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

Staff Present: Christine Dascenzo, CAPS

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS
Proclamation: 2015 Land Stewardship Award

Commissioner Rowley read the Proclamation.

4. PUBLIC COMMENT
None

5. CURRENT CLAIMS LIST
$3,908,121.05 (July 9, 2015 ~ July 21, 2015)

6. HEARINGS (Certificates of Survey)
a. Alexander Family Transfer (Frenchtown)
Christine Dascenzo gave staff report
This is a consideration for a family transfer exemption affidavit submitted by Robert Alexander, owner of 32 acres located at 18080 Frenchtown Frontage Road, Frenchtown. Mr. Alexander proposes to use the family transfer exemption to create three (3) additional one (1) acre parcels. He intends to transfer them to his adult children, son Joshua Alexander and daughters Elizabeth Espinosa and Emily Alexander. All of these parcels are currently farmed. If approved these tracts will be accessed from Mormon Creek Road to the West and the land is not zoned. A little parcel history; In January 2009 the property
was approved for a subdivision, The Red Dog Ranch Subdivision. The Final plat for that subdivision has not been filed. If the family transfer is approved and filed then the subdivision will be invalidated and will not be filed. Previously the parcel was created through boundary line relocation in 2007 and 2006 and a court order in 1998. We reviewed the request for subdivision evasion, based on the ten criteria in the subdivision regulations and it may met the following evasion criteria; The first to divide a tract that was created through use of an exemption, like I just said, there was a boundary line relocations in 2006 and 2007 and a court order in 1998. And the third criteria, to divide a tract which will become one (1) of three (3) or more parcels, that will have been divided from the original tracts through use of exemptions. This transfer will end with a total of four (4) parcels from one (1). And criteria #6, to create a parcel that is not intended for use as a homesite for the transferee. The parcels created are intended to be continued as farmland. So those were the three (3) that perked up. As it does not appear to be a request to evade subdivision review, staff is recommending approval of this family transfer request.

Christine asked Mr. Robert “Buzz” Alexander the standard family transfer questions.

Public Comment
None

Commissioner Rowley: Do you have any information about the boundary line relocations in 2006 and 2007?

Christine Dascenzo: The COS is in the packet.

Robert Alexander: I can try to explain it. I had five (5) acres around my house and for very confusing legal reasons for the boundaries. It was five (5) acres around here and my engineers decided to put a park up here. It used to be two parcels 5 and 43 and now it’s 32 and 15.

Executive Session
Commissioner Curtiss made motion that the Board of County Commissioners approve the request by Robert Alexander to create three (3) additional parcels on property described as Parcel 1 of COS 5984 in Section 27, T15 N, R21 W, by use of the family transfer exemption, based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Rowley second the motion. The motion carried a vote of 3-0

b. Rocheleau Family Transfer (8625 Western Farms Road)
Christine Dascenzo gave staff report
This is a consideration for a family transfer exemption affidavit submitted by Bryan Rocheleau, who is the owner of 11.19 acres, located at 8625 Western Farm Road. Mr. Rocheleau proposes to use the family transfer exemption to create one (1) additional parcel to transfer to his spouse, Shelly Rocheleau. Mr. Rocheleau proposes to divide five (5) plus acre tract from the original tract leaving another five plus acre tract. This land is unzoned and will be accessed from Western Farm Road. Some parcel history; in 1978, September, the tract 8 was created through as one of 18 lots created that were larger than 20 acres and exempt from subdivision review at that time. In December of the same year,
1978, tract 8b was created through occasional sale. The request was reviewed for subdivision evasion based on ten (10) criteria in the subdivision regulations and may meet the following criteria; One to divide a tract that was created through use of exemption, as I mentioned, two (2) in 1978; a greater than 20 acre division and the occasional sale. Criteria #6 is to create a parcel that is not intended for use as a home site for the transferee. Shelly is not intending immediately to develop it into a home site and it may be used as pasture or as a home site. To divide the land for transfer to a spouse, this will be transferred to a spouse and the intent behind it is to create a parcel that will then either be gifted or sold to their son, but it's a surprise. It does not appear that this request is attempt to evade subdivision; staff recommends approval of the family transfer request.

Christine asked Mr. Bryan Rocheleau the standard family transfer questions.

Public Comment
None

Executive Session
Commissioner Curtiss made motion that the Board of County Commissioners approve the request by Bryan Rocheleau to create one (1) additional parcel on property described as Parcel 8B of COS 1727 in Section 19, T14 N, R20 W, in SW4 SE4 and NW4 SE4, by use of the Family Transfer Exemption, based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

7. HEARINGS
Revisions to Subdivision Regulations – Article 3 (Continuation from July 8, 2015)
Jennie Dixon gave update with PPT Presentation.
This is an action item today in an effort to make amendment to the Subdivision Regulations Article 3, Section 32, lots and blocks and 3.12 primary travel corridor standards. The subdivision regulations changes that you’ve already seen have begun a month or two ago and ongoing. This is our most immediate schedule, where you’ve already seen our review procedures from Tim Worley, the lots and blocks is now before you, then infrastructure and transportation has been to planning board and heading before you in August. And as you know, Mitch Doherty is working on hazardous lands and agriculture to come before you in the Fall. As I said, these revisions before you today are just on these two sections but there are changes that go along with it, that include revisions to article 2 section 2.2, which will be deleting the definition to the primary travel corridor because we are deleting the primary travel corridor section and therefore have no need for that definition. Making a change in article 3.1; word for word wholesale language about slope and buildable areas. Making a change to article 4; these sections that are design standards for special subdivisions that list out the standards that those subdivisions that have to comply with essentially this change here is deleting the requirement to comply with primary travel corridor standards. And finally article 6 the final plat, is deleting the requirement to show primary travel corridors on the final plat. These changes are really secondary to the primary changes. The ultimate vision for Article 3, which is the section of subdivision regs that contain all the design standards relative to the natural and cultural environment infrastructure and improvements. This is the goal that we are shooting for in the revisions to the subdivision regulations in article 3 as we move through the changes and project that
we’ve been working on for a while. The hope is that the changes that I’m bringing before you today lots and blocks and elimination of the primary travel corridor and then what Tim will be bringing to you next month, the infrastructure and then Mitch in September bringing you hazardous lands. The idea would be that all of those together even though approved, let’s say today, or between now and November, they won’t take effect until November 2nd so there’s an effective date in the Resolution that would have all of these changes occurring at the same time so that a subdivider isn’t stuck midway through developing a packet, having to make ongoing revisions as regulations change, but rather knowing the date in which to expect those changes to occur and then making whatever accommodation that need to be made after that point. We tried to be really meticulous in our numbering and catching the practical aspects number, but there will be some numbering that we did not catch that we'll be doing on that November 2nd date. This is the process that we'll be doing for all of the sections generally have spent some time drafting ideas on working with the consultants last fall and winter, soliciting staff and agency review and comment. And in this case for lots and blocks and primary travel corridor, releasing a draft initially to the public at the end of April and then at the end of May a second draft to planning board, then into hearings June and July of this year. Article 3 is important as I said, it establishes the design standards for all the aspects of the subdivision, on the ground, as you see it, what you’re gonna end up seeing physically in a subdivision and this is the opportunity to create the landscape that we want to see and live in and enjoy in Missoula. The proposal here, if I were to boil down just the nuggets of what we want to do in lots and blocks, is to revise the block length maximum to prohibit and or minimize the impacts of through lots. Require subdivision design to comply with zoning, clarify what is a continuous lot, explain when alleys may be required, delete corner lot landscaping buffers and provision of utilities section of this lots and blocks that are difficult to enforce or are found in other sections of the subdivision regulations and expand upon an existing provision in lots and blocks, relative to future developments. As I said, deleting primary travel corridor, that does mean deleting some landscaping requirements in certain areas, building setback design standards and signage requirements. I'll talk a little bit more in a moment about why we're proposing to delete that. We conducted our planning board public hearing in June of this year, June 2nd and planning board recommended unanimously to forward proposed changes to the Board of County Commissioners for adoption with several considerations. Those considerations are a. – e. here. The idea of a grid-lock pattern, which is currently in the regulations to require that the subdivisions be designed around a grid or a block pattern is not always possible or preferable. What I noted for the planning board is that the current regulations state that a grid pattern is the preferable design, but clearly that is not what we end up with, certainly out in the more rural areas. We clarified, based on feedback from the planning board; we clarified that there are situations that will result in a curve-lineal subdivision block pattern based on typography or other considerations like the contexts on which that subdivision sits. So that was a really great comment from the planning board that we tried to revise before we brought it to you and I'll show you the details on that in a minute. They also noted that the application of a minimum block length may prove problematic; as a result of this we actually between planning board and commissioners deleted our proposal to have minimum block length. We initially went to planning board with a minimum block length of 300 feet, I believe that’s what the city has in their subdivision regulations and this will be in small lot subdivisions. When the planning board noted certain situations where that may not be met, but yet maybe isn’t undesirable, I have a picture here in just a second I’ll show you an example where that minimal block length may not be practical, so we took that out. The Planning Board noted that the future development plan may not work universally for all types of land uses, such as agriculture. I
would just note for you that the future development plan that we’re proposing, the regulations that we’re proposing are only intended to apply in residential subdivisions and in certain situations where the land is being developed at a density and land use calls for. It would not be applicable to agricultural subdivision or any part of an agricultural lot, commercial or industrial, it’s only for residential. We tried to really take into account the planning board’s comments and address those for you today. And as you know, we’ve been working on one of the reasons for the continuation of the hearing was to give some more time to look at standards first, solar orientation. I have a few slides here toward the end of the slide show that you can use to consider if you want to include standards for solar orientation. And then finally the planning board had concern about the gap in time between the deletion in landscaping requirements in subdivision and the potential adoption of those regulations through zoning or development code in Missoula, which we agree with and are concerned as well, but the difficulty that we have applying landscaping requirements in subdivision really necessitated this proposal.

I’m gonna show you a few slides that go through these detailed topics of block length through primary travel corridor, future development plans and solar orientation. Those were really the issues that rose to the top in the review of this section.

**Commissioner Rowley:** It's really difficult, I’ve talked to people about this too and it’s becoming really common for the way people build their homes. I definitely want support of the environmental friendly options but I’m not sure if this is the approach.

**Jennie Dixon:** We were talking Monday at the BCC update that small baby steps certainly couldn’t hurt and I would encourage that. To go much beyond that I would hope that we would do much more thorough analysis to present something more.

**Commissioner Rowley:** Right and as long as we’re very receptive to if this is not going to work or – because out in the county we do have a lot of different typography and things to where and everything so if this was kind of repetitive to the development it may not be the best route. But certainly I would love to be open to thinking about this. I’m not sure if it’s more appropriate in building standards or subdivision but it would be great to include something.

**Commissioner Curtiss:** I think we have an opportunity; we have some realtors here that are already focusing on this kind of thing. Bring some in and alert them, or attend some of their things, learn more what we can add in the future.

**Commissioner Rowley:** I didn’t have a chance to reach out to (in audible) solar workshop, Chase sent me their information.

**Jennie Dixon:** I was in contact with Hickley and some other consultants over in North Carolina who sent me a bunch of information. I tried to comb through to find something that could work here but it was either way too in-depth as an anthropologist technical jargon or it was really basic like this. I do like that kind of the out so-to-speak that it’s possible because if you’re in the nine mile, I don’t even think it makes sense to focus on what direction your lines are on. So we want to use common sense.

**Commissioner Curtiss:** We could also in our growth policy have a clause about how we think this is important.
Jennie Dixon: Yes. I might have mentioned it in our last hearing that the planning board has convened a climate change subcommittee. They are trying to develop, if not language some general guidance, for both the city and the county as they’re working on their growth policies relative to climate change, solar energy and energy conservation. That’s always been a part of the city’s, as well as the county’s plan in the growth policy, to address this issue. It’s certainly not something we’re ignoring and it really is important.

Commissioner Curtiss: Jennie, do you have a place where we could incorporate that?

Jennie Dixon: What I would suggest is your motion; I’ve written a motion so that you could just read the motion as amended by the planning board, as amended by the county commissioners and then indicate those sections where you might want to make changes to the language. I think really only two changes that I’ve talked about would be the change in the connecting to adjoining land. Right now, it’s proposed and recommended by the planning board as being the more definitive shall, if you want to go with a little more flexibility, we could go with the language recommended by Collins Planning Associates. Then the other addition, which would be brand new, would be something along the lines of this percentage. Other than that, we’re there any sections that you wanted to change? And even as we go, if you think of them I can try to craft language on the spot.

Commissioner Rowley: Can I see the language on the grid patterns? How that’s worded.

Jennie Dixon: Yes. If you go to your packet, the very back, four (4) pages in and you’ll know it from the graphics. Section 3.2 lots and blocks, right below that there are grid patterns.

Commissioner Rowley: Being on grid pattern adds a lot of character to a lot of rural subdivisions and I don’t want to limit people away from that.

Jennie Dixon: Not just typography but natural features.

Commissioner Rowley: I’m just wondering how we’re going to interpret it and when we’re going say you have to do a grid pattern?

Jennie Dixon: What I was trying to do with this is take an existing regulation and make it even more flexible and clarify it, so it wasn’t confusing. Right now it just says; blocks and streets shall be designed to create a block or grid pattern except for typographic or other conditions necessitate another configuration. They’re kind of saying the same thing but I was trying to build in “what are those other considerations?” Existing, adjacent development pattern, maybe we add other natural features to further clarify?

Commissioner Rowley: You do this a lot more than I do; maybe this isn’t going be a problem?

Jennie Dixon: Nine times out of ten it’s an easily resolved situation, that 10% of the time where there’s disagreement, it also comes before you, for you to decide. But that feels too far down the line for my comfort but sometimes that happens.
Commissioner Rowley: Flexibility is good but creates problems at the same time. I’m okay with it.

Jennie Dixon: There are so many reasons why someone could rely on to present to us and to you of why they’re not doing a grid system, but I just think to myself, this is just here to let people know this is the preference, but there are lots of reasons why it may not happen. As you make your motion, I would encourage that you look at attachment G1; it’s the attachment that will get attached to the Resolution that’s showing you what the changes will look like. Specifically what they’re going to look at but sometimes there’s going to be deletions that are going to be obvious that are presented here. But in 3.2 I didn’t include any of that in a strike-out so we can work from a clean draft and make changes as necessary. If you want to look at; we will put in a solar orientation I would probably put it between two-tier lengths and blocks or something more up towards the beginning as far as a solar orientation standard. But you don’t need to worry about the numbering, you just tell me the language and I’ll find a place for it and help you with the wording. If you’re wanting to go with a more minimal approach, the language on the screen, we could simply incorporate that as a standard in section 3.2

Public Comment
Jim Parker: I’d like to thank the Commissioners and the planning department for taking consideration of global climate change impacts and begin to acknowledge that and look for productive ways to ease our citizens as they grow in our community in the future.

Executive Session
Commissioner Curtiss made motion that the Board of County Commissioners adopt the Resolution as showed in attachment B1 effective November 2nd as amended by the Missoula Consolidated Planning Board and Board of County Commissioners. Adding natural features to grid patterns and adding solar standards for roads to be oriented within 30 degrees to the east west longitude where possible. Commissioner Rowley 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 County Commissioners are in recess at 2:49.