

The Board of County Commissioners approved the format of their meeting minutes as summary minutes. While in the process of moving to audio/summary minutes with time stamps, the Commissioners' Office will provide summary minutes and a Windows Media Player audio file online. **The time stamps noted on the document will not work.** They can, however, serve as an approximate counter for the Windows Media Player file (convert the time stamp to a counter by subtraction). For example, the time stamp may read 1:29:38 PM, which would be 0 minutes on the Windows Media Player counter. The time stamp next to the item you want to listen to may read 2:53:56, which would be about 1:24 on the counter (2:53 minus 1:29). You can then pull the "seek" button on the Windows Media Player to the approximate time).

P U B L I C M E E T I N G
M I S S O U L A B O A R D O F C O U N T Y C O M M I S S I O N E R S
T H U R S D A Y , A U G U S T 2 8 , 2 0 0 8 – 1 1 : 0 0 A . M .
R O O M 2 0 1 – C O U R T H O U S E A N N E X
M I N U T E S

CALL TO ORDER

Commissioners Present: Chairman Jean Curtiss, Commissioner Bill Carey and Commissioner Larry Anderson. Absent: None.

Staff Present: Deputy County Attorney James McCubbin, Office of Planning and Grants Director Roger Millar, Office of Planning and Grants Senior Planner Denise Alexander, Rural Initiatives Senior Planner Karen Hughes, County Parks Coordinator Lisa Moisey, and Consultant Linda Stoll.

HEARING (Continued from August 18, 2008 and July 23, 2008): Continuation of Amendments to Missoula County Subdivision Regulations

[11:04:51 AM](#) Chair Jean Curtiss opened the hearing.

[11:05:02 AM](#) **Attachment C, #15, Require parkland dedication in minor subdivisions as allowed for by the passage of HB 415 in the 2007 legislative session.**

[11:05:48 AM](#) Linda Stoll presented the staff report
Staff Comment

[11:07:14 AM](#) Lisa Moisey

[11:08:48 AM](#) Linda Stoll, continuation of staff report
Staff Comment

[11:10:11 AM](#) James McCubbin

Public Comment

[11:11:06 AM](#) Ken Jenkins

[11:15:48 AM](#) Ryan Morton

[11:20:10 AM](#) Deb Evison

[11:22:16 AM](#) James McCubbin
Public Comment

[11:22:49 AM](#) Kim Bennett-Buchanan

[11:25:26 AM](#) Nick Kaufman

[11:28:17 AM](#) Alan McCormick

[11:32:14 AM](#) Dale McCormick

Staff Comment

[11:33:14 AM](#) Linda Stoll

[11:39:17 AM](#) Lisa Moisey

Public Comment

[11:47:06 AM](#) Ryan Morton

[11:50:44 AM](#) Nick Kaufman

[11:52:29 AM](#) Ken Jenkins

Staff Comment

[11:54:16 AM](#) Karen Hughes

[11:54:40 AM](#) James McCubbin

[11:55:34 AM](#) Executive Session

Public Comment

[12:01:42 PM](#) Dale McCormick

[12:03:41 PM](#) Ken Jenkins

[12:04:59 PM](#) Executive Session

[12:05:19 PM](#) Commissioner Bill Carey recommended delaying action on this item. Commissioner Larry Anderson agreed.

Staff Comment

[12:06:50 PM](#) Roger Millar

[12:07:51 PM](#) Executive Session

[12:09:04 PM](#) No motion needed, referred to future discussion

[12:09:50 PM](#) Amendment C, #21, Clarify that mitigation efforts can not be pursued after a denial has occurred. (Page 43) Section 4.1.12 Mitigation of Impacts

[12:09:56 PM](#) Chair Jean Curtiss explained the language

Public Comment

[12:10:58 PM](#) Deb Evison

[12:12:01 PM](#) James McCubbin

[12:12:27 PM](#) Linda Stoll

[12:13:08 PM](#) Alan McCormick

[12:15:54 PM](#) Chair Jean Curtiss

[12:16:04 PM](#) James McCubbin

[12:18:11 PM](#) Executive Session

[12:19:29 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners amend #21 to read, "The governing body may require the subdivider to design the subdivision to reasonably minimize potentially significant adverse impacts identified through the review process of the subdivision application without unreasonably restricting a landowner's ability to develop the land. The governing body shall issue written findings to justify the reasonable mitigation required under this section. No mitigation measures shall be considered for an application that has been denied. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[12:20:08 PM](#) Attachment D, #26. Allow for administrative approval of minor plat adjustments by deleting in its entirety 4.7.4 (Plat Adjustments) and adding new language to 4.8 (Final Plat). (Page 49)

[12:20:18 PM](#) Chair Jean Curtiss, background of change

Public Comment

[12:21:14 PM](#) Ron Ewart

[12:24:35 PM](#) Ryan Morton

[12:25:20 PM](#) Staff comment, Roger Millar and James McCubbin

Public Comment

[12:26:19 PM](#) Ken Jenkins

[12:28:51 PM](#) Staff comment, James McCubbin

[12:29:13 PM](#) Executive Session and Staff comment, James McCubbin, Linda Stoll

Public Comment

[12:30:54 PM](#) Ken Jenkins

[12:31:42 PM](#) Executive Session and Staff comment, James McCubbin, Roger Millar

Public Comment

[12:34:08 PM](#) Deb Evison

[12:37:39 PM](#) Staff comment, Roger Millar

Public Comment

[12:38:56 PM](#) Alan McCormick

[12:47:03 PM](#) Staff comments, James McCubbin, Roger Millar

Public Comment

[12:51:51 PM](#) Jason Rice

[12:53:02 PM](#) Ron Ewart

[12:55:16 PM](#) Staff comments, Roger Millar, James McCubbin

Public Comment

[12:57:01 PM](#) Elaine Hawk

[12:57:35 PM](#) Ken Jenkins

[1:02:40 PM](#) Executive Session

[1:05:50 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners amend Attachment C, #26, 4.8 Final Plat, (1) and (2) to read, "The Director shall review the final plat for substantive compliance with the approved preliminary plat. If the Director determines that there is a material change in the final plat from what was approved as a preliminary plat or determines that there are conditions which have not been met, the Director shall require that a new final plat application be submitted. (2) A determination of the Director may be appealed to the Board of County Commissioners." In addition, strike Section 4.7.4 in its entirety. Commissioner Bill Carey seconded the motion. [1:08:26 PM](#) The motion carried on a vote of 3-0.

5-Minute Break

[1:21:44 PM](#) Chair Jean Curtiss called the meeting back to order.

[1:21:53 PM](#) Attachment C, #29, 6.1 Variances

[1:22:20 PM](#) Linda Stoll, Staff report

[1:22:37 PM](#) James McCubbin clarification

Public Comment

[1:23:11 PM](#) Deb Evison

[1:24:02 PM](#) Ryan Morton

[1:29:28 PM](#) Ron Ewart

[1:35:29 PM](#) Jason Rice

[1:38:19 PM](#) Dale McCormick

[1:41:34 PM](#) Staff comments, Linda Stoll, James McCubbin, Roger Millar

Public Comment

[1:47:16 PM](#) Ken Jenkins

[1:51:54 PM](#) John Kellogg

[1:53:27 PM](#) Nick Kaufman

[1:57:05 PM](#) Staff comment, James McCubbin

Public Comment

[1:57:51 PM](#) Ryan Morton

[1:59:32 PM](#) Alan McCormick

[2:06:04 PM](#) Staff comment, James McCubbin

Public Comment

[2:07:19 PM](#) Jason Rice

[2:11:01 PM](#) Alan McCormick

[2:13:07 PM](#) Staff comment, James McCubbin

[2:14:20 PM](#) Executive Session

[2:20:50 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners amend Attachment C, 6.1 Variances, (6) to read, "The hardship has not been created by the applicant or their agents or assigns." Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[2:22:15 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners adopt 6.1 as presented in Amendment C. Commissioner Bill Carey's motion died for lack of a second.

Public Comment

[2:28:52 PM](#) Nick Kaufman

[2:31:04 PM](#) Ryan Morton

Executive Session

[2:32:26 PM](#) Chair Jean Curtiss made a motion that the Board of County Commissioners amend 6.1 Variances to read, "The governing body may only grant a variance from these regulations when strict compliance with these regulations will result in undue hardship and when it is not important to the public welfare. Costs or financial considerations may not be the sole reason for granting a variance. The governing body may grant a variance if it makes a positive finding on the majority of the following criteria, based on the evidence presented to it in each specific case that:"

[2:33:04 PM](#) Discussion

[2:33:54 PM](#) Chair Jean Curtiss amended her motion so that the last sentence would read, "The governing body may only grant a variance if it makes a positive finding on criteria (1) and (3) and at least two others of the following criteria, based on the evidence presented to it in each specific case that:"

Public Comment

[2:37:19 PM](#) Jason Rice

[2:37:40 PM](#) Staff comment, Roger Millar

[2:39:56 PM](#) Two-minute break

[2:50:47 PM](#) Chair Jean Curtiss called the meeting back to order

Chair Jean Curtiss's motion died for lack of a second.

[2:51:12 PM](#) Chair Jean Curtiss made a motion that the Board of County Commissioners amend 6.1 Variances to read, "The governing body may only grant a variance from these regulations when strict compliance with these regulations will result in undue hardship and when it is not important to the public welfare. Costs or financial considerations may not be the sole reason for granting a variance. The governing body may not grant a variance if the granting of the variance would result in a threat to public safety, health, or welfare, or is injurious to other persons or property. The governing body may grant a variance if the physical surroundings, particular shape, or topographical conditions of the specified property involved would result in undue hardships to the owner if strict requirements of these regulations were enforced and the governing body may grant a variance if it makes a positive finding on at least two of the following criteria: (1) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property; (2) The variances will not in any manner violate the provisions of the Missoula County Zoning Resolution or conflict with the Missoula County Growth Policy or master plan areas; (3) The variance will not cause an increase in public costs.; (5) The hardship has not been created by either the current property owner or by previous property owners."

[2:52:37 PM](#) Discussion

Chair Jean Curtiss's motion died for lack of a second

[2:55:51 PM](#) Chair Jean Curtiss read the recommended language "The governing body may only grant a variance from these regulations when strict compliance with these regulations will result in undue hardship and when it is not important to the public welfare. Costs or financial considerations may not be the sole reason for granting a variance. The governing body may not grant a variance if the granting of the variance would result in a threat to public safety, health, or welfare, or is injurious to other persons or property. The governing body may grant the variance if the physical surroundings, particular shape, or

topographical conditions of the specified property involved would result in undue hardships to the owner if strict requirements of these regulations were enforced and the governing body may grant a variance if it makes a positive finding on at least two of the following criteria:"

[2:57:15 PM](#) James McCubbin language suggestion, last sentence, "The governing body may grant the variance if the physical surroundings, particular shape, or topographical conditions of the specified property involved would result in undue hardships to the owner if strict requirements of these regulations were enforced and the governing body makes a positive finding on at least two of these criteria:"

[2:55:56 PM](#) Chair Jean Curtiss made a motion that the Board of County Commissioners amend 6.1 Variances to read, "The governing body may only grant a variance from these regulations when strict compliance with these regulations will result in undue hardship and when it is not important to the public welfare. Costs or financial considerations may not be the sole reason for granting a variance. The governing body may not grant a variance if the granting of the variance will result in a threat to public safety, health, or welfare, and is injurious to other persons or property. The governing body may grant a variance if the physical surroundings, particular shape, or topographical conditions of the specified property involved would result in undue hardship to the owner if the strict requirements of these Regulations were enforced and it makes a positive finding on at least two of the these criteria.") Jean Curtiss's motion died for lack of a second.

Public Comment

[2:58:08 PM](#) Nick Kaufman

[2:59:41 PM](#) Zane Sullivan

[3:01:07 PM](#) Executive Session

Public Comment

[3:02:08 PM](#) Deb Evison

[3:02:51 PM](#) Staff comment, James McCubbin

[3:03:35 PM](#) Executive Session

[3:04:02 PM](#) Chair Jean Curtiss recommended to consider #29 and #31 of Attachment C at a later date.

[3:04:10 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners charge staff to draft language similar to what had been re-written here to provide the Commissioners with something that they can use for next meeting to distribute to the public for the purposes of initiating discussion on that point regarding variances. Commissioner Larry Anderson's motion died for lack of a second.

[3:04:42 PM](#) Effective Date

[3:05:06 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners set the effective date for all those adoptions made previously and today to October 1. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

Public Comment

[3:05:31 PM](#) Ken Jenkins

[3:06:49 PM](#) Next hearing for subdivision regulations

3:00-5:00 p.m. on September 15.

[3:09:12 PM](#) Chair Jean Curtiss recessed the hearing