Ravalli County Planning Board
Meeting Minutes for September 27, 2006
7:00 p.m.
First Interstate Center, Ravalli County Fairgrounds, 100 Old Corvallis Road
Hamilton, Montana 59840

Subsequent Public Hearing on New Information
Aspen Springs (Wesmont Builders/Developers, Inc.) Major Subdivision and Eight Variance Requests

This is a summary of the meeting, not a verbatim transcript. A CD of the meeting may be purchased from the Planning Department for $5.00.

1. **Call to order**

Dan called the meeting to order at 7:02 p.m.

2. **Roll Call** (See Attachment A, Roll Call Sheet)

(A) Members

Mary Lee Bailey (present)
Dale Brown (present)
Ben Hillicoss (present)
Dan Huls (present)
JR Iman (present)
Maura Murray (present)
Tori Nobles (present)
Chip Pigman (absent – excused)
Les Rutledge (present)
Lori Schallenberger (absent – excused)
Gary Zebrowski (present)

Park Board Representative: Bob Cron (absent – excused)

(B) Staff

Jennifer De Groot
Karen Hughes
James McCubbin
Renee Van Hoven

3. **Amendments to the Agenda**

There were none.

4. **Correspondence**

See information under Staff Report, 6(A)(ii).

5. **Disclosure of Possible/Perceived Conflicts**

JR said that his son Trevor works for WGM Group, Inc., but is not involved in this project.

Dale said that he has worked for Perry Ashby on a few jobs, but does not have a conflict of interest.

6. **Public Hearing**

(A) Aspen Springs (Wesmont Builders/Developers, Inc.) Major Subdivision and Eight Variance Requests

(i) Legal Counsel Report Regarding New Information

James explained that in 2005, the Montana State Legislature addressed the topic of new information received on subdivision applications after a Planning Board public hearing. He noted that the change came due to a problem in Ravalli County with the Hatchery Bend subdivision. He read the requirement in 76-3-615, MCA. He explained that the County Commissioners have to determine if the information is new, relevant and/or credible. If the information is not new, relevant, or credible, it is not considered. If the information is new, relevant, and credible, the County Commissioners have to send the information back to the Planning Board for a public hearing on that new information. He noted that on August 22, 2006, the County Commissioners heard new information and continued their meeting until August 23, 2006. Staff identified six potential items of new information and the public presented a couple more. The County Commissioners identified three items of new, relevant, and credible information. He commented that at the hearing tonight, only new information should be discussed. He noted that if anyone goes beyond the new information, the County Commissioners cannot consider that testimony or information.

(ii) Staff Report regarding New Information: **Renee Van Hoven** went over the correspondence given to the Board and then described the Staff Report. She noted that the memorandum from the Planning Department dated September 6, 2006, explains the three pieces of new information the County Commissioners deemed relevant and credible. They included test well statistics, an email from the County's Road Supervisor to the developer's consultant regarding a road connection to the south, and demographic data within the TischerBise impact fee study. (See Attachment B, Memo from Renee Van Hoven to the Planning Board dated September 6, 2006 regarding New Information on Aspen Springs) She noted that the packet with additional new items from the developer includes a letter from John Tabaracci to the County Commissioners dated August 2, 2006, and a flood hazard area map. She concluded that packet does not contain new information. (See Attachment C, Additional Comments Received from the Developer since the Last Public Hearing on Aspen Springs) She noted that the Board received a revised Staff Report on how the new information affects findings and conclusions on the subdivision. (See Attachment I, Aspen Springs Staff Report for Second Public Hearing on New Information) The Board also received 11 x 17 and 24 x 36 versions of an updated preliminary plat and a memorandum from the Planning Department dated September 26, 2006, noting that the plats are not new information. (See Attachment F, Memorandum from Renee Van Hoven dated September 26, 2006, to the Board with updated Preliminary Plats of the subdivision) She mentioned a

memorandum sent to the Board from the Planning Department on September 27, 2006, with two attached public comments. One is from Joyce Owens regarding a recent fire on the Aspen Springs property that resulted in traffic problems and the other is from Landworks to MDT regarding a recent meeting on the impacts of large subdivisions on State Highways. She explained that they were submitted after the County Commissioner meeting and contain information not in the record, so they cannot be considered in the findings, conclusions, recommendations, or decisions of the Board or County Commissioners. (See Attachment H, Memorandum from Renee Van Hoven to the Board dated September 27, 2006, regarding new information that cannot be considered) She noted that the Board received two public comments with new information that cannot be considered. The first comment from Philip Maechling, compares communities in Ravalli County with multiple ingress/egress routes and the second comment is a fax from Cheryl Harkin, which supports comments made to the County Commissioners at their meeting about traffic safety. (See Attachment D, Letters from Philip Maechling, and Attachment G, Fax from Cheryl Harkin received September 27, 2006) She noted that the developer also submitted road specifications for the emergency route, which is not considered new information because it is related to Variance 2. (See Attachment E, Letter from Ryan Salisbury to David Ohnstad dated September 26, 2006)

She noted that 76-3-615, MCA states that no new information can be entered into the record at this time. Staff still finds that negative impacts to wildlife and wildlife habitat, local services, and public health and safety have not been adequately mitigated. She explained that since the applicant did not and now cannot submit new information, Staff is recommending denial of the subdivision as proposed. She noted that the test well statistics affect findings of fact under effects on agricultural water user facilities and effects on natural environment, but not the conclusions. She noted that Staff relies on the DNRC to determine if an adequate water supply is available for the subdivision. She commented that the second piece of new information was an email from David Ohnstad to Ryan Salisbury regarding the emergency access requirement. She noted that Condition 5 in the Staff Report requires the developer to improve the emergency route to meet County standards, but David Ohnstad verbally said this afternoon that AASHTO standards would be adequate for the emergency route. The Subdivision Regulations require a 60-foot wide easement and are stricter guidelines than AASHTO. Staff recommends that Mountain View Drive be improved to a primary route prior to filing of the first final plat east of the main drainage. She explained that effects on local services and public health and safety were modified. She noted Staff is now recommending conditional approval of Variance 2 and noted that Variance 8 was also modified. When Mountain View Drive becomes a primary access, an additional portion of Eight Mile Creek Road from Mountain View Drive to Lower Woodchuck Road will have to be improved to meet County standards. She explained that the last piece of new information, demographic data from the TischlerBise draft impact fee study, only changes findings under effects on local services, but not the conclusions of the section. She noted that the developer and School District have not agreed on a donation amount. She entered the Staff Report into the record. (See Attachment I, Aspen Springs Staff Report for Second Public Hearing on New Information)

(iii) Three Minute Rule Waiver Requests

A request for 20 minutes was submitted by Candace Jerke so that Steve Hall could give a PowerPoint presentation. (See Attachment J, Three Minute Rule Waiver Request from Steve Hall)

Gary asked what would be in the presentation.

Candace Jerke said that she did not see the final draft, but the intention of the presentation was to address the TischlerBise study.

Ben motioned to grant the three-minute rule waiver request for Steve Hall.

Les seconded the motion and noted that the presentation could only address the three items of new information.

The Board voted (8-1) to grant the waiver request.

Renee noted that regarding Variance Request 2, when the Level of Service on Lower Woodchuck Road falls below Level of Service A, the emergency route will be improved to meet AASHTO standards. She noted that AASHTO does not address easement width. She explained that an easement through Mountain View Drive would only need to be 40 feet for the emergency access, but would have to be 60 feet when the road is developed to be a primary access. She explained that the developer could come through with a variance at that time if the easement width was not granted.

James said that the developer submitted information that relates to their proposal to improve Mountain View Drive in a 40 foot easement. He noted that new information is not relevant.

(iv) Public Comment regarding the New Information

(a) Applicant and the applicant's representatives

Ryan Salisbury, WGM Group, Inc., explained that test well statistics were shared by Cam Stringer because the developer was excited that they found water, which exceeded their earlier estimates. He noted that the test wells drilled show the developer and the County that there is sufficient water for the project. He said that the test well information will be submitted to the DNRC as part of their water right application and noted that the Beneficial Use Permit is a condition of approval.

He explained that the email dated August 17, 2006, mostly reiterated a chain of emails from June 26 and June 27, but noted that the Staff Report was changed on August 2 to require a paved emergency access road to Mountain View Drive in Phase 1. The developer did not agree with that condition, so WGM Group talked with David Ohnstad to find a solution based on County or AASHTO standards. He noted that a paved emergency access road will deteriorate from lack of use and will have to be torn up in order to place infrastructure, like sewer and water. He said that the second email clarifies changes to the Staff Report, such as defining a triggering mechanism for when the emergency access is

required. He noted that he submitted a design memorandum tonight to identify what the emergency access route will look like. He noted that AASHTO standards provide justification for an unpaved roadway within the subdivision. He proposed to put the emergency access outside of the proposed 60-foot easement because the easement will have to be torn up for infrastructure placement. He noted that there is only a 40-foot right-of-way on Mountain View Drive and said that his memorandum proposes a road that meets AASHTO standards with a curb and gutter, but not a ditch section. He explained that it is out of the developer's control to acquire that additional right-of-way and the developer does not agree with constructing a 60-foot right-of-way for Mountain View Drive. He said that the precedent set with the Arrow Hill subdivision is that this subdivision does not require a secondary access. He said that David Ohnstad said that if Lower Woodchuck Road and Eight Mile Creek Road, as primary accesses, can handle the traffic, the developer can keep the existing right-of-way on the portion of Eight Mile Creek Road from the emergency access route to Lower Woodchuck Road. He noted that the developer previously said on August 22, 2006, that he would commit to an impact fee study for the intersection of Eastside Highway and US Highway 93.

He noted that the developer's study on impacts to the Florence-Carlton School District is in direct alignment with the draft TischlerBise study and noted that the latter study listed fewer students per dwelling unit than the former. He noted that the TischlerBise Study shows future impact fees based on bricks and mortar, but explained that the developer does not have to pay for capital improvements per current State Law. He felt confident with the proposed $300 donation.

Nick Kaufman, WGM Group, Inc., noted inconsistencies with the draft of the TischlerBise study entitled "Impact Fees to Fund Growth-Related Capital Improvements." He noted that on Page 7, the authors assume a 65-unit per year increase of housing units for the next six years. The authors noted that in the base year for the analysis, which was the 2005-2006 school year, "housing units in the District averaged 0.42 public school students per housing unit." (See Attachment B, Memo from Renee Van Hoven to the Planning Board dated September 6, 2006 regarding New Information on Aspen Springs) He noted that the authors used extrapolation showing a slight increase from .42 in 2006 to .44 by 2012 and that enrollment should increase by 34 students per year. He noted that the multiplication of 65 housing units by .44 results in 28.6 students per year and the multiplication of 65 housing units by .42 results in 27.3 students per year, neither of which are close to 34 students per year. He asked if the .42 and .44 listed in the tables as students per housing unit were extrapolated from the table or used to generate the table.

He directed the Board to Figure 7 – Graph of Short-Range Projections on Page 8 of the report. He said that the Students line, which increased at 3.7%, should have a sharper line increase than the Population and Housing Units lines, which are projected to increase at 3%. He concluded that the math on Page 7 and the graph on Page 8 do not make mathematical sense.

(b) All other members of the public who wish to speak

Steve Hall said that the agenda of Florence Coalition Against Aspen Springs is to point out the facts and noted that highway, water, and school densities are large issues. He gave a PowerPoint presentation along with his comments. He said there are large concerns about the future of Florence as a community. He noted that this development would bring the density of a town without the corresponding infrastructure. He said that public services will bear the burden. He noted that high density creates additional crime. He said that the cost of providing services is greater than what is raised through taxes. He commented that high density developments are key for generating open space, but the Board should be cautious of their size and placement to minimize effects on water, students, and public health and safety. He said that the Florence-Carlton School District has a 900 student capacity, but 921 students are currently attending. He noted that student overcrowding leads to bullying. He noted that an additional 5,866 trips per day would be generated at the intersection of Eastside Highway and Highway 93. He noted that most of the traffic at that intersection is turning right toward Missoula and noted that we do not need another bedroom community for Missoula. He noted a number of deaths stemming from accidents on the Highways.

James reminded Steve Hall that he needs to address the three items of new information.

Steve Hall explained that during the recent fire, fire trucks had to access the area. He said that the County does not have a plan in place to deal with a catastrophic event in that area. He said that water availability will affect the mule deer population. He asked the Board to keep the status quo and noted that the Florence area has a certain history and lifestyle that many people do not want changed.

Candace Jerke said that the taxpayers have to pay for new growth and new school construction. She noted that some states, like Arizona, build schools from state money, but in Montana, there is a complicated formula on how much schools receive based on the number of students attending and that buildings are funded by bonds. She said that the TischlerBise report was conservative. She calculated 267 new students at full build out of the subdivision, which is almost an additional 1/3 of the current student body. She noted that the square footage needed for a student includes all the available space in the school, including the boiler room. She noted that the school has the lowest average number of square foot per student in Western Montana and noted that lack of space contributes to student behavior problems and greater demands on the Sheriff's office. She said that Paul Moore noted that after building a new school, the number of behavior problems was greatly reduced.

Kathleen Driscoll reminded the Board that in order for impact fees to be adopted for the Florence-Carlton School District, the County Commissioners in Missoula and Ravalli Counties need to unanimously agree on them. She asked why both counties get to vote, although Missoula County will not have to pay those impact fees.

Sandy Frick said that she and her husband have been in the residential construction business for 25 years and that they own 80 acres directly adjoining this subdivision. She said that the approval of Variance 2 would negatively affect her and her neighbors. She noted that the Subdivision Regulations do not address emergency-only access. She said that it is common sense to have access at opposite ends of the neighborhood for safety reasons. She accused the developer of requesting variances to save money and asked him to follow the rules which were put into place to protect the community. She noted that if the developer follows the rules, he will have a more marketable, family-friendly subdivision that is not a burden on the community.

David DeCan said that he is an owner/broker of Century 21. He apologized for his forceful comments at the Board meeting in Florence. He noted that the developer's comments about affordable housing prompted him to think about it. He said that an average house of $161,000 costs about $1,200 per month with interest and taxes. He said that this subdivision is not about affordable housing, but about money and the rape of the land.

(c) Rebuttal

The Board skipped the Rebuttal.

(d) Close: Public Comment

(v) Board Discussion and Deliberation about whether the New Information changes the Board's original recommendations regarding the variances and the subdivision proposal

(a) Variance Request 1 (Phasing) – Original Board Recommendation – **Denial**

(1) Board discussion and questions as to the impact of the New Information on the Board's Original Recommendation

Gary noted that based on the Staff Report, this new information does not affect Variance 1. The Board agreed.

Karen explained that if they are not changing their recommendation, the Board does not technically need to make a motion, but it would not hurt.

JR motioned that the Board vote on each variance to confirm or change it and make it a matter of record.

Gary seconded JR's motion.

The Board unanimously approved the motion.

Les asked Staff for clarification of Countywide Policy 1.3 listed on Page 25 of the Staff Report. He said he was unclear how that process would work without review of each phase and noted that costs will increase for the development's components and infrastructure.

Karen noted that the finding was from the developer's variance application. She explained that phasing allows a certain level of flexibility. She noted that the developer would have to come through the County Commissioners for final plat review of each phase.

Ben motioned that the new information does not change the conclusion on Variance 1.

Mary Lee seconded the motion.

(2) Board action

The vote was called; the members voted (8-0) to confirm their original denial of the Variance with one member abstaining. (See Attachment K, Aspen Springs Variance 1 Vote Sheet)

(b) Variance Request 2 (Road connection to the south) – Original Board Recommendation – **Denial**

(1) Board discussion and questions as to the impact of the New Information on the Board's Original Recommendation

Les commented that the new information from the Road Superintendent does change this variance. He noted that previously, the developer was required to bring Mountain View Drive up to County Standards in the beginning, but now the Road Department has recommended using Mountain View Drive as a temporary emergency access until Phase 19.

James asked the Board to consider testimony tonight relevant to the new information, but noted that the recommendation to shift from emergency access to full access is more of a Staff Recommendation than recommendation from the Road Department.

Gary confirmed that conditional approval of the variance allows a temporary emergency access that must later be improved to a primary access. He motioned conditional approval of Variance 2 based on findings of fact and subject to the conditions in the Staff Report.

Dale seconded the motion.

Ben said he was concerned about an emergency-only access. He said that he recently worked on the fire in that area and that only confirmed the necessity of two exits for an area with so many houses. He said that an emergency access that turns into a primary access at Phase 19 is not an adequate solution to mitigate safety problems.

Les asked the developer to clarify how the 40-foot easement will be utilized on the AASHTO standards access to the south at Phase 19.

Ryan said that conditional approval of the variance achieves what Ben wants. He noted that the developer can create a 32-foot wide road to handle traffic that is the same size as the internal subdivision roads.

James said that a 40-foot easement is not within the scope of the variance requested, but would require another variance. He said that the 40-foot easement is fine for the emergency access, but not for a permanent access. He noted that if the Board goes with Staff's recommendation, the road would need a 60-foot easement unless a variance is requested.

Ryan said that if the variance is not conditionally approved as Staff recommended, there cannot be a connection to Mountain View Drive.

Nick noted that the road has a 40-foot easement for about 20 feet before it becomes a 60-foot easement again.

Ben clarified that if the Board approves the motion, they are approving a conditional variance that requires an emergency access from the beginning of the subdivision until Phase 19, when the developer will have to create a full road with a 60-foot easement to Eight Mile Creek Road.

Steve Hall noted that the roads are private and he did not understand the legalities of having a 60-foot easement on a 40-foot private road.

Karen said that the original Riverview Orchards plat shows that Mountain View Drive is a public access road and utility easement.

Ben asked if the County could obtain the easement width on Mountain View Drive by eminent domain.

James noted that the final plat approval for Phase 20 would only be approved if there was a road meeting County standards or if a variance was requested. He said that it is unlikely the County will use eminent domain, but the landowners might be willing to grant an easement at that time.

(2) Board action

The vote was called; the members voted (5-3) to <u>conditionally approve</u> the Variance, with one member abstaining. (See Attachment L, Aspen Springs Variance 2 Vote Sheet)

(c) Variance Request 3 (No-build zone over high pressure gas line) – Original Board Recommendation – **Conditional Approval**

(1) Board discussion and questions as to the impact of the New Information on the Board's Original Recommendation

JR motioned to affirm the previous decision because there was no new information on the variance.

Gary seconded the motion.

(2) Board action

The vote was called; the members voted (8-0) to confirm their original conditional approval of the Variance, with one member abstaining. (See Attachment M, Aspen Springs Variance 3 Vote Sheet)

(d) Variance Request 4 (Lot size) – Original Board Recommendation – **Conditional Approval**

(1) Board discussion and questions as to the impact of the New Information on the Board's Original Recommendation

Dan noted the original recommendation was conditional approval and did not think that the new information was relevant.

Les motioned to affirm the previous recommendation.

Dale seconded the motion.

(2) Board action

The vote was called; the members voted (8-0) to confirm their original conditional approval of the Variance, with one member abstaining. (See Attachment N, Aspen Springs Variance 4 Vote Sheet)

(e) Variance Request 5 (Flag lots) – Original Board Recommendation – **Approval**

(1) Board discussion and questions as to the impact of the New Information on the Board's Original Recommendation

Dan noted the original recommendation was approval and did not think that the new information was relevant.

Gary motioned to affirm the previous recommendation.

Mary Lee seconded the motion.

(2) Board action

The vote was called; the members voted (8-0) to confirm their original approval of the Variance, with one member abstaining. (See Attachment O, Aspen Springs Variance 5 Vote Sheet)

(f) Variance Request 6 (On-site road standards) – Original Board Recommendation – **Conditional Approval**

(1) Board discussion and questions as to the impact of the New Information on the Board's Original Recommendation

Dan noted the original recommendation was conditional approval and did not think that the new information was relevant.

Ben motioned to affirm the previous recommendation.

Gary seconded the motion.

Dale asked if the conditional approval given to Variance 2 tonight affects the on-site road standards on the emergency access. He noted that if the developer brought the emergency access up to standards now, he would have to dig it up to place utilities. He noted that this variance request allows all internal roads to meet AASHTO standards and noted the emergency access would be an internal road.

Ryan said that approval of this variance will not require paving of the emergency access road.

Renee affirmed that AASHTO does not require the emergency access road to be paved.

(2) Board action

The vote was called; the members voted (8-0) to confirm their original conditional approval of the Variance, with one member abstaining. (See Attachment P, Aspen Springs Variance 6 Vote Sheet)

(g) Variance Request 7 (Off-site road standards – Lower Woodchuck Road) – The Board previously combined their review of Variances 7 & 8 – Original Board Recommendation – **Conditional Approval**

(1) Board discussion and questions as to the impact of the New Information on the Board's Original Recommendation

Dan noted the original recommendation was conditional approval and that Variances 7 and 8 were combined.

Les recommended separating out the variances because it might clarify their position relative to Variance 8.

JR asked if Variance 2 included bringing Mountain View Drive and Eight Mile Creek Road up to current standards to the west entrance of the subdivision when it reaches a certain level of service.

Renee said that an additional portion of Eight Mile Creek Road would be required to be brought up to County Standards.

JR noted that the original approval of Variances 7 and 8 did not include the requirement of bringing Mountain View Road and Eight Mile Creek Road to County standards.

Ben motioned to reaffirm previous motion of conditional approval of Variance 7.

JR seconded the motion.

(2) Board action

The vote was called; the members voted (8-0) to confirm their original conditional approval of the Variance, with one member abstaining. (See Attachment Q, Aspen Springs Variance 7 Vote Sheet)

(h) Variance Request 8 (Off-site road standards – Eight Mile Creek Road) – The Board previously combined their review of Variances 7 & 8 – Original Board Recommendation – **Conditional Approval**

(1) Board discussion and questions as to the impact of the New Information on the Board's Original Recommendation

Gary said he is confused about JR's question and how the developer might have to modify this variance based on the conditional approval of Variance 2.

Les responded that this condition would only apply at Phase 19. When the primary access on Mountain View Drive is constructed, the portion of Eight Mile Creek Road from Mountain View Drive to Lower Woodchuck Road would have to be brought up to AASHTO standards.

James noted that Variance 2 does not relate to Variance 8. He noted that the developer does not have a variance request to vary from the road requirements when there is a primary access to the subdivision via Eight Mile Creek Road.

Renee noted that Staff's recommendation for denial has not changed, although Staff added a finding of fact on Page 39 of the Staff Report.

Gary asked the developer to reiterate the variance request.

Ryan said that at first the request was to pay pro-rata for Eight Mile Creek Road, but now it is to build the road to AASHTO standards if the developer can enter into a latecomer's agreement.

Renee noted that Staff is recommending denial and that the roads would be approved under the old regulations.

Ben noted that last time the Board denied the variance, they asked that the road be built to County Standards and the current proposal is that the emergency access will be built to County Standards at Phase 19 and will not be subject to pro-rata.

Renee noted that Staff recommends improvements prior to the final plat of the first phase.

Ken Martin asked if the Board was discussing new information.

James noted that the Board was refreshing the discussion, but needs to focus on the three items of new information. He noted there was confusion from the amended Staff Report. He explained that the amendment Renee is

intending to clarify is that Variance 8 is distinct from any improvements on the East to West section of Eight Mile Creek Road. He noted that the finding is not a substantive change.

JR noted that the Board discussed this at length in the last meeting. The Board denied the variance and then substituted three motions requiring the developer to bring the road from the subdivision to Eastside Highway to AASHTO standards with a latecomer's agreement.

Ben motioned affirmation of the previous decision of Variance 8 as reflected in the August 2, 2006, Planning Board minutes.

JR seconded the motion.

(2) Board action

The vote was called; the members voted (7-0) to confirm their original conditional approval of the Variance, with two members abstaining. (See Attachment R, Aspen Springs Variance 8 Vote Sheet)

(i) Subdivision Proposal – Original Board Recommendation – **Denial**

(1) Board discussion and questions as to the impact of the New Information on the Board's Original Recommendation

Ben noted that his position has not changed and motioned to reaffirm the previous recommendation of denial.

Mary Lee seconded the motion.

Nick said that the Subdivision Regulations allow the developer an opportunity to speak before the Board votes on each motion. He commented that John Tabaracci was concerned that the Board may be influenced by the Staff Report, which they may use to make decisions.

Gary said that the Board is looking at new information and whether it has an impact on how they previously voted on the subdivision request. His opinion was that the new information does not have any impact on the previous decision and noted that his opinion was not based on the Staff Report.

Dan noted at the beginning of the meeting the Board skipped discussion regarding the applicant's opportunity for rebuttal and apologized.

Les motioned that the developer should have a chance to rebut previous testimony given about the three items of new information before the Board acts on the motion. **Gary** seconded the motion. The Board unanimously agreed on the motion.

Nick noted that the developer already addressed the three items of new information and did not have anything to rebut. He asked the Board not to consider the information in the Staff Report.

(2) Board action

The vote was called; the members voted (7-0) to confirm their original denial of the Subdivision, with two members abstaining. (See Attachment S, Aspen Springs Subdivision Vote Sheet)

7. **Close Public Hearing**

8. **Communications from Staff**

There were none.

9. **Communications from Public**

There were none.

10. **Communications from the Board**

Ben noted that the Land Use Subcommittee will have a meeting on Friday morning at 9:00 a.m. in the Growth Policy Room. He noted that he missed the meeting which discussed possible interim zoning on the US Highway 93 Corridor and asked the Board's decision.

Karen said that the Board referred the matter to the Land Use Subcommittee and said that they should come up with proposal to address these issues in conjunction with other land use planning.

Ben said that the Land Use Subcommittee met the prior evening and decided that they felt it was too big a scope for them to address.

Karen noted that the County Commissioners do not want the Board or Subcommittee to complete the zoning, but wants the Subcommittee to try to come up with solutions to the problem.

Ben noted that the Land Use Subcommittee will discuss the matter during their Friday meeting.

11. **New Business**

There was none.

12. **Old Business**

There was none.

13. **Next Regularly Scheduled Meeting:** October 4, 2006 at 7:00 p.m.

(A) Summerdale Orchards, Block 1, Lot 5A, AP (Bitterroot Ranch, LLC) Major Subdivision – Public Hearing

14. **Adjournment**

Dan adjourned the meeting at 8:59 p.m.