

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).

PUBLIC MEETING
BOARD OF COUNTY COMMISSIONERS
WEDNESDAY, OCTOBER 15, 2008 – 1:30 P.M.
ROOM 374 – HISTORIC COURTHOUSE
MINUTES

1. CALL TO ORDER

[1:31:25 PM](#) Chair Jean Curtiss called the meeting to order at 1:31 p.m.

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

Staff Present: Office of Planning & Grants Planner Vlad Kryukov, Deputy County Attorney James McCubbin, Public Works Director Greg Robertson, Deputy County Attorney Mike Sehestedt, Planner Michele Reinhart, and Office of Planning and Grants Planner Jamie Erbacher, County Parks Coordinator Lisa Moisey, Public Works Transportation Engineer Erik Dickson.

2. [1:31:30 PM](#) PLEDGE OF ALLEGIANCE

3. [1:31:53 PM](#) PUBLIC COMMENT

4. PROCLAMATION

- a. [1:32:04 PM](#) Red Ribbon Celebration Week
[1:32:14 PM](#) Commissioner Bill Carey read the [proclamation](#).

5. ROUTINE ADMINISTRATIVE ACTIONS

- a. [1:33:37 PM](#) Weekly Claims Lists for One Week (\$509,483.23)
[1:33:44 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$509,483.23. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

6. HEARING

- a. Zoning District 35 Variance Request (Side Yard Setback for Mr. & Mrs. Palm)
[1:33:54 PM](#) Chair Jean Curtiss opened the hearing.
[1:34:13 PM](#) Jamie Erbacher presented the [staff report](#).
[1:41:18 PM](#) Applicant presentation, Ginger Palm
[1:41:46 PM](#) Public Comment
[1:41:51 PM](#) Executive Session
[1:42:00 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners approve the request to vary from the required 15-foot setback for sideyards with the recommended condition to an 11-foot sideyard setback based on the findings of fact and conclusions of law in the staff report. Commissioner Larry Anderson seconded the motion. [1:42:17 PM](#) Discussion.
[1:44:10 PM](#) The motion carried on a vote of 3-0.

7. CONSIDERATIONS

- a. Bissell Acres Subdivision (4 lots on 5 acres) - off Hawk Lane in Clinton
[1:44:38 PM](#) Chair Jean Curtiss opened the consideration.
[1:46:05 PM](#) Vlad Kryukov presented the [staff report](#).
[1:56:24 PM](#) Developer's Representative, Bill Burnett, Professional Consultants, Inc.
[2:00:53 PM](#) Vlad Kryukov, additional comment
[2:01:26 PM](#) Discussion
[2:01:34 PM](#) Staff comment, James McCubbin
[2:02:16 PM](#) Public Comment
[2:02:25 PM](#) Executive Session
[2:03:23 PM](#) Staff comment, Greg Robertson
[2:08:14 PM](#) Staff comment, James McCubbin
[2:08:53 PM](#) Staff comment, Vlad Kryukov
[2:10:29 PM](#) Unidentified Speaker
[2:11:13 PM](#) Staff comment, James McCubbin
[2:14:10 PM](#) Staff comment, Greg Robertson
[2:15:03 PM](#) Developer's Representative comment, Bill Burnett
[2:16:01 PM](#) Staff comment, James McCubbin
[2:16:47 PM](#) Staff comment, Vlad Kryukov
[2:17:25 PM](#) Staff comments, James McCubbin, Mike Sehestedt, and Greg Robertson
[2:22:40 PM](#) Discussion, findings of facts
[2:25:12 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners **approve** the variance request from Missoula County Subdivision Regulations Article 3.2.2.2(1) requiring access to Lot 2 be provided from Hawk Nest Court, a road of lower classification based upon the findings of fact and conclusions of law in the staff report, with the exception of Finding V.1.A. on Page 23, to be amended to reflect the comments received from Public Works today and change the conclusion of law in the final sentence. Commissioner Bill Carey seconded the motion. [2:25:59 PM](#) Clarification of findings of fact. The motion carried on a vote of 3-0.
- [2:26:37 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners **conditionally approve** the variance request from Missoula County Subdivision Regulations Article 3.10 requiring compliance with Mobile Home Park standards based on the findings of fact in the staff report and subject to the conditions in the staff report. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.
- [2:27:03 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners **deny** the variance request from Missoula County Subdivision Regulations Article 3.2.3(3) requiring a pedestrian walkway on one side of Hawk Lane based on the findings of fact in the staff report and subject to the conditions in the staff report. [2:27:33 PM](#) Discussion. [2:28:00 PM](#) Commissioner Bill Carey seconded the motion. [2:28:02 PM](#) Discussion. [2:29:34 PM](#) The motion carried on a vote of 3-0.

[2:29:40 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners **approve** the variance request from Missoula County Subdivision Regulations Article 3.2.3(3) requiring a pedestrian walkway on one side of Hawk Nest Court based on the testimony presented in the public hearing today, the fact that this road serves only two residences, the fact that the granting of this variance would not result in a threat to public safety given the very low volume of the road, the conditions on this property are unique, and the installation of a pedestrian walkway would be unnecessary. Further the granting of this variance does not result in a threat to the public safety, health, and welfare, and it's not injurious to other persons or property. [2:30:03 PM](#) Discussion. [2:32:39 PM](#) Commissioner Bill Carey seconded the motion. [2:32:43 PM](#) Discussion. [2:33:57 PM](#) The motion carried on a vote of 3-0.

[2:34:06 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners **conditionally approve** the variance request from Missoula County Subdivision Regulations Article 3.2.2.6(1) requiring installation of a cul-de-sac at the end of Hawk Nest Court to permit a hammerhead turnaround for fire apparatus based on the findings of fact in the staff report and subject to the conditions in the staff report. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

[2:34:39 PM](#) to [2:45:56 PM](#) Findings of fact and conclusions of law review.

[2:45:57 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners amend the findings of fact in the staff report, CRITERION 2: EFFECTS ON LOCAL SERVICES -- Roads and Access to eliminate Findings of Fact #10, #11, #12, #13, #14, #15, #16, and #17. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

[2:46:35 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners amend Conclusion of Law #1 in the staff report, CRITERION 2: EFFECTS ON LOCAL SERVICES -- Roads and Access to read, "Access to the subdivision meets the standards of the Missoula County Subdivision Regulations if Variance #5 is conditionally approved and the recommended conditions of approval are imposed." Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

[2:47:11 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners amend findings of fact under pedestrian facilities, page 17, to strike Finding of Fact #7. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

[2:47:23 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners amend Conclusion of Law #1 under pedestrian facilities, page 17, to read, "The proposal is in compliance with Subdivision Regulations if Variance #3 is denied and the recommended conditions of approval are imposed." Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

[2:47:44 PM](#) Review of motions

[2:51:03 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners amend Condition #3, deleting the reference to Lot 2 and strike the second sentence, to read, "Lots 3 and 4 shall be accessed via Hawk Nest Court, a new on-site private road. Engineering plans for the on-site road including emergency turnaround at the terminus of the road shall be reviewed and approved by County Public Works and Missoula Rural Fire District for Clinton Volunteer Fire District prior to final plat approval." Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

[2:51:44 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners delete Condition #4 and #5. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

[2:51:56 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners delete Condition #10. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

[2:52:05 PM](#) Staff comment, James McCubbin, Condition #19

[2:52:44 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners amend a portion of Condition #19 to read, "The lowest floor, including basements, of any new or reconstructed structure on Lots 2, 3 and 4 shall be at a minimum 2' above the 100-year flood elevation of Clark Fork River as documented by the Federal Emergency Management Agency (FEMA)."

[2:54:41 PM](#) Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

[2:55:01 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners **approve** the Bissell Acres Subdivision based upon findings of fact in the staff report and subject to the recommended conditions of approval as amended. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

- b. Sawyer Creek Lots (5 lots on 23.02 acres) - 8 miles north of Seeley Lake, off Highway 83

[2:55:42 PM](#) Chair Jean Curtiss opened the consideration.

[2:56:04 PM](#) Michele Reinhart presented the [staff report](#) and [PowerPoint presentation](#)

[3:13:02 PM](#) Developer's Representative presentation, Emily Corsi, Eli & Associates, [Suggested Amendments](#) to OPG's Recommended Conditions of Approval

[3:23:07 PM](#) Owner comments, Bruce Bourne

[3:26:06 PM](#) Public Comment

[3:26:20 PM](#) Staff comment, James McCubbin

[3:27:18 PM](#) Developer's Representative comment, Emily Corsi, Eli & Associates

[3:28:02 PM](#) Executive Session

[3:28:11 PM](#) Staff comments, Michele Reinhart

[3:32:21 PM](#) Condition #2 discussion, looking at Developer's Representatives Suggested Amendments to OPG's Recommended Conditions of Approval (above)

[3:35:53 PM](#) Recess hearing discussion

[3:36:37 PM](#) Condition #2 discussion

[3:38:07 PM](#) Condition #3 discussion

[3:38:36 PM](#) Condition #2 discussion

[3:41:39 PM](#) Condition #3 discussion
[3:43:54 PM](#) Condition #6 discussion
[3:57:33 PM](#) Variance request regarding walkways on Aspen Grove road findings of fact
[3:59:42 PM](#) Condition #10 and clustering discussion
[4:02:53 PM](#) Staff comment, James McCubbin, Findings of Fact, Criteria 3 and 4, #6, Page 15-16 and Findings of Fact #3.a. on Page 14 of the staff report
[4:04:49 PM](#) Allowing corrals for livestock and wildlife fencing discussion
[4:06:12 PM](#) Clustering discussion
[4:08:28 PM](#) Recess hearing. [4:08:47 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners recess this consideration for one week. [4:09:26 PM](#) Commissioner Larry Anderson seconded the motion. [4:09:34 PM](#) Discussion. [4:12:34 PM](#) Approval from owner for a one-week extension. [4:13:26 PM](#) The motion carried on a vote of 3-0.

8. CONSIDERATION

- a. Public Comments on Parking, Public Use & Public Behavior in Rodeo Ranchettes Subdivision, as implemented by Resolution 2008-050 on March 25, 2008
[4:13:41 PM](#) Chair Jean Curtiss opened the consideration.
[4:13:57 PM](#) Lisa Moisey presented the [staff report](#).
[4:16:21 PM](#) Public Comment
[4:16:25 PM](#) Carla Gibson
[4:21:20 PM](#) Gary Carbajal
[4:24:37 PM](#) Kirsten Pabst-LaCroix, problems with river access to another area
[4:29:33 PM](#) Gary Carbajal
[4:30:08 PM](#) Staff comment, James McCubbin
[4:31:18 PM](#) Staff comment, Mike Sehestedt
[4:32:47 PM](#) Carla Gibson
[4:33:03 PM](#) Staff comment, Mike Sehestedt
[4:34:57 PM](#) Carla Gibson
[4:35:14 PM](#) Staff comment, Mike Sehestedt
[4:35:24 PM](#) Carla Gibson
[4:36:13 PM](#) Staff comment, Lisa Moisey
[4:38:53 PM](#) Executive Session
Public Comment
[4:39:11 PM](#) Gary Carbajal
[4:39:20 PM](#) Staff comment, Greg Robertson

9. [4:40:00 PM](#) OTHER BUSINESS

[4:40:05 PM](#) Mike Sehestedt, staff farewell

10. [4:40:58 PM](#) RECESS

There being no further business to come before the Board of County Commissioners, the meeting was recessed at 4:40 p.m.