

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
M O N D A Y , S E P T E M B E R 1 5 , 2 0 0 8 – 3 : 0 0 P . 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

[3:02:23 PM](#) Chair Jean Curtiss called the meeting to order at 3:00 p.m. Commissioners Present: Chairman Jean Curtiss, Commissioner Bill Carey and Commissioner Larry Anderson (3:49 p.m.). Absent: None.

Staff Present: Deputy County Attorney James McCubbin, Office of Planning and Grants Director Roger Millar (3:42 p.m.), and Rural Initiatives Senior Planner Karen Hughes.

HEARING (Continued from August 28, 2008, August 18, 2008 and July 23, 2008):
Continuation of Amendments to Missoula County Subdivision Regulations

Attachment C, #29, 6.1 Variances

[3:03:26 PM](#) Karen Hughes gave the staff report, [Option 1 and Option 2:](#)

[3:08:20 PM](#) Staff comment, James McCubbin

Public Comment

[3:10:30 PM](#) Ryan Morton, [Option 3](#)

[3:14:08 PM](#) Deb Evison

[3:15:10 PM](#) Ken Jenkins

[3:20:31 PM](#) Elaine Hawk

[3:24:42 PM](#) Deb Evison

[3:25:37 PM](#) Ken Jenkins

[3:29:46 PM](#) Ryan Morton

[3:31:21 PM](#) Executive Session

[3:31:28 PM](#) Staff comment, Karen Hughes and James McCubbin, Strike #4 of Attachment C

Public Comment

[3:34:01 PM](#) Deb Evison

[3:36:54 PM](#) Staff comments, James McCubbin and Karen Hughes

Public Comment

[3:37:39 PM](#) Ryan Morton

[3:39:05 PM](#) Ken Jenkins

[3:40:38 PM](#) Executive Session

Public Comment

[3:41:45 PM](#) Elaine Hawk

(Roger Millar arrived at 3:42)

[3:42:32 PM](#) Executive Session, #6, "The hardship has not been created by either the current property owner or the previous property owners."

Public Comment

[3:43:54 PM](#) Ryan Morton

[3:46:03 PM](#) Ken Jenkins

[3:47:50 PM](#) Staff comment, James McCubbin

[3:48:34 PM](#) Executive Session

Public Comment

[3:48:42 PM](#) Tom Alsaker

(Commissioner Larry Anderson arrived at 3:49 p.m.)

Public Comment

[3:50:28 PM](#) Elaine Hawk

[3:51:26 PM](#) Staff comment, Roger Millar

[3:54:36 PM](#) Executive Session

Public Comment

[3:57:13 PM](#) Jim Dougherty

[4:00:39 PM](#) Executive Session

[4:01:55 PM](#) Add the word "unique" to (2), Option 1

[4:02:29 PM](#) James McCubbin language as suggested above, "(2) because of the physical surroundings, particular shape, or topographical conditions that are unique to the specific property involved..."

Public Comment

[4:04:18 PM](#) Ryan Morton

[4:05:55 PM](#) Executive Session

[4:07:29 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners amend the introduction to Section 6.1 Variances to read, "The governing body may 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. Prior to granting a variance, the governing body must determine, based on the evidence presented, that:" Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[4:08:07 PM](#) Commissioner Bill Carey suggestion, Attachment C, 6.1 Variances, rewording of (6), insert "deliberately created."

[4:08:45 PM](#) Staff comment, James McCubbin opinion

Public Comment

[4:09:08 PM](#) Elaine Hawk

[4:13:36 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners adopt the language from Option 1, (3)(d), which reads, "The hardship has not been created by either the applicant or the applicant's agents or assigns."

[4:14:56 PM](#) Staff comment, James McCubbin

Public Comment

[4:15:11 PM](#) Elaine Hawk

[4:15:50 PM](#) Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[4:16:12 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners adopt the language to Section 6.1, (1) through (5) as is in Attachment C, with the addition of the word "and" after each statement, (1) through (5), with the approved amended introduction and the approved amendment of (6). [4:17:07 PM](#) Discussion. [4:22:16 PM](#) Chair Jean Curtiss seconded the motion.

Public Comment

[4:22:25 PM](#) Ryan Morton
[4:25:38 PM](#) Deb Evison
[4:27:54 PM](#) Executive Session
Public Comment
[4:33:53 PM](#) Elaine Hawk
[4:35:42 PM](#) The motion carried on a vote of 2-0 with Commissioner Larry Anderson abstaining.

[4:36:08 PM](#) Attachment C, Article 8.5 Evasion Criteria

Public Comment
[4:36:53 PM](#) Ryan Morton
[4:37:53 PM](#) Discussion
[4:47:47 PM](#) Ken Jenkins
[4:51:24 PM](#) Deb Evison
[4:53:21 PM](#) Peter Dayton
[4:56:33 PM](#) James McCubbin opinion
[4:56:59 PM](#) Executive Session
Public Comment
[4:59:19 PM](#) Elaine Hawk
[5:00:36 PM](#) Staff comment, James McCubbin
[5:02:02 PM](#) Discussion
[5:02:40 PM](#) Staff comment, Roger Millar
[5:04:49 PM](#) Discussion
[5:05:33 PM](#) Staff comment, James McCubbin
[5:07:19 PM](#) Roger Millar, drop this, see what legislature puts in laps next year

Executive Session

[5:08:06 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners **not** adopt the proposed Article 8.5 Evasion Criteria and to add this item to a tickler list to be brought forward in the future. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[5:08:28 PM](#) Chair Jean Curtiss--MBIA letter, improved future process, change effective date to November 1, 2008, and amend August 18 minutes, #11, 3.2.2.6 On-site road improvements, (b), should read, "The minimum surface width of the turn-around radius shall be 45 feet."

[5:09:58 PM](#) Commissioner Larry Anderson made a motion that the draft minutes of August 18, 2008, Attachment C, Amendment #11, 3.2.2.6 On-site road improvements, should strike the word "pavement." Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

[5:10:29 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners establish the effective date for the revisions to the Subdivision Regulations as November 1, 2008. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

Public Comment

[5:10:40 PM](#) Elaine Hawk

[5:10:58 PM](#) Staff comment, James McCubbin proposed sections in future to be addressed to Karen Hughes in Rural Initiatives.

[5:12:17 PM](#) Chair Jean Curtiss recessed the meeting.