

PUBLIC MEETING – March 9, 2005

The Public Meeting was called to order at 1:30 p.m. by Chair Jean Curtiss. Also present were Commissioner Barbara Evans, Commissioner Bill Carey, Chief Civil Deputy County Attorney Mike Sehestedt and Deputy County Attorney Colleen Dowdall.

Pledge of Allegiance

Public Comment

None

Routine Administrative Actions

Commissioner Carey moved that the Board of County Commissioners approve the routine administrative items adopted the past week and approve the weekly claims lists in the amount of \$279,912.13. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Hearing (Certificate of Survey): Baker Family Transfer

Colleen Dowdall presented the staff report.

This is a consideration of a request to create two additional parcels using the family transfer exemption for that parcel described as Tract 1 of COS 5146, located in the southeast one-quarter of the northeast one-quarter of Section 5, Township 12 North, Range 19 West.

Gregg Baker has submitted a request to create two additional parcels using the family transfer exemption to the Montana Subdivision and Platting Act. The current parcel is approximately one acre in size located near the top of Whitaker Drive, just outside the city of Missoula, Montana. Gregg proposes to create one approximately 0.33 acre parcel for transfer to his mother, Anna M. Baker, and one approximately 0.33 acre parcel for transfer to his father, John S. Baker, both for residential purposes, and keep the remaining approximately 0.33 acre parcel for residential purposes as well.

The history of the parcel is as follows: COS 2741 was filed in 1982, creating a division of land for occasional sale and a remainder, Tract B, of 2.36 acres. COS 3371 was filed in 1986, again creating a division of land for the purpose of occasional sale, with Tract B-2 left as the remainder, 1.693 acres. Robert Massey and Richard Rostad purchased the property in April, 2000. Robert Massey had COS 5146 filed in April, 2001, to create Tract 1, one acre in size, to provide security for a construction mortgage. Gregg Baker purchased Tract 1 from Robert Massey and Richard Rostad in October, 2001.

According to the records kept by the Missoula County Surveyor, the applicant has not previously used exemptions to the Subdivision and Platting Act.

Gregg Baker was present and came forward to answer questions.

Chair Curtiss stated the Board is responsible to make sure these exemptions to the Subdivision and Platting Act are legitimate family transfers as the law allows and not an attempt to evade subdivision review. The Deputy County Attorney would ask a series of questions to determine his intention.

Colleen Dowdall asked if he purchased this property with the intent of dividing it.

Gregg Baker stated he did not.

Colleen Dowdall asked if he or his parents intend to transfer their parcels within the next year.

Gregg Baker stated he and his parents did not intend to transfer their parcels.

Colleen Dowdall asked where his parents currently lived.

Gregg Baker stated that his mom lives up the Rattlesnake and his dad lives on Whitaker.

Colleen Dowdall asked if each of them would be building a home on their property.

Gregg Baker stated that was the plan.

Colleen Dowdall stated his parents would reside there.

Gregg Baker stated that was correct.

Colleen Dowdall asked if he resides on the property currently.

Gregg Baker stated that was correct.

Colleen Dowdall asked if he was in the business of building or developing property.

Gregg Baker stated he was not.

Colleen Dowdall asked if he was attempting to evade subdivision review.

Gregg Baker stated he was not.

Colleen Dowdall asked if he understood this review was simply to determine whether he was attempting to evade subdivision review and the property has not been reviewed for adequate access or zoning compliance. Those are things that he will still have to go through to build on the property.

Gregg Baker stated he understood that.

Colleen Dowdall stated the same thing applied to review for floodplain and septic approval, etc.

Gregg Baker stated he understood that.

Chair Curtiss opened the public hearing. There being no comments, the public hearing was closed.

Commissioner Evans moved that the Board of County Commissioners approved the request by Gregg Baker to create two additional parcels by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

Hearing (Certificate of Survey): Deschamps Family Transfer

Colleen Dowdall presented the staff report.

This is a consideration of a request to create four additional parcels using the family transfer exemption for Tract 8 of COS 1925, located in the west one-half of the west one-half of Section 16 and the east one-half of Section 17, Township 14 North, Range 20 West.

Linda D. Deschamps has submitted a request to create four additional parcels using the family transfer exemption to the Montana Subdivision and Platting Act. The current parcel is approximately 20 acres in size, located near Missoula, Montana. Linda proposes to create approximately two acre parcels for transfer to her four adult sons for residential purposes and keep the remaining approximately 12 acre parcel for residential purposes as well. The created parcels would be transferred to the following:

Peter Louis Royer:	Tract 58-A
James Daniel Nasset:	Tract 58-B
Johnny Mick Nasset:	Tract 58-C
Samual Steven Nasset:	Tract 58-D

The history of the parcel is as follows: In 1979, Certificate of Survey 1925 was filed creating tracts in excess of 20 acres. A quit claim deed was filed in April, 2000, deeding the property to Linda Deschamps in joint tenancy with the right of survivorship with Arthur Deschamps III. Upon his death, the joint tenancy was terminated and title was vested with Linda Deschamps.

According to the records kept by the Missoula County Surveyor, the applicant has not previously used exemptions to the Subdivision and Platting Act.

Linda Deschamps was present and came forward to answer questions.

Chair Curtiss stated the Board is responsible to make sure these exemptions to the Subdivision and Platting Act are legitimate family transfers as the law allows and not an attempt to evade subdivision review. The Deputy County Attorney would ask a series of questions to determine her intention.

Colleen Dowdall asked how long she had owned the property.

Linda Deschamps stated her husband bought the property in 1996. He passed away in 2001 and the property was left to her.

Colleen Dowdall asked if the property was purchased with the intent of dividing it.

Linda Deschamps stated it was not.

Colleen Dowdall asked if she currently lived on the property.

Linda Deschamps stated she did live on the property.

Colleen Dowdall asked if any of the recipients intend to live on the property.

Linda Deschamps stated they all intend to live there, but do not currently.

Colleen Dowdall stated the transferees intend to build and live on the property.

Linda Deschamps stated that was correct.

Colleen Dowdall asked if she or any of her sons have the intention of transferring their property within the next year.

Linda Deschamps stated she only intended to transfer the property to her sons.

Colleen Dowdall asked if her sons currently lived in Missoula.

Linda Deschamps stated that two live in Missoula, one lives in White Fish and one lives in Alaska, but is planning to move back to Montana.

Colleen Dowdall asked if she was in the business of building or developing property.

Linda Deschamps stated she was not.

Colleen Dowdall asked if she was attempting to evade subdivision review.

Linda Deschamps stated she was not.

Colleen Dowdall asked if she understood this has not been reviewed for adequate access as it would if it went through subdivision review or if it complies with zoning or if it could have a septic system.

Linda Deschamps stated she understood that.

Chair Curtiss stated that Fire Bucket Loop is a road that the Board receives complaints about because it is not very well built. If this transfer is approved, it does not imply that any improvements will be made to that road. An RSID was recently approved to improve part of Fire Bucket Loop.

Linda Deschamps stated she was aware of the RSID.

Chair Curtiss opened the public hearing. There being no comments, the public hearing was closed.

Commissioner Carey moved that the Board of County Commissioners approve the request by Linda Deschamps to create four additional parcels by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Hearing (Certificate of Survey): Fee Family Transfer

Colleen Dowdall presented the staff report.

This is a consideration of a request to create a family transfer parcel for that parcel described as Tract 12 of COS 135, Double Arrow Ranch Phase V, Sections 5 and 6, Township 16 North, Range 14 West.

Jeffery D. Fee has submitted a request to create one parcel using the family transfer exemption to the Montana Subdivision and Platting Act. The current parcel is approximately 10.10 acres in size, located near Seeley Lake, Montana. Jeffery proposes to create one approximately 4.55 acre parcel for transfer to his wife, Kimberly D. Fee, for residential purposes and keep the remaining approximately 5.5 acre parcel for residential purposes as well.

The history of the parcel is as follows: The parcel was created when COS 135 was filed in 1973, creating 35 parcels greater than 10 acres in size. The property was deeded to Jeffery D. Fee in January, 2005.

According to the records kept by the Missoula County Surveyor, the applicant has not previously used exemptions to the Subdivision and Platting Act.

Chair Curtiss stated that family transfers are not allowed within platted subdivisions and for the record, it was clarified that this property is not within a subdivision.

Colleen Dowdall stated that no one representing the Fee family was present so the request should be postponed for one week so the applicant or a representative could be present to answer questions.

Chair Curtiss opened the public hearing. As no one was present representing the applicant, the Jeffery D. Fee family transfer request would be continued for one week to March 16, 2005.

Adoption: Resolution for Formation of Community Food and Agriculture Coalition (Food Policy Council)

Chair Curtiss: Next we have an adoption of a Resolution to form the Community Food and Agriculture Coalition.

Neva Hassanein: Good afternoon. My name is Neva Hassanein and I'm here today, we've met with you before and talked to you about the community food assessment for Missoula County that has been conducted over the last two years. It was co-facilitated by myself and Dr. Maxine Jacobson of the Department of Social Work at the University, and it was guided by a 15 member steering committee of people who represent a range of interests in the food system. The Resolution before you today talks about the findings of the food assessment in the Whereas section, so it's really stating what it is that we found based on two years of research which included talking not only to farmers and ranchers, but many, many consumers in the County. What the Resolution asks the Board of County Commissioners to do, as well as the Missoula City Council, is to support the creation of a Community Food and Agriculture Coalition, which is essentially going to be a multi-stakeholder work group or task force that is going to look at Missoula County's agricultural and food system and identify ways in which we can make it more sustainable and secure for the long term. As a result of the food assessment, we put together a whole set of recommendations and this was the first one. The Coalition will be looking at those recommendations and facilitating implementation of those by working with relevant government agencies, non-profit groups and other individuals who are interested. The Resolution also asks you to appoint one member to the Coalition so that we have clear ties with local government and that there's an exchange of information between the Coalition and the governing bodies. Lastly, the Resolution asks you to support the development of a Food and Agricultural Policy that is a comprehensive approach to addressing our food security and agricultural needs. The idea in this section is really that you're saying you'll have a conversation with us in the future about some proposed changes if we identify any that might affect our food system, there is no specific policy proposal here, it's really just saying that there's support for looking at how our policies might best support our food system. So, that's basically the proposal in front of you. On Monday night, the full City Council passed this on their consent agenda. It also went through the Public Health and Safety Committee of the City Council and we are now actively looking for folks to be part of this Coalition and that we want a broad range of people to be represented on the Coalition. I'd be happy to answer any questions and there's a few other folks here who would like to offer their thoughts as well.

Commissioner Evans: In your last paragraph where it says you are asking us to support the development of a "Food and Agriculture Policy," are you willing to change that word to "Program." I do not care to have any policies that tell people what they have to do.

Neva Hassanein: Well, I'm theoretically open to that. It has already passed the City Council and the idea here is not to develop policies that would tell people what to do, but instead to look at our policies and see where they might be strengthened. This is not going to be a policy making body at all, it's really an advisory body. I'm open to it, I don't know how that would work, logistically. Our intent here is not to tell people what to do. I'll just state one other thing about this is, in our research with farmers and ranchers, it was really clear that what needs to happen is we need to look at innovative approaches to addressing issues around loss of farmland, need for improved economic opportunities for agriculture and it's really clear that a regulatory approach is not going to be the best way to go as far as addressing those issues, at least, in my opinion, I thought the results clearly showed that.

Commissioner Evans: I'm willing to sign off on it if the word "Policy" is changed to "Program."

Commissioner Carey: I share Commissioner Evans concern about this in general in terms of our not telling people what to do which is none of our business to tell people what to do, but in this case, I think "Policy" is the way you've put it, so I don't have a problem with "Policy" in this context.

Chair Curtiss: I don't either, I think this just means that we believe, as a policy, this is a good idea, not the kind of policy that is regulatory.

Commissioner Evans: Could we do it as an addendum then that has all this conversation at the bottom so, I'm being silly, so that it's clear to folks that this is not intended as a regulatory group.

Mike Sehestedt: I think it will be reflected in the minutes and since this is the Wednesday meeting, they'll be verbatim minutes.

Neva Hassanein: I share your opinions and I'm sorry that the wording maybe doesn't reflect that at this time.

Chair Curtiss: Thank you. Are there others who would like to make comments on this Resolution? We have received some e-mails in support, I've not received any against.

Bonnie Buckingham: My name's Bonnie Buckingham, I've met with you guys before. I'm the Program Operations Manager at Missoula Food Bank and became involved in the community food assessment and now the Food and Agriculture Coalition through my work there. I've seen both the positive aspects of Missoula's food system and a lot of the gaps that it has. Missoula Food Bank served almost 40,000 people last year through the different programs that we offer. As you saw from our Food Matters Report that we gave you the last time, we have some great assets here in Missoula County, but we also definitely have some issues that need to be addressed. There are many good organizations such as the Food Bank and the Poverello, working somewhat independently to create change and solve the problems that they've identified. I've worked at Missoula Food Bank for the past 8 years and I've attended and even planned, many summit, board and committee meetings on how to better meet the needs of Missoula's hungry. I've felt the frustration of working hard to reduce hunger yet seeing more and more people coming to access the services that we have. In working with this effort to establish the Food and Agriculture Coalition, I feel this is the first of its kind to look holistically at the entire food system in Missoula County and have come to some real sense of achieving food democracy for all of Missoula County citizens, getting more of our local citizens involved in their own food system solutions. I feel privileged to be able to take part in something that's going to benefit our community for years to come and that will eventually lead to a reduction in the services provided by the Missoula Food Bank and other pantries as people become more food secure, having taken an active part in this integrative and systematic approach to solving these problems, looking at the whole food system, including its social, economic and environmental dimensions. I thank you for your time in considering this resolution and your commitment to work with us as we move forward. Thank you.

Chair Curtiss: Thanks Bonnie. Others who would like to make comments?

Heidi DeArment: My name's Heidi DeArment, I work for the Clark Fork Coalition. My background is in selling beef nationally and I really support this proposal because when I was out schlepping beef around the country, the places that I could not get into were places with strong local food councils. What I heard over and over and over again was those communities preferred food that came from their neighbors. I also visited Paonia, Colorado, where over the course of 8 years, they took the agricultural community, turned it into local agriculture and it is now a major economic driver of the Paonia community, they even have local processing that stemmed out of it. For the last two years, I've worked with ranchers in the Clark Fork basin who say over and over and over again, why can't we sell locally, and then I come back to Missoula and I have folks say, why can't we get local beef. And so this is just a natural connection, it's driving the beef industry, which is what I care about right now, and so I think that we have the potential together to drive it ourselves and make it a big part of our economy. Thanks.

Chair Curtiss: Thank you, and I hope you have her name on your list for members.

Helen Atthowe: Helen Atthowe, Missoula County Extension Service and a local vegetable farmer, and I really support this and I hope that we can all work on it together because, after working at the Extension Service for 11 years, I've realized that we can't do things the way that other counties do it. We have 10,000 task forces in Missoula and we have such an incredible diversity that I think the only way that we're going to deal with the problems I get every day at the Extension Service is to have a broad coalition of consumers and producers. The reason I was late to the meeting today is that I had two calls, one is from Mission Mountain Market, who would like to work with Hmong growers that we're working with and develop a salad mix operation that we can then sell straight to the University of Montana, but we've got to get our growers together from a production point of view to do that. That's very exciting. Every year in my master gardener program I have all these young, exuberant people that what to be market gardeners and they want to sell food in Missoula but they look at the price of land and say, "Huh, maybe we'll go to eastern Montana." So we have people that want to produce food. The other reason I was late is I got a call, Heidi will like this, from someone up the Blackfoot that said, "Hey, I hear you've got a livestock forum going," which we do now, we had 23 livestock producers say, "Oh, thank you for not forgetting about us, we thought the Extension Service didn't care about us anymore," came to our meeting and now this woman from Potomac said, "I hear you have this forum and that you can sell my natural beef." I said, "Well, no, but I'm going to a meeting where we're going to make it happen." This is the meeting.

Chair Curtiss: Thank Helen. Anyone else who would like to make comment. Okay. So we have quite a long resolution that we can read into the record.

A RESOLUTION TO ACTIVELY SUPPORT EFFORTS TO INCREASE THE SECURITY OF OUR LOCAL FOOD SYSTEM SO THAT IT IS BASED ON A SUSTAINABLE AGRICULTURE WHICH ENHANCES THE LOCAL ECONOMY AND BUILDS REGIONAL SELF-RELIANCE AND SO THAT ALL CITIZENS HAVE ACCESS TO NUTRITIOUS AND AFFORDABLE FOOD.

WHEREAS, pursuant to Article II, Section 3 of the Montana Constitution, entitled Inalienable Rights, all persons have certain inalienable Constitutional rights that include the right to a clean and healthful environment, pursuing life's basic necessities and seeking their safety, health and happiness in all lawful ways; and

WHEREAS, it is within the power and responsibilities of local governments in Montana to secure and promote the general public health, safety and general welfare of the individuals within their respective local government jurisdiction; and

WHEREAS, a recent comprehensive study has identified a number of threats to and concerns about the long-term security of Missoula County's food and farming system; and

WHEREAS, a healthy agricultural system is a valuable part of our cultural heritage, contributing to open space, wildlife habitat and other public benefits, and is integral to the long-term security of our food system; and

WHEREAS, Missoula County is losing many of its working farms and ranches due to problems associated with low economic returns from agriculture and pressures from development; and

WHEREAS, a major challenge in rebuilding our local food system is to devise strategies that will address the need for farmers and ranchers to earn a fair price for their products while maintaining consumer affordability; and

WHEREAS, the primary food-related concern of Missoula County citizens is good quality, such as food safety, pesticide residues on food and availability of organic and local foods; and

WHEREAS, cost of living issues, specifically low wages, pose significant barriers to accessing healthy, nutritious foods for low-income individuals and their families; transportation to food outlets is an emerging concern for low-income individuals; emergency food providers are seeing an ever increasing need for their services; and public social services remain underutilized; and

WHEREAS, there are many different organizations working individually on various issues regarding food and farming in Missoula County, no existing entity takes an integrated approach to solving these issues;

NOW, THEREFORE, BE IT RESOLVED that the Missoula City Council and the Board of Missoula County Commissioners support the establishment of a multi-stakeholder Community Food and Agriculture Coalition that addresses community needs related to food and agriculture in a comprehensive, systematic and creative way.

BE IT FURTHER RESOLVED that the Missoula City Council and the Board of Missoula County Commissioners shall each appoint from their respective governing body membership a City Council member and a County Commissioner to serve on the Community Food and Agriculture Coalition to share information among the Missoula City Council, Missoula County Commissioners and the Community Food and Agriculture Coalition; and

BE IT FURTHER RESOLVED that the Missoula City Council and the Board of Missoula County Commissioners support the development of a Food and Agriculture Policy that will contribute to the healthful and affordable eating patterns of all City and County residents and that will promote regional self-reliance through a sustainable agriculture that is environmentally sound, economically viable, socially responsible and non-exploitative.

Passed and Adopted March 7, 2005 by the City Council, signed by Mayor Mike Kadas and Passed and Adopted March 9, 2005 by the Missoula Board of County Commissioners, signed by Jean Curtiss, Bill Carey and Barbara Evans.

Commissioner Carey moved that the Board of County Commissioners adopt the joint resolution to form a Community Food and Agriculture Coalition. Commissioner Evans seconded the motion, noting her reservations regarding "Policy" instead of "Program," and subject to the comments in the record. The motion carried on a vote of 3-0.

Certification: Grizzly Dens PUD Rezoning

Chair Curtiss read the staff report.

This is a request to adopt a Resolution to Rezone Tracts 1, 2 and 3 of COS 5307, Tract A of COS 2156 and a portion of the former Milwaukee Railroad right-of-way from "C-A3" to "Grizzly Dens Planned Unit Development Zoning District."

Grizzly Partners, LLC, applied on September 24, 2004 to create the 21 lot Grizzly Dens Subdivision and Planned Unit Development (PUD) Zoning District on a 46.6 acre parcel. The property is located north of Mullan Road and west of Deschamps Lane. On January 5, 2005, the Board of County Commissioners held a hearing on the request to rezone the Grizzly Dens Subdivision from C-A3 to Grizzly Dens PUD. On January 14, 2005, the Board of County Commissioners adopted a Resolution of Intent to Rezone the property and to receive written protests of the rezoning for 30 days from the first publication of the notice of intent to rezone on January 23, 2005. The 30 day protest period expired on February 22, 2005. A protest was made by 37% of the resident freeholders of the district, less than the 40% required for a successful protest. Therefore, the Board of County Commissioners may approve the Resolution to Rezone the area from "C-A3" to the "Grizzly Dens Planned Unit Development Zoning District."

Chair Curtiss asked for public comments.

Sarah Glidden: I'm Sarah Glidden and I can be here today because I have Wednesday as a day off from work. I'm not here to accept the news that we did not reach our 40% or 50% goal, but I am here as a winner in that we met wonderful people who felt like us, keep one home per five acres, keep Zone C-A3 a rural, beautiful place in this valley. That's why we moved here, feeling, as John Saul said, when you have zoning, it's sort of like a covenant with the government. However, 37% is pretty close to 40. We still receive signed petitions. It's disappointing our Commissioners and developers are not listening to the landowners and voters of Zone C-A3. Our small group ... still advocate for those working to keep one home per five acres and we'll be here when the next project of cluster housing comes down the road. Until the facilities and the quality, safe roads are put into place, leapfrogging is not a wanted thing. We do not want to put the cart before the horse. Thank you to those who signed our petition in our large, spread out, rural zone of C-A3. Thank you.

Dick Ainsworth: For the record, my name is Dick Ainsworth, I'm with Professional Consultants, representing the holders and developers of this property. I guess I'd just add that although 37% is a significant percentage of those folks, that also means that 63% of the people out there didn't have a problem with what we're proposing. And what we're proposing does not change the C-A3 zoning district, it changes our one piece of property and that's all, so it doesn't affect everybody in that entire zoning district as I think some people that perhaps signed the petition might

have thought. So, there is still an obviously overwhelming majority of the people out there that didn't have a problem with what we were proposing. Thank you.

There were no further public comments.

Chair Curtiss stated that this land can be rezoned due to the lack of sufficient protests. It is her feeling that PUD's are the exception rather than the rule. She made her decision by looking at how this subdivision fits on the land without negatively affecting the neighbors.

Commissioner Evans stated she would abstain on this matter. She doesn't usually have trouble making up her mind, but in this particular case she has been swayed by what the residents don't want and also swayed by the good design of the proposal. She abstained on the original vote and will abstain on this vote.

Commissioner Carey stated he would support the motion, but this was not an easy decision. In the end, he came to the conclusion that what the developer of this particular proposal was going to achieve is what, over time, would be what this area would want at built out. The pressure to build is not going away. In this particular case, the developer and his agent came forward with a very good proposal.

Commissioner Carey moved that the Board of County Commissioners adopt the Resolution to Rezone Tracts 1, 2 and 3 of COS 5307, Tract A of COS 2156 and a portion of the former Milwaukee railroad right-of-way located in the northeast one-quarter of Section 5, Township 13 North, Range 20 West, from "C-A3" to "Grizzly Dens Planned Unit Development Zoning District." Chair Curtiss seconded the motion. The motion carried with two Commissioners voting in favor and one abstention.

There being no further business to come before the Board, the Commissioners were in recess at 2:00 p.m.