we could put it over there reroute Deschamp Lane through Gallatin Drive and then eliminate any right-of-way that isn’t used for that particular road; the reroute is what I’m saying. So we tried everything to keep everybody happy, keep the County out of trouble, keep him off everybody’s back and still give us the two lots. The other thing, the noise is in fact noted in the covenants, there’s a paragraph on it and it talks about the decibels and what was there, exactly like what was in the original plan so everybody will be informed of that. I don’t think the noise is something that should be on the plat quite frankly, we can do that but it’s in the covenants; it’s there for everybody to see. One other thing that I noticed is that the little path that goes to the north off Jada Court, we do not want to make that a 24’ common area. That used to be...what it is actually is a utility right-of-way, we’re running a storm sewer through there to dump the water out into the storm sewer area that’s in the green there. Each 10’ of it is part of a lot, so I really don’t want to put an easement there; it just reduces the usage of it. We can put a 5’ path through there and then that would be a path and people can fence it however they choose but it doesn’t have to be out 5 more feet on either side, it could be right up next to it or they don’t have to fence it at all. I guess I would prefer it not being fenced at all just so they kept the grass all nice and green and all that. The last thing is the road up near
Waldo. It can’t be emphasized enough that that’s what you’re looking at on that one sheet, the little loop going through those lots, that’s very preliminary. It’s set up as a 24’ drive, two 12’ lanes for driving and two 4’ shoulders all paved. We’re coming into our subdivision with a 32’ driving and parking lane on one side, it seems to match very well; I just don’t see a problem there. We would in fact change our roadway, right down there near the bridge; it would basically come across the bridge and go straight north and tied into their new road at a 90 degree angle. We do feel very strongly that it does affect all 9 of the lots that we have there and that they would probably be not buildable and we’re more than happy to go along with the addition that CAPS came up with that says, we will eliminate all of those lots although we may retain some of them for common area, to maintain the common area and that sort of thing, when there is either a sale of a property or a letter of agreement of a price that’s going to be taking place, we’re more than happy to do that. I think it is important that we’re talking nine lots, that’s what I’m really trying to emphasize. We show that trail that’s along Waldo Road 10’ wide asphalt, our understanding of what this roads going to look like is there is going to be an MDT trail on the north side of this road that will connect to everything, go the whole way. We don’t feel then that this trail is really necessary. What we talked about at one meeting that we were in is that if the idea of the condition was to have a trail along there for future use, there will be a trail along there when the road is done so we won’t have to do our trail.

Commissioner Curtiss: Two things that Mr. Forest brought up; one is whether or not there will be a trail included in the design? And the other is…sounds like it’s preliminary but when do you think it will be more firm?

Shane Stack, MDT: To answer the first question; we do have plans to have a shared use path from 93 all the way to the Huson Interchange that would run along the northside of the secondary Hwy or Waldo Road. The next question; hopefully soon we’ll have our alignment grade more clearly defined and set. We do have a formal process that we like to go through, I hope within the next several months we’ll get that clearly defined. The project is set for construction in 2015 that is banking, of course, if we’re able to get all the right-of-way and all of the necessary permits and all of these activities stay. If it’s not 2015 then its 2016, right now we’re looking at 2015.

James McCubbin: I’d like to ask Shane a question just because I think it would be helpful for your record. There’s discussion at the planning board and there was discussion in some of the presentations today as to what the compensation by MDT would be, if and when this realignment comes through that would affect some of the proposed lots. Can you explain where we are in that process or what kind of agreements there are, what you anticipant for that?

Shane Stack: Sure. And I don’t know all of the tentative agreements specifically because our right-of-way manager is part of that a little bit more but I will say this; what I understand we have to go on appraised value. We have had conversations with the developer and they are aware of what we’re doing. What we would like to do is end up with a win-win situation where we’re able to acquire the property that we need for the future roadway, in return they’re obviously selling the lots that they would like to sell. We’re not going to be able to purchase those lots for more than their appraised value but again it’s going to be based solely on appraisals. Then if we do impact the neighboring lots, we’re not able to necessarily purchase them if we devalue those lots (inaudible).
**Chair Landquist:** I have a quick question that probably Tim Worley could answer. I thought there was some discussion when we were briefed earlier in the week on this regarding Mountain Line wanting to have this be annexed into the urban transportation district and I thought there was some questions we had then that you were gonna...somebody was going to seek some answers to? Am I remembering that correctly?

**Tim Worley:** That's correct. Unfortunately, I tried calling Michael Tree on two different occasions but haven't received a call back. And I didn't get a response back on an email I wrote this morning as well, as to whether only a platted phase is assessed within the transportation district or whether the remainder...the land that's not yet platted also gets assessed and unfortunately I don't know the answer to that right now.

**Chair Landquist:** I think what makes sense; the lots once they're plotted would pay that assessment. But like I said, sometimes things aren't always that clear.

**Public Comment**

None

**Executive Session**

**Chair Landquist:** One of the things we talked about briefly was the length of Gallatin Road and Monique Drive that does not meet our Public Works standards. When we're trying to create neighborhoods it is our jobs to look into the future and one of the reasons it doesn't meet our standards from what we were told is because of the length of them. The longer the road is the higher the traffic is going to tend to drive on them and we're looking at trying to create a nice neighborhood. You're worried about the bridge width staying at 24' instead of going to 32' as a traffic calming measure but then the rest of it's going to be a pretty long straight shot, which could also encourage faster traffic in an area we want the kids and the dogs and cats to play and walk. So I know that's a concern whether or not how much fixing or tweaking we might be able to do without doing enough to make it go back to the drawing board, I think that's one of the questions that the Commissioners may have to wrestle with while we go through this process.

**Commissioner Carey:** I'm a little unclear as to whether Public Works is requiring or wanting 32' to cross that culvert?

**Deb Evison:** The reason why we were requesting that the bridge stay the uniform 32' has to do with Health and Public Safety, of course. Right now the way this is platted, if the subdivision to the east never gets finalized, you have one way in and one way out of this subdivision. For the bridge to narrow through there in the event of an emergency, you have...it's narrow so we wanted to keep it as uniformed as possible through there. Also with snow removal, things like that, it's better that we have the requested 32' rather than the narrowing of the road through there to 24', it just makes it easier for facilities to get in and out.

**Commissioner Curtiss:** I do have one question about the freeway noise on the plat that is a new one to us. When we do Avigation (noise) easements are they on the plat or are they just in covenants usually?

**Tim Worley:** I believe those aren't on the plat, it's just a recorded document.
**Commissioner Curtiss**: So I guess we can tackle things one at a time. That was something planning board added right Tim?

**Tim Worley**: That’s correct. Because planning board failed to get a majority vote and the motion to approve, I summarized that but there’s no real condition going forward advancing that idea. I think as Terry mentioned there’s a note in the covenants but if you wanted to expand that to get closer to what planning board was recommending minus the plat language, we could get there. Or we could just go with the present covenant language.

**Commissioner Carey**: I didn’t quite track that…you can get there?

**Tim Worley**: Well what we can do is instead….with planning board’s recommendation I think they wanted the noise information on the plat and in the covenants and it was specific to a noise study that I think Jeff Searer worked on. The document is actually in your packet and I’m leafing through the packet now to find it. Planning board said that specific information should be on the plat and in the covenants and perhaps you could just say that information needs to be in the covenants or if you’re confident that the covenants are okay as is, you could just stick with that language.

**Commissioner Landquist**: It’s already in the covenants though, right?

**Commissioner Curtiss**: Right, so if you look in the covenants which is Appendix A, page 9 it says noise….all potential owners of lots in this subdivision are advised this subdivision adjoins Interstate 90 and will likely experience noise from freeway traffic. Montana Department of Transportation (MDT) and Federal Highway Administration have noise abatement criteria of 66 dba and the MDT has recommended planning level for noise of 60 dba. While conducting a noise study for this development, the developers found noise levels that ranged 68-78 dba. Information on noise and noise abatement strategies can be obtained from MDOT, in particular the growing neighborhoods and growing corridor of land use planning of traffic noise. So I think it’s pretty well addressed in the covenants.

**Chair Landquist and Commissioner Carey**: Agree. All three Commissioners agree this is not an issue.

**Commissioner Curtiss**: Since there’s no recommended amendment from planning board, I guess we discussed it and we if don’t want to add that we don’t need to. The next one that’s probably easier to address is the condition about the trail along Waldo Road. I wondered if we could come up with some trigger language regarding, if they build before the road is done they might have to put in something for a while or if the design which should be done before they have a final plat shows…it’s only going to show it on one side of the road but I know the photography there doesn’t really favor having a trail on both sides. That trail then would connect to the stuff that’s already happening clear out in Frenchtown. Is there a way to change the language that we have now to put some trigger language in there regarding if the trails going to be built with the Waldo Road redo that they don’t have to put one?

**Tim Worley**: I guess I’m wondering if perhaps what you could do is conditionally approve the variance since it’s on the record that your intent is not to have them build it, if it’s built as part of the MDT redesign. Do we want to eliminate that condition? The condition is…if you look at
your staff report with the RCA, its condition #13, page 36. I’m finding it difficult I guess, to have a trigger, I’m wondering if it should just be illuminated if there isn’t….

**James McCubbin:** Tim could we do a similar condition ~ conditional grant a variance perhaps that would have language similar to your proposed condition #2? In other words, if Waldo Road realignment is confirmed by MDT land purchase or purchase agreement for land in Gallatin Estates, etc. then the variance would be granted that they don’t need to put in that trail?

**Commissioner Curtiss:** Condition #2 that is on memo that we received dated today. If you just add to that paragraph to say; if MDOT’s design of Waldo Road includes a pathway then condition #13 goes away. Something like that, would that be adequate?

**Tim Worley:** I think that would work.

**Executive Session Motion**
Commissioner Curtiss made motion that the Board of County Commissioners approve to amend condition #2 on the April 10, 2013 memo to add a sentence that states; If the road design includes a pathway along Waldo Road, condition #13 will be eliminated. Commissioner Carey second the motion. The motion carried a vote of 3-0.

**James McCubbin:** I think that’s a good motion but I also think it needs to be addressed in connection with the variance and the closest variance is variance is #8 because this is a standard in our subdivision regulations. So in order to not require compliance (inaudible) standard you have to have a variance. An issue here is if you require them to build the trail and then MDT comes in and realigns Waldo Road and has to take out the trail, basically MDT’s going to have to pay for what that cost was. In other words, we’re just raising public cost overall without really changing what the end results going to be. That’s just the factor here.
You can do one motion or two but it needs to be addressed in the variance as well.

**Commissioner Curtiss:** I think it’s easier to do it in two. So previous motion is good.

**Executive Session Motion**
Commissioner Curtiss made motion that the Board of County Commissioners adopt condition #2 as amended on the April 10, 2013 memo. Commissioner Carey second the motion. The motion carried a vote of 3-0.

**Tim Worley:** The language of variance #9 works. We just need findings that get to the basis for not just the walkway asphalt instead of concrete but that it not be there should there be a walkway design in MDT’s design for the northern side of Waldo. We have some of those findings right now and if you want to provide any others, we’ll plug those into the written statement.

**Commissioner Curtiss:** So it would be in the findings for this particular variance, right?

**Tim Worley:** Correct. Some examples might be just the excessive requirements of having an 8’ wide facility on both sides of Waldo adjacent to the subdivision that might be seen as a burden to this developer.
James McCubbin: The reality is if…I guess if phase I is eliminated there would still be the possibility of having to build and 8’ walkway on the newly aligned Waldo Road, is that what you’re contemplating? Whereas, if they build it before the alignment, there’s a possibility that we could have a purchase agreement on the phase I lots that are to be acquired by MDT and then phase II, which could kind of become phase I (inaudible) and then Waldo Road get realign. We don’t know the sequence of those events so the thing that would make the least sense, is if the developer has to build a walkway and then a year later MDT comes in and bulldozes the thing out. That was the thing that I was getting at, so I don’t know…I think you’re looking at some kind of a conditional approval of this which will basically include the approval that you’ve got here, if that’s what you determine to do, but adding on conditions that if a given sequence of events happens, you might grant more of a variance. I hope that helps and doesn’t just confuse things.

Commissioner Curtiss: Can we just add another finding that’s as simple as; if the Waldo redesign includes a pathway this pathway would no longer be necessary?

Tim Worley: Hardship is always a positive finding to put on the record. Like Public Health and Safety issues would be accommodated through the facility on the northern edge of Waldo, should be part of MDT’s design, you could put that out there. This is sort of a unique situation where this developer might be required to build a redundant facility on his side of Waldo that could be another finding.

Chair Landquist: And the ways to resources, I don’t know how much of a finding that is but I find it kind of intolerable that we would put down either asphalt or concrete for something knowing that we might be ripping it up in a year or two and where’s that going to go? What a waste of resources not only in using those resources but building it and the diesel and everything else to move the earth.

Tim Worley: You could probably argue this is a hardship not caused by this applicant as well just by the unique timing of the realignment of Waldo.

Commissioner Curtiss: So James do we need to word exactly all of those things or can we just say all these things are on the record and staff can put them in?

James McCubbin: I think you could make a motion to incorporate what Tim just said into the findings, into the appropriate places into the findings that the record will reflect that if what we don’t have really clearly at this point…I have a lot of head nods going on but a motion would cover.

Executive Session Motion
Commissioner Curtiss made motion that the Board of County Commissioners authorize staff to add language to the findings for variance #9 to reflect the discussion that we’ve had here today about the impact that a trail included in the Waldo redesign may have on these findings. Commissioner Carey second the motion. The motion carried a vote of 3-0.

Commissioner Curtiss: So I think some of the discussion that we’ve had in our briefing and in the staff report and that the planning board had is all regarding block length. Unfortunately all the stuff talks about lots so I had to write them down as to what streets they are. Contrary to what a lot of people think there really is usually some rational for why we have things like
block length in our regulations. It really does...if you think about driving down a country road that doesn't have a lot of intersections happening to it or spaces that might make you pay more attention to who might come intersect that road tend to drive faster. If you look at the...maybe Tim or Hilary you could put up that picture that shows the adjacent subdivision next to it? They have some variance in there blocks also but the distance there between Monique gets kind of long so I think that we really do need to think about why we ask the subdivisions to be design to include shorter blocks. Because there's already a pedestrian connection shown through there or common area for people to be able to walk through, I think it makes sense, and I know that you'll lose two lots but it makes sense to have a road connection through there that would include pedestrian facilities. I don’t know the exact measurements are and we may still have to have a condition but I was looking at either lots 29 and 41 or 28 and 42, whichever one makes the most sense to get as close as possible to the 300’ blockway. And then we try to encourage people to walk more and yet be safe so I think we also should talk a little bit about whether or not it makes sense to have some kind of pedestrian connection from the cul-de-sac on Jade y court back down to Monique. I just wanted to throw those out for the Commission to discuss on the record as planning board did.

Chair Landquist: From my perspective, I think that makes a lot of sense, gives me some heartburn that the developers already losing some lots due to the changes on Waldo Road but as I stated earlier, these subdivision are supposed to end up creating a nice neighborhood and a community where people can live and play and enjoy and not have some of the worries. The light bulb went on me when someone from staff was explaining why the logic is for not having long roads and it dawned on...two of the roads in Lolo that we get the biggest complaints about are because they are the long, long roads where people can just put the pedal to metal and go faster than they should be in those residential areas so I can't in good conscience even do this even if it's just on paper right now, not even built knowing that it might get built. There are no guarantees when you enter into something like this as to what you’re entitled to lot wise, I think you've done a pretty good job in squeezing lots where you needed to. I would agree with Jeans idea of making that connection too for the walkability. That way people are doing what I had to do and that's climbing people’s fences. So I’m in support of those changes.

Commissioner Carey: For Commissioner Curtiss, are you envisioning then perhaps a street going in just east of the current proposed pedestrian pathway like on lot 28 and 41? Have a street there and then do away with that pedestrian...?

Commissioner Curtiss: Yes and then it would be incorporated, then they wouldn’t need all this width so there would be some additional width that they could incorporate in some lots somewhere. I don’t have a measuring tool with me to know whether 29 and 41 or 28 and 42 make sense but incorporate that pathway with...

Commissioner Carey: move that over, yes and then put a pedestrian access to Jadey Court from Monique Drive?

Commissioner Curtiss: Yes, probably somewhere between 49 and 50 and 53 and 54 or something. That way you could line them up.

Commissioner Carey: I wonder if we could get a comment from staff on that?
Chair Landquist: Does staff have some idea by looking at those if one side or the other brings us into closer street length compliance?

Tim Worley: I think the actual walkway location is about as close to center as you’re going to get, 29 and 41 looks like it would work. Just so that I know that we’re all on the same page, would that be a 32’ wide road with the 5’ sidewalks on both sides and 10’ boulevards, with the 60’ right-of-way punching through. That’s the design standard that we have for the rest of the subdivision so is that the assumption?

Commissioners: Yes.

Tim Worley: Hilary, correct me if I’m wrong, the ped connection beyond Jadey Court cul-de-sac would be between lots 49 and 50 and 53 and 54? Does that look about right?

Commissioner Curtiss: Does that require a 20’ or something; it can’t just be a 5’ trail? You have to have room...

Tim Worley: Room for maintenance on both sides. Deb is here from Public Works, maybe she could add some wisdom but I think 10 would be a bare minimum of easement that you would need and 20 would be preferable.

Commissioner Curtiss: Is the one shown here 20’?

Tim Worley: Yes.

Deb Evison: The rational for easements is 20’ and that’s in our subdivision rules and regulations as well as in our public works manual. That allows you for maintenance to get in there and actually do any maintenance that you might need to do so 20’ feet is what we require, otherwise a variance is needed.

Commissioner Curtiss: Since we’re throwing things out that the developers haven’t heard, I think that even though we’ve closed the public comment we should give them an opportunity to reply.

Terry Forest: I guess I’ll talk about the trail between the cul-de-sac and Monique, I guess I can see that we can make that work. Can we think of something else besides...the amount of roads that we’re putting into this subdivision, because of the shape of the subdivision, a triangle; it’s really getting heavy on roads if we have to put another 64’ right-of-way in this. I can’t eliminate the one on the edge, so I have to put a whole other one in between, it just seems we’re getting very excessive on roads. What I would think about is; is there something we can...I notice what you’re saying is that you think there’s going to be a lot of speed on Gallatin Drive because it’s long. How about if we put one or two bump outs to slow people down opposite of each other? People would run them over probably but still you could do something like that.

Chair Landquist: I don’t know how that works for plowing though. A lot of people complain about those during the plowing season.
Terry Forest: How about if the parking lane...we have parking on one side? And what if we alternated the parking? That would do the same thing as the bump outs.

Chair Landquist: Who enforces that? I’m just thinking homeowners can only enforce things and it pits one person against the other and the sheriff’s Department already has enough enforcement issues. In other areas there’s issues with no parking on the streets because everybody has garages and then they turn around and park on street because they can't fit their cars in the garages and we have no mechanism for enforces it and then for plowing. Again, the streets...our snow plows are going to be going from here to there, sorry I’m pulling for you but I can't embrace that one.

Terry Forest: Okay, one other thing we talked about is safety, that sort of thing. I guess what I'm thinking is if we have 10’ boulevards and then our sidewalks inside of those and they’re going to be concrete so any kids are going to be riding his bike there and more driveways where they can play basketball. I don’t know why they would be on the street unless they were crossing. Another things is we’re doing the maintenance on the roads, we’re doing the snow removal, the homeowners association is doing that until such time as the county took it over, whether they choose to or not. Right now the project is setup and we’re doing the maintenance, road repairs and snow removal, sweeping, whatever. Can we have 5 minutes to talk about this?

Chair Landquist: Yes you can have 5 minutes to discuss.

Commissioner Curtiss: First I want to ask Deb a question. From the public works manual perspective, since this road here is really only 256’ long or right about that, is there a different standard that we could have for this that might be a 24’ road, something narrower maybe a sidewalk on one side because it’s more of an internal road?

Deb Evison: Because of the number of lots that it is and it’s a small lot subdivision that is our standard is 32’ according to our rules and regulations. If you want to go smaller they would need a variance for that. Since it would be considered a local road serving just the amount and its small our regulations require 32’ and that is with parking just on the one side. You could make it as Shane suggested to me, if you had parking on both sides, which would certainly narrow it. You would end up with streets that look a lot like the canyon Village Subdivision and things like that where people complain two cards can pass, that slows people down really quick but it's not the ideal situation especially when you get snow removal in there and things like that, then you create more hazards then you’re actually helping. I would suggest if are thinking of making this what it was originally proposed as common area, we could make it an alley. We don’t have a whole lot in our purview but that is something that would break up this lot it would be a 20’ paved alley to break it up as maybe something that you could see as a solution here. You can make it one way or two ways.

Commissioner Curtiss: The developers asked for a few minute recess.

Five minute recess.

Terry Forest: Another slowing down traffic option that has come up, how about speed bumps?
Chair Landquist: I thought about that earlier and I was also told that their problematic for plowing snow.

Terry Forest: How about speed dips.

Chair Landquist: Thought about that too, same thing they fill up with ice and then they don’t do any good. That was one of the first things I thought of when this candid discuss on this stuff came up.

Terry Forest: How about if we did a…instead of doing a full street through there, how about if we did 28’ back to back of curb? That would give you two 12’ widths to drive down and then 5’ sidewalks one on each side. That would give you 38’ right-of-way.

Commissioner Curtiss: Okay that would require a variance, right?

Tim Worley: Yes.

James McCubbin: You would be conditionally granting the variance for the walk length.

Tim Worley: But James don’t you think an additional variance would be required for the facility itself, not meeting the 32’ standard. I think they could be accommodated easily enough. If we have findings for it, I think that would work.

James McCubbin: You’re right, that’s cleaner.

Commissioner Curtiss: Say that again Terry.

Terry Forest: I’m sorry, 26’ back to back that would give you two 11’ lanes. Curb and gutter would be 2’ feet on each side and then 5’ sidewalks one on each side.

Commissioner Carey: Which still leaves room for buildable lots.

Terry Forest: The developers do not want to reduce the size of the lots, very significantly they feel the lot value is going to go down too much. So if we can take ½ foot off of some of them or something like that, we do have a couple 74’ lots we could maybe take a little more off some of those. We’ll see if we can keep the lots. But that would require us to not just say 29/41 because we’re going to be squeezing a little bit to try to change the lots a little bit.

Commissioner Curtiss: So the language might be to increase the…or to use the common area to get 26’. That’s the general location for the common area?

Terry Forest: Yes. The common area probably 29/41 would be the area. That would line up kind of with the one that’s going across the other way. The trail that’s going through the (inaudible) down.

Tim Worley: I’m wondering about the width of the easement?

Terry Forest: 38’. Obviously there would be no parking at all.
Deb Evison: We don’t have a road standard that fits that. That road width, the next size down would be 18’ feet so if they want to compromise and come in between that we don’t have a problem with that. The 20’ alley would probably fit better but that’s okay if they want to go larger, we don’t have an issue with that.

Chair Landquist: I think this is better than an alley. I think it’s a good compromise.

Commissioner Curtiss: I was wondering if you could even increase the road width a little and just have a sidewalk on one side. That’s another thing to consider.

Commissioner Carey: What would that be again Jean? It would be a….

Chair Landquist: A sidewalk on one side, maybe narrow it down even more is what she was saying.

Commissioner Curtiss: No…then the driving lane could be a little wider.

Terry Forest: I think we would be willing to take the sidewalk off the west side because that one’s not going to line up with anything. The sidewalk on the east side is going to line up with the one off the block and we can try to make it line up with that, quite frankly. It would more line up with that and maybe we could go to two 12’ lanes that would be 24, 4’ of curb and gutter and 5’ of sidewalk and 1’ of space.

Tim Worley: We’re reducing from 26 to 24?

Terry Forest: We’re reducing from 26. 12 and 12 is 24 and 4 is 28. It’s 28 back to back of curb and 5’ for the sidewalk that’s 33 and 1’ for the space is 34. 35’ – we pick up a little so we can play with that too.

James McCubbin: I’m going back to I think you can do this as a way to conditional grant the block length variance. You can’t do a new variance today because our regs require a hearing process so that’s not a possibility. The whole purpose of what you’re saying here is; where not going to grant you this whole block length because we think there needs….don’t let me cohort you but…we think there needs to be traffic calming, that’s aesthetic reasons, there’s reasons for the regs but under these circumstances it may be appropriate not to fully apply all those reg because we can do other things that still mitigate the effect of having the overly long blocks. So you’re not going to be fully in compliance with all the regs but we’ll put in this lessor road to mitigate that. The only way to legally do it today is under the variance that you have and I think that is a legitimate way that you can conditionally grant the variance if by requiring the roads as been described here. I think we do want to be very clear about what the numbers are; the rest of it you can say let staff write it up. Maybe we are clear on the numbers at this point.

Commissioner Curtiss: I think one of the things that staff wants to make sure is there too is the numbers things that you’ve got the check box when they file a final plat.

James McCubbin: The walkway that you’ve been discussing that can be a condition of approval of variances and or it can be a condition of approval of the subdivision just for general circulation and Public Health and Safety.
**Tim Worley:** Are we talking about just the walkway? Connection from the cul-de-sac?

**Commissioner Curtiss:** Yes.

**Tim Worley:** I think you could probably just conditionally approve the excessive block length variance for and I don't know what number it is but it's the variance….

**Commissioner Curtiss:** #3 is between Monique and Jadie.

**Tim Worley:** There you go and I do have language here for that facility. What I have so far is; plans for an insulation of a 5’ wide asphalt walkway within a 20’ wide public pedestrian easement extending from the Jady Court cul-de-sac to Monique Drive, between lots 53 and 54 and 49 and 50 shall be reviewed and approved prior to final plat approval of the appropriate phase.

**Commissioner Curtiss:** So would that be a new condition or a new under this variance?

**Tim Worley:** I think you can just conditional approve the variance and then we would add this condition.

### Executive Session Motions

Commissioner Curtiss made motion to conditional approve variance #3 as Tim stated above. Commissioner Carey second. The motion carried a vote of 3-0.

Commissioner Curtiss made motion to conditionally approve variance #4 with mitigation being to increase the size of the common area proposed to a road that meets two 12’ driving lanes, one 5’ sidewalk, boulevards and the extra 1’, curb and gutters that equals 35’. Convert it to right-of-way for a new connecting road with sidewalk on one side and no parking. Commissioner Carey second the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that the Board allows staff to change the findings of fact to reflect the conversation and discussion here today. Commissioner Carey second the motion. The motion carried a vote of 3-0.

**Commissioner Curtiss:** Bill, do want more discussion on narrowing the bridge?

**Commissioner Carey:** No, I'm fine keep it at 32.

**Commissioner Curtiss:** Well the memo today allows us to go to go to….didn't you write one for 24 or does this say 32?

**Tim Worley:** This allows you to slim down to 24 at the bridge. Or if you want to stick with 32, just stick with original condition #3.

**Commissioner Carey:** That would be my preference.

**Commissioner Curtiss:** I think the balance that sometimes warrants differences is the impact on the riparian area and it also does serve as a bit of a traffic calming as they come in.
Commissioner Curtiss made motion to accept #4 on the memo today, which allows 24’.

**Commissioner Carey:** I’m wrestling with this one.

**Chair Landquist:** I’m on the fence with this one too, there’s a part of me that says yes let’s go this way and another part of me that says we already modified some other stuff, we can’t tell the future and that is the main way in. If we’re gonna mess with the riparian, let’s just mess with it once and be done with it so it recovers. I guess I’m feeling like let’s not change that one, let’s just leave it stand because the other big ‘what if’ over our head is if that other subdivision doesn’t get done and this is the main and only way in and out, that’s kind of a big sticking point.

**Executive Session Motion**
Commissioner Curtiss made motion to accept conditions #14, #19, #29, and #30 as stated on the memo dated April 10, 2013. Commissioner Carey second the motion. The motion carried a vote 3-0.

**Commissioner Curtiss:** Tim and Hilary, before we go to the final motion to approve as condition, did we miss anything?

**Tim Worley:** I guess the question is do we want to go through the variances one by one that you haven’t touched on, for instance, the variance to deal with crossing the riparian area, etc.?

**Executive Session Motion**
Commissioner Curtiss made motion to approve variance #1, which is the request to allow Gallatin Drive to cross the riparian resource area associated with O’Keefe Creek. Commissioner Carey second the motion. The motion carried a vote of 3-0.

**James McCubbin:** The recommended motion is that it be conditionally approved. Approval and conditional approval are two different things.

Commissioner Curtiss amends the motion to say conditionally approve variance #1. Commissioner Carey second the motion. The motion carried a vote of 3-0.

**Commissioner Curtiss:** Variance #2 is the lots along the interstate, so we’re okay with that one but even though we’ve now put a different road in there. Should we say conditionally approved since we’ve now added some stuff that touches Gallatin?

Commissioner Curtiss made motion to approve variance request #2 to permit lots 1-22 between Gallatin Drive and the Interstate to exceed 480’ in length. Commissioner Carey second the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion to conditionally approve variance #3 with amended findings that staff will type up based on comments and conversations today. Commissioner Carey second. The motion carried a vote of 3-0.

Commissioner Curtiss made motion to conditionally approve variance request #4 to permit lots 35-46 between Gallatin Drive and Monique Drive and Jadey Court to exceed the 40’ block
length to reflect the conditions we added today. Commissioner Carey second. The motion carried a vote of 3-0.

Commissioner Curtiss made motion to conditionally approve variance #5 to permit lots 56-66 between Jadey Court and O'Keefe Creek to exceed the 480' block length standard based on the conditions we added today. Commissioner Carey second. The motion carried a vote of 3-0. (See corrected motion below)

Terry Forest: I think #5 is not a block length issue. #5 has two lots.

Commissioner Curtiss: No that’s #6; I was just getting to that.

Tim Worley: At least in our staff report. It’s between Jadey Court and O’Keefe Creek so that’s that single tier of lots adjacent to the riparian area. I guess one question I had is whether we change that pedestrian easement to common area or did we leave it? I think it was left.

Commissioner Carey: It was left as an easement wasn’t it?

James McCubbin: So it just needs approval.

Tim Worley: That would just be approval, yes.

Commissioner Curtiss: Okay but we did add a new pedestrian connection that goes from the end of Jadey Court the other way, so I thought maybe...

Commissioner Carey: To Monique, yes.

James McCubbin: I don’t think that effects this variance. That’s on the block length for the area south of the cul-de-sac.

Motion
Commissioner Curtiss: Okay so then #5 would be without condition.

James McCubbin: Is that clear with the other Commissioners?

Commissioners: Yes.

Commissioner Carey second the motion. The motion carried a vote of 3-0.

Commissioner Curtiss: On the east end those conditions that we approved already allowed for the planting of the trees and such, right? And the Curbside sidewalks?

Tim Worley: Yes.

Motions
Commissioner Curtiss made motion to approve variance request #6 to permit lots in the block including 1-22 between Gallatin Drive and the Interstate. Commissioner Carey second. The motion carried a vote of 3-0.
Commissioner Curtiss made motion to approve variance request #7 to permit lots between Gallatin Drive and Waldo Road. Commissioner Carey second. The motion carried a vote of 3-0.

Commissioner Curtiss made motion to conditionally approve variance request #8 to allow the creation of through lots in the adjacent O'Keefe Ranch Estates Subdivision. Commissioner Carey second. The motion carried a vote of 3-0.

Commissioner Curtiss made motion to conditionally approve variance request #9 to address the pathway along Waldo Road. Commissioner Carey second. The motion carried a vote of 3-0.

Commissioner Curtiss made motion to conditionally approve variance request #10 to permit a roadway section with no concrete sidewalks along the O'Keefe Ranch Estates. Commissioner Carey second. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that Gallatin Estates Subdivision be conditionally approved based on the findings of fact in the staff report subject to the recommended conditions of approval in the staff report with the amendments and findings and conditions we added today. Commissioner Carey second. The motion carried a vote of 3-0.

7. OTHER BUSINESS
   None

8. RECESS
   Being no further business to come before the Board the Commissioners are in recess at 3:17.