PUBLIC MEETING
BOARD OF COUNTY COMMISSIONERS
WEDNESDAY, AUGUST 13, 2014 – 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) Jean Curtiss, Commissioner Bill Carey, Commissioner Michele Landquist

Staff Present: Deputy County Attorney, James McCubbin, CAPS, Jennie Dixon, Public Works, Erik Dickson, Public Works, Brent O’Connor

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS
Proclamation: 2014 Missoula County Land Stewardship Award
Commissioner Carey read the Proclamation

Proclamation: Honey Bee Awareness Day
Chair Curtiss read the Proclamation

4. PUBLIC COMMENT
None

5. ROUTINE ADMINISTRATIVE ACTIONS
Current Claims List ($2,720,317.01)

Executive Session
Commissioner Landquist made motion that the Board of County Commissioners approve the Current Claims List in the amount of $2,720,317.01. Commissioner Carey second the motion. The motion carried a vote of 3-0.

6. HEARING (Certificates of Survey)
a. Walker Family Transfer (11696 O’Keefe Creek Blvd)
   Jeannie Dixon read the staff report. Mr. Walker proposes to create three (3) additional parcels to transfer to his two (2) minor children and his wife Laura. Mr. Walker proposes to divided the original property into four (4) five acre tracts and plans to construct the Walker home on the
parcel that he intends to transfer to his wife. The claimant has previously used the boundary line relocation exemption to divide property in Missoula County however; he has not used the family transfer exemption. The staff report contains an evaluation of the evasion criteria and staff has determined that this could be an attempt to evade subdivision review, therefore; we have recommended denial of this exemption request.

Jennie Dixon asked Mr. Brian Walker the standard family transfer questions.

**Jason Rice, Territorial Landworks:** You don’t see me at very many family transfer projects, reason is that we try to let the applicants do as much of that, unless they request us to be here. This one, because I know Brian quite well, it’s troubling to me because I do know his true intend. What we have is a whole culmination of unfortunate consequences or sequence of events that make it look a lot worse then what you might see. We ended up doing some research to look at some of the parcels and some of the things in the area and can find examples. I understand that they’re all isolated and different but in this exact same COS there’s been an example of every one of the invasion criteria that have been found to be sort of, I guess, not in favor of approving this project. But like I said, it’s kind of an unfortunate sequences of events and then also with my history in doing this stuff, I used to work with Dick Ainsworth and I heard a lot of stories about what the history of the evasion criteria was and how talking about the immediate transferee. Well, just because he purchased the property recently for family planning doesn’t necessarily mean that…this isn’t the same thing as when the spouse would transfer right back to the spouse and back and forth. They were trying to do family planning from the beginning. He actually didn’t mention that he’s been watching this property for a long time, they really like this location and the pricing had gotten much more favorable. He talked to me about what he could do to make the whole thing come together and work. When I found out that was the intend, to get the pieces to the children and for them to build their family home; to make it really work with the way this property sits, this was the best route for him to go. Certainly through our experience we end up seeing all these pieces, but it’s not an easy decision for you guys to put all the pieces together, when you have all these little pieces of evidence that led there. A couple of them I just don’t agree with that match up with the state law, that’s just unfortunate but that’s the way the county interrupts like the county and deed. I always interrupt it that to be from one spouse to the other, not that they bought the land, that’s just an unfortunate situation. I think the other one was the configuration of the parcels. There’s exact examples to the T almost, in our file, that you can see that are exactly in the same configuration with four (4) parcels, all within this COS 1925. All those pieces put together led us down line saying; yes this should be something that doable for you and your family. So that’s why I’m here to stand up and say that being somebody that’s a consultant that really doesn’t try to abuse the situation and understanding what the background really is here, I wanted to come and speak on his behalf and say this is one that was really surprising to me, I guess. I stand up for what I believe in. Thank you.

**Public Comment**

None

**Commissioner Carey:** Can we ask staff to review the criteria and basically explain why that denial recommendation was made?

**Jennie Dixon:** Absolutely. There are ten (10) evasion criteria in your subdivision regulations that we use to analyze exemption requests. And the staff report points to potentially six red flag indications of evasion. I’ll start with the easier ones first, it’s not going in order but just the ones that are more clear cut are: 1) Transfer to a spouse 2) Transfer to minor children 3) creating three (3) or more parcels from the original tract 4) that the tracts were recently transferred to the applicant 5) to create a parcel that is not intended for use as a home site for the transferee. Mr. Walker indicated here on the record that they do intend to sell the remaining piece, build their family home on the wife’s transferred parcel. Then, of course, it’s not clear what will happen on the minor children’s two (2) parcels.
Let me just stop before I get to the last one to explain that the evasion criteria. The ten (10) are not that you meet an X number of them and boom you’re an evasion; it’s just a bigger picture, a drawing, a conclusion from all of the circumstances as Jason indicated. Kind of a coincidental perfect storm of all of these come together and in this situation appear to indicate evasion to staff and that’s the reason for our recommendation. That last one is a little bit less clear, it states that an evasion criterion is to divide tracts that were created as part of an overall development plan with such characteristics as common roads, utility easements, restrictive covenants, open space or common marketing or promotional plan. In this situation, this is a Certificate of Survey from 1979, COS 1925, that was created 62 parcels of just over 20 acres through occasional sale, I believe. And at that time was designed with a common marketing plan and covenants that applied to that development. So those are the six (6) of the ten (10) that led us to draw that conclusion. It’s also based, however, on public testimony and your comfort level with the information provided to you here today.

Commissioner Landquist: Jennie, while I appreciate the work that you do for the county because you’re always so perfect in your i’s doted and T’s crossed, I guess I have to look at this and can’t naturally compare it to the ones that I’ve been exposed to since being here as a County Commissioner. We’ve done almost every single one has involved transferring to a spouse, numerous ones have involved minor children that trust were setup for. To use Jason Rice’s words; some were fishier smelling then this one, as far as people couldn’t tell us what their intent were and then we find when short order that some lots were sold. I think Mr. Walker has been really open and honest with us about what his intent is and as expensive as it is to build your own home, even if you’re in the business of building your own home. All the legal fees, survey fees and sanitary review fees and the fact that these are going to be COS’s, you may wish that you ended up going through subdivision review by the time DEQ gets through with ya. Because you’re going to have to go through all these sanitary review criteria’s that they’re going to expect of you. And the fact that he is willing and plans on it, if this goes through, to put the kids’ parcels into a trust for them. That’s not simple either, and once it’s in a trust for the kids it’s very difficult to un-trust it because they’ll have to have a guardian. I’m afraid that I disagree with the recommendation. I’ll probably be the only one here maybe today to disagree with the recommendation to deny it but I do understand Mr. Walker’s intent and I was involved with this month ago. I think he’s been really honest with us on the process, unlike some that came to us that we did deny.

James McCubbin: So we developed ten (10) factors for you to consider as indication of evasion, in the subdivision regulations. This factual scenario raises six (6) of those, I don’t think there’s really any factual dispute that each of those six (6) criteria are triggered by this application. Attorney for the applicant, Mr. Gangle wrote and addressed the various criteria; basically his position is that the regulations shouldn’t say what they say. He gives various arguments for that, but it doesn’t really address the fact that the regulations do say and this application clearly falls under six (6) of those. I think the staff report is right on; in terms of reporting to you that there are six out of ten that are violation. I don’t know what other recommendations Jennie can give you under our regulations, given that a majority of the criteria are there. I think it’s certainly within your discretion to override the staff report and grant this family transfer if you choose, but it is also certainly within your discretion to deny the family transfer under our regulations and under the criteria. I have a little bit of concern if you do grant this, which again is within your discretion, but if you grant this and we’ve got a situation where we have six out of ten criteria that are raised I think we need to go back and revisit our regulations and revamp that because I don’t know what other recommendations staff can give you on this circumstance. If you feel that’s inappropriate for this one, it really is indicating that our regulations are incorrect.

Chair Curtiss: We are in the process of looking at the regulations.
Commissioner Landquist: Right, we are in the process of revamping those anyway. This happens to come before those are done.

James McCubbin: Just a couple other quick notes because if you’re looking at Mr. Gangle’s letter, he’s got a couple things in there I think I need to points out that are incorrect. He discusses the statue – at the top of page 2 of his letter; he provides the word “sole purpose of evading subdivision review” and underlines that. That simply is not in the statue. The statue just says; “for the purpose of evading subdivision review”, so he’s putting a different slant on there then is actually in the legislative act. Then towards the bottom of that same page he says; neither the subdivision regulations nor the statue require an exemption avadavat – that’s not true. Section 8.2.5 of our subdivision regulations provides for the avadavat and 8.2.6 provides for this process that we’re going through right now. That’s pretty clearly spelled out.

Chair Curtiss: The reason we do that is because it is a misdemeanor in law to evade subdivision, so that’s why we try to get people to realize that up front.

James McCubbin: Yes. And it’s been long established in Montana Law that counties and cities do have the power to adopt procedures for reviewing exemption applications and criteria and to evaluate those. I don’t really think there’s an issue in the law in those points.

Chair Curtiss: While I agree that it’s true the one that talks about the overall development plan. We all know that the lots and the subdivision called Erin O’Keefe, they were created using an exemption in the law that doesn’t exist anymore; the occasional sale by creating 20 acre lots, they were marketed then buy these and do family transfer. So it’s true that that happened but it happened a long time ago and I don’t think we can hold it for this one. It did go to court and the county won…(in auditable). I guess the one that always makes me just a little nervous is just the intent of the law. When the intent of the law in allowing giving to your immediate family, means that you can give one to your spouse and then sell the remainder, I guess it wasn’t allowed, you couldn’t give to your spouse. So it’s all these things that we try to waive, just to look whether somebodies trying to evade subdivision. We do recognize that people set aside lots for their kids, other than when their between the age of 13 and 26, we want them to live next to us (laughter)...You hope they come back when they have grandkids. All of these things are here just for us to look and it is up to us to decide whether we think it’s someone trying to evade, or if someone’s just using the exemptions as allowed by law.

Commissioner Landquist: I just really think this one deserves the benefit of the doubt. I think he’s flat out told us what his intention is. Unlike others that have come before us and we’ve asked them and they didn’t have a clue what their intent is. He’s on the record as far as what he’s told us what his intent is and I think we all know.

Chair Curtiss: Mr. Walker, I have one more question for you. So at this point and time other than putting up a trust for the children, do you have any plans for the land? Technically then could be sold and put in a college fund, at this point and time are you planning to hold the lots for the children?

Brian Walker: Yes, other than the remainder, all three (3) will be held.

Commissioner Carey: I’ll make the motion in that I believe the evasion criteria’s are fair and reasonable. I believe the staff did a very thorough, fair and reasonable job in reviewing the evasion criteria. I also believe that if we’re going to ignore this kind of thing then our attorney’s right, that there will be no point really in trying to track down evasion. Therefore, I move to deny.
Executive Session
Commissioner Carey made motion that the Board of County Commissioners deny the request by Brian Walker to create three (3) additional parcels by use of the family transfer exemption based on the fact that there does appear to be an attempt to evade subdivision review. Opposed by Commissioner Landquist and opposed by Chair Curtiss. Motion carried a vote of 1-0.

Commissioner Landquist made motion that the Board of County Commissioners approve the request by Brian Walker to create three (3) additional parcels by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Based on Mr. Walker's testimony here today and his consultants testimony and the work I did on this several months ago. Chair Curtiss second the motion. Commissioner Carey opposed. Motion carried a vote of 2-0.

b. Harrison (Jim and Carolyn) Family Transfer – 7705 Moe Road, Lolo
Jennie Dixon read the staff report. Five (5) acres located at 7705 Moe Road, north of Lolo. The Harrisons proposed to create two (2) additional parcels to transfer to their two adult children, Ty and Tanya.

The applicants has previously used exemptions to divide property in Missoula County, in particular a family transfer on this specific property. That was approved in 1994, never filed. A transfer was to a different child of the Harrison’s, so it's the same property, same people. The approved exempt family transfer is still in effect, though never filed, so what we advised Mr. Harrison and his agent is that should this family transfer to the two (2) children, Ty and Tanya be approved, that the 1994 family transfer to Kelly Ray be vacated and that should be included as part of your motion, if you should decide to approve this. As this does not appear to be an attempt to evade subdivision review, staff recommends approval of this family transfer request.

Jennie asked Jim and Carolyn Harrison the standard family transfer questions.

Public Comment
None

Executive Session
Commissioner Landquist made motion that the Board of County Commissioners approve the request by Jim and Carolyn Harrison to create two (2) additional parcels by use of the family transfer exemption based on the fact that there does not appear to be an attempt. And to vacate previously approved family transfer to Kelly Harrison from 1994. Commissioner Carey second the motion. The motion carried a vote of 3-0.

7. HEARINGS
a. Regulate Parking in Ponderosa Heights Subdivision (Lolo Peak Brewery)
Erik Dickson read the staff report. The Lolo Peak Brewery opened July 4, 2014. It opened in the Ponderosa Heights Subdivision where there’s a mix of residential and commercial lots so it was no surprise that a commercial business was going in there. After the brewery opened it became very popular and there was not enough room onsite for the patrons to park that were visiting the brewery. Those people naturally spilled onto the adjacent roads and almost immediately we received complaints from the residents, we actually even received a request from the owner of the brewery that was seeing the problems. We also received comments from rural fire that they are concerned with the parking problems down there. We looked at the area and decided that if we tried to eliminate parking on side of the street that would still give a good compromise for the number of people that visiting the brewery, but still give the local residents that live above that access and provide access for emergency services in the event that they need to be there.

Chair Curtiss: We do have comment received from the public that will be part of the record.
**Commissioner Landquist:** Who’s going to police the no parking districts? No parking sections are only as good as how you can police them. Have you talked to the Sheriff's Department about how this will be enforced?

**Erik Dickson:** We have not, other than the fact that in the motion it requires that the Sheriffs enforce as they are able or as they receive complaints. We do propose to eliminate parking on...I’ll call it the inside of the street, so that way the patrons that are leaving the brewery or going to the brewery...I understand there are future other commercial businesses in this area, so there’s going to be a lot pedestrian traffic. So we propose to eliminate the parking on that side of the street so that they would be visible and if emergency services do need to get to these areas they can park closer to the business, closer to the residents. We also planned some restrictions on the intersections to help with the sight distance. As far as the enforcement goes, that’s for the Sheriff’s Department, I’m sure they’re aware of the issue. Hopefully with rural fires concerns maybe they’ve been speaking but, other than that we don’t have control over that.

**Chair Curtiss:** Do we end up putting up signs or do we also paint the curbs?

**Erik Dickson:** We have a combination plan in the immediate area of the brewery, which would be Culture Pine and Pinyon Way, we’re proposing no parking signs and curb painting. The other part of Coulter Pine that goes up to Sugar Pine, since that’s such a long distance it would be fairly expensive for curb painting and we think it would be as effective with just signs.

**Chair Curtiss:** Does this address one of the comments about the mailboxes? Does this then make the mailbox area clear? Is it legal to park in front of a mailbox?

**Erik Dickson:** That was actually brought up yesterday. I looked at the State law, James I don’t know if you know off-hand but I couldn’t find anything that restricts parking in front of a mailbox. So, we could amend it to include that side of the street within the mailboxes.

**Public Comment**
**Patrick Kaufman, Lolo Peak Brewing Company:** Since we started the brewery we were working with Brent on behalf of the county. We knew that we couldn’t get anywhere and paint it ourselves, so we actually encouraged some people to file complaints. We knew we wouldn’t get anything done unless we did that. We do have an opportunity to expand our parking lot pretty soon, so we’ll be doing that in the next year.

**Chair Curtiss:** The photos we have right now show it before it was developed because it’s an older, google picture. So you do have a parking lot besides the street?

**Patrick Kaufman:** Yes. Right now we have one around the side.

**Commissioner Landquist:** How much do you have? I should have counted, I was there last night. I counted 40 cars on the street.

**Patrick Kaufman:** A little over 35. A lot people don’t understand that we have parking back there yet, so they’re not using it yet.

**Chair Curtiss:** Do you have plans to sign that so that folks know there’s parking in the back?

**Patrick Kaufman:** Yes. I believe we’re talking right now to put a sign back there for additional parking.

**Paul Rossignol:** I’m representing the Ponderosa Heights HOA. We’re very excited to have businesses as a rule, most of the population there is glad to see this. We all understood that there was some parking coming in the future...that was one discussion I heard. On the signage,
there is some property that the HOA has between the Right-of-way and the…it’s on the east side of the street right by the entrance into the parking, I haven’t looked at the map. On the east, right across from the brewery, which isn’t even in there now there’s a little sliver of ground and I’m not sure what the regulations read on the signage on county right-of-way, I don’t imagine that private signs on county right-of-way that’s not approvable. But if we went outside of the right-of-way there, the homeowners would be able to allow a directional sign with an arrow on it to point out the parking lot that’s behind the brewery.

Chair Curtiss: Are you talking about the corner of pinyon and….

Paul Rossignol: No.

Chair Curtiss: Do you just want to mark the map?

Paul Rossignol: I’ll just put a circle where the approximate center location would be. It’s directly across from the turn that goes into the parking lot. I would encourage the Commissioners to allow a sign there, as directional sign for the brewery because people just haven’t got it yet. It keeps some of that congestion off of the street.

Chair Curtiss: Do we have to give special permission for them to put a sign on their HOA property?

Erik Dickson: Yes. We do have a no fee encroachment permit, so that is possible to put closer to the road so it is noticeable.

Paul Rossignol: So it’s in the right-of-way?

Erik Dickson: Yes. If a resident wants to put that in, we can permit that, yes.

Paul Rossignol: I would probably leave that up to the brewery company to do that, but I do encourage that. Also, on the mailbox version of it, that will have to be clearly marked. That’s one of the problems that I hear a lot of is to make sure that people can get in through those mailboxes. A lot of times the parking problems occur after work and that’s when people are coming home and picking up their mail. So there needs to be some room there. Not only a sign, but if that could be painted too so it’s quite clear in front of the mailboxes that there is no parking.

Chair Curtiss: Erik, are there rules on red and yellow paint?

Erik Dickson: Not that I’ve ever seen.

Paul Rossignol: So looking at the map, the red is the no parking?

Erik Dickson: Correct.

Paul Rossignol: I wonder if it would be…this is a thought…there’s another series of apartments also to the west of the brewery and I wonder if some of that no parking should be on the north side of pinyon, which is the cul-de-sac street that runs to the west. We’ll have to see what Brent says about that.

Chair Curtiss: The apartments are on the same side of the brewery?

Paul Rossignol: Yes, the south side. I’m not sure that’s the best place for the no parking there because there will be people visiting the apartments and the townhouses that are part of the brewery.
Chair Curtiss: Do they have any off-street parking?

Paul Rossignal: Yes. I think there's quite a bit in behind the new apartments, I see some carports and stuff.

Chair Curtiss: So I imagine that the thinking behind this is so that all the people visiting the brewery aren't parked in front of the apartments.

Commissioner Landquist: If it's a no parking zone then the people visiting the apartments wouldn't be able to park there either, unless you get a special parking thing from the people in the apartments. Personally, I'm not a big fan of what's being proposed here. I like and I'm really glad that the brewery is in Lolo, everybody that I talk to in Lolo is so excited about it, like over the top excited about it. I'm really glad for the business in Lolo, I'm really glad for the development in Ponderosa Heights, for Paul's sake because he's been sweating bullets ever since he developed it. I think we, as in the people responsible for the development, can do better then what's proposed here. Last night when I went through there with my husband counting the cars all along here (along the street - looking at the map) it was solid the whole way with very few cars parked in the parking lot. There was tons of space for people to park in the lot, the place was hopping busy. I saw the area that looks like the parking lot, where it's going to be expanded, my suggestion would be to try to get that expanded as quickly as possible. Get your sign for directional parking and I'd rather see parking on this inside part, not on the outside part for being able to go in and out. I can't see affecting the rest of the neighborhood; I think all of it should be no parking, except for residents. I don't like any of it on the sides of the streets because it takes up too much. Unless we're going to do signs and painting, I realize paint gets covered up in the winter time but people don't read they just don't. I think what we're doing is creating another nightmare for the sheriff's Department to try to regulate and I think the responsibility should be on people that develop the properties. I think the sign for parking will be a huge help, I think the painting and signage is what's needed and I'm just not a fan….because it's too hilly.

Patrick Kaufman: I think when we expand it's going to probably take a lot of that up. I think we're going to have events that are definitely going to bleed up there occasionally, thankfully it's only occasionally. By this time next year people will be trained to pull into the brewery and see all the parking back there. I've had a cone out front that was on our behalf, we felt that something needed to be done and we respect the folks that live above us in the community. It's been working great from what we noticed and what people commented to us with only having one side closed. I think once we have that painted and we have the signs up there, then our regulars start parking back in the other areas and our observers and my co-owner and other people in the community covey that them, I think it will be much better.

Paul Rossignal: Yes on pinyon court, the one with the cul-de-sac, I would say that you'd be best off having the no-parking on one side of the street but probably on the north side. Also, I see Michele's point and I wonder if we couldn't do one side and then if there's still a problem we could always go from there and paint the other side. This would be a starting point, doesn't mean that this is the finalized product. I can see where we may need some parking on the street if something is going on, overflow.

Brent O'Connor: I've been working with Pat for the last few months that they've been open and I just want to answer some thought process on the no-parking restrictions. More specifically to the pinyon Court area that seems to be the area of concern. The reason why we choose the south side, if you will, is mostly for the fire access in there. What we've experienced with some of these patrons that are going to the brewery and some of the larger events of course, are chaos with the parking. What I've noticed with my observation is that people are parking so close to those approaches that it will hamper the people that are renting or buying, whatever the case may be there, their ability to make turns. On the flip side, if we were to do that, the no-parking on the north side that is a park area, which I believe is open to the public throughout the
year, I think that will give them the ability to park closer to the park, not have to cross the street. The brewery has definitely created a lot of congestion, I’ve received a lot of complaints but I’ve talked to rural fire and they’re in agreement with me that that’s the parking scheme that we have that would benefit them as well.

**Terry Eccles:** I live on Coulter Pine. I experience this problem daily. I guess I would like to broaden the scope of thinking here, the streets approximately 32 feet wide, plus or minus, currently there’s a 1/3 of the subdivision that was designed is developed; in other words, there’s still 2/3 of homes to be either built or lived in. Basically we’re going to have a significant number of people living in that subdivision, plus we added the apartments and the condos. Parking is an issue and it’s something that you can resolve temporarily and work towards as the problem evolves to try and resolve it. The type of clientele that is here is the type of clientele that will use it as they chose. Reading signs is something they forget when they’re going to a Friday evening event. The second thing that I would like to see in proposing what you’re trying to accomplish with this is the parking on Coulter Pine because it is a narrow street, if you park on either side you still have a visibility problem and you still have a problem with people crossing the street and the congestion is created by opening doors, mailboxes and the like. When you come down the street from the subdivision it makes a curve, the new condo building basically blocks the view as you come around from any cars, traffic or any other pedestrian activity seen beyond the street to see what’s coming at you or what’s there. On occasion I’ve seen that the people had to backup or pull forward trying to get in and out of the area that is attracted by the brewery. I think one of the reasons that people are attracted to parking on Coulter is that door and that’s where they’re going in. Make that an exit door, close the door, make it an emergency door and that may help the parking issue and force people to park in the designated parking lot. I think finally, and we’ve recognized emergency vehicles, we’ve recognized general parking, we’ve recognized the hazards that are created by pedestrians and traffic. I think that rather than looking at marking the yellow signs that the capacity determination of that brewery should be determined and additional parking some place off the street should be located. And I think that no parking should be put up Coulter Pine a significant distance so that when people pull in park, they’re not coming up and turning around in the subdivision and creating not only parking problems, but driving over people lawns and landscaping, which they currently are doing trying to find a place to turn around in the subdivision. My recommendation and based on the letter that I wrote and for the reasons that I wrote that is to find other parking, other than the street.

**Paul Rossignol:** That Park is actually a private park, not a public, although the public uses it and I don’t say that they shouldn’t but most of the use is from people that walk down out of the subdivision. That’s owned by the HOA.

**Commissioner Landquist:** When that subdivision got built, did the county adopt those roads are they county maintained roads?

**Paul Rossignol:** The roads but not the park.

**Commissioner Landquist:** Then wouldn’t it be a county park as well?

**Chair Curtiss:** No.

**Commissioner Landquist:** It’s a private park?

**Paul Rossignol:** Yes.

**Commissioner Landquist:** Are there covenants in that subdivision that say no street parking? I thought I read that in one of the letters of complaint that came to us.
Brent O'Connor: I just want to say sorry about the park, I did not realize it was private, it certainly is not signed no trespassing and I reside in Lolo and I know that I use it as well as others.

Commissioner Landquist: I appreciate Mr. Eccles coming here today and testifying because that’s one of the things that I noticed when I drove up there yesterday is the door, the front door to the place looks like it’s facing the street where people are parking, so that’s giving a mixed signal, I think. Maybe a great big Exit Only sign that’s visible from the street might help, that’s a really good suggestion that you have. And the visibility I think we can do better. I think Public Works and the developer can do better than just the nightmare that it’s going to create for the future, for the Sheriff’s Department and for people getting the get of it.

Chair Curtiss: The visibility of what?

Commissioner Landquist: The visibility period. Of driving that street, even in my more visible car that I have, I found it problematic with the cars that were parked on side trying to navigate that street feeling safe like I wasn’t in the middle of the road.

Chair Curtiss: But this is going to block the whole one side.

Commissioner Landquist: And the people are going to park on the other side of it and you’re going to take away visibility when you’re driving. There are a lot of houses already built up there and people need to be able to drive on the appropriate side of the street. That’s some of the complaints that we’re getting now, people can’t…they have to stop and pull over for another oncoming car to drive past them so they can get back in the road.

Chair Curtiss: I think when you have cars parked on both sides; you definitely have that feeling of being squeezed. I would think this is a pretty good compromise.

Commissioner Carey: I just wonder if we could postpone action on this for a couple weeks and take a site visit?

Commissioner Landquist: I’d suggest you take a site visit. That’s why I did last night.

Patrick Kaufman: I’d be more than happy to take pictures for you guys and work with you on this. With the site that we have, we’ve obviously went through all the planning that we’ve done for an extensive amount of planning with the county prior on everything with expectants. Of course, we were just a couple Bitterroot Rednecker that wanted to put a small brewery in and serve beer, so we didn’t expect to be this popular. But, we want to remain a community brewery and work with you people so anything we can do. Again, the proposal initially came from talking with Brent and looking at the distances that are already in the county for two-way, so that’s why we propose that. We have considered parking off-site but since we were…obviously this business is very capital intensive, if we had the money to expand right now into the asphalt, we would have done so. I really don’t think on our behalf that we have any room for expansion. I really would like to move forward and see how the parking does work. If we could do just the proposed parking, we obviously would do whatever we can do to mitigate that if that doesn’t work at this point and time.

Chair Curtiss: Looks like the sidewalk goes up the hill just on the one side, right?

Patrick Kaufman: Yes.

Paul Rossignol: Both sides of Coulter.
Brent O’Connor: I kind of agree with Commissioner Curtiss that if you don’t hit it at 5:00…I’ve been monitoring this thing ever since I’ve been getting the phone calls and the people coming to talk to me. If you don’t hit this thing at 5:00 when you have the south bound traffic coming back home from work, you’re not going to necessarily see the problem, or when they have one of their special events, which are usually in the evenings. If you show up there at 11:00 or 12:00, you don’t see the car population parked on both sides of the street and up the hill but you certainly see if after hours.

Patrick Kaufman: I think the issue is; yes, we’re seeing it now but I think the issue is greater than what we see now. Based on that fact, a trial by error may work for the immediate time but I think there needs to be a solution developed that’s gonna take the problem…a solution into the future and that needs to be worked on. Maybe today they’ll put some cones up or paint one side but I don’t think that’s the solution. I think the solution needs to be considered based on what the future development, that I’m sure Paul hopes is done and that the people that did the apartments and the townhouses also hope that are sold. What that’s going to bring to that area and that corner and that immediate acre of land and the process of moving people back and forth and through the area.

Chair Curtiss: So if we adopt this today, it doesn’t mean we can’t amend it in the future.

Erik Dickson: Correct.

Chair Curtiss: When there is more traffic.

Erik Dickson: Yes. This could be maybe just the first step, but it’s better than what’s in place now.

Chair Curtiss: I think the good thing is, right now the Sheriff does not have the authority to tell somebody they can’t park in the right-of-way. So this gives them that ability and we can start with signs, if that doesn’t work then we go beyond that. But I agree that paint is a lot of work and money to put in on going up the hill and I think that we found in other no parking zones, the day the Sheriff hauls four (4) or five (5) cars to a tow yard that the word gets around, don’t park there anymore.

Commissioner Landquist: This is a Request for Commissioner Action (RCA) that the…it says that the fiscal impact at a traffic (unauditable) is something like $3,750.00, is that correct? Am I correct in reading this on the RCA here that the fiscal impact to the traffic department is $3,750.00, is that out of Public Works money?

Erik Dickson: Yes.

Commissioner Landquist: We have to bare that cost because it’s a county road?

Erik Dickson: Yes.

Chair Curtiss: Would you like to close the hearing or recess the hearing? I think Public Works has done their homework. They are looking at reasons that they have chosen the spots they have to be the no parking area for emergency equipment access and for site visibility as you come in and out of this. As you can see as you come out of pinyon onto Culture Pine now there won’t be cars parked there to block your view, so you can see to get out safely. That’s what their training is in is to work this kind of stuff out so I’m comfortable with taking action today with adding the piece for the mailbox area to have room for at least a couple cars to stop at a time.

Commissioner Carey: And if after a month or two we wanted to make changes, do we need to amend the Resolution?
James McCubbin: Correct.

Commissioner Carey: I can support this right now.

Commissioner Landquist: I do not. I want more. I want better. I want more of a commitment from the developer. I want a time frame from the developers to when more parking is going to be available. And is anybody, like the developer or the owner, helping bare the cost of a sign showing where your parking is? I see the county picking up the problem for something created by the developer and like I said, I’m glad that the brewery is there, I just don’t think all the responsibility should be put on the county. I’m just not going to support this plan at this juncture.

Chair Curtiss: We’re not paying for the sign where parking is.

Commissioner Landquist: I know but I want more of a commitment as to when the rest of the parking lot is going to be available.

Chair Curtiss: He said it's based on finances.

Commissioner Carey: Given Commissioner Lindquist's concerns I would move to recess the Hearing for two (2) weeks.

Executive Session
Commissioner Carey made motion that the Board of County Commissioners recess this Hearing until August 27th. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

Each Commissioner will make individual visits to the brewery to observe the parking issues before August 27th.

Patrick Kaufman: The gravel right now is available for parking and I’m making signs right now to let people that not only when they come in to the brewery, which is already signed for additional parking, that there is additional parking on the gravel, which will then expand into the asphalt. So signs will be up.

Chair Curtiss: It doesn’t meet the Health Department regulation though. You could probably get a temporary parking permit for a short period of time each year.

James McCubbin: I’m not sure you know what we’re talking about here; there's an air quality standard for dust. So if you start signing that as a parking lot then you’ll trigger those regulations.

Chair Curtiss: But if you check with Environment Health they can help you work through that because it takes a variance, it isn’t a quick thing though.

Commissioner Landquist: You’re planning on adding food soon too aren’t you?

Patrick Kaufman: Yes.

Commissioner Landquist: What else are you planning on adding?

Patrick Kaufman: More fun.

Commissioner Landquist: Like Farmers Market?
Patrick Kaufman: Summer markets relatively small, it already is going to fit within the side of our volleyball court. We’ve spoken to Paul about possibility taking it to the park. Other than that we don’t rally anything. The biggest nights that we have is our pint night, it’s a community organization where we give $1.00 for every pint to an organization. If it so happens to be that if it’s a large organization, the entire organization comes out, that’s when we have issues.

Commissioner Landquist: What night is pint night?

Patrick Kaufman: Wednesday.

Commissioner Landquist: I’m not trying to be a hard-nosed about this ~ I am delighted that you are there, for so many reasons, but I see this as a growing, expanding problem. As your business grows the parking problem may grow so I want to try to for the sake of the people that have invested lots of money to buy and build their home there, or live in the apartments there and have kids that live there. We’ve had a known and growing problem with kids walking up and down Ridgeway for years and years. I want to get this parking thing as right as possible from the get-go because I don’t want anybody hurt and I want everybody to feel safe and loved living where they do in Lolo.

Terry Eccles: I'll volunteer my services to any committee to work with this. I don't want to be advocate because I like the brewery as well. Rather than say everything negative, I'm willing to help wherever I can.

Chair Curtiss: Thank you.

b. Establish School Zone and Speed Limit at Clinton Elementary School

Erik Dickson gave staff report. Last fall the Clinton Elementary School came to Public Works with some concerns about their school zone. Their immediate request was for stripping and we were out of time then to do the stripping. Really the stripping isn’t part of the school zone, they wanted to see it for the kids that were already walking there so we were looking at it and realized that a lot of the signs were in that area where not meeting current standards. They also didn’t meet current state law in that to be enforceable as double the fine in a school zone. We had to establish the school zone by Resolution and by consulting with the school district. We've done that, looked at what signs are going to be necessary to make that appropriate and enforceable. The stripping was already included after last fall, it still hasn't been done, we're at the mercy of our contractor but it is on the list. It was planned and approved in early July. This Resolution would just satisfy State guidelines as to how the school zone is established and make it enforceable, then we would be able to install the appropriate signs that identify that school zone. There is a minor issue that came up with that that the existing signs in the immediate area of Clinton property, in front of the school, are posted at 25 MPH permanently. State law doesn't allow for anything less than 35, so with this upgrade for the school signs we will be obligated at the same time to address the permanent signing through Clinton, which would be from the exit all the out to beyond Swartz Creek where it does currently transition back to a 35. The school has been advised of this so when the school zone signs are installed it is for just a two (2) hour period in the morning and two (2) hour period in the afternoon during the drop off and pick up times. We will make those changes at the same time but the school zone signs will be more definitely and more visible, so hopefully be a little more respected.

Chair Curtiss: Is there adequate road for you to stripe for walking area?

Erik Dickson: Yes. It's not the recognized shared use path or bike path anything like that sometime in years past the asphalt was widen so there's about a four (4) or five (5) foot shoulder on the south or the west side on the school side that goes from the school down to about fifth street, which is where the school zone ends on that south side.
**Commissioner Landquist:** And I believe Missoula Electric is going to add some lighting in the school area as well.

**Chair Curtiss:** So we had a second map provided today, it does quite go to Fifth Street.

**Erik Dickson:** In the original discussion with the school district I presented two (2) options in the MUTCD, the Federal standard for signing. Typically saw school zones extend three hundred (300) feet beyond the school property, depending upon the speed of the adjacent traffic. Given the fact that that widen shoulder does exist, it does encourage kids to walk. It seemed appropriate and the school district did prefer that school zone extend farther to the south, where that widen shoulder terminates near fifth street. In the exhibit that I had shown the school, it just somehow got a little shifted to the south, it just needed to move back to the north to represent where the school zone would end.

**Chair Curtiss:** So this one is right?

**Erik Dickson:** Yes.

**Public Comment**
None

**Executive Session**
Commissioner Landquist made motion that the Board of County Commissioners approve the Resolution establishing a school zone and school zone speed limit for Clinton Elementary School with the correct exhibit as discussed. Commissioner Carey second the motion. The motion carried a vote of 3-0.

c. Establish School Zone and Speed Limit at Frenchtown Elementary School
Erik Dickson read the staff report. This also came about earlier this summer. The Frenchtown School District Transportation Director came to us with some concerns about this area and others. So when the shared use path was recently constructed from the Frenchtown Elementary School out to the golf course, it became a little more apparent that it was lacking. Being it a one block long dead-end street that’s currently posted at 25 MPH, it wasn’t really a big issue in the past but with that shared use path being attached to the roadway in that area, again, for the similar reason that we needed to more clearly identify that. And again, work with the school district so that we can install the appropriate signs and make the school zone penalty double enforced. So, it’s the exact same motion as the previous, just difference circumstances for the extent of the road in the vicinity of the Frenchtown School.

**Public Comment**
None

**Executive Session**
Commissioner Carey made motion that the Board of County Commissioners adopt the Resolution establishing a school zone and school zone speed limit for Frenchtown Elementary School. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

8. **OTHER BUSINESS**
None

9. **RECESS**
Being no further business to come before the Board the Commissioners are in recess at 2:58.