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**PUBLIC MEETING**  
**BOARD OF COUNTY COMMISSIONERS**  
**WEDNESDAY, SEPTEMBER 17, 2008 – 1:30 P.M.**  
**ROOM 201 –COURTHOUSE ANNEX**  
**MINUTES**

**1. CALL TO ORDER**

[1:31:00 PM](#) Commissioner Larry Anderson called the meeting to order at 1:30 p.m.

Commissioners Present: Commissioner Bill Carey and Commissioner Larry Anderson.

Absent: Chairman Jean Curtiss.

Staff Present: Office of Planning & Grants Planner Vlad Kryukov, Deputy County Attorney James McCubbin, Public Works Director Greg Robertson, Deputy County Attorney Mike Sehestedt *arrived late, see comment after variance request*, Office of Planning and Grants Senior Planner Dave Loomis, Office of Planning and Grants Planner Jennie Dixon, Floodplain Administrator Todd Klietz, and Rural Initiatives Rural Landscape Scientist Mel Waggy.

**2. [1:31:17 PM](#) PLEDGE OF ALLEGIANCE**

**3. [1:31:42 PM](#) PUBLIC COMMENT**

[1:31:55 PM](#) Will Biggs

[1:33:41 PM](#) Staff comment, James McCubbin

[1:34:47 PM](#) Ken Johnson

**4. ROUTINE ADMINISTRATIVE ACTIONS**

a. [1:36:25 PM](#) Weekly Claims Lists (\$1,321,901.82)

[1:36:30 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$1,321,901.82. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 2-0.

**5. PROCLAMATION**

a. Family Day: A Day to Eat Dinner With Your Children

[1:36:42 PM](#) Commissioner Larry Anderson opened the [proclamation](#) and read the proclamation.

**6. BID AWARD (Public Works)**

a. Hot Mix Asphalt

[1:38:26 PM](#) Commissioner Larry Anderson opened the hearing.

[1:38:30 PM](#) Greg Robertson presented the [staff report](#).

[1:39:22 PM](#) Executive Session

[1:39:52 PM](#) Public Comment

Executive Session

1:39:58 PM Commissioner Bill Carey made a motion that the Board of County Commissioners award the contract to Knife River in the amount of \$288,000 for the purchase of hot mix asphalt for FY 2009 as presented in the staff report. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 2-0.

**7. DECISION (Delayed from September 10, 2008)**

a. Zoning District 25A Variance Request (Stephen & Judith Page)

1:40:12 PM Commissioner Larry Anderson opened the hearing.

1:40:26 PM Dave Loomis presented the [staff report](#).

1:41:29 PM Executive Session

1:42:05 PM Staff comment, Todd Klietz, Floodplain Administrator

1:43:42 PM Staff comment, Dave Loomis

1:44:41 PM Staff comment, James McCubbin

1:46:42 PM Commissioner Larry Anderson, suggests survey to establish base point by which to measure setbacks at Lindbergh Lake.

1:48:05 PM Staff comment, Greg Robertson, survey to take place next Wednesday or Thursday, coordinated between Todd Klietz and DNRC

1:49:03 PM Staff comment, James McCubbin

1:49:44 PM Public Comment

1:49:52 PM Steve Page

1:51:01 PM Staff Comment, Todd Klietz

Public Comment

1:51:23 PM Steve Page

1:51:56 PM Tom Boon

1:54:10 PM Judy Page

1:57:39 PM Commissioner Larry Anderson comment

Public Comment

1:58:37 PM Judy Page, request for conditional variance

(A PORTION OF THE FOLLOWING MINUTES WERE TRANSCRIBED VERBALLY, AS REQUESTED BY STAFF.)

2:02:17 PM Staff comment, James McCubbin, conditional variance

"Mrs. Page, and Mr. Page, would you have any objection to a survey being performed to establish that, if it's done after the variance procedure is completed? There is a possibility that you could grant a conditional variance so that we come back and establish exact distance of the variance of the variance after the fact. If you don't think that--I mean, the arguments been made by Mr. Boon and by Mrs. Page that the factors that go into your consideration for a variance shouldn't or won't be affected by the exact distance. If you find that argument to be compelling and that's totally within your discretion because it's a big question mark at this point. We don't have the survey, but if you find that argument to be compelling, you could grant a conditional variance--basically granting the variance with the amount to be specified when the survey is conducted."

2:03:12 PM Executive Session

Commissioner Bill Carey, "I could accept that. It's just we find there's--not all the time, but there's kind of a pattern of folks pushing the limit on developing land. While I'm not saying in this particular case, but we do find quite often folks will do something and then if they're caught doing it, they'll apologize, say they're sorry, and go on their way. What we need to do to avoid that as much as we can in future proposals of this nature. I willing to go ahead and grant it, conditional approval of the variance, but we'll go ahead and establish the highwater mark, along with DNRC and maybe Fish, Wildlife and Parks, I don't know. At least we'll have something done that hopefully will obviate the need for these kinds of meetings."

Commissioner Larry Anderson, "I think I can support that as well. I think the problem we're seeing and it's kind of related to the zoning hearing we heard last week. Folks along the lake were concerned about what was going on behind those properties, but the issue is what's happening along the lakefront. That's going to be the big issue in the future is the continued development in small lots along this lakefront are going to have more of a detrimental impact than what happens back away from the lake. So I think it's very important as public policy that we establish a benchmark that everybody agree on. I can support this conditional variance with the understanding that we'll come back with the survey information to establish exactly where that is."

Commissioner Bill Carey, "I'll so move.

Commissioner Larry Anderson, "Second that motion. All in favor?"

Commissioner Bill Carey, "Aye."

Commissioner Larry Anderson, "Aye."

James McCubbin, "Just a final comment on these kinds of situations. It's not always or necessarily even commonly the property owner themselves that's responsible for the violation. I think everybody at the County is aware of that."

[2:04:55 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners conditionally approve the variance request from Steven and Judith Page, conditional upon the establishment of the highwater mark for Lindbergh Lake to be done by County Public Works in conjunction with the DNRC. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 2-0.

[2:05:37 PM](#) Commissioner Larry Anderson to Mike Sehestedt regarding public comment section, Will Biggs.

[2:06:01 PM](#) Mike Sehestedt

Public Comment

[2:08:30 PM](#) Jim Edwards

[2:09:36 PM](#) Mike Sehestedt

[2:11:58 PM](#) Jim Edwards

[2:12:40 PM](#) Mike Sehestedt

## 8. CONSIDERATION

a. Golden West Addition No. 1, Lot 9 (2 lots on 2.38 acres) - off Cote Lane

[2:13:00 PM](#) Commissioner Larry Anderson opened the consideration.

[2:14:19 PM](#) Vlad Kryukov presented the [staff report](#) and [alternate conditions](#).

[2:22:38 PM](#) Emily Corsi, Developer's representative presentation

[2:24:22 PM](#) Public Comment

[2:24:27 PM](#) Ron Ewart, Developer's representative

[2:25:28 PM](#) Staff comment, Vlad Kryukov

[2:26:46 PM](#) Staff comment, James McCubbin

[2:29:26 PM](#) Developer's Representative comment, Emily Corsi

[2:30:56 PM](#) Developer's Representative comment, Ron Ewart

[2:31:56 PM](#) Executive Session

[2:32:13 PM](#) Staff comment, James McCubbin

[2:32:44 PM](#) Staff comment, Greg Robertson

[2:35:35 PM](#) Staff comment, Vlad Kryukov

[2:37:35 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners amend Condition #3 and #6 to read, "Plans for and installation of the new on-site road to a minimum 14' paved surface width within a 30' wide private access easement / utility easement (PAE/UE) in the location of the existing driveway approach on Lot 9A from Cote Lane to the point where only one lot will be accessed shall be reviewed and approved by County Public Works and Missoula Rural Fire District prior to final plat approval. The new on-site road shall provide 20' of unobstructed horizontal clearance and 13'-6" vertical clearance the length of the road, and shall not exceed 10% grade" and

"The subdivider shall amend the plat subject to review and approval of OPG prior to final plat approval to remove the 1' No Access Strip along the southern boundary of the 30' private access easement and Section 9 of the Development Covenants shall be revised subject to review and approval by OPG prior to final plat approval," respectively as presented in the memo dated September 17, 2008 from staff. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 2-0.

2:37:57 PM Commissioner Bill Carey made a motion that the Board of County Commissioners **delete** Condition #4, which reads, "The Development Covenants shall be amended to include the requirement for the installation and naming of the new on-site road along with a disclosure stating that the PAE/UE also permits access to the property to the north (Golden West Addition No.1, Lot 8) in the event that it is subdivided, subject to review and approval by OPG prior to final plat approval. The plat shall be amended to define the use and scope of the PAE/UE, to be reviewed and approved by County Public Works prior to final plat approval." Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 2-0.

2:38:07 PM Commissioner Bill Carey made a motion that the Board of County Commissioners approve the Golden West Addition No.1, Lot 9 Subdivision based upon findings of fact in the staff report and subject to the amended recommended conditions of approval. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 2-0.

## 9. HEARING

- a. Trout Meadows River Ranch (69 lots on 317 acres) - North side of Clark Fork River at end of Mallard Way

2:38:44 PM Commissioner Larry Anderson opened the hearing.

2:40:02 PM Jennie Dixon presented the [staff report](#), [planned variation](#), [Planning Board recommendation](#)

2:43:48 PM Jim Edwards, Applicant

2:58:32 PM Ron Ewart, Developer's representative presentation (3:02:34 PM [PowerPoint presentation](#), with Jim Edwards commenting throughout)

3:32:21 PM Public Comment

3:32:42 PM Carol Kinney

3:37:58 PM Jennifer Schamp, (letter read by Carol Kinney)

3:41:45 PM Gerhard Knudson, Five Valleys Audubon Society

3:46:30 PM Ron Ewart, Developer's representative

Public Comment

3:48:28 PM Julia Sauter

3:58:41 PM Staff comment, Mel Waggy

Public Comment

4:08:34 PM Jim Cuskar, CFAC

4:23:16 PM Don Kinney

4:25:55 PM Michelle Landquist

4:32:15 PM Staff comment, Mel Waggy

Public Comment

4:32:53 PM Michelle Landquist

4:33:40 PM Commissioner Larry Anderson recommendation to continue hearing to October 1

4:34:42 PM Ron Ewart, Developer's representative

4:35:05 PM Jim Edwards, Applicant

Public Comment

4:35:28 PM Galen Wood

4:37:25 PM Jim Edwards, Applicant

4:46:47 PM Executive Session

4:48:04 PM Staff comment, Mike Sehestedt

[4:49:52 PM](#) Executive Session

[4:51:41 PM](#) Commissioner Larry Anderson recessed hearing to October 1.

**10. [4:51:59 PM](#) OTHER BUSINESS**

**11. [4:52:12 PM](#) RECESS**

There being no further business to come before the Board of County Commissioners, the meeting was recessed at 4:52 p.m.