

PUBLIC MEETING – APRIL 2, 2008

The Public Meeting was called to order at 1:30 p.m. by Commissioner Larry Anderson. Also present were Commissioner Bill Carey, and Chief Civil Deputy County Attorney Mike Sehestedt. Chair Jean Curtiss was out of town.

Pledge of Allegiance

Public Comment

Routine Administrative Actions

Commissioner Carey moved that the Board of County Commissioners approve the weekly claims list in the amount of \$257,200.93. Commissioner Anderson seconded the motion. The motion carried on a vote of 2-0.

Hearing (Certificates of Survey): Teague Family Transfer

Commissioner Anderson opened the hearing.

Mike Sehestedt: I do not see anyone here from the Teague family, but Ms. Hunter, who has the second hearing on the agenda, is present so with the Chair's leave we can start there.

Commissioner Anderson: Yes, let's do that.

Hearing (Certificates of Survey): Hunter Family Transfer

Commissioner Anderson opened the hearing.

Mike Sehestedt presented the staff report.

This is consideration of a request to create a family transfer parcel for that parcel described as Tract 12, Mill Creek Ranches in the Northeast 1/4, Section 35, Township 15 North, Range 21 West. By way of background, this is located in Frenchtown area, north of the interstate on, I believe, Spring Hill Drive [inaudible] the two courses. Cheryl F. Hunter 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 ten acres in size located near Frenchtown. Cheryl proposes to create an approximately five acre parcel for transfer to her daughter Kellie Hunter, age 10, to be placed in trust and keep the remaining approximately five acre parcel for residential purposes.

The history of the parcel is as follows: Trail Land and Livestock Company filed a Declaration of Covenants and Restrictions in June 1969 for the purpose of creating 23 tracts averaging ten acres in size. Tract 12 was created as a ten-acre tract. There have been numerous owners over the years. Susanne Murphy filed a Warranty Deed in April 2007 deeding the property to Cheryl F. Hunter. According to the records kept by the Missoula County Surveyor, the applicant has not previously used exemptions to the Subdivision and Platting Act except as listed below:

Certificate of Survey #5389	04/01/2005	GIFT REM	SW	25-15-21
Certificate of Survey #5819	05/09/2006	GIFT REM	NE	20-15-22

My recommendation is that you consider a request to create a family transfer parcel.

Commissioner Anderson: Do you want to go through the questions?

Mike Sehestedt: Yeah, if we could invite the applicant to the microphone.

Commissioner Anderson: Use either one, there's an abundance of microphones.

Unidentified Speaker: Okay.

Mike Sehestedt: Ms. Hunter, I'm going to ask some questions. Those questions may seem prying and intrusive into your personal affairs and they probably are. The purpose is to provide information so that the Commissioners can make a determination as to whether or not this is a bonafide use of an exemption to the Subdivision and Platting Act or an attempt to evade subdivision review. So, with my apologies, in advance, let me start through the questions.

Ms. Hunter: Okay.

Mike Sehestedt: Was I correct when I indicated you've owned the property since about 2007?

Ms. Hunter: Yes. Yes.

Mike Sehestedt: When you bought the property, did you buy with the intent of dividing it?

Ms. Hunter: No, well, yes. I knew this property was a property I wanted to transfer to my child. I've been looking for properties to transfer to my two children and so, yes, I did know that this was the piece.

Mike Sehestedt: Okay, do you or your daughter's trustee intend to transfer either of these two pieces of ground [inaudible] approved within the next year?

Ms. Hunter: Did I plan to be approved within this next...?

Mike Sehestedt: No, if it's approved, do you plan to transfer either the gift parcel or the remainder parcel within the next year.

Ms. Hunter: To my daughter.

Mike Sehestedt: To your daughter?

Ms. Hunter: Yes, yes.

Mike Sehestedt: Do you intend to hold the other parcel [inaudible].

Ms. Hunter: Yes, it's really also intended for my son.

Mike Sehestedt: Have you established a trust?

Ms. Hunter: Yes and I have a letter from my lawyer on that.

Mike Sehestedt: Who will be the trustee?

Ms. Hunter: I will.

Mike Sehestedt: Do you understand that if the property that's given to your daughter is sold, the proceeds will have to be held in trust?

Ms. Hunter: Yes, I do.

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

Ms. Hunter: No.

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

Ms. Hunter: No.

Mike Sehestedt: Are you attempting to evade subdivision review?

Ms. Hunter: No.

Mike Sehestedt: Do you understand that the Commissioners are not reviewing this request for adequate access in all weather for all vehicles, including emergency services?

Ms. Hunter: Yes.

Mike Sehestedt: Do you understand that you'll be responsible for deciding if there's adequate access [inaudible]?

Ms. Hunter: Yes.

Mike Sehestedt: Do you also understand that if the Commissioners approve this use of the exemption, it doesn't mean that you're approved for zoning compliance or any particular use for floodplain, or septic, or any other recorded permit?

Ms. Hunter: Yes.

Mike Sehestedt: Thank you very much. Follow-up, you said something about your son. Is that your plan with regard to the remainder parcel?

Ms. Hunter: Yes, it is.

Mike Sehestedt: Thank you, I have no further questions. The Commissioners may wish to follow up [inaudible].

Commissioner Anderson: Ms. Hunter, is there a house on either one of these?

Ms. Hunter: There is a manufactured home on the property.

Commissioner Anderson: And you live in that?

Ms. Hunter: No, my brother actually lives in that house.

Commissioner Anderson: Okay. Do you have anything further?

Commissioner Carey: No, thank you.

Commissioner Carey made a motion that the Board of County Commissioners approve the request by Cherryl F. Hunter to create one additional 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 Anderson seconded the motion. The motion carried on a vote of 2-0.

Commissioner Anderson: Motion passes. Thank you.

Mike Sehestedt: By way of background, this will be followed by a letter from the Commissioners indicated that your use of the exemption has been approved, but you can start now with your surveyor to get the survey going. The letter will follow in due course. To be honest, I'm sure Cathie's quicker than any of the surveyors in town.

Hearing (Certificates of Survey): Teague Family Transfer

Commissioner Anderson opened the hearing.

Do you want to address this second one since there's nobody here?

Mike Sehestedt: I would ask--this is the time set for consideration of a request by John Teague to use a family transfer exemption to create a parcel. I do not see any representatives of the Teague family present. I would ask that this be continued without date and we will reschedule.

Commissioner Anderson: Okay. Does that need a motion? I don't think so, does it? Okay.

Hearing (Postponed to April 23, 2008): Linda Vista Acres Subdivision & Rezoning

Commissioner Anderson: Seeing that the hearing on Linda Vista Acres Subdivision and Rezoning has been postponed to April 23, is there any other business to come before the Commission?

Other Business

There being no further business to come before the Board, the Commissioners were in recess at 1:39 p.m.