

PUBLIC MEETING – April 20, 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 Evans 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 \$300,505.57. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

Hearing (Certificate of Survey): Conley Family Transfer

Colleen Dowdall presented the staff report.

This is a consideration of a request to create two additional family transfer parcels for that parcel described as Tract 1 of COS 5165, located in the east one-half of Section 6, Township 13 North, Range 16 West.

Leonard T. and Teresa B. Conley have 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 13.46 acres in size located near Potomac, Montana. Leonard and Teresa Conley proposes to create two additional parcels, one parcel approximately 3.59 acres for transfer to their daughter, Leonora Conley, for residential purposes, one parcel approximately 3.14 acres for transfer to their daughter, Christine Conley, for residential purposes and keep the remaining approximately 6.73 acre parcel for residential purposes as well.

The history of the parcel is as follows: Floyd and Anna Mae Cheff deeded a 40 acre parcel to Leonard and Teresa Conley, Harry and Velda Conley and Thomas and Sandra Messina in July, 1977. In 2001, Certificate of Survey 5165 was filed for the purpose of creating common boundaries and a family transfer, creating Tracts 1, 2 and 3. Tract 1 was quit claim deeded to Leonard and Teresa Conley in June, 2001.

According to the records kept by the Missoula County Surveyor, the applicant has used exemptions to the Subdivision and Platting Act as listed below:

COS 5165 06/19/2000 Gift / Boundary Relocation NE, SE 6-13-16

Chair Curtiss opened the public hearing.

Anna Schmelebeck stated she was Leonard T. Conley’s daughter and would be representing her father.

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 their intentions.

Colleen Dowdall stated it has been established that the family has owned the property since the late 1970’s. She asked if her sisters intend to live on the property.

Anna Schmelebeck stated they do intend to live on the property. One of her sisters hopes to start building in July.

Colleen Dowdall asked where her sisters live currently.

Anna Schmelebeck stated they both currently live in Georgia.

Colleen Dowdall stated the property would be developed by at least one sister.

Anna Schmelebeck stated that was correct.

Colleen Dowdall asked if the other sister intends to put improvements on the property.

Anna Schmelebeck stated she intends to build a house also. Her parents and both sisters intend to moved back to Montana.

Colleen Dowdall stated they don't intend to sell this property.

Anna Schmelebeck stated there would be no selling of property.

Colleen Dowdall asked if her parents live on the property.

Anna Schmelebeck stated her parents also live in Georgia.

Colleen Dowdall asked if she lived on the property.

Anna Schmelebeck stated she lives on a piece of property just above this on Tract 3.

Colleen Dowdall asked if she, her parents or her sisters were in the business of building or developing property.

Anna Schmelebeck stated they were not.

Colleen Dowdall asked if she talked to anyone about going through subdivision review.

Anna Schmelebeck stated she had not.

Colleen Dowdall asked if this was an attempt to evade subdivision review.

Anna Schmelebeck stated it was not an attempt to evade subdivision review.

Colleen Dowdall asked if she understood that this was not being reviewed as it would be if it were a subdivision request for adequate access, etc.

Anna Schmelebeck stated she understood that.

Colleen Dowdall stated that if this is approved, other approvals for septic, floodplain, zoning compliance, etc., may be needed.

Anna Schmelebeck stated she understood that.

Colleen Dowdall stated that if these parcels are approved to be created, it does not necessarily mean they are developable.

Anna Schmelebeck stated she understood that.

There being no further comments, the public hearing was closed.

Commissioner Evans moved that the Board of County Commissioners approve the request by Leonard T. and Teresa B. Conley 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.

There being no further business to come before the Board, the Commissioners were in recess at 1:35 p.m.