1. **CALL TO ORDER**
   Commissioners Present: Commissioner Bill Carey (Chair), Commissioner Nicole “Cola” Rowley, Commissioner Jean Curtiss

   Staff Present: Steve Niday, Surveyors Office, Christine Dascenzo, CAPS, Tim Worley, CAPS, Deb Evison, Public Works, Greg Robertson, Director Public Works, Eric Dickson, Public Works, John Hart, County Attorney

2. **PLEDGE OF ALLEGIANCE**

3. **PUBLIC ANNOUNCEMENTS**
   There will be a meeting at Seeley Lake School tonight regarding the fire situation.

4. **PUBLIC COMMENT**
   None

5. **CURRENT CLAIMS LIST**
   July 22, 2015 – August 12, 2015 Total Claims $3,805,945.30

6. **HEARING & DECISION (continued from August 12th)**
   Petition to create a Public Road (Riverview Drive)
   Steve Niday gave report

   Chair Carey – On to item 6 Hearing & Decision continued from the August 12th Petition to create a Public Road Riverview Drive. We did a sight visit?

   Commissioner Rowley – Yes I went on a sight visit yesterday with Steven and Dave.
Chair Carey – Now we will have Steve open this hearing with a presentation.

Steve Niday - Hi my name is Steve Niday County Survey Office and along with Cola I went on the road viewing on the petition of Riverview Drive and here is my report for the record. Petitioners request a sixty foot wide public right-of-way along the center line of the existing road. The viewers recommend altering that slightly to a location that best fits the adjacent surveys of record. This slight alteration would create less conflict between the existing surveys and the petition right-of-way for the while not material changing the location or efforts that if effecting these permits. It is recommending that the Certificate of Survey need to be recorded further defined and memorialized the location the petition right-of-way. The viewers acknowledge the Montana State Department of Natural Resources position regarding their ownership of bed of the Clearwater River and their requirement that an easement from Riverview Drive be obtained from them. For most intent and purposes this road has been treated as public road by the County and the public for many years, proving the petition and reporting the resolution to that effect will then put the public and the County at no additional cost to either. It is the opinion of the road viewers that this petition alter as stated above should be approved and the right-of-way created.

Chair Carey – Any questions here?

Commissioner Curtiss – I just have one, so is there something that we have to do with the DNRC and the river easement to record that COS?

Steve Niday – No we can go ahead and go forth with this petition, create the COS, record the resolution and except out that little piece from no water to more water. And now we can connect the part on the timing of Mr. Snavley’s efforts with DNRC to acquire that portion of the right-of-way. With his efforts to a successful earlier than we can group it all together if not we can do the COS excluding that little piece.

Commissioner Rowley – I just wanted to mentioned the reason instead of going from the center line of the road; is the existing survey have sixty feet in between them and there is an existing trail next to the road that if it is from in the middle of the road over thirty feet; then the trail is sometimes outside of the right-of-way so that would cause problems with the existing surveys which are a significant part of the trail does not cause any problems that is in the right-of-way. So I think that is why we are making the alterations to the petition. Because Steve will be creating the COS anyway, we don’t recall that.

Steve Niday – Right the COS will memorialize the position once and for all basically. A hundred years from now when people are trying to retrace this they won’t have to try and figure out where the road was they will know where it was.

Commissioner Curtiss – Thanks for all of your work on this Steve.

Steve Niday – Sure

Chair Carey – This is a public hearing are there any comments or questions?

Art Stabler - Art Stabler with Missoula Compliance, I am going to take care of DNRC and much to my chagrin I thought that if they would be reasonable because they benefit. They have thousands of acres to the west of the access but they have to get the easement, it doesn’t sound like it is going to be a problem. We are taking care of the payment; the only thing that you have to do is to consent to the easement, that’s it. So I am hoping to get that done because Steve (inaudible). So that is it, we appreciate all of your time on this.

Chair Carey – Thank you. Additional comments or questions? Seeing none I will close the hearing.
Public Comment
None

Executive Session
Commissioner Rowley made motion that the Board of County Commissioners accepts the Road Viewers Report as amended. Commissioner Curtiss seconds the motion. The motion carried a vote of 3-0.

7. HEARINGS (Certificates of Survey)

a. Smith Family Transfer (Kesa Lane in Florence)

Chair Carey – Next up we have the Smith Family Transfer

Christine Dascenzo – So this is for a request for consideration of a family transfer exemption affidavit submitted by Dowel and Cathy Smith. The Smiths’ own 10.03 acres in Florence just north of the County line off of Kesa Lane. It is located in zoning district 31 with a minimum lot size of 4.5 acres. The proposal would transfer a five acres parcel to their adult child Joseph Smith. The proposal would divide five acres tract leaving a 5.03 acres tract. The parcels history on this lot it went an occasional sale in 1986 and that is COS 3384 and in 1973 before the subdivision and planning act, it was a large lot subdivision COS 1430. The proposed lot would be accessed from Kesa Lane which is also the current access to the lot. There is one dwelling and five out buildings on the parcel. It is located outside the flood plain and when reviewed for subdivision evasion criteria. It may meet the following evasion criteria the first to divide a tract that was created through the use of an exemption and that just points back to that 1986 occasional sale. But given all of that information it does not appear that this request as an attempt to evade subdivision review so staff is recommending approval. We have the proposed motion but before we get to that we have standard question that we ask all family transfers applicants. So if Cathy and Dowel would approach the podium and state your name for the record.

Cathy Smith – My name is Cathy Smith.

Dowel Smith - Dowel Smith

Christine Dascenzo – Thanks for coming today. Are you using the subdivision exemption process in an attempt to evade subdivision review?

Dowel Smith – No

Christine Dascenzo – How long have you owned the property?

Dowel Smith – Eight Years. Soon to be eight.
Christine Dascenzo – And did you buy the property with the intent of dividing it?

Dowel Smith – No.

Christine Dascenzo – Do you or your transferee’s intend to transfer the property within the next year?

Dowel Smith – No.

Christine Dascenzo – Have you talked to anyone within the County about going through subdivision review?

Dowel Smith – No.

Christine Dascenzo – Are you in the business of building or developing property?

Dowel Smith – No

Christine Dascenzo – Do you understand that this exemption request is not being review for adequate physical or legal access in all weather for all vehicles, including emergency access vehicles?

Dowel Smith – Yes.

Christine Dascenzo – Do you understand that if this exemption is approved, it does not mean the property is approved for zoning compliance, building permit, floodplain or septic systems, or any other permits?

Dowel Smith – Yes.

Christine Dascenzo – Will the property be developed?

Dowel Smith – Yes

Christine Dascenzo – How so?

Dowel Smith – (inaudible)

Christine Dascenzo – Will the recipient of the property be residing on the property?

Dowel Smith – Yes

Christine Dascenzo – Where does the recipient live now?

Dowel Smith – On Sixth Street.

Christine Dascenzo – In Missoula?

Dowel Smith – Yes.

Christine Dascenzo – Those are all of my questions. The Commissioners’ may have more for you.
Chair Carey – This is a hearing so are there any other questions or comments? Seeing none I will close this hearing.

Public Comment
None

Executive Session
Commissioner Curtiss made motion that the Board of County Commissioners accept. Commissioner Rowley second it passed with a 3-0 vote.

b. Holyoak Family Transfer (Frenchtown)

Chair Carey – So next we have the Holyoak Family Transfer.

Christine Dascenzo – This is the Mark and Laurie Holyoak Family Transfer request at 20100 Coyote Lane in Frenchtown. So the Holyoaks’ own 10.04 acres in unzoned Frenchtown. So this is just North Frenchtown Frontage Road and west of Touchette Lane. The land use it is unzoned but the land use designation is one dwelling per ten acres. The proposal is to create and transfer a four acre parcel to their adult daughter Aubrey Holyoak-Johnson for use at the home site. The remainder tract would be 6.04 acres. As for the parcel history it all happened before the subdivision and planning act. The parcel was created in 1973 and has not gone through any reconfigurations to this date. The access currently is off of Coyote Lane to the south and if the proposal is approved the access to the northern parcel would be off of Carey Lane along the eastern property line. There is only one dwelling on this site and three out buildings. None of these structures are located on that other parcel. It is outside of the floodplain and it was reviewed by the subdivision based on the same criteria of the subdivision regulations but did not trigger any. So as this does not appear to be an attempt to evade subdivision review staff is recommending approval. I have a recommended motion but before we get to that now it is question time. So if Mark or Laurie would please approach the podium.

Mark Holyoak – I am Mark Holyoak.

Christine Dascenzo – Are you using the subdivision exemption process in an attempt to evade the subdivision review process?

Mark Holyoak – No

Christine Dascenzo – How long have you owned the property?

Mark Holyoak – Almost two months.

Christine Dascenzo – Did you buy it with the intent of dividing it?

Mark Holyoak – (inaudible)
Christine Dascenzo – Do you or your transferee’s intend to transfer the property in the next year?

Mark Holyoak – No they better not.

Christine Dascenzo – Have you talk with anyone at the County about going through subdivision review?

Mark Holyoak – No

Christine Dascenzo – Are you in the business of building or developing property?

Mark Holyoak – No

Christine Dascenzo – Do you understand that this exemption is not being reviewed for adequate physical and legal access in all weather for all vehicles?

Mark Holyoak – Yes

Christine Dascenzo – Do you understand that approval of this exemption does not mean the property is approved for zoning compliance, building permit, floodplain or septic systems or any other permits?

Mark Holyoak – Yes

Christine Dascenzo – Aubrey I have some questions for you so if you could step forward and state your name.

Aubrey Holyoak-Johnson – Aubrey Holyoak-Johnson

Christine Dascenzo – Will the property be developed?

Aubrey Holyoak-Johnson – Yes

Christine Dascenzo – And how so?

Aubrey Holyoak-Johnson – Just my home.

Christine Dascenzo – Will you be residing on the property?

Aubrey Holyoak-Johnson – Yes

Christine Dascenzo – Where do you live now?

Aubrey Holyoak-Johnson – On Coyote.

Christine Dascenzo – Thank you all for coming. Do you have any questions?

Commissioner Rowley – Like Christine said to us to, I am new too but I have never seen one that didn’t have any evasion criteria.

Chair Carey – This is a hearing so I will ask for any comments or questions. Seeing none I will close the hearing.
Public Comment
None

Executive Session

Commissioner Rowley made motion that the Board of County Commissioners’ approve the request by the Holyoak’s to create one additional parcel as family transfer as it does not appear that they are trying to avoid subdivision review.
Commissioner Curtiss second motion.
Passed 3-0 Vote

c. Matz Family Transfer (Big Flat Road)

Chair Carey – We have another family transfer out on Big Flat Road.

Christina Dascenzo – This is a consideration of a family transfer with an amicable separation affidavit. Submitted by Tracy Matz; represented by Montana Northwest Company. Tracy has 30.52 acres located north of Big Flat Road in Missoula and it is zoned CA3 which allows an overall density of one dwelling per five acres. Tracy is proposing to use the agricultural exemption to create a one 2.3 acre parcel to be used exclusively for agricultural purposes and that is the Northeast parcel of ground. She is also proposing to use the family transfer exemption to create two additional parcels to transfer to her adult children Steven Matz and Holly Matz-Blank. The family transfer proposal will create a 1.6 one acre tract to the west intended for Holly and a 3.23 acre tract to the east intended for Steven. The original tract leaving with all told 20.08 acres remaining and so these four parcels add up to 27.22 acres and just to clarify for the record this is less than the original acreage and that is because they are tying the northern boundary to the bank of the Clark Fork. The parcel history it went through a boundary line and occasional sale back in 1990, then went through a large lot division in 1976. So if approved these tracts would maintain current access off of Big Flat Road. So one dwelling and six outbuildings are on the parcel and it is locate in the floodplain as you can see by this map. The floodplain administrator recommends that the FEMA designated floodplain be shown on the final plat, so we will include that in the approval letter following that recommendation. The request was reviewed for subdivision evasion criteria based on ten criteria and subdivision regulations and may meet the following criteria. Once you divide a tract that was created by the use of an exemption. So this is just reiterating that the parcel was created through the 1990 boundary line relocation and occasional sale after a 1976 large lot division. The third criteria are also triggered and that is to divide a tract that will become one of three or more parcels that will be divided from the original tract through use of exemptions. So this is creating four parcels from one, so that is also triggered. It was recommended that it does not appear that the request is an attempt to evade subdivision review and staff is recommending an approval. So I serve divided the recommended motions into two if you wanted to separate the Ag from the family transfer but before we get to that I will ask the standard questions for family transfers. For the record please state your names.

Tracy Matz – Tracy Matz

Steven Scott Matz – Steven Scott Matz

Christine Dascenzo – Thank you. So are you using the subdivision exemption process as an attempt to evade subdivision review?
Christine Dascenzo – How long have you owned the property?

Steven Scott Matz – Fifteen years.

Christine Dascenzo – Did you buy the property with the intent of dividing it?

(Inaudible)

Christine Dascenzo – Do you or your transferee’s intent to transfer the property within the next year?

(Inaudible)

Christine Dascenzo – Have you ever talked with anyone at the County about going through a subdivision review?

(Inaudible)

Christine Dascenzo – Are you in the business of building or developing property?

(Inaudible)

Christine Dascenzo – Do you understand that this exemption is not being reviewed for accurate physical or legal access by all vehicles in all weather?

Steven Scott Matz – Yes

Christine Dascenzo – Do you understand that approval of this exemption does not mean that the property is approved for zoning compliance, building permits, floodplain or septic systems, or any other permits?

(Inaudible)

Christine Dascenzo – On behalf of your recipients do you know if the property will be developed?

Tracy Matz – Yes one house on each.

Christine Dascenzo – Will the recipient of the property be residing on the property?

Steven Scott Matz – Yes

Christine Dascenzo – Where do the recipients live now?

Steven Scott Matz – One over by Hellgate Elementary School and one in Iowa.

Christine Dascenzo – And which is which?

Steven Scott Matz - Holly is the one local and Steven is the one in Iowa.

Christine Dascenzo – So that is all of our standard question Commissioners’ may have more.
Commissioner Rowley – Christina could you clarify in the common zoning for this acreage?

Christine Dascenzo – Sure and so with the zoning designation as overall it is 1 per five acres some of these parcels are smaller than five acres but you look at the whole parcel and in the future for reviewing for zoning compliance we will be able to see on the COS this sort of parent parcel and take the acreage from that and apply it forward.

Chair Carey – This is a public hearing so I will take any comments or questions? Seeing none I will close this hearing.

Public Comment
None

Executive Session
Commissioner Curtiss made motion that the Board of County Commissioners’ approve the request by the Matz’s to create one additional parcel by use of the agricultural exemption and create two additional lots as family transfer.

Commissioner Rowley second the motion.

Passed 3-0

8. HEARING
Amendments to Missoula County Subdivision Regulations: Section 3.3 (Transportation Standards); Section 3.4 (Fire Suppression) and Section 3.5 (Potable Water and Wastewater)
Section 3.8.3.5 ~ Disposal pickup language.

Chair Carey – Next up a hearing on amendments to Missoula County Subdivision Regulations.

Tim Worley – We are moving forward with Subdivision Rewrite Project. Infrastructure is what we are moving forward with today. This is really the third installment in the rewrite project as we brought the view procedures to you and lots and blocks prior to this in June and July. The infrastructure of the regulations have taken quite a bit of time but we by our experience note that these are the most utilized sections of the regs by both the development community and by staff and really the Commissioners’ as far as taking these things through the public process and subdivisions. So what we are talking about are Sections 3.3, 3.8, including the topics of transportation, fire suppression, water and waste water, storm water creating an erosion control, utilities and solid waste facilities. Certain sections of the subdivision regulations have to shift around with this adoption for instance we have to shift existing section 3.8 which is irrigation water easements and water rights to section 3.1.5 which is illustrated in your packets. We are choosing at this time to reserve section 3.9 and are moving parks related non-motorized facilities table with that information to section 3.10.

Commissioner Curtiss – So by reserving section 3.9 it means just in case we have something that we need to put there?

Tim Worley – Exactly. So you will see in your packets there is just a blank page where 3.9 is; so the types of issues we are dealing with today include road widths as well as road differences across the county from our
suburban locals to more rural locations as well as the applicability of non-motorized facilities standards with different types of subdivisions. We are also going to address water supplies for firefighting, wells, septic systems and municipal water and waste water systems. We are going to talk a little bit about sight restoration, of course storm water, utility easements on plats and then even things like garbage disposal. An important concept that we are essentially bringing back to the subdivision regulations is to distinguishing between urban and rural areas and there is actually a full size graphic over there against the north wall that illustrates what we are trying to do. We are using the Missoula and the Lolo Waste Water Treatment Plant service area to define urban areas where the expectation is for more urban infrastructure within those boundaries and were allowing for a more rural infrastructure outside of those boundaries. With the goal being appropriate infrastructure depending where you are, for instance this is Renee Court in Orchard Homes this could be a city subdivision almost, it's got curbs, gutters, sidewalks, grassy boulevards with street trees but you move a little farther out and you have one acre plus subdivisions like Cunningham Homes north of Florence. You have hard surface roads and walkways but you have swales in this case and that works. If you move even further out east of Clearwater Junction and maybe you just have simple driveway access. We think we can deal with the diversity of subdivision like this by re-establishing this distinction between urban and rural areas. We are actually recommending as an appendix to the regulations themselves. The Planning Board weighing in on this project and did comment on these boundary's and did recommend that there be at least an annual review of these boundary's so we keep pace with particularly the City of Missoula as their Waste Water Treatment Plant service boundary area changes. So we have actually added language to that affect in the draft.

**Commissioner Curtiss** – It is not an automatic if the City changes the boundaries?

**Tim Worley** – Correct. We actually said that in two separate places. So this is the roads table in subdivision regulations and the urban standards are framed in that yellow central portion of this table; where the rural standards are on the right hand side of the table in sort of an oranges color. The urban area standards include paved roadway requirements with street widths based on the number of lots as well as parking and no parking choses ranging from no parking to parking on one side of the street to parking on both sides of the street. We have also brought back commercial and industrial standards which are in this table near the bottom. What we have found we are getting more and more interest on commercial and industrial subdivisions but we don't really have the road standards to accommodate the subdivisions. We use to have them and we are bringing them back. So standards in the rural areas, if you look at the two columns on the right hand side of this table, those are the columns that pertain to the rural standards and really the road widths are based simply on total number of lots. No parking is permitted on these rural road ways which did raise the question that the planning board, does that mean there is going to be no parking signage everywhere in rural areas? And my response to that is no. We think in working with our Fire Inspector and Missoula Rural, County Public Works it sort of something that would be reviewed on a case by case basis because to create no parking areas you have to do that by resolution anyway. So it is not going to be with every rural subdivision. So the answer to that bullet, no parking signs everywhere, is no. I think we will just have to have a few subdivisions play out to see what the Fire Inspector and Missoula Rural would have to say as far as particularly emergency vehicle access. As far as whether a subdivision has to have paved roads or not that is really dictated by this boundary and that is the error stagnation zone boundary. Within that boundary even a rural subdivision would have to paved roads but outside of the boundary a rural subdivision could have a gravel road surface. So moving on to the non-motorized standards we attempted to really simplify these standards. Really the urban area standards are under this boulevard sidewalk heading here. The rural standards for the most part are under this heading of trail on the right hand side of the table. With bike lanes potentially pertaining to either the urban or rural areas once you hit a collector road standard or grader. So the basics, with maker subdivisions up to thirty nine lots in the urban areas the requirement is for sidewalk on both sides of the interior roads. The alternative you could build a wider facility on one side of interior road ways but once a subdivision hits the forty lot threshold, sidewalks are required on both sides of street internal to the subdivision. Along the street frontage there is a requirement for providing a connection or extension of an existing facility which I will illustrate here in just a minute. That actually applies to both
the rural and urban areas. So the rural area standards again are defined by this concept of trail on the right hand side of this table. That applies to the internal road ways and again you have to provide a trail connection along the frontage of the subdivision. One recommendation we had from the City fairly recently is that these trails or any sort of facility both inside the urban area or outside, they need to be maintainable. We thought that was language that was worthy of including in the regulations so we have plugged that into this latest draft.

**Commissioner Curtiss** – So that is only urban?

**Tim Worley** – Actually it would apply to all. In fact I think by application of the Public Works Manual our services are maintainable now. You are not going to see people installing wood chips or even I don't think we are doing gravel surfaces anymore because of the weed problems we have had in the past with those. So we are really talking about hard surface pathways both in the urban areas and the rural areas.

**Commissioner Curtiss** – But the one trail that is a one to three foot kind of a meandering horse trail isn't that allowed in some?

**Tim Worley** – That has actually been moved to section 3.10.

**Commissioner Curtiss** – Oh that is going to be discussed later.

**Tim Worley** – Yeah what we really tried to do, we think the table that now that is in 3.10 and that by the way that is demonstrated in your packet, the whole shift of that table. We think that table has caused a lot of confusion, we think it was originally intended for a parks context but for whatever reason people have been grabbing standards out of it for walkways even along public roads and really that's not what those standards are for.

**Commissioner Curtiss** – Those are internal for a park?

**Tim Worley** – Yeah, for connecting parks and wild areas.

**Commissioner Rowley** – So kind of your definition of maintainable is a hard surface?

**Tim Worley** – I think that is generally the cases that it is going to be a hard surface that you can maintain in all weather conditions.

**Commissioner Rowley** – Is that how that word is interpreted in the field? I would think that woodchips would be maintainable, you know what I mean. Or is it in your field that is what maintainable means or should we just be more clear about what we mean by maintainable?

**Tim Worley** – Well I suppose we could say hard surface although I think that's maybe implied. I don't know Greg do you have any thoughts on the use of that word maintainable or if we could plug in something better?

**Greg Robertson** – Well I am not sure what term or what is intended by development services around the city means by it but to me maintainable is one as a long term durable surface and for gravel type of situations they can be long term durable if built correctly and used. What I see though is to the contrary where the smaller trails are less defined, I should say a gravel paths that simple don't get used. They get overgrown with weeds and there is nobody to take care of them. So at least if you do it right you can achieve a long term surface, other than a hard surface such as asphalt or concrete the instinct is it will need to be maintained for long term otherwise the weeds will just grow again.
Tim Worley – In contract section 3.9.5 which is what we recommended for amendment based on City Development Services recommendation it says trail construction standards require trails shall comply with dimensional standards in table 3.3.914 non-motorized standards and be constructed with a concrete board asphalt surface or a comparable surface that is durable, maintainable and usable in year round weather conditions.

Tim Worley – So one thing that I wanted to illustrate was this extending the existing facility concept. It applies both in the urban areas and in the rural areas for major subdivisions. If you happen to have a parcel that is coming in for a major subdivision and you are adjacent to an existing facility and this is AJ Memorial Trail north of the freeway on Frenchtown Frontage Road right up against the Mill Creek Road this major subdivision would have to extend the facility across it's frontage.

Now there are exceptions to rules for both the urban area standards and the rural area standards. I think we can all imagine within the urban area a much more rural looking subdivision and conversely outside the urban areas you can imagine a suburban scale subdivision and I have reviewed some of both. So we built in sort of exceptions to the rules in both cases for those oddball subdivisions that might not follow course. The urban exception area is meet when you have all lots being at least one acre where further subdivision is impractical and there is no vehicular connection possibility and no reasonable urban infrastructure possibilities as far as connecting to city sewer or water do to topography, remoteness or similar land constraint. If you could meet all of those criteria you could have a subdivision that is subject to the rural standard even though you are within that urban boundary. So that’s true the roads that you build and the non-motorized facilities that you install. Now on the exception to the rural area standard it is actually much easier to trigger and I think tendency would be for developers that typically build to the urban area standards but they might not want to trigger it in some cases but if you have all of your lots smaller than one acre with connection to community water or sewer in that case even though you are outside of those urban area boundaries your subdivision would be subject to urban road standards as well as increase the applicability of non-motorized connection standards. And what I mean by that is if a transportation plan calls for facilities at an area even though they might be distant from your subdivision they have to be installed. Now that would only apply to major subdivisions that trigger the standard but that is the exception that we have plugged into the regulations. I tried to think of one subdivision that today might actually trigger the rural area exception and I thought of Hawthorn Springs between here and Frenchtown, closer to Frenchtown on the north side of the freeway. It's got a municipal grade water connection and it's got lots under one acre. To some degree it is built according to this urban area exception. It has a walkway along the north side of Frenchtown Frontage Road it's got a walk way along one side of the interior road way system. Although I think the road is probable a little bit more rural than that quote urban area standard would be. So one item of significant discussion at the July 7th planning board hearing was; why don't we just use the City's standards with in the urban areas? And the logic behind that question is that it would just add a natural transition to Missoula's city street network as Missoula annexes and marches out beyond its current core. Well we have decided to stick to the standard originally proposed because we have found some difficulties with applying the urban with the City of Missoula standards. The problem it that City standards would be enforced upon Lolo which is something that we didn’t think obviously was obtainable at this time. And also County Public Works is required to maintain these facilities over long term. And one example of this would be out at Running W Ranch out north of Muralts. This is a project that came before the Commissioners' in 2005 so the County Public Works have been maintaining the roads in Running W Ranch for nearly ten years and they would have to continue to do that. We also discovered that the County does not have the same maintenance mechanisms for maintaining especially the area from the curb out to the boulevard and to the non-motorized facilities. The City's assumption I think with their standards is that they have maintenance mechanisms for dealing with that area and they have three simple roads as well.

Commissioner Curtiss – They also expect the homeowner to take care of it.

Tim Worley – Yeah that’s true. But as far as street trees and that sort of thing where the urban forester might actually assist in getting new trees planted you are just not going to see that in the County we just don’t have the
funding and mechanisms to take care of that. So some comments from the City that we have gotten back; one thing they recommended is we have a 10% maximum grade for our roads and these standards that are consistent with the County Public Works Manual. The City recommended pulling that back to an 8% maximum grade and we actually have three different grades that we are recommending for these standards and that is a 6% grade for collector streets, an 8% grade for commercial and industrial streets and a 10% grade for residential streets. We think the 10% grade is actually workable, I spoke with Deb about this and with Missoula Rural Fire and with our County Fire Inspector. 10% is consistent with ASHDO and our other regulations and so we thought it was appropriate to just maintain that 10% maximum as opposed to going down to 8%. So moving on to fire protection, I had a conversation with a developer several years ago where I asked him what his proposed water supply for fire prevention was and he answered back with a gleam in his eye fire engines. Which illustrates I think the ambiguity of our current regulations, we have a requirement for water supplies with firefighting and they are typically implemented in subdivision review but what you have to offer up at sufficiency reviews sort of ambiguous in the current regulations. So what we are recommending that is new in these regulations is something that is known as a fire suppression land where a developer has to choose a water source, has to provide access to that water source if it is something like a dry hydrant. It has to provide for ongoing maintenance of the facility. Now we are taking a slightly different approach on water supply for firefighting not as far as facilities are concerned but as far as flows and storage are concerned. We are saying those need to be based on a design that could be approved per NFPA 1142 to we are not prescribing certain amounts of storage, we are not prescribing certain flows, we are just saying meet NFPA 1142 for whatever system you are proposing. I would think that is going to provide better context if you are dealing with a subdivision that has three lots vs a subdivision that has three hundred lots the water supply for firefighting differences are very district. There for we are providing for the flexibility that NFPA compliance provides for them. We are also recommending language that has clear requirements about access to hydrants; we are recommending pull outs that are 12' wide, 60' long that specifically came as a recommendation from Missoula Rural Fire. We are also tackling the issue of what to do with hundred fifty foot plus long dead end access roads. We have had an issue in the last several years where we have been dealing with this 20' unobstructed drivable width standard which I think some would say could be defended at fire code. What we have heard from folks is that this width is wider than a lot of the County roads that provide access to their subdivisions. So what particularly Missoula Rural encourages is a lesser width of 16' with a possible reduction to 12' in optimal conditions for instance if you have a straight line access to a home or whatever. Planning Board did raise a concern this is applied to existing driveways with these standard of 16' or even 12' of applied to existing driveways and it was clarified that existing driveways would not be touched unless they are part of subdivision review. Another recommendation that came from City Fire fairly recently was in regards to fire apparatus access was a recommendation to build a 24' wide road surface next to planned hydrant pull outs which again are going to be at least 12' wide. Our response to that, we hashed it out a little bit, is going to be in a County road context these areas have the appearance of parking and storage areas, that is something that Deb pointed out. It becomes sort of attractive nuisances because of that they become harder to plow and maintain because it is not consistent with the width of the rest of the road surfaces. Therefore we did not think this 24' wide requirement was necessary, in some cases those roads are going to be 24' wide anyway. Where they are lesser than that we didn't think it was necessary to require that width. Another recommendation from City Fire they commended us for having our two ways in and out requirement in the wildland urban interface. They had a further recommendation that those two access points needed adequate separation and to understand exactly what they were trying to illustrate I had to draw out a diagram and what they recommended is that if you measure the diagonal dimension of a subdivision and you split that measurement in half, which would be the distance from here to here, that's how wide the minimum separation of your two access points should be. That was another topic that Deb and I discussed along with Adrienne and Chris Newman from Missoula Rural Fire and we just concluded that it may be difficult to have this requirement in all of our rural settings, so we decided not to adopt that piece. There is also something new where we are recommending that subdivisions outside of Fire Districts be recommended for annexation into the district if at all possible. We know that not every rural subdivision is going to be able to annex into a district so our recommendation in addition to that is to prove that you will have structure fire response if you're like someplace in the Greenough Potomac area you might not be near a district but you need to demonstrate with in
your subdivision that you are going to have response to a structure fire. Now there is an item of significant discussion with Planning Board regarding fire sprinklers and structure protection. Planning Board felt that sprinklers have the potential for creating a false sense of security; at least some Planning Board members felt that this was the case, particularly within the wild and urban interface. Sprinklers aren't really intended to fight fires that ignite outside of structures. So we did plug in some language for Planning Board's recommendation that clarifies that sprinklers are for fighting fires that start inside of structures and there are other portions of the regulations that touch on fires that start outside of structures. As far as water and waste water standards this section spells out the basic requirements of the subdivision platting act, sanitation and subdivision and the state administrator rules. We did find with our original draft however that we had standards in there that were stricter than really the Health Department's review protocol for water and waste water in subdivision. So they helped us to adjust those standards to make those standards consistent with their review protocols as well as DEQ's. We added some information about well isolation zones that dates back to about 2013 and the well isolation zones are those 100’ arcs around wells where you can't have a septic system. The newer rules don't permit those isolation zones to intrude on neighboring properties unless permission is granted from the neighboring property owners.

**Commissioner Curtiss** – The Board of Health is currently looking at amending a couple sections so is this one generic enough?

**Tim Worley** – Yeah we think it is; it is interesting, you have to walk somewhat of a tightrope because within our planning review we are not reviewing the technical aspects of water and waste water obviously. But the public needs to have enough information about water and waste water that they can comment in this forum on those types of subjects. I have read through their regulation, one recommended changes I am not seeing any clashes with what we are proposing in this document. One thing as far as water and waste water again is fundamentally the same we are dealing with the same design storm magnitude and things like that. We have pulled it in on maintenance agreement requirement for drainage way and easement maintenance however. I will describe a little bit about this maintenance agreement concept here in just a bit because it is something new that we would like to recommend as part of this effort. As far as solid waste disposal we are recommending some language that touches on the issue of pulling out your garbage too early in bear prone areas. One additional item that was raised by planning board was the screening of common collection areas for rural garbage. Planning board noted that the language was pretty strict it might actually cause Republic Services not to pick up garbage in some cases. So we worked directly with Republic Services to kind of loosen up that language a little bit. The language still encourages screening but it is not as absolute as it was in the original draft.

**Commissioner Rowley** – Did Republic Services indicate that there were times that if it was designed a certain way they wouldn't pick it up then?

**Tim Worley** – Yeah they did for fact.

**Commissioner Rowley** – And there is no way to write it so that we could require a certain type of training or something so they would pick it up? I don't like to say encourage because people aren't going to do it if it unless it saves them money.

**Tim Worley** – Right. Yeah in fact working with Republic Services one thing they said is that there are some demographic unique areas were if we applied these standards there is no way they could serve that location. So our language we did allow a little bit of wiggle room in our recommended changes and Republic thought these changes were good. In section 3.8.5 Collection Area; if the plan for solid waste disposal includes a common permanent collection sight the sight shall if practical not front a road and shall be screened as a view from the road.
Commissioner Rowley – So it doesn’t say encourage it says shall.

Tim Worley – Yeah it is still regulatory but it allows a little bit of flexibility.

Commissioner Curtiss – That sounds like to me that they could not stop and pick it up. If you watch them pick up the garbage they just hook on to it. Does the state monitor how they pick up the garbage?

Tim Worley – No I think we have latitude on that with our local subdivision regulations.

Commissioner Curtiss – It seems like something that (Inaudible)

Tim Worley – So onto Maintenance Agreements, this is something that we work with subdivisions on a regular basis. We have not really had a temp-plate before that people can use and choose from if they have some sort of facility that they need to maintain. So we are recommending as part of this effort the adoption of this appendix on Maintenance Agreements. It is not that every prevision in here has to be permitted with every maintenance agreement but most of the issues that come up with maintenance agreements are included here. So some of the topics in a typical maintenance agreement include responsibilities of who maintains what, schedule for maintenance as well as funding mechanisms this could be complex as a water supply for firefighting or something as simple as keeping your drainage easements flowing. So as far as public comment I have mentioned what we have heard from City Development Services but there was one comment from Sterling Miller that goes back to the article 5 effort that we took through I think in June. I have some supporting documentation that I left for you Commissioners’. I think Sterling originally commented on article 5 but I think his original concern was over legal access because what his project was considered a subdivision for lease or rent. He had an adjoining land owner who weighed in on a legal access issue that gave him issues at the time and so he had some comments to make on that. As far as legal access in this document, how it differs from our present subdivision regulations there is not a lot of difference there. I don’t know if I have much to say about it, it’s pretty boilerplate language that has worked well for us for the past several years.

Commissioner Curtiss – So what did Sterling want us to do?

Tim Worley – Well he does elaborates on some concerns that he had over the County Attorney’s Office and I think that is a lot of water under the bridge in Turah. He does talk about subdivision for lease or rent which is another thing that is in the past. His concern, he ran into an issue where he had a land owner to the west of him that said the uses scope of this easement does not allow you to do what you are doing across my land and in our review we took that seriously at the time. He wouldn’t even be a subdivision now per the current statute but I think he wanted to raise that issue again. So Commissioners’ we recommended adoption of the infrastructure sections of the regulations that they would become adopted effective as of November 2nd of this year. That is all I have.

Commissioner Rowley – I was wandering about the concept of urban areas having parking on both sides of the street being a default and then you would have to prove otherwise to do only one side parking? Was that discussed?

Tim Worley – I don’t know that we have really talked about it in that sense. At planning board there was discussion that really developers if they choose the wise root they are going to develop that are adequate for their development product. We know that has not always been the case in the past but that was one of the pleas if you will from one of the planning board members, allow us the flexibility provided in this table because we have no interest in providing a product that drives people away. Whether that is single family or multi dwelling if you don’t build parking into your Minutes
product; I know there are some examples that that has happened in the past. We have kicked around different no parking concepts over the months but I think in the end we kind of opted for flexibility. Now in the instance if someone did opt in an urban area for no parking or a complete no parking street they would have also come forward for that resolution. Then you all would adopt creating the no parking zones.

**Commissioner Curtiss** – So what you are saying and I am like Cola, I want to assume that if you are going to have subdivision you are going to have a road. So if that is what developer is proposing then they would come forward with an alternate plan to that, saying one side or the other for no parking. They would have us consider all of that through the proposal.

**Tim Worley** – I think so, I don’t think it is beyond County Staff to say; You are going to be way under parked here and you want to do parking on one side we think you need parking on both sides and wider roads. I think that defiantly could be part of the review process.

**Commissioner Curtiss** – It is just like when we have no parking anywhere we have that in a few places usually related to river access although we have it in a subdivision in Missoula. No parking doesn’t work unless there is enforcement that goes with it and I don’t think that is a good use of our law enforcement to be a monitor whether or not people are parking there. Somehow they need to prove that it not needed.

**Commissioner Rowley** – I think there is kind of a default and there is still the flexibility to reduce it to one side or no parking but they are going to have to prove that it going to be sufficient.

**Commissioner Curtiss** – If it happened to be one block from the bus route then have a major trail going through subdivision rule we would have to weigh that person. Because the ones that have been sold to us in the past there are a few subdivision that I would not approve today in the way that I have approved them in the past just because of what happened on the ground and you know it was, well if we have the roads narrower then we have more room for houses and it makes the housing more affordable. So then we are in an affordable house situation small and sometime no garage so you park on the street. And then we get the calls so it just seems to me the default should be assuming parking on the street because whether for a couple or for your own vehicle.

**Tim Worley** – So one possibility if we go back to table 3.3.7 and Deb and Greg please chime in on this, is we could on the small lot subdivisions and I think that is where the issues are we could just strike that no parking option for the small lot. One conversation that we have is that on the large lot subdivisions especially when we get 2 ½ acres or bigger is you are going to have adequate parking on site. So you could probable have a no parking option with some of the large lots subdivisions in the urban area.

**Commissioner Curtiss** – So when you say large lot you are talking about the size of the lot?

**Tim Worley** – Exactly.

**Commissioner Rowley** – But does that mean less flexible by striking the option whereas if we are allowing people to prove their case although, I don’t know the best way to approach it do you have thoughts?

**Deb Evison** – If you look at the density there on where we say there is no parking those are two of five lots subdivisions. So those are the subdivisions in an urban area where you are looking at Target Range area or some areas inside of Lolo where theirs was sewer and municipal water supply available. So with the idea that you can allow for no parking on those streets because in theory they are small enough lots that you wouldn’t have or the subdivision itself would not generating enough traffic would not be sufficient to designate one lane or the other. But the issue there is if you get up to 6 lots that is when you draw the line and say yep you cannot park on the street or
on the County road. We need that six lot threshold because then traffic count and the probability of people then parking in the street escalates and that is why we put that threshold between minor and major subdivisions. In a major subdivision what you said was default to no parking on the county road and you provide parking on one side or on both sides. One that comes to mind is off of Sundown is a three lot subdivision and with access to a walk in and two dwelling units, there is not going to be any parking along that road and probable never will be or if there is it will be for that private use of those two dwelling units. Does that signify you guys creating a resolution to designating a no parking area, I don't think so. I think the volume is low enough on an internal subdivision road that it does not warrant us specifically saying no parking on either side.

Commissioner Curtiss – So in other words if I look at this more carefully the couple subdivision that I know that have been an issued with now saying that is not an option?

Deb Evison – Correct, so if you think you would have parking on one side that would be on option with a greater roadway and then if you are doing parking on both sides it is even greater roadway because then that would allow for the two parked cars with access for snowplows and emergency vehicles and things like that to get through.

Commissioner Curtiss – And that is the other thing when they need to plow can they get through. Because you can't plow at 2 MPH going like this so therefore if you left that possibility.

Eric Dickson – Well obviously we don't like to do that but we need to do it in a safe manner. Plow blades even at lower speeds tend to bounce around because of irregularities in ice and surface. The last thing we want to do is take the side of a car off.

Tim Worley – So Deb is I could just get clarification are you saying that you are advocating for the no parking option for all major subdivisions in a small lot context?

Commissioner Curtiss – I think she is just clarifying what is on the chart.

Deb Evison – Yep that's right.

Tim Worley – Let me make sure we have the same chart. I think that was a previous draft.

Commissioner Curtiss – So what are we proposing?

Tim Worley – So I think, Deb correct me is I am wrong, but for the major small lot category you are saying that there should be N/A under the no parking column.

Deb Evison – Correct, so if you look at table 3.3.7 Road Standards that is on page 32 under local urban standards standing width 6 to 39 watts that should be N/A, minor collector no parking should be N/A, and collector should be N/A. We struck the ability to park on one side of the roads; there are no parking for those.

Tim Worley – I think that what happened was that was actually last summer’s draft and we have kind of got back and forth on this no parking.

Commissioner Curtiss – But they also have different numbers for street width.

Tim Worley – There has been on going massaging let's say of those numbers as well but Commissioners what you have is a clean draft is the latest draft and we can sure tinker with that as we need to but that is our latest draft.
Commissioner Rowley – So we would need to alter the current draft.

Tim Worley – Yeah. We have a lot of drafts in the last year for sure.

Deb Evison – The one you have the tab there one that reads there the no parking for local minor collector, collector and with small lots those three should read N/A all the other requirements are correct.

Commissioner Curtiss – Then the commercial and industrial are different size in the non-clean draft that we have here?

Deb Evison – Right and we did allow they are doing no parking on the commercial and industrial allowing to go down to a 26 road width for that. They are proposing for commercial and industrial between one side parking that should be 34, two sides at 42. And here is where we are looking at semi traffic, big rig traffic, so low traffic coming in and out of there and assuring have a turn (inaudible) supported.

Commissioner Curtiss – What is the width of the street? I just want to look and see if parking along side is like at 32’s I think.

Eric Dickson – I don’t recall off hand I think they are less than 32.

Tim Worley – They are less than 32 they are that is 28 that seems right because we were able to get parking on one side with a restriction on the other side. So that was total work out with the home owners to get emergency vehicles through there for this, it’s narrow.

Commissioner Curtiss – I think putting that N/A under those three in the small lots that makes me feel ...

Tim Worley – Yeah it seems to me where we have the issues are in the higher density protective elements and not the small rural ones or the large lots ones. It is the one that are generally an urban density and generally have water and sewer provided to the property. That is where we have experienced some real issues.

Commissioner Curtiss – So Tim are we to assume that we are to make a motion to that because the Planning Board saw it like this right?

Tim Worley – That’s right. A motion wouldn’t hurt it helps document things.

Executive Session

Commissioner Curtiss made the motion that they amend table 3.3.7 in what is showed today as the clean draft to under urban standards small lot no parking section under minor collector and collector to remove the numbers there and put N/A.

Commissioner Rowley second the motion.

The motion carried a vote of 3-0.

9. OTHER BUSINESS

None
10. RECESS

Chair Carey - Being no further business to come before the Board, the County Commissioners are in recess at 3:07.