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

Staff Present: Jamie Erbacher, CAPS, Lewis YellowRobe, CAPS

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS
None

4. PUBLIC COMMENT
Sterling Miller: I have comments on two things; one is related to the use agreements that are in effect and the second has to do with the County’s budget. In both cases, I have suggestions as to how…actions that the Commissioners can take to improve, what I see is problems in both of these things. When the legislature was in session last time, I wrote a guest editorial in the Missoulian criticizing what’s called subdivision for lease or rent. I asked the Missoulian to ask the Commissioners to write a companion piece explaining why they continue to implement subdivision for lease or rent. In that companion piece the Commissioners said that they were in the process of implementing reforms to Subdivision for Lease or Rent, and indeed some reforms were initiated that were useful, particularly with regard to the fees. However, the main thing that resulted from those discussions was something called use agreements. These use agreements, I attended many of the meetings in which these were discussed, were designed to allow people to exempt themselves from having to undergo subdivision for lease or rent by signing a perpetual covenant on their property that would exist, even if they sold the property, saying that certain structures on their property would not be used for lease or rent. However, recently I have discovered and I have the documents here that these use agreements do far more than that. They actually prohibit the person who signs them from ever doing any improvements on their property. This is a boiler plate which is in all the use agreements, I have them here and I can show them to you. And I’ll read you this part of the use
agreement, part B of all these use agreements that have been signed says; owners shall not construct or install on the property any additional buildings, structures or improvements, other than those proposed above and as identified and described on the site plan and floor plans attached thereto. So my question is; were the Commissioners aware that this boiler plate prohibition against any improvement, which means if you want to put a deck on your property or if you wanted to build a shed, or if you wanted to put an addition, or an extra bedroom, or build a garage or something like that that in perpetuity landowners would not be able to do that. We’re the Commissioners aware of that? Or was this something that was dreamed up by the Planning Department or the County Attorney and stuck in there without the knowledge of the Commissioners?

Chair Curtiss: You'll have to look into that Sterling because I think it probably means without permits and such; we'll look into that one.

Commissioner Landquist: I don't think that's what its intent was at all because I certainly wouldn't be supportive of something like that. I think Jean might be right, I think it means without permits and such.

Sterling Miller: Here are all the use agreements that have been signed. My suggestion for fixing this in a comprehensive way, first of all put something into the subdivision law which recognizes the changes that were made by the passage of SB324, relative to the applicability of these use agreements on properties.

Chair Curtiss: We have changed that.

Sterling Miller: I don't think it's clear. Thank you Jean, but I don't think it's clear what kind of structures and what structures would be exempt since the passage of 324. The other thing that I suggest be done is that you contact the people who have put this perpetual covenant on their property and tell them that it's not necessary or do something comprehensive to eliminate this covenant. I've read all the use agreements and under the new subdivision for lease or rent reforms that were passed by the legislature, none of these people would be required to sign a use agreement. So it's something the Commissioners should do something to void all these use agreements and let the people know that they're not necessary. And this business about never being able to make any improvements on their property, which is a plain language of the thing, should be eliminated. So you're not familiar that those things...that that Part B was in these use agreements? This was something that was dreamed up by staff without the concurrence of the Commissioners?

Chair Curtiss: Well we agreed to it but I don't think that the implication that you're saying is not what we thought was going forward. We'll look at it and follow up.

Sterling Miller: Thank you. The other thing that I'm interested in is; I recently have been doing some review of the County's budget and one of the things I was interested in, in doing this review was what staff is paid. I noticed by doing comparisons with other County's...many other Counties have what county staff are paid on their websites, but not Missoula County. I had to request information on what staff are paid, including what the Commissioners are paid from the County Financial Officer, it took me about six (6) weeks to get that. My suggestion is that you put information on what staff are paid on the
website. I don’t know when the county submits this budget to the Commissioner for approval from individual departments, whether or not staff’s salaries are in there or not. If they are, then you would have been aware probably, if it had been presented in the right way that Deputy County Attorney James McCubbin received a 24.6% pay raise between FY13 and FY14. Absolutely astronomical, that’s 7 times larger than any pay raise that was gotten by any other Civil Attorney in the County Attorney’s Office. An astronomical 24.6% raise. And this is in spite of the many failures that Mr. McCubbin had done in that year. One of those failures included the absolute repudiation of his interpretation of subdivision for lease or rent by the legislature, which overwhelmingly rejected his interpretation of the States statues regarding subdivision for lease or rent. That passed by 99-0 in the House. Showing how completely out of line….

**Chair Curtiss:** Just to be clear; it wasn’t his interpretation, it was what the implications of the law is written were. That’s why they changed it because the State Attorney General agreed with his interpretation.

**Sterling Miller:** Indeed.

**Chair Curtiss:** It might not of been the intent, but that’s what it said.

**Sterling Miller:** Indeed. The Attorney General did approve that but only two (2) counties in all of Montana were interpreting the subdivision law in the way that Mr. McCubbin was. Even though he was able to advance and argument that that was illegal interpretation, it still was a disastrous interpretation. The reason that this passed so overwhelmingly in the state legislature was because of the Attorney General’s discussion. Made this a problem not just for Missoula County and Lewis & Clark County, which is the other county that was doing it.

**Chair Curtiss:** And Ravalli.

**Sterling Miller:** Well Ravalli stopped doing it once McCubbin left. So it wasn’t happening in Ravalli County anymore but only Missoula County and Lewis & Clark County. They were actively saying that you had to undergo full subdivision review because you had a structure on your property that is or could be used for lease or rent. That’s a unique to those two counties. I think that my suggestion is that you put the salaries on the website so people can see these disproportionate entries. The other failure that Mr. McCubbin had in the FY13 was this Brock decision. In which he wouldn’t allow Mr. Brock to…had to sue in order to get his title of register. That ended up having to go to the Supreme Court and because Mr. McCubbin appealed District Judges decision to the Supreme Court and he lost to the Supreme Court too in a unanimous decision 5-0. That ended up costing the county at least $80,000 in plaintiff's attorney fees and I am informed that it actually cost the county $120,000. I don’t know if you are aware of that but it’s really outrageous that an Attorney with this record should get such a huge increase in the year in which these failures occurred. I suggest that the County Commissioners pay more attention to the pay raises that staff got and when they’re disproportioned liked this, raises occur in cases that there’s nothing but a record of failure that the Commissioners intervene. The other thing that I’m asking for…I’ve been trying for some time to find out what the costs are of the Jordon Johnson prosecution. The County Attorney’s Office…and this is pertinent to you because you review the county and approve County Attorney’s budget; I
have asked and have been asking for what this cost is and I’m getting no response from anybody. Apparently this is being hidden from the public and I suspect that this cost was in the $100’s of $1,000’s because many outside counsel were hired to conduct that prosecution. I think it’s entirely appropriate to the Commissioners to find out and make public what the cost of this prosecution was because it was clearly ill-advised prosecution because of the speed with which the jury overturned it. I think that what brought this up, as I’ve been reading in the papers, that Mr. Van Valkenburg has been asking the Commissioners to approve a preemptive $50,000 to sue the Department of Justice, when in fact, he’s not willing to make clear what the total cost of his mismanagement of sexual assault cases is costing the County.

Dana, Missoula Indian Center: I just wanted to give you an update about the alcohol substance abuse and tobacco program that I coordinate. On New Year’s Eve we held a drug and alcohol free event for native youth and we got 30 youth, we went to the HUB, bowling, had pizza. I also wanted to just quickly talk about the Quit Line. They’re offering new benefits for this year. It’s eight (8) weeks of nicotine replacement therapy, which is chapstick?, gum and lozenges. They also have a new pregnancy and post-partum program. Then just a statistics about the quit line is that when the people who use the quit line, they are 7-10 times more likely to successfully quit. I just wanted to give you an update. I work the Missoula Indian Center.

5. ROUTINE ADMINISTRATIVE ACTIONS
Current Claims List ($1,843,644.44)

Executive Session
Commissioner Landquist made motion that the Board of County Commissioners approve the Current Claims List in the amount of $1,843,644.44. Commissioner Carey second the motion. The motion carried a vote of 3-0.

6. HEARING (Certificate of Survey)
Long (Howard E. aka Jack) Family Transfer

Jamie Erbacher gave staff report. The family transfer is proposed at 10745 Hwy 93 North. Howard Long is proposing to create one (1) additional parcel to transfer to his daughter. The original tract contained 14.4 acres and is accessed via two (2) separate 30 foot private access easements off of George Cates Blvd. The growth policy recommends one (1) dwelling unit per five (5) acres in this area. Howard has previously used a family transfer exemption to transfer a 2.03 acre parcel to his wife Joan, that is now known as parcel one (1) of COS 6067. There is evasion criteria listed in section 8.5 of the Missoula County Subdivision Regulations, there are ten (10) total criteria, of those criteria staff has found that this property complies with five (5) of those. Jamie asked Mr. Long the standard family transfer questions.

Commissioner Landquist: Clarification on the question asked; do you have any plans to develop this? The answer was yes. This is staying in the family – the house for the family.
Jamie Erbacher: Good point. Even though they did meet five (5) of the ten (10) criteria, we can also see the pattern that this family split is staying within the family and that does meet the intent of the law. Therefore we are recommending approval.

Public Comments
None

Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the request to create one (1) additional parcel to transfer to his daughter, Terri L. McGillis based on the fact that it does not attempt to evade the Montana Subdivision and Platting Act. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

7. HEARING (continued from December 18, 2013)
Resolution of Intent to Adopt Missoula County Growth Policy Update (Chapter 2)
Lewis YellowRobe gave update and showed PPT Presentation with updated information.
I have a few brief comments to make. The purpose of this update is; an update is permitted every five (5) years, if it meets a number of criteria. These are further explained and outlined in the staff report and the Request for Commissioner Action (RCA) that you have. The Growth Policy contents were following state law, you'll see at the bottom MCA 76-1-60, 13b 1-9 and 3c 1-8. The Growth Policy; these contents must include maps and text describe the inventory of the existing characteristics and features of the area. And that they must include projected trends within the growth policy. The update is compliant with state law as well. The text, trends and maps they describe these eight (8) conditions; land use, population, housing, economic conditions, local services, public facilities, natural resources and cultural resources. Since the planning board hearing, they did hold a public hearing at the December 3, 2013; they recommended to the County Commissioners that they adopt the proposed update, with the planning board changes. Since that Planning Board Hearing there have been additional public comment that have been received from the Confederated Salish & Kootenai Tribes, and then also some comments at the December 18 public hearing. Then since yesterday afternoon, comments from the Missoula Organization of Realtors (MOR), they sent a letter to the Commissioners requesting some changes to this proposed update. The Tribes would like some updated information for maps 23, 25-27, to include wildlife and fisheries information within the boundaries of the Flathead Reservation, within Missoula County. Then the comments made at the December 18 hearing centered around slope information, agricultural land impacts, mapping clarification, wildland urban interface. I’d like to take a few minutes to address some of the comments that were made during the December 18th hearing and then if the Commissioners have questions about the letter from the Missoula Organization of Realtors. I spoke to Tim Worley, Senior Planner at CAPS for the Subdivision and Zoning Section, ran a clarification question that’s incorporated in the Realtors letter and they did offer some comments on how to replace what’s being proposed in the Growth Policy. They did offer some new language and Tim felt that language was acceptable and would recommend that being included into the Growth Policy. That recommendation is included in the Realtors letter. There were questions about mapping clarification, that was brought up in the 18th public hearing and they’re also part of the Realtors letter that you
have. Staff is proposing to use some language that is shown and described on the existing maps within the current growth policy, the 2005 Growth Policy. This language is described on the big game winter range and the grizzly bear habitat linkages. The map is intended as an illustration of areas in the county and that may provide big game winter range land and the general overview is not intended for properties specific range identification. So having a language on those maps that were identified within the Realtors language has language that was similar to what’s already in the 2005 mapping information. You’ll see where the grizzly bear habitat linkage, there’s language that’s similar that says; it’s not intended for properties specific habitat identification. I think that’s some information that was not carried over with the current mapping information. The wildland urban interface, I did some fact finding for the Commissioners based on this comment in the meeting on the 18th. I spoke with Mitch Doherty, he’s a planner with CAPS, staff that’s fairly involved with this wildland urban interface, he indicated that Chris Lounsbury, Emergency Services Director, he and his staff at some point in the future will be working on an update of the wildland urban interface documents that guide the emergency services response for Missoula County. I did get a statement from Chris Lounsbury ~ I cannot find that statement in my pile of papers here but he did indicate that they were working on enhancing or further definition of this wildland urban interface. One of the comments in the December 18th meeting was to work on that map that’s currently shown in the staff report. Staff would like to recommend to the County Commission about this, perhaps when Chris Lounsbury and his staff begin this wildland urban interface update, if and when that process is completed then that could be an addition to or an amendment to the Growth Policy. Staff does recommend that the mapping information that seen right now is fairly broad, so to say, and it does paint a fairly large picture of what could be there within Missoula County. With the Missoula Organization of Realtors letter on January 7, 2014, staffs had a chance to review that material and can provide some feedback to the County Commissioners during this public hearing today. I’d like to close the staff report, so to say, with the staff recommendation to the County Commission.

Chair Landquist: Could you clarify; if the Commission does adopt the Resolution of Intent today that gives us time to do things like grammatical changes and that kind of thing. Does the Resolution of Intent have a date by which…is that 30 days for people to comment?

Lewis YellowRobe: No, there’s no date that’s attached to the Resolution of Intent to Adopt. The Resolution just indicates that the…I’m looking on the Request for Commission Action (RCA) on the second page. The last paragraph reads; now therefore be it resolved that the Board of County Commissioners of Missoula County hereby adopts this Resolution of Intent to Adopt, as amended by Planning Board with amendments….I left out some wording but it doesn’t give a specific date.

Public Comment
Ruth, Missoula Organization of Realtors (MOR): Everything that we were really concerned about is in the letter. So I’m here and happy to answer any questions.

Commissioner Landquist: I can’t find the problem you’re referring to in the first paragraph, page 6.
Ruth, MOR: The paragraph is under Agricultural Land Uses. The paragraph reads; “nearly half of the farms in Missoula County now sell less than $1,000 worth of agricultural products in a year. Many of the counties farms may be primarily rural residences with agriculture playing a secondary role in the property.” The concern that came from my committee was that, it kind of paints a picture that it’s gone from mainly agriculture to mainly residential. The point they wanted to make was merely that it’s common practice for the farmer, the ranch to actually be the homestead that dual use really hasn’t changed a lot.

Chair Curtiss: Was there some suggested language then?

Commissioner Landquist: They suggested that it’s a comment and doesn’t inform the discussion that it should be deleted, I think is what you suggested.

Ruth, MOR: The basic thought is that it’s great information but we’re not really sure what relevance it plays in the overall discussion about the profile for Missoula County, it’s not information that’s changed a lot…or at all.

Chair Curtiss: Well it has if you look at the size of old ranches and size of ranches now, even in 20 years. This chapter is mostly statistics. The next chapters we’ll get into is about ~ now what do we do.

Ruth, MOR: And that’s what we understand to be the case and where a lot of our comments came from.

Commissioner Landquist: That’s what part of this chapter does, I read your letter and I really took it to heart as I read through the document. There are statements in here from; whether it be from sources, or from things we’ve learned along the way, that may not necessarily be as scientific as we’d all like them to be to make it easier to read. This is kind of a foundational document so I think we have a responsibility to try to get it right. It’s hard to put some of the information in there that needs to be in there without it sounding like there’s some opinions. Maybe it should be worded differently or sighted somehow to make it more palatable, but it is kind of a fact.

Chair Curtiss: This one is a statistic from the USDA so it’s facts, it’s what they recorded.

Ruth, MOR: There is a lot of it…like we said in the letter. The majority of it is factual information that is based on statistics from creditable sources and we want that to be the case, that’s the goal of the document. When we come in to the planning phase you’re going to use this as a foundation. So if there is a sentence that could be kind of construed, in my opinion, in my membership’s opinion as leading the discussion, like we need to be doing this instead of saying this is the fact, then absolutely that needs to be changed. That will happen, we’ll have the opportunity for those discussions, and this isn’t the place to do that.

Annie Heuscher, Community Food and Agriculture Coalition: I’m not going into all the details of our response to MOR’s letter, but we did want to take the time to respond on a couple of points. We were quite satisfied with the draft, as it was, so none of these things had emerged concerns for us and some of them relate to things from losing ground and
other areas, so we wanted to provide some comments on that. Our overall response to
the letter; I agree with you Commissioner Landquist that it’s very thoughtful and I think that
the goal of increasing the clarity of the report is good. We are happy to continue working
with them on that. There were a couple comments about the climate wise report, we feel
that the purpose of the county profile is to demonstrate trends; climate change is obviously
a clear trend. That’s something that we would encourage you to keep in document. This
just came up as well that some of MOR’s points seem to question the data points that
Lewis quoted, especially some of the ones from losing ground. Every number that’s in
Losing Ground is associated with a data point from the USDA from the National Ag
Statistics Service, from the Census of Agriculture from the Department of Revenue. If
there are any…we certainly have no egotistical attachment to having our name in the
growth Policy, so if there is anywhere where you’d rather have that sited directly from the
USDA, we would be more than happy to help find where those pieces are in Losing
Ground and find the original document.

Commissioner Landquist: Isn’t there a way when you’re citing stuff, that if you’re citing
something’s but when you’re doing technical writing and you’re making a citation from a
source that you’ve taken it from but that source is also taking it from something like..you
cited the source and then kind of like a subsourse…a subcitation.

Annie Heuscher: I think that a lot of times when we do that, it’s when like the person
you’re citing has summarized the other point. But most of the points that Lewis used were
actually just the numbers. So they could really easily just be sourced from…

Commissioner Landquist: I think that’s a really good idea that we should maybe do that.
Whether we subcite it or cite it the other way.

Annie Heuscher: I have Losing Ground here with me here today so if there are any
specific points you were wondering about I can look those up and tell you where they came
from. There was just one other point in MOR’s letter about the…when we went to the
planning board hearing one of our main goals was to get more into the county profile about
growth in the Ag economy. There are elements of the Ag economy that certainly are
diminishing but there are elements of the Ag economy that are growing really rapidly. I did
include some of the data points that I had sent to Lewis in the past about where we rank in
the state on certain things and additional points are on the third page of my letter.

Amy Cilimburg, Montana State Audubon: I’m the Director of bird conservation but I also
oversee our climate policy work. I was very pleased to see in this document a
recommendation that we consider trends and projections for increasing temperatures and
warming climate and that. I was the co-lead on Missoula’s municipal conservation and
climate action plan developing that plan, so I’ve been working a lot at the city and
community level of climate planning over the last couple years. I was hearten to see that
was in there and I do hope that it stays. When I was basically just shown that Missoula
Organization of Realtors letter, I was surprised that they would question whether that
comments about climate changes and projected trends were relevant there. I believe
strongly that without understanding where we’re headed how can you plan? That seems
like that we are talking about projections and trends, so I would hope that that would stay
in there. In my work in the last couple years, I’ve worked a lot with the Clark Fork Coalition
and with Jill Albin; unfortunately she was one of the leads in the climate wise project that
moved through as they developed their climate wise report, working with the GEO’s institute. She’s in Bozeman today was not able to come, Karen Knudsen was hoping to make it over but I don’t see here. I don’t necessarily want to speak for the Clark Fork Coalition but I know that they feel very strongly that that was a very professionally done exercise and report working with a lot of scientists, PhD’s on this, steering committee, Geo Institute and within headwaters economics who was also part of that, a lot of top-notch scientists. I was a little taken back by the well intention to comment within that letter and I believe that there’s a lot of strength, a lot of professionalism in that. I know other organizations like Montana Audubon are using that report and using it to develop further planning, so I do hope that that can remain a part of our overarching profile as we look forward to updating the furthering chapters in the Growth Policy.

Nicky Phear: I’m not representing anyone up here except a citizen that’s very concerned about climate change. I do teach at the University, I’ve been working with a lot of people in the community to help us think about projections with climate change and plan for that. I can attest that there are many people in this community from many different sectors ready to step forward to put our heads together for how we move forward on it. I was really encouraged to see that consideration of future climate change was going to be considered in the county growth planning process and I echo the statements made by Amy that I’d like to see them there. It’s a wise thing, a bold thing and I think we’ll serve the county well in the future even though it might be hard. Again, we have a lot of people here that are willing to work on that with the county.

Chair Curtiss: The reason why I ask Lewis a little bit earlier if we had a timeline on there is it seems to me that may be able to consider today adopting the intent to adopt and then incorporate some of the comments today. It’s out there electronically right now right?

Lewis YellowRobe: Yes.

Chair Curtiss: We could still then take additional comment before we adopt. There are some other things that...as we all read through these you know how, when you do a report like this, you write something so many times that you’re sure it says what you thought it said, but you spelled a word wrong or you did something wrong. There are some things in here like; the Swan Valley fire service area is on the map but not on the list, a couple things like that. I met with Nancy this morning and identified a few things like that; I know Michele and Bill probably both have some of those things too. But it is a good time for us to talk about the MOR and since they’re both here and CFAC’s comments, and what we think about what should be in this report. I think the climate change from my point of view, the comments that are in here are reflective of discussions that have happened in our community regarding trends. It’s not a detailed climate thing, which I think is a whole other conversation that needs to be had at the county level, in the future. I think they’re pretty basic in what they say.

Amy Cilimburg: I did notice that if you would like in terms of citations, there’s a couple other opportunities to cite projected trends and temperatures. The USGS has a site that was just updated, December 10, 2013 predictions of 3.5 degrees Celsius increase in temperature for Missoula County. So they break it down at the county level and have predictions, I can forward you that URL. If you wanted to substantiate those warming
trends there’s a lot of really good science done by government and other folks that could be helpful to having that document.

**Chair Curtiss:** We were also working on this in 2013, so we had to have a cutoff date as to when we start putting things…

**Amy Cilimburg:** Oh okay. It’s nice because you can see some step down models that look at county level data.

**Commissioner Landquist:** But I think as current as we can make it. We’re already in 2014, as current as we can make it because sometimes it takes too long to get some of that information.

**Chair Curtiss:** We could refer to USGS for reference maybe. The problem is if you have this data from 2012 and this is 2013 and now we’re in 2014.

**Commissioner Landquist:** That was one of my short questions, here we are in 2014 actually getting around to adopting it, so what is the date going to be on this document when it’s finally done?

**Chair Curtiss:** 2014.

**Lewis YellowRobe:** 2014.

**Ruth, MOR:** I just wanted to address some of the climate change comments. We’re not necessarily against the idea and nobody on the committee has said they’re against the idea of having the discussion about climate change. We just want to make sure that the information included in the report is current is a big deal. Nowhere else in the report, apart from some of the areas we considered to be opinions, were the projections instead of current statistics ~ that’s where there was that question about its inclusion in this specific report. Our organization would be more than happy to participate in a discussion and create a plan, much like the City did, I think that’s the step that needs to take place. But understanding that there are parts of this report that the Commissioners may want to include. We did include suggestive changes to the actual language, for example, we have in this document it says; up to five (5) degrees. Most documents include a range so we recommended including the range. So if you weren’t wanting to strike the information completely, we do feel that following some of those other minor changes would help to improve the document a little bit better, and to have more information for the individuals as well.

**Commissioner Landquist:** And I felt those recommendations were good ones. Some of my concerns in reading through the document were numerous and in that regard, kind of disappointed. I think its overall a good document, but some of it was just in the writing structure of it, I thought things were written backwards. I know how to compare and contrast but when you’re comparing and contrasting and going back and forth between this date and that date, instead of doing it more of a sequential thing, one of the things that took me so long to read this document was that I was rewriting it as I went along and then I got really frustrated with it. I finally just stopped doing that and taking notes and writing question marks in the margins, the later it got the worst my comments were getting, which
I don’t like doing to anybody’s body of work. Like Jean said, there was some sort of typo things that when you think you know what you’re saying and you’re going over the document so many times and then it’s not catching certain words that may be a typo overlooked I found. On page 13 one small example, I think you’re referring to an owner when you say; “Of owner occupied units 61.2% have a mortgage for 33.3% of those with a mortgage selected monthly housing costs are more than 35% of their household income conversely, 12.5 of those without a mortgage have monthly housing costs of more than 35% of their income.” You mean renters? Why don’t we just say what we mean? Those people renting homes, we want this to be reader and user friendly. I read that a couple times before I figured out, wait a minute, they’ve got housing expenses so we’re not talking homeless because I already waded through that section of the document. Then there was… I started writing in the margins ~ order, order, meaning two sentences in the same paragraph just need to be flipped, so it was more sequential when we’re talking about some of this stuff so you could follow it. And I was comparing it, I went back when I started getting tripped up on this in the document, I know I’m dyslexic, but that makes me a really good proofreader too. When I’m struggling through things and I have to work at, I know it’s not all just me. So I went back to look at what style it was to see if this was the style, no it started out one way as more sequential and then it just started getting flipped along the way. Then there was so much of it, it was like, where do I stop? There was a few other things that we pretty glaring. So I think its okay to adopt the intent, because the overall body of work is there but I think it needs a lot more work and I think a little bit more collaboration. I think we’ve got some good willing people offering some good advice and we have a responsibility to get this chapter, this document right. This is a foundational document of our growth policy and there’s a lot of things that stem from this. When I read even the comments from the Planning Board, even they were having trouble with approving this…wanting to reserve the right to come back and take a look at it because they were finding problems with it and realizing that; well there’s going to be other chapters of the growth policy coming forward so maybe when we get done with those, when and if that occurs, because we’ve got Subdivision rewrites that we’re looking at. That’s one of the reasons I was like well, what’s the date on this document going to be because when did we do the other chapters? And in trying to keep things timely but knowing that yes we do have to have some of this stuff in here for the here and now, but I’m looking at this as a work in progress still and not a work to be fully adopted yet. As far as the climate change and global warming stuff goes, not only did I participate in those meetings, when they were occurring here in Missoula, but as someone who has worked the land for 30+ years as a local small town farmer. I’ve seen the changes in the climate and I’ve seen things that aren’t addressed, whether we should address them or not. Because then I started having the struggle with myself of; how scientific do we make this data that’s in here? But like the winds ~ we talk about the water, the people moving here, the water that needs to be shared and spread amongst human beings for domestic uses, as well as agriculture uses.

But one of the things that wasn’t addressed is the winds. The winds are drying up an awful lot of things, as well as the temperatures, it’s not all just temperature. When people say climate change or global warming, you think it’s going to be cold in some places and hotter in other places. There’s other factors in the weather that are going through some changes, whether it cyclic or climate change…global warming, doesn’t matter, everybody I talk to seems to be aware the fact that the weather patterns in Western Montana are changing. We do have to be prepared to try to address that, for not only the people that want to farm but the people that just want to live here and be housed in a house, whether it be urban or suburban. That’s why we need that information in here, but we need to get that information as accurately as possible knowing that some of this stuff is in a state of
flux and it’s unpredictable. So how do you put unpredictable data in a scientific way? I think that’s the part we need to get right...to have the element of predictability because people do look at growth policies when they’re writing their grants for various things, for funding when they’re trying to get a permit for something approved and saying it complies with this or it doesn’t comply and you need a variance. So that’s why I think that we have a responsibility to get this right for more than just now, it’s for the future. Because what this growth document does, even though we have the right to look at it again every five (5) years, you try to make them last for twenty (20) because what’s that expression you use a lot? The emergencies take over the urgent or what is it?

**Chair Curtiss:** The urgent takes over the important.

**Commissioner Landquist:** Yes. It seems like the county is always in that mode, rightly so, we’ve got a lot on our plate at any one time. So we have a responsibility when we’re looking at these growth policies to try to see beyond our time to help insure that Montana and the American life style can remain alive and well. So I’m just not comfortable approving the whole document right now without it getting a little bit more work. I’m okay with the intent to adopt it with the base line information as it is, but I think it needs to be flushed out a little bit more.

**Chair Curtiss:** I think probably instead of adopting the intent that we should assign ourselves homework.

**Commissioner Lanquist:** I’m good with that too.

**Chair Curtiss:** I think what we need to do is look at the comments...look at the draft profile as presented, the comments from different agencies and decide which pieces we think need either additional data to support or changes. We always adopt with the intent that if there’s errors in spelling and that kind of thing, that they would be corrected but we can let you know what those are...the ones that we’ve identified already. So our next Public Meeting is in two weeks? I think we can do that in two weeks. If we made sure our own homework assignment was due at the planning staff meeting previous to that day, we could put it on the webpage so people knew.

**Commissioner Carey:** I just wonder in terms of the public process whether or not it makes more sense to adopt the Resolution of Intent and then...that seems to help with further notice.

**Chair Curtiss:** Okay so the next meeting is the 22nd. We’ll need to have this done by the 20th, which happens to be a Holiday.

**Nancy Heil, CAPS:** One option that you could consider and I don’t know if this would cover all of your concerns but if you wish to adopt your Resolution of Intent to adopt chapter 2, as proposed, as with staff’s suggested changes that went to planning board with Planning Board’s recommended changes. You’ve received an additional set of recommendations at the hearing last month and with any additional corrections, clarifications or edits, as needed to make a clear document. That might cover most of what you’re considering. If there were specific other changes in specific content areas or specific comments that you wanted addressed differently, that might be a separate matter.
Commissioner Landquist: That’s not a bad idea but what concerns me about that and it’s fine to say; well we liked your ideas Missoula Organization of Realtors, we’re going to incorporate them and we liked your ideas and we’re glad you’re happy with them, etc. But then when the final document comes out, some of…not all of what they recommended comes out in the document. I want people to know what they’re getting, I want the document. I’m okay with once in while a few grammatical things that we’ve spotted but I’m afraid that some of what we end up tweaking here, deleting or changing, I want the people…our public that have worked hard to help review this because they’re the ones that also help us make better documents out of this and it is a public process. I want them to know what it is we’re approving, I want to know what it is we’re approving too.

Nancy Heil: And that was why my suggestion was if there were…like up to now you’ve got very specific insert, this here insert, this there, up to that point I think staff has very clear direction about what the Commission would like to see. If there are places based on the comments that you got from MOR where you wish to make specific direction, we may not be there yet.

Chair Curtiss: Before we adopt the Resolution ~ there’s two. The Resolution of Intent, then there’s a Resolution to Adopt. We’d still have an opportunity to amend; we’d probably have to have another Resolution of Intent though.

Nancy Heil: My understanding of the Resolution of Intent is this is where the Commission says; this is the document that we would like to see adopted. The Commission on previous documents has passed Resolutions of Intent that have said we intend to adopt this document with the following list of amendments and with any editing or grammatical clarifications as needed.

Chair Curtiss: I really think there isn’t that much that the Commission might consider changing, there are probably a few things from the two main comments that we got today. We could probably shorten our timeline of homework to next Monday, that way people would have time to look at it before it came before us again in two weeks.

Commissioner Landquist: Have our homework done Monday, turn it into staff, have them make the corrections and changes and then it could out again for people to review?

Chair Curtiss: Yes. It could be put out so they know what we’re considering. I think if we do think we’re going to do any changes other than saying we would add…I think there’s a couple graphs and things that we need to probably add. I’m guessing in this attachment that you had Annie, were you trying to provide that 1974 data?

Nicky Phear: I’d like to make one more comment about the climate wise report. I liked your comments about how it’s not just warming trends that effect the environment that we live in. That document was an attempt to put those changes into content in our region here. And I think you said it’s kind of basic stuff but I think it helps people who consider our future growth, it just gives us some other ways to think about that in the context of this region. I do like that document and I would encourage that to be something that is referenced, of course, with other scientific documents but I think it is a good attempt to look at those changes in context and the things we care about in this region.
Chair Curtiss: And that is the one that is already referenced.

Nicky Phear: That is the one that’s already referenced, yes.

Lewis YellowRobe: The Missoula Organization of Realtors letter, I’d just like some clarification on how you’d like staff to handle some of these comments. I’m not sure what the Commission has decided about the climate change but staff…I can go through some of the staff recommendations minus the climate change because I’m hearing that there’s still some thinking about that. But some of the other changes that staff not only has some recommendations but overall support some of these comments in the letter, not necessarily read it line by line but again minus the comment change on the second page of the Realtors letter where they’re recommending having that range of 2-5 degrees. Staff would recommend that change. They have another comment in there that Table 2 is not accurate; we did see that inaccuracy and that will be corrected.

~ I didn’t see the material that was provided today about the 1974 data, we can include that data.

~ On the second page, the fourth and fifth paragraph, these aren’t climate change comments but they have to do with CFAC comment. And the Realtors are suggesting on page 6 of paragraph 1 that this comment doesn’t necessarily inform the discussion.

~ Then the next paragraph, they’re recommending that the last sentence of these paragraphs be removed. Perhaps we could get some direction from the Commission on those two paragraphs; then on paragraph 4, in the remaining letter, where there’s some recommendation to remove that sentence.

~ Staff is recommending some word changes where it would say land prices, which increase when development pressure rises often make it difficult for beginning farmers and ranchers to buy land. It changes not only the readable but it also, in staff’s opinion, addresses what the Realtors are asking.

~ Then page 10, bullet 2, they’re recommending that this bullet should be removed. Again, this is part of the trends that are required by the law; staff would recommend leaving this trend in.

~ Then on the third page where they reference some Missoula County sources to cite. That material there, that actually is from 2000 or previous, it’s not as current. I can maybe work with the Realtors to find some more current information to help identify more home ownership trends.

~ Page 14, Table 6, the Realtors did provide this information and can be easily incorporated into the draft.

~ The next paragraph, staff can incorporate this material into the draft as well, it talks about some trends. I need to figure out some ways to work it in and make it as a trend because it is a Missoula County housing document and they get work for the growth policy.

~ The wording about the slopes; again, I talked to Tim Worley about that ~ in regards to driveways.

~ The following paragraph they want to add information in Table 13 on how many acres of land is publicly owned. That is already identified in the plan but that’s an easy add, so to say.

~ The maps that I had given at the beginning of the public hearing. They had some clarification about the land ownership map and I need to check with Nate Rogers, our GIS Officer and make sure that what they’re asking is included; I believe it is but I just want to double check with Nate. He’ll be back from vacation on Monday so I can clarify the request from the Organization of Realtors.
~ The remaining are the CFAC comments. 4 & 5 have to do with the global warming and it sounds like that’s still being debated on how to handle that.
~ The following, they’re asking for further information about Table 2/Table 3, that’s about agricultural production within Missoula County. The Planning Board did ask for further information and that information is included in your Request for Commission Action (RCA) in attachment 2, item 2, page 2. You’ll see in the agricultural land uses there’s some new language that gives more description about these direct markets in Missoula.
~ The Planning Boards motions for 5, 6 & 9. For 5, again that goes back to the previous comment about Table 3. That’s included in your Request for Commission Action (RCA). Motion 9, we’re still working on this Planning Board request but what they want to know is how much land has been taken out; how do we display a graph that shows the land has been taken out of agricultural production within Missoula County? We’re still trying to figure out how to address that request. That’s fairly large…I guess the question is when Missoula County started or…

**Commissioner Landquist:** You have the Barb Martens document too don’t you? (Missoula County Agricultural Protection Study 1983)

**Lewis YellowRobe:** No, I’m not familiar with that document.

**Commissioner Landquist:** I have a copy of it. She was the first one that was asked by Commissioners before us to write up and research the availability of farmland in Missoula County and whether or not we were losing it or not.

**Chair Curtiss:** Lewis, when you go through that it sounds like to me I was probably over reacting; I think that we just need to have the discussion about what we want in here on the climate stuff. We either put it in or take their recommendation.

**Commissioner Landquist:** I was looking at the calendar for our schedules, we’ve got a couple Fridays…not this one, but the next two Fridays, I don’t have anything scheduled. Maybe it’s a question of just like we do when we’re drafting letters, sitting down with you and going through it. I’d be happy to sit down with you one on one if you want or if we do it together collectively and go through it page by page and discuss our changes and why. Otherwise, I can do it by writing it and putting sticky’s all over it and handing it to you too, I don’t care either way. What I’m concerned about is sometimes kind of what you were saying Jean, you write something a bunch of times and you think you know what’s there and then you’re missing things and now you go to read the final document that somebody else has read a number of times. If we start rearranging things it seems like a whole new document. I know that there’s ways you guys write things to track changes but that’s what I’m afraid of; once we start tweaking this, even though the tweaks that I’m talking about aren’t real huge ones, it’s still going to rearrange things enough that when you read it, it’s gonna seem like it’s changed. There’s a couple bullets here when we start talking about higher land prices making it more expensive to produce local food ~ it’s also going to make it more expense for housing. So I found some things; in one section we’re talking about the higher cost of Ag land…our lands always been high in Missoula. Whether you want to call it inflated or not, it’s supply and demand. You mention certain things in this document about built in the valleys, now we’re building in the harder spots; that’s one of the reasons that land is expensive here. Some of it has to do with the fact that we sold off a lot of Ag land, some of it doesn’t ~ Ag land was the flat stuff. This is subjective, it’s just a question
of getting it right and telling it the way it really is. Then there’s something quirky here, I found one of my little examples, it’s kind of like a grammatic thing, one section here under county overview; #1, I just kind of wanted to rewrite the whole thing because I thought what was left out was varies and distinct regions. And instead of saying; several unincorporated communities, there’s numerous and that’s one the reasons we have seven (7) community councils and even that doesn’t do it justice. And there’s no mention in here about the seven community councils that we have that help with the communication and liaison aspect of our county. And then the word “it” starting at the beginning of a sentence, which I know is a grammatic thing but I’m trying to find where it starts. It says; “Missoula County ranks 25 for land area among Montana Counties, approximately 104,678 acres in the county are located within this Confederated Salish and Kootenai Tribes Flathead Reservation. As of 2010 there were an estimated 109,299 residences in the county which ranked second in the State for population, behind Yellowstone County. It has a population of 42 persons per square mile, which is significantly denser than the State’s population.” Which “it”? Is it Yellowstone or Missoula County that has the population density of 42 persons per square mile which is significantly denser than the State’s population? It’s changes like that as we go through, they add up and it ends up seeming like we’re changing more of the document then we actually are. I don’t want the public to have any kind of funny perception that we’re doing anything weird here, but I do want to take our responsibilities seriously in getting this right.

**Chair Curtiss:** I think that we could do those kinds of things individually with Lewis and make sure that they all end up highlighted in yellow or something so the public would know. Let’s have the conservation about what we think ought to be in here about the climate wise. I think that the, in my opinion, is what we have in here with the things Lewis talked about changing the degrees and that kind of thing that he said were easy to refine. I think this isn’t saying that the ocean gonna rise and flood Montana in a week, I don’t think its extreme at all and I think it does talk about the trend. We all know that the reason we have more forest fires is we have less snow, therefore we have less water and the forests are drying up and that’s why the needles fall off our Christmas trees. I think this is all based on all the citations and such are based on data that’s been presented, it’s not just somebodies opinion. I’m fine with it staying in here.

**Commissioner Carey:** I am too.

**Commissioner Landquist:** I’m good with that too, I just want it to be done right and not spread out. It needs to be more concise in how we’re putting it in here. I just found it disjointed.

**Chair Curtiss:** The climate stuff?

**Commissioner Landquist:** Yes. It just needs to be a tad bit more comprehensive because then you’ll find bits and pieces of it spread throughout the thing and unless you know what it’s talking about.

**Chair Curtiss:** It’s like any document; you have to read the whole document. It’s in sections as Lewis showed us in the beginning and climate change affects more than one section too. Do we want to adopt the Resolution of Intent?
Ruth, MOR: A question or maybe a clarification for me; if you adopt the Resolution of Intent as presented would all of the motions from the Planning Board have to be moved forward? They would have to be included in the document, whereas if you waited and weren’t able to find some of that data or figure out a way to make that table work in the document, you would have the flexibility to not include that particular motion.

Chair Curtiss: So you’re talking about the one with the map?

Ruth, MOR: Yes, that was one of the examples but I think we included three (3) motions from the Planning Board that we were concerned with, that shouldn’t be included unless statistically data can be supporting it. I guess two (2) of those potentially have that data; we just haven’t seen it yet. But the third (3) one, especially since they haven’t figured out a way to do that table and it sounded too based on conversation with Pat O’Herren that they’re not in a real rush to get this done, it doesn’t have to be done tomorrow. It would make sense to do the revisions that you need to and then pass the Resolution of Intent. That way we all know exactly what we’re getting and we still have the opportunity to participate.

Chair Curtiss: Lewis, is that one graphic that we haven’t figured the only one from Planning Board that we don’t think we’ll be able to come up with easily?

Lewis YellowRobe: Again, we’re still working on that now, the ease of it. We’re still making that determination. I’d like to see the material that Commissioner Landquist just mentioned and work that into the creation as well.

Nancy Heil: If those data per that recommendation from Planning Board, simply if those data aren’t available, then it could be that the Commission is unable to act on that particularly recommendation from Planning Board. That was a fairly comprehensive request.

Chair Curtiss: That’s what I was wondering, if we needed to state that if we go forward, this particularly piece may not be available.

Nancy Heil: Yes, I think that could be one way to craft part of the motion, would be adopting Planning Boards recommendation as presented, with the exception that particular one will be incorporated if the data are available. That’s not well worded but…

Chair Curtiss: It’s like we know the data’s out there but can you make it into a graphic that’s not movable. It’s different if you say here’s a map and we have a PowerPoint and we show this and then you show this, but how do you do it in hard copy?

Nancy Heil: And I think that another way to approach that might be to if there’s not a way to graphically represent that to find some sort of numeric indicator or qualitative indicator that says over time there’s an estimate that X% or this many acres, or there’s been this much change in either availability of land with agricultural soils for agriculture or an estimate of this amount of land that was used for agriculture that is no longer an agriculture production. So I guess what I’m suggesting is there would be a number of ways to present this data in order to provide some sort of an indicator of what’s happening with agriculture and land in the county. I think that’s what part of what the point is, to
provide some indicators without trying to provide an encyclopedia of all of the data that are available.

**Chair Curtiss:** So we could change that to say we might not have an encyclopedia, we would like some indicator.

**Lewis YellowRobe:** The information is there; it’s probably not presented in the format that’s being recommended. You’ll see in the staff report and the attachment A, #5 where now we’ll have 1974 data in addition to it. Where you see the total acres of farms in 1997 was 269,000, it decreased to 258,000 plus in 2002 and 281,000 in 2007. It’s there but it’s presented in this table format now how do I put the information in this table into a graph that’s a pie or a line graph, or a bar so to say? That’s the difficulty that I was talking about, not that I don’t have the information. I’m sorry I wasn’t able to clarify that a little better when I was responding to the organization and also the planning boards comment. I think maybe the material that Commissioner Landquist was referencing as well might be able to help with that, but again putting this table into some sort of graph, I’m not really sure how that translates, so to say. That’s been my head scratcher, in addition to addressing the planning board comments, in addition to all these brand new comments that have come in, I’m juggling about 15 different balls and then about 3 or 4 get added in. I haven’t necessarily neglected it or haven’t put any thought into it; I’m handling as many requests as I possibly can. But yes, I am working on that and did put some thought into it but I’d like to see the material that was mentioned and maybe that might even give me some greater clarification as well.

**Annie Heuscher:** I was a little confused about what we’re discussing here. There are a bunch of points that we made in our letter about some of the concerns that MOR raised. I think...are we talking about motion 9, is that what you’re saying as like the main one that you didn’t think had already been addressed? Is that right?

**Lewis YellowRobe:** No. I was referencing what the MOR had indicated in their letter of January 7, where their statement says; “as stated previously in the document, unless there is a way to show (yes it is motion 9) it’s not possible to create a table that shows land being taken out of production.” So I was referencing not only what their indicating but also motion 9 as well.

**Annie Heuscher:** I think that our understanding of that is different than their understanding of that because I thought that you had already addressed motion 9 in attachment 2. In attachment 2, page 5; you have a table that has the Department of Revenues productive agricultural land classifications and the way that those have changed, at least since 1986. Obviously, they don’t go back to the beginning of time in Missoula County, but they go back a ways. When we were creating Losing Ground obviously we were looking for way to figure that same kind of number out; how do we identify how much land we’re losing over time...that was the whole point of Losing Ground. What we found was that when we looked at the numbers from the USDA those kinds of numbers that are shown in table 3, those number with the USDA, and I’m sure you know this Michele; if I produce $1,000 worth of Ag products in my garden and with my cattle, then I can qualify for loans from the NRCS...or grants from USDA. So I may qualify as a farm, when really from our perspective that’s not agriculture as a whole, that’s your own self substances, it’s not production agriculture. That’s why we used the Department of
Revenues productive agricultural land classifications because what you’re looking at there is all of their different classifications that they have for Ag land and what’s the change overtime. People are obviously...if they’re using for Ag land, they’re going to get it taxed as Ag land.

Commissioner Landquist: But you have to prove that financial aspect or otherwise you have to have 20 acres or more.

Annie Heuscher: Right you have to have $1500 of income off of it every year. The people who aren’t going to be in it are going be the gardeners basically, or people who aren’t making $1500 worth of sale and it’s not even profits, it’s just the sales. So that’s what we had used and I know that in MOR’s letter, they had had a comment about that...on the second page of their letter, they say; page 6, paragraph 2 and 3 and they make the comment that is it possible ~ they say, for example, according to the UFDA Project, Missoula County has over 3,300 lots that have been approved but not developed yet. Is it possible that they’ve been utilized for agriculture in the mean time? Tax records cannot accurately determine use as an improved subdivisions tax status changes, even if homes are not yet built. That can be true if...

Commissioner Curtiss: If the plats are filed.

Annie Heuscher: Right. I spoke to the Ag Specialist at the Department of Revenue today just to double check on this, my understanding of it. If the roads have been built and sidewalks have been built and the utilities are in, and your selling lots, then they consider that you’re main priority there is not using it for agriculture. We too, would consider that that land had functional been taken out of Ag production. The Department of Revenue thinks it’s been taken out of Ag production, we concur there. And she said, I’ve had people who have subdivided their land and then they decided that they weren’t gonna bother trying to sell the lots so they took them off the market, and they went back to Ag production and we reclassified them as Ag production. Because it was clear that they were going back to using the land as Ag production. If it’s really being used for Ag, if it really is Ag land, in Ag production, then it’s going to be classified as such by the Department of Revenue. So those are numbers that we have and those are numbers that we can...I’m sure that we would be happy to help go back and get more numbers if we want to go further back in the past but that kind of seems like something that where maybe we do have that data.

Chair Curtiss: And you could graph that pretty easy.

Commissioner Carey: I support recessing this until two weeks, at our next public meeting. Gives staff time to work.

Commissioner Landquist: How do we want to handle, do we want to do our homework and be prepared to discuss with Lewis at our CAPS meeting on Monday?

Chair Curtiss: Probably because otherwise we’re each going tell him something different. And we won’t know what each other said. I do agree that the language in CFAC’s letter today talking about trends of the removal of agricultural land, I think that’s a big question in the language that we had; this might be a better way to put it. On page 2.
**Commissioner Landquist:** I think we’re close to being there with a really good document and having not only something to move us further into the future but having some really important public interest groups being able to have something that’s really palatable too. That concerns a lot of our citizens’ rights.

**Chair Curtiss:** I think we have to remember though that this isn’t the detail part so we could easier make sure that we try to put too much detail into it.

Any other public comment?

None

**Executive Session**

Hearing is in recess until January 22, 2014. It will be our goal to have the proposed changes out for the public to see before that.

8. **OTHER BUSINESS**

None

9. **RECESS**

Being no further information to come before the Board the Commissioners are in recess at 3:15.