

July 26, 2006 Public Meeting – Chairman Carey called the meeting to order at 1:30 p.m. Also present were Commissioner Curtiss, Chief Deputy County Attorney Mike Sehestedt and Director of Public Works Greg Robertson. Commissioner Evans was on vacation.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT - none

ROUTINE ADMINISTRATIVE ACTIONS

Commissioner Curtiss moved to approve the Weekly Claims Lists in the amount of \$564,479.22.
Commissioner Carey seconded. The motion carried on a vote of 2-0.

HEARINGS (Certificates of Survey)

Burleigh Family Transfer

Commissioner Carey opened the hearing.

Mike Sehestedt: The action requested is consideration of a the request to create a family transfer parcel for that parcel described as Tract B, SW ¼ North of Petty Creek Road, Section 13, Township 13 North, Range 23 West. Erika Burleigh 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 7.52 acres in size and is located near Petty Creek. Erika proposes to create a one acre parcel for transfer to her daughter, Gwen Piippo for residential purposes and keep the remaining approximately 6.52 acre parcel of residential purposes as well. The history of the parcel is as follows: in 1999 there was a boundary relocation on Tract B, COS # 4927, in 2002 it was transferred from Disch to Allaway and in 2005 it was transferred from Allaway to Burleigh. According to records kept by the Missoula County Surveyor, the applicant has not previously used exemptions to the Subdivision and Platting Act. The recommendation is to consider this request. Thank you.

My name is Gwen Piippo.

Commissioner Carey: We ask our attorney to ask several questions of folks who want to do a family transfer. We want to help assure ourselves that this is not an attempt to evade subdivision review which is a misdemeanor.

Gwen Piippo: Okay.

Mike Sehestedt: Is Erika your mother?

Gwen Piippo: Yes.

Mike Sehestedt: She is, okay. I indicated from our records it appears she's owned the property since about 2005, is that consistent?

Gwen Piippo: Yes.

Mike Sehestedt: Now you're going to be the recipient of this parcel?

Gwen Piippo: Correct.

Mike Sehestedt: Do you plan to....well, what are your plans with regards to the parcel?

Gwen Piippo: We're just planning to live there for the remainder.

Mike Sehestedt: For the indefinite future would be sufficient.

Gwen Piippo: Right.

Mike Sehestedt: You don't need to pledge forever....and, are you a minor?

Gwen Piippo: No.

Mike Sehestedt: Very good, thank you.

Gwen Piippo: Thanks for asking.

Mike Sehestedt: It comes up in family transfers. You plan on residing on the property, do you know if your mom has or have you talked to anyone at the County about going through full blown subdivision on this parcel?

Gwen Piippo: No.

Mike Sehestedt: Are you in the business of building or developing property?

Gwen Piippo: No. My husband does excavation, but commercial and residential, nothing that we are personally in business for.

Mike Sehestedt: Are you attempting to evade subdivision review?

Gwen Piippo: No.

Mike Sehestedt: One thing that's important, you understand that all we're reviewing this request for is whether or not it's an evasion of subdivision review. We're not reviewing it for adequate access in all weathers for all vehicles, including emergency services, do you understand that?

Gwen Piippo: Yes.

Mike Sehestedt: And do you also understand that should the Commissioners approve this request, that doesn't mean you have approval for any other regulatory purposes – floodplain, zoning, building permit, septic and all of those things. No approval for that, you'll still have to get those as you develop the property.

Gwen Piippo: Yes, I'm aware of that.

Commissioner Carey: This is a hearing; does anyone have any other questions to ask? Seeing none, I'll close the hearing.

Commissioner Curtiss moved to approve the request by Erika Burleigh to create one parcel 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 carried on a vote of 2-0.

Olson Family Transfer

Commissioner Carey opened the hearing.

Mike Sehestedt: The action requested is consideration of a request to create a family transfer exemption for that parcel described as Tract 57A, COS #4865, SE ¼ Section 17 and Parcel D, COS #3005, NE ¼ Section 20, all within Township 14 North, Range 20 West. Bernard L. Olson, III has submitted a request to create one parcel using the family transfer exemption to the Montana Subdivision and Platting Act. The current parcel is almost 11 acres in size located west of Missoula on Fire Bucket Loop. Bernard Olson proposes to create one approximately 5.41 acre parcel for transfer to his wife, Carrie M. Olson, while he retains an approximately 5.14 acre parcel for himself. The applicant did not provide an intended use for the property. The history of the property is as follows: in 1979 the parent parcel was created using the exemption for parcels over 20 acres by Geneva Cates. In 1984 there was a boundary relocation and retracement. At that point it was owned by Waldo and Doris Williams. Tracts 55 A&B and 57 A&B were created in 1998 through

family transfers by the Holzers. In 2003 Mr. Daryl Holzer transferred to the Park family and in 2004 the Parks transferred to the Olsons. According to the records kept by the Missoula County Surveyor, the applicant used a boundary line relocation exemption to relocate lots in the East Missoula Addition, Lots 1A, 2A and 3A of Block 27.

I'm Bernard L. Olson.

Commissioner Carey: You've heard that we ask certain questions of applicants in order to help assure us that this isn't an attempt to evade subdivision review which is a misdemeanor.

Mike Sehestedt: Was I correct in stating that you acquired the property in about 2004?

Bernard Olson: Yes.

Mike Sehestedt: When you acquired the property did you have the intent of dividing it?

Bernard Olson: No.

Mike Sehestedt: Do either you or your wife intend to transfer either of these parcels within the next year?

Bernard Olson: No.

Mike Sehestedt: Do you have present plans to develop the property, either portion of it?

Bernard Olson: We intend to build our home on it within about a year.

Mike Sehestedt: On one of the two parcels?

Bernard Olson: Yeah.

Mike Sehestedt: Have you talked to anyone at the County about going through subdivision review for this parcel?

Bernard Olson: No.

Mike Sehestedt: Where do you live now?

Bernard Olson: I live in East Missoula.

Mike Sehestedt: Hence the boundary line relocation in East Missoula.

Bernard Olson: Exactly, I'm trying to sell that property so I can build a house.

Mike Sehestedt: Are you attempting to evade subdivision review?

Bernard Olson: No.

Mike Sehestedt: And you understand that we're not reviewing this request for adequate access in all weather for all vehicles, including emergency services?

Bernard Olson: Yes.

Mike Sehestedt: Do you also understand that should the Commissioners approve the use of this exemption to divide the property, it does not mean that the property is approved for zoning compliance, floodplain, septic or any other regulatory requirements?

Bernard Olson: Yes.

Commissioner Curtiss: It's confusing to me...it looks like the survey that's proposed shows three tracts of land?

Bernard Olson: Yes. There's kind of a little history as to acquired...we bought the piece of property and we were going to build on an upper portion of it which was fine, but we had no access at all at the bottom portion of our property. So I went and met the man at the bottom part and asked him if he would grant us an easement so I could cross his property and access the lower part of my property. He said that would hurt his property value, so in the course of time he put his property up for sale because he'd gotten ill, so I bought that from him and now that's how I'm getting to the bottom portion of my property. Our hope was to divide it and take the upper portion that would be a nice lot and accessible and then have the bottom portion as another lot because I really can't use....I don't have horses or anything so I can't really use one part or the other. So we thought maybe if we did this, we'd be able to....our oldest son is 14 and if on down the line, we have three kids, then we'd be able to put it in my wife's name and eventually, hopefully our children would maybe move up there with us in the future, whoever decides to stay.

Commissioner Curtiss: So the parcel...the tract 57A2 that's down toward Waldo road would be accessed using this new piece of property (Tract D) that you purchased?

Bernard Olson: Exactly.

Commissioner Curtiss: And the other one would be accessed from Fire Bucket?

Bernard Olson: Yes.

Commissioner Curtiss: Okay, the other question then is...I always question when you have one spouse giving to the other and you doing this thinking that someday you might one of the pieces to a child?

Bernard Olson: Yes.

Commissioner Curtiss: You'll just build on one for now and keep the other one?

Bernard Olson: Right.

Commissioner Carey: Does anyone wish to speak to this? Seeing no one I'll close the hearing.

Commissioner Curtiss moved to approve the request by Bernard L. Olson, III to create one parcel 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 carried on a vote of 2-0.

HEARING

Resolution to Restrict Parking on Johnsrud Park Road (Highway 200)

Commissioner Carey opened the hearing.

Greg Robertson: Before you is a resolution in response to concerns expressed by the public as well as the Sheriff's Department to regulate parking along Johnsrud Park road. Along the entire alignment that is county maintained... which is to the park. Beyond that it is BLM land. The statutes allow the Commissioners to restrict parking on any segment of a public roadway and this request is to deal with a prevalent problem with recreationists in the area and congestion that is being created by people parking along a road that doesn't have the storage capacity to handle it. This has been duly advertised. The emergency resolution you enacted has taken affect and signs went up I believe last week and people are getting tagged and towed at pretty reasonable clip right now. This resolution will just codify that.

Mike Sehestedt: It's clearly within your statutory powers to regulate the parking. I've had discussions with the Sheriff and with some of the Fish, Wildlife and Parks people, plus you're aware that we've had complaints about that intersection, or concerns, about that intersection. This will clear out and I think give people a little better in and out and avoid some of the stacked traffic and other issues. So it's not a solution to the highway turning motion problem, but it certainly helps keep us from exacerbating it.

Seeing no public comment, Commissioner Carey closed the hearing.

Commissioner Curtiss moved to adopt the resolution as presented to address parking along Johnsrud Park Road. Commissioner Carey seconded. The motion carried on a vote of 2-0.

Seeing no further business, Commissioner Carey recessed the hearing at 2:00 p.m.