

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, MARCH 4, 2023 – 2 PM

Virtual Meeting – Microsoft Teams

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ATTENDANCE:

Commissioners Present:

Chair Strohmaier
Commissioner Slotnick
Commissioner Vero

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office
Bailey Minnich, Planner, Community and Planning Services
Tim Worley, Senior Planner, Community and Planning Services
Nick Zanetos, Planner, Community and Planning Services
John Hart, Attorney II-Civil Division, County Attorney's Office
Anna Conley, Chief Deputy Civil Attorney
Matt Heimel, Planner, Community and Planning Services

1. **CALL TO ORDER** *[Time stamp – 00:00]*
2. **LAND ACKNOWLEDGEMENT** *[Time stamp – 00:14]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
3. **PLEDGE OF ALLEGIANCE** *[Time stamp – 00:28]*
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 01:03]*
[None]
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 01:10]*
[None]
6. **CURRENT CLAIMS LIST** *[Time stamp – 01:30]*
Claims received as of February 17, 2021 to February 23, 2021 by the Commissioners' Office total \$1,237,615.65.
7. **HEARINGS**
 - a. **O'Keefe Ranch Estates Subdivision Amendments** *[Time stamp – 01:58]*
Tim Worley, Senior Planner, Community and Planning Services

Commissioner Vero made the motion to approve Condition #29.

Commissioner Slotnick seconded.

[Motion passed 3-0.]

[Letter 2021-079 Mailed to: Ron Ewart]

b. Springer Family Transfer [Time stamp – 12:25]

Nick Zanetos, Planner, Community and Planning Services

Commissioner Slotnick made the motion that the request by Carol and Brock Springer to utilize the family transfer exemption to create and transfer two parcels to their sons Ryan and William, as presented in the exemption application and affidavit, be approved.

Commissioner Vero seconded.

[Motion passed 3-0.]

[Letter 2021-074 Mailed to: Brock & Carol Springer]

c. Jordan Family Transfer [Time stamp – 26:37]

Nick Zanetos, Planner, Community and Planning Services

Commissioner Slotnick made the motion to approve the family transfer for Tracts D and C.

Commissioner Vero seconded.

[Motion passed 3-0.]

[Letter 2021-077 Mailed to: Jonathan Jordan]

d. Meadow Heights Creek – Plat Amendment [Time stamp – 52:40]

Bailey Minnich, Planner, Community and Planning Services

Commissioner Vero made the motion to approve the amendment to Meadow Heights of Grant Creek Final Plat with the recommended conditions of approval as detailed in the staff report.

Commissioner Slotnick seconded.

[Motion passed 3-0.]

[Letter 2021-075 Mailed to: Victor Valgenti]

8. OTHER BUSINESS [Time stamp – 1:02:51]

[None]

9. ADJOURN

Chair Strohmaier – Called the meeting to adjourn at 3:04 p.m.

BCC Public Meeting March 4, 2021 – Transcription

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[00:00:02] County Commissioners Commissioner Dave Strohmeier with us today is also commissioner, Juanita Vero and hopefully Commissioner Josh Slotnick will be joining us soon. So we begin with a land acknowledgement. Missoula County acknowledges that this event today even virtually takes place in the Aboriginal territories of the South Salish and Kalispell people. And Violet, if you could display the colors, we will.

[00:00:32] Say the Pledge of Allegiance together, and if you would like to join with me, I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

[00:00:58] Thank you, Violet.

[00:01:03] Are there any public announcements from staff or otherwise, any public comment on items not on today's agenda? And this would be the time during which, if you have anything that's not otherwise listed on the agenda, that you would like to make comment to the board of county commissioners on, you would be free to do so.

[00:01:28] Ok, enough of our current claims list, and this would be claims received as of February 17 through February twenty third twenty twenty one by the commissioner's office, total one million two hundred and thirty seven thousand six hundred and fifteen dollars and sixty five cents. If you'd like more information on those claims, you can go to the electronic package for today's meeting, the electronic agenda and click on the current claims list. And you can then view everything that adds up to that amount.

[00:01:58] We have four public hearings today. We're going to take them slightly out of order since one of them is probably going to be quicker than some of the others. And so we're going to bump to the top O'Keefe Ranch estate subdivision proposed amendments. This is a continuation from a public hearing that we opened a week ago and kept it open in order to make some additional adjustments. And I believe, Tim Worley, did you want to present us an update on where this all stands today?

[00:02:32] Sure thing. Thank you. Yeah, first of all, for O'Keefe Ranch Estates, this is the continuation of a request for adjustments to the preliminary plan, as well as certain conditions of approval. I'd just like to do a little recap of the property itself. It's an 80 acre property, basically partitioned, if you will, into eight or nine different phases. One hundred ninety seven lot's total. The initial preliminary plan approval goes back two thousand five.

[00:03:10] So commissioners, last week, we went through eight distinct motions and in those motions, the actions that you took include elimination of the the not the requirement, but the planning of short courts. You upheld the connection to the West and that adjacent property.

[00:03:30] As part of one of the motions, you amended some parks, maintenance, RCD language. You allowed for the elimination of a landscaped median at the entrance of the subdivision. Upheld the current requirement for a four foot limitation on fence heights adjacent to common areas, and you permitted the elimination of certain common areas within four interstates. And we talked about that with those pieces. Were you allowed for a common area drainage that was separated between at sixty eight and sixty nine to actually be folded into those lots?

[00:04:16] And finally, you allowed for the elimination of a walkway adjacent to Wallow Road while retaining non motorized access. The issue that came up at the end last week was the issue of high groundwater in the Y area and how it might impact this particular subdivision.

[00:04:38] It was an issue raised by the water quality district we talked about. Can should this be mitigated within this process?

[00:04:47] And Ron and Andy from PCI discussed, they, along with the applicants, are OK with basically a lot by lot that approach to mitigating this issue. And that would be by way of a geotechnical analysis being undertaken on each lot. So after thinking about it and evaluating the situation, we feel this is justified as a new condition of approval, it would be condition number twenty nine. There's currently twenty eight conditions. We think it's justified under the same section of the regulations that we're taking, the plat adjustment and condition amendments through under. And it would involve a new note on the plat as well as changes to the subdivision covenants. And this is the language, it would be adding a section to the covenants and actually a notation to the face of the planet, acknowledging the high ground water issue in the Oak Creek area.

[00:05:55] So what's in quotes is really what will end up both on the face of the planet and in the covenants in it. I'll just go ahead and read it. The Oak Creek area is an area known for high groundwater. Therefore, each building site shall have a geotechnical evaluation completed to determine any measures needed. To mitigate potential effects of high groundwater, evidence of required mitigation or the lack thereof shall be submitted upon review of each land use zoning compliance permit. And this approved language shall not be amended or revoked without prior approval of the governing body, as described in an amended version of the amendments section within the covenants.

[00:06:46] So how this will work is Capps will review every land use zoning compliance permit for this subdivision. The geotechnical analysis requirement is flagged by both this new condition number twenty nine, as well as the note in the covenants on the plant.

[00:07:07] And the geotechnical analysis will prescribe mitigation on a lot by lot basis, and appropriate mitigation will be required as part of the design of individual homes. And that could be things like perhaps building slab on grade or building one or two feet above of existing grade. It all depends on the geotechnical analysis for each lot and what the conclusions are for each lot. So in conclusion, commissioners, we have a pretty simple motion, and that is to approve this number twenty nine. And again, the text of that is this right here. But I think you could just stick with the motion to approve condition number twenty nine.

[00:08:01] Thanks, Tim. Would either Ron or Andy like to say anything?

[00:08:07] I think we're good with it. It was kind of a concerted effort. I think we crafted some of it and Tim helped augment the latter half of it to get some kind of staying power where it would be memorialized and we're comfortable with it. And Scott, the developer, is comfortable with it.

[00:08:23] Yes, good, great.

[00:08:27] Well, thanks so much for allowing us just a little bit more time to get this ironed out. I think this will be a meaningful change that will protect folks down the road.

[00:08:38] Questions Joshua Wanita.

[00:08:41] I don't have questions. I just just the comment. I want to say thanks and appreciation for the developers, developers represented and content from Catspaw all working together to create this. I'm with you, Dave. I think this is going to give people adequate protection in the future. But if you buying these lots, I'm pretty sure that the work's been done.

[00:09:03] I do have a question for you, Tim.

[00:09:07] So presuming that the geotechnical investigation happens, that in in some specific case, a mitigation is identified and suggested, how will how will that how will we ensure that that actually happened?

[00:09:31] Is how does this align with the building permit process and all of that?

[00:09:37] Well, and I'll try to give what I think would be a fairly straightforward example if on a particular lot it's judge that groundwater is only, say, four feet beneath the surface of the ground, that would be an inappropriate place for a basement. So that conclusion would bear out in the undesigned where I think with that zoning compliance permit, they would say, oh, in conclusion, per the conclusion of the geotech, we're just going to build slab on grade in this location. I think there's going to be some flexibility. There's going to be some judgment calls, if you will, on this. Because, you know, as far as how conservative a builder would be, there might be a difference between, say, no basement or one foot above adjacent grade, you know, having the lowest floor, one foot above adjacent grade or maybe even two feet. And in some places where there's no evidence of groundwater inundation, as I think Andy described last week, closer to the interstate where you have higher and drier ground, they could probably build with full basements or walk out basements without any without any problem if they built contrary to the conclusion or if the permit shows like a basement in an area where there's only a four foot depth to groundwater, it would be a stop for the permit. The permit couldn't be processed. Right.

[00:11:13] Thanks. I appreciate that. We need to. Were you trying to say something earlier?

[00:11:17] No, I thank you. You you asked it. I was wondering about the enforcement of of a covenant, but this is fun. And I'm like Josh was really happy with the elegant collaboration to address this. Thank you.

[00:11:36] Is there any public comment out there on this particular item? OK, scene nine, I think we're at the point where we could have a motion, I motion to approve.

[00:11:50] Oh, boy, I'm forgetting the number. Sorry to that condition. Number twenty nine.

[00:11:55] I'm thinking that any further discussion and when I'm just getting off the hook of having to reread that whole thing all in favor, please say ay ay ay.

[00:12:09] Ok, thanks, Tim. Thanks, Ron. Thanks, Andy.

[00:12:16] Thank you.

[00:12:20] Hey, we will return to our regular order of the public hearings, and next in line is the Springer family transfer and open the public hearing on this. And we'll begin with you, Nick, to provide a staff report.

[00:12:34] Thank you very much. Let me go ahead and share my screen here and get the presentation going.

[00:12:41] Confirm that everyone can see this. Yes, OK, thank you.

[00:12:50] Try and get my notes. Professor, sorry, one second there, there. So good afternoon. So this is the Springer family transfer proposal. This is a request by Barack and Carol Springer to use the family transfer exemption to the Montana Subdivision Planning Act.

[00:13:08] So first, I'm going to go into the background of the request here, so the location of this request is about a quarter mile to the east of US Highway Highway 93, north near the top of a hill. It is located within the boundaries of the flat reservation. The two dozen to reach regional land use guide is the growth policy guiding document for this area. It designates this tract as open and resource with a recommended density of one dwelling per 40 acres.

[00:13:40] Getting to the existing on site conditions, the parcel is fifteen point zero four acres in size, there's one home located on the property. It is occupied by the claimants, Carol and Barak Springer. The address of it is two zero eight six four Cauchon Lane. Current density is approximately one dwelling unit for fifteen point zero four acres, and Springers purchased property in September of twenty twenty as shown and warranted. Book ten thirty nine. Page thirty eight.

[00:14:13] Getting into the proposal itself, so the Family Chancer family transfer proposal would result and the Claymates adult son, Ryan receiving track two, which is five point zero one acrs the to other adult son, William, would receive track three, which is five point zero two acres. And then the Claymates, Brock and Carol would retain ownership of the remaining five point zero one acres, and that's proposed as tract one. This does include the house

that they do live in at two to 086. For Core Cantlon. The final transfer proposal would exceed the recommended density at approximately one dwelling per five point zero four five point zero one acres. And the application states that the all tracks are intended to be in rural residential. This application was sent out for comment to both Missoula County agencies and the Confederate states and tribes for the department receive a Stainer comment just cited the need for S.H. interview. And then I was able to get comment. It was last minute. So it's not part of the items on Sivak Clark.

[00:15:22] But we got two comments from two agencies with the book from the planning and economic director commented that the property is adjacent to tribal land that has been reserved by the tribes as a wildlife corridor that is correlated to the wildlife overpasses on Highway ninety three.

[00:15:43] She also noted that the property is adjacent to tribal lands that have multiple forest roads that are closed and just wanted to remind the landowners that you need a tribal permit to record on tribal land. And that big game hunting is not permitted on tribal land by non tribal members. You can obtain a hunting permit for waterfowl and upland game through a recreation permit. And then last, in terms of the planning and economic director's comment, she wanted me to relay that vehicular access to the parcels from Cauchon Lane is only allowed within the plotted easement that was shown in the exhibit. In the existing plan conditions, no other access roads through the tribal land is permitted at this time. The other comment received from the from a is from the wildlife management program, they just responded that grizzly bears have been known to pass through this area in the general vicinity of the project. That being said, they do not believe that this proposal would have any adverse impacts upon the species or their habitats associated with the project. They just recommend using precautions to reduce conflict with grizzly bears. This includes garbage, containment and not having small livestock, just to name a few.

[00:17:08] As with any family transfer request, we checked for the proposal for a rebuttable presumption and general admission criteria point, I'm going to go through any points that were triggered during this review. So General Criterion or two was the original track transfer to the claimant within the past years. This is applicable. Brock and Carol spanger purchased the property in September of twenty twenty Xiaoning and warranted book ten thirty nine page thirty eight. General Vision Criteria point number fourteen. Is the proposed division incompatible with the growth policy? This is also applicable. The parcel is recommended for a density of one dwelling unit for 40 acres and the transfer would further exceed the recommended density of one dwelling per five point zero one acres.

[00:17:54] So next, we go over the family to answer questions with the claimant, can I please ask the applicants to state their name for the record?

[00:18:02] My name is Broch, Robert Springer and Carolann Springer.

[00:18:07] Thank you.

[00:18:08] So the first question I'm going to ask is, did you buy the property with the intent of dividing it?

[00:18:14] No, we did not. We bought the property in order to be closer to our family.

[00:18:21] Thank you, question number two, do you or your transferees intend to transfer the property within the next year?

[00:18:28] We do not.

[00:18:31] Thank you. A question or three. Have you talked to anyone at the county about going through subdivision review?

[00:18:36] No, sir, we have not.

[00:18:39] Thanks, because the recipients are not minors. We would skip question four and five. Then based off of Stack, based off of staff analysis, we recommend recommending approval of the proposed family transfer.

[00:18:56] Thank you very much. We're very grateful.

[00:19:00] Thank you, Nick.

[00:19:03] Mr. and Mrs. Mr. and Mrs. Springer, do you have a representative here that would like to say anything or is there anything else that you would like to add at this time?

[00:19:15] We do not have representative. But know this this this transfer is is something that we're really looking forward to. It's an opportunity for us to to give something meaningful to our children. As you know, there's quite a crisis with affordable housing going on in Missoula County. And my youngest son is is ready to ready to build a home if this goes through. So we picture a one one single family home on each of the Lotts.

[00:19:58] Thank you. And we might have a few more questions for you in just a second, but before we do, we want to open this up to public comment. Is there any member of the public who would like to comment on this proposed family transfer?

[00:20:15] Ok, and just as a reminder, if folks want to comment at any point for any of our public hearings today, if you're using Microsoft teams on your computer, please use the Raise hand function, which will indicate to me that you want to speak and I will then call on you.

[00:20:36] Ok, see, no public comment. I'll close the public hearing questions from the commission.

[00:20:42] I just want to remember, Nick, you said.

[00:20:46] With the two thousand two plan, it says that this area is open source of one to 40, is that correct?

[00:20:54] Correct. And that that plan is essentially based off of the growth policy conducted in nineteen seventy five. But they did update it for any area that did not have a growth policy, specifically guiding it.

[00:21:07] So it's slightly outdated, but that is the area, that is the plan that is designated for this area.

[00:21:12] And there isn't anything more recent. Correct. Because I mean there's nothing else more recent. That's not there's not.

[00:21:21] Unfortunately it is just outside the twenty nineteen Land-Use element.

[00:21:25] Ok, so I'm sorry to can you show me can you go back to that aerial that shows the development in the area and maybe show me where the the boundaries of the 2019 plan are is.

[00:21:39] Yeah, if you want. I have actually have the guys I can switch. Thank you. That's easier.

[00:21:45] So I have that fired up here. So this is the property here. Let me just turn on the layers for. Thank you and.

[00:21:57] So 20, 19 element of zoom out so you can see that the boundaries of it.

[00:22:03] It take a minute to load, so, OK, so kind of ends right as you start to climb every hill and are subject property is right at the top. So then turning on the left to attend to land use guide.

[00:22:20] Covers this area here and this this two to two dozen to regional and these guys, pretty much for all the rural areas since those weren't involved with any or don't have their own growth policies. This was the growth policy for those areas now. And it is pretty close to an area that's designated one dwelling unit for 10 acres.

[00:22:42] Hmm. OK, and what some south of it. Sorry, can you just zoom out a little bit so I can see what's happening in south?

[00:22:51] Or I guess north to the south.

[00:22:55] Yeah, so this is the square, so I can turn on the tribal land where it is surrounded by tribal owned lands are wrong layer there. Kind of hard to see with I'll turn off the other one so we can kind of see the difference here.

[00:23:13] Apologize for the scrolling, no. Just great, thank you. So orange is tribal owned land, which is different than reservation boundaries, right?

[00:23:23] Ok, thanks for walking me through that. And this is a different proposal than was originally kind of drafted a week ago, right?

[00:23:35] No, no, no. This is the same proposal.

[00:23:38] We have two family transfers coming before us.

[00:23:41] We you to think you differently shaped.

[00:23:46] Ok, Mr. Mr. Springer, you mentioned that the plan is that that one of your sons would be building a home.

[00:23:59] Is the plan eventually for both Ryan and William to build homes on these and to reside on these parcels?

[00:24:07] That's correct. Yeah. My youngest son is actively ready to to to move on this if approved. My oldest son lives at East Missoula and his daughter just started high school. So it will be several years until he's ready to move on this. But they're both in full agreement that that's this is what they want to do. One single family home on each on each of the lots. And, you know, the southern lot would be the first to be developed.

[00:24:43] And then down the road, track number two.

[00:24:47] Ok, thank you.

[00:24:50] Additional questions.

[00:24:51] Josh or Juanita, I don't have any questions, just kind of a comment. I think this highlights the need for us to do some long term land-use planning outside of the area that we did the map in that was finished in twenty nineteen. And it also highlights that we need to make sure and follow up on the 20 19 work with zoning. So we, we have real guidance and guidance that has teeth as well.

[00:25:19] Yeah, point well taken, it's it's unfortunate that we have a 20 year old plan that we're going by here today and and it it always pains me if we're moving an area ever farther out of compliance with the plan on the books.

[00:25:39] But the bottom line question is whether the plan that we have from 2002 is really the plan that is most applicable today.

[00:25:51] Other questions. Comments.

[00:25:56] Can you put some motion language up? Oh, thank you. Yes, I can. Thanks a lot.

[00:26:03] All right. I would move that the request by Carolyn Brock Springer to utilize the family transfer exception to create and transfer two parcels to their sons, Ryan and William, as presented in the exemption application and affidavit be approved.

[00:26:17] Second, any further discussion? All in favor, I, I.

[00:26:26] Thank you, Mr. and Mrs. Springer. Thank you. Thank you. We're very grateful. Thank you.

[00:26:33] You bet. Thank you. Thanks, Nick.

[00:26:36] Yeah, of course. And, Nick, you are next at bat again with the Jordan family transfer.

[00:26:42] Yeah. Thank you very much. So we're not moving very far here. We're still on us having 93 north. But yeah. So this is a request from Jonathan Jordan to use the family transfer exemption to the Montana Subdivision Planning Act. Once again, I'm going to go in the background first. So the location of this transfer is to the east of US Highway. Ninety three north proximally two miles south of Everett Hill. And again, this is located within the reservation boundaries, the 2002 Ridge Line. Your guide also designates this area as open resource with a recommended density of one dwelling unit for 40 acres.

[00:27:28] So the person in question is currently nine point three acres in size, existing on site conditions include a mobile home and one outbuilding at five a.m. and five Candlewick Lane.

[00:27:40] Current residential density is one dwelling unit per nine point two three acres. Jonathan Jordan received the property via quitclaim deed in December of 2011. And it should be noted, too, that the claimant, Jonathan Jordan, does also own the adjacent residence located at five nine six five Candlewick Lane. That is the one on the top right corner of the exhibit we see here.

[00:28:05] Getting into the family transfer proposal itself, the proposal would result in the claimant spouse, Jamie Jordan, receiving Track B, which is two point one acres. The claimants, adult daughter Amanda, receiving a proposed Track at two point zero four acres. The claimants, adult son Timothy, receiving track D, which is two point one eight acres in size. Then the claimant, Jonathan Jordan, would retain ownership of proposed tract A, which is two point seventy seven three acres in size. And this does include the mobile home at five nine seven five Candlewick Lane. Deep, deep opposed feeling transfer would further exceed the current residential density at approximately one dwelling unit per two point three acres and all application. The application states that all tracks are intended to remain rural residential.

[00:28:56] Now, getting into comment, this application was sent out to the county and and the Confederate Salish and Tribes for comment, Health provided their standard comment indicating the need to go through S.A.S. review. We received comments from two agencies.

[00:29:21] First, the planning and economic director commented that the this area is known for shallow depth to groundwater issues at times. Then the wildlife management program had a similar comment, as in our last proposal, indicating that grizzly bears have passed through this area close to the project, but they do not recommend or do not anticipate any adverse impacts to the species or habitat. If this project were to go through, they do recommend that precautions to reduce conflict with grizzly bears.

[00:29:57] And as with any family transfer request, we check for rebuttable presumption in general on criteria, I'm going to go through any points that were triggered during my review.

[00:30:06] So the first was rebuttable presumption no to the latter. Landowner intends to divide the land for the purpose of gift or sale to the land or spouse or minor children. This is applicable Track B is supposed to be transferred to the claimant spouse, Jamie Jordan. Rebuttable presumption number four, the division appears to be made for the purpose of speculation about the lane enter or for resale for the benefit of the landowner by using the granting of a straw person. This may be. Indicated if the grantor and or the recipient owned tracts of land in Missoula County or is evident that the receiving family members do not intend to reside on the family, transfer tracts found this to be applicable. The application indicates the place of place, of residence of all the intended family transfer recipients to be in Conway, Texas. The application and supplemental information provide no clear intent for the recipients to reside on their gifted parcels.

[00:31:03] Additionally, during this point, John Jordan owns an adjacent parcel to the First Family Transfer, which which is five nine six five Candlewick Lane.

[00:31:15] General vision criteria point seven B in overall developable development pattern sorry, development plan, which appears equivalent to a subdivision with characteristics such as a common road, utility easements, restrictive covenants, deed restrictions, shared parks and open space, common marketing or promotional plan. This

is applicable to the overall development plan and does appear equivalent to a subdivision as evidenced by access via a common internal road. And overall, a lot layout the general vision to get to a point where 14 is the proposed division incompatible with the growth policy. This is applicable the parcel as a recommended density of one dwelling per 40 acres. The proposed value transfer would further exceed one dwelling unit per two point three acres and general vision criteria point number nineteen. The information provided by the claimant or their starting circumstances indicate that the exemption is being used to evade MSBA and its regulations. We found this that the information and exhibits provided by the claimant show that the proposal for the family transfer exemption does not comply with the requirements established in the sub regs for the use of this exemption. And next, I'm going to go through the family to answer questions with the applicant. Can I please have applicant's name for the record?

[00:32:36] Jonathan Jordan, thank you.

[00:32:39] So question number one, did you about the extent of it? No question.

[00:32:46] Number two, do you or your transferees intend to transfer the property within the next year?

[00:32:51] No question. Number three, have you talked to anyone at the county about going through subdivision review?

[00:32:59] No, thank you. Then again, since questions four and five relate to minors and there is no minors receiving it, we will skip those questions. Then, based on staff analysis, staff is recommending denial of the first family transfer.

[00:33:15] Thank you, Nick. Mr. Jordan. Or if you have your opportunity, if you want to add anything else, I do not have a representative that I don't know.

[00:33:29] I never used this before. And please let me know if I'm getting through. You can hear you. You're fine. Great. Thank you. I just wanted to note. I understand what they're what they're saying.

[00:33:46] I have lived on and off that property, I follow, follow my work and I'm a police officer, I was up there, I had to come down here. The work's better getting close to retirement. And that's kind of like our overall plan. I'm a native of Montana and I grew up in Florence, spent most of my life there. I moved to that particular piece of property in nineteen ninety four and me and my wife got married. And that whole property, even the one that I do currently own next door is my wife's family's property and her father passed away. We ended up obtaining the one piece of property and now her mother currently resides with us. She's seventy seven years old and. The whole thing is, is the two kids that we were looking at.

[00:34:44] It's hard to see. I can't see myself talking. I'm looking at the camera, not apologized. And we fine. It keeps disappearing.

[00:34:54] The two children that we are looking at is my oldest son, he's fixing to be married in May and he's from he was born in Missoula. He was raised on that property along with my daughter also. I spent most of my young adulthood on that property, as did my wife. The reason and if this is a deal breaker, then we could cut it out too, is I I read that and what he spoke of is one of the peace that was being that we're planning on doing to my wife is we figured since we were doing this, let's just do that because our youngest is 16, obviously, for reasons we're not going to give a 16 year old property and at a later date, we would transfer it to them. And that was the whole reason for that. But I mean, if they if that's a deal breaker, I mean, we can just cut that out right now, but. That's that's kind of kind of our story. I mean, we're getting close to retirement and looking excited to be coming home and hopefully with the other man, I know my daughter's on board. She wants to come home. My my son, he's looking for opportunities. His fiancée's fixing to graduate pharmacy school here in the spring. They're looking for opportunities and we're just.

[00:36:25] To be honest, I don't like Texas. That's just where the work is, and I would give anything to be home, but unfortunately, I have to be here. Until then.

[00:36:40] Thank you, Mr. Jordan, and we'll likely have a few additional questions for you here in a second. But before we do, is there any public comment on this proposed family transfer?

[00:36:55] Ok, seeing none we will close the public hearing questions from Commissioner Slotnick or Vero, so the one question I had, Mr. Jordan you answered, which was why?

[00:37:09] Why cut off a parcel for you or your wife?

[00:37:12] But it sounds like the idea was to create a parcel for your daughter after she's old enough. That is correct, sir.

[00:37:23] And so as far as your other children, Mr. Jordan, so how soon do you think it might be before Timothy, Amanda or Jonathan would be occupying these parcels?

[00:37:41] It's going to be for me, it's probably actually I was planning on I'm taking three weeks in July and I'm actually coming up in July and planning on. Completely renovating the house, it's there, but for me, I've got about six, seven years before I'm eligible to retire. I'm hoping that I can make it sooner, but that's not really up to me. But we'll see how things go. As for my son, it depends on where his wife plans on working. Hopefully they're they're looking up there, but she's still in pharmacy school, so it probably won't be until the by the end of summer before they they make a decision whether or not they're coming up. I know my daughter will be coming when I come.

[00:38:42] So it gives us plenty of time to.

[00:38:46] Get the plan together, because I'll tell you what, I dug that septic system drain field and everything that ground up there is nothing but pure rock. And I dug it myself. And you need time to put a place up. I put that place there myself.

[00:39:03] It was vacant land and.

[00:39:07] I don't want to let it go and I don't want any of it to let it go, I just want my kids to have their own little piece of where they're from, their home.

[00:39:17] So hopefully relatively soon, to answer your question, I'm sorry, I kind of think that that's OK and where I'm coming from in that question is and and it comes from a place of having seen this happen before is when it's it's years or decades out.

[00:39:37] The likelihood that that a child will then come to actually reside on the property is ever more remote.

[00:39:45] And and we've seen instances where properties have just been flipped and it never went into the actual possession of the of the claimant for a residential home for themselves. So, no, I understand.

[00:40:02] Nick, you bring up the schematic again of the just to put this in geographic perspective for us.

[00:40:09] Yep. Go ahead and switch over that one. Put it up here. So I'll just zoom out first.

[00:40:16] And I can't see this map, so I don't know what's going on. So I don't know if I'm supposed to know where is.

[00:40:23] Dave, do you want the good policy document on there or.

[00:40:27] No, I think it's clear that all of this was within the same area I'm getting. Yeah, that's.

[00:40:34] Better I was trying to get a sense of the pattern of development in this area, that it is sandwiched between 93 and railroad easement, so it's not adjacent to open lands as well. So there is a barrier on each side.

[00:40:55] Got it.

[00:40:56] Juanita, where are you trying to say something earlier?

[00:40:58] No, this is great. I was just maybe Nick, can you zoom out a little bit like what it. Right.

[00:41:04] Ok, well, sorry, I wish I could do this myself. Can you zoom in a little bit? You're doing great there.

[00:41:19] And so directly to the south.

[00:41:22] Is what's the development pattern there for those?

[00:41:29] I can check the acreage here. OK, I see him. Yeah.

[00:41:32] So this is five point six or I guess five different revenue calls of five then if we look to the north.

[00:41:44] It's a bigger chunk, 80 acres.

[00:41:48] And it's the personal question, what do we have going on there in that 80 acre parcel? There's quite a few structures. Are those all associated with the same?

[00:42:00] Zoom in just a little. Yeah. And I can change to a different layered current imagery and my help out.

[00:42:11] I think that I think to the north as all tribal yet allocated.

[00:42:18] So it's a tribal parcel with multiple dwellings on it, it appears, or.

[00:42:24] You can turn on the tribal and land layers were here just to verify where were you? So it is this is our one question and then tribal. And then I can zoom out here for context of tribal and.

[00:42:37] Ok, thank you.

[00:42:43] And I guess what I'm thinking is like, I agree, I'm hesitant to approve something that's not in compliance, but then looking at where this is between those two major what the the railroad and the highway, it's super rocky soil. That isn't really it's. It's not. Farmland is not.

[00:43:08] Timber, there's not a lot of wildlife activity, so I'm just kind of mulling this over and there.

[00:43:17] Yeah, I bet there are some bears in there. Well, there are bears that wander through garbage cans and gardens, but coming through the window once.

[00:43:26] Oh, OK. Yeah, you got to keep it closed.

[00:43:31] Well, it is also good to know that you have some historic connection to this land, Mr. Jordan, as opposed to what I had at first wondered if it was a Texas speculator here who is looking to turn a quick buck on on these parcels.

[00:43:52] No, I'm actually a Falcon, so.

[00:43:57] How can you put the schematic back on the neck? Sorry.

[00:44:08] No, no, you're good. You're you're.

[00:44:15] Ok, well, I'm going to move that request by Jonathan Jordan to utilize the family transfer exemption as presented in the exemption application affidavit, be approved.

[00:44:31] Which is different than the stuff that I said on their stuff, but this doesn't help you out at all having them up there, but you can just change the words, I guess, then.

[00:44:40] Ok, I'll read this. My motion is that the request by Jonathan Jordan to utilize a family transfer exemption to create and transfer three parcels to his son.

[00:44:51] Sorry, can we.

[00:44:54] That now I'm hung up on this spouse, Passell.

[00:45:00] What sort of I can go back to the proposed if you want.

[00:45:04] Ok, I'm going to that.

[00:45:05] I'm not I'm not going to I thought a thought first day. Sorry I broke protocol here. No, no. Jump right in. Josh, if you have another other thoughts. Thanks. So I appreciate a lot what Mr. Jordan said when when he said up I get a paraphrasing that he understands the concerns around family transfer giving land to a spouse and that that looks like subdivision. And he said we could take care of that right now if we want to. I don't know if that's possible. Nic, is there a way to condition this or change it? I would be OK with this if it were not for the division of land to to the spouse, which seems not not in not consistent with the law. And then I would imagine a handful of years go by and the minor child is of age. And at that point they could go through family transfer again and give a piece to her to the youngest daughter.

[00:46:04] I guess so. So two questions. First, the legal question. Once a property is divided in this way, utilizing a family transfer, could it be any of these parcels to be further divided by the by the owner through a family transfer?

[00:46:22] So let's begin with that question, either phonetic or John Hart.

[00:46:26] So I do know that is an invasion criteria, points that would be triggered during any any review, to my knowledge, officer, I would defer to John, but I don't think that heavily restricts you from applying. But it definitely would be triggered during a review. John Hart.

[00:46:46] Yeah, Commissioner. There wouldn't be anything illegal about Mr. Jordan coming back in the future and making a request to transfer to his daughter, who's, you know, by that time will be an adult.

[00:47:02] So we could do we could do that.

[00:47:05] He yeah, we could we could do that. And he would still retain the option of of creating that additional tract for his daughter in the future.

[00:47:14] So we set the boundary line or.

[00:47:17] Well, so let me just jump in here.

[00:47:20] So the second question, I guess, since since the option would remain open in the future to come back before us for a subsequent family transfer, if we were contemplating or if the the applicant was amenable to removing the spousal tract here, what would the process be to do? So could that be affected today or would we need to essentially put this on hold and have a revised application submitted that would remove that and then come back?

[00:47:58] I believe we need to revised application, but I'll defer to John again on that one.

[00:48:05] John, yeah, I was going to suggest that maybe we don't need a revised application, but I would certainly it I'm not I'm not a planner. And so I don't I don't want to I don't want to say that if that is acceptable to a planning department protocol. But what I think you could do, I would propose that you do is make a motion that you approve the family transfer by Mr. Jordan of the parcel, and I'm trying to track it.

[00:48:44] Well, is it B and C, you could approve of the DNC, of DNC today.

[00:48:53] And then I think the long and short of that would be then the parcel that has its existing home on it would still be merged with that parcel B that was proposed to go to a spouse and has his Montana Northwest company then would submit a certificate, a survey that memorializes only the creation of two new tracks and not three. I think we could do that, but but I'm certainly willing to listen to why that would be a bad idea.

[00:49:38] Mr. Jordan, would that would something of that nature be acceptable?

[00:49:42] I think that would give the commission some greater confidence that that this track is not inadvertently going to slip into some other ownership and it retains your options down the road to come back before us at whatever point in time seems appropriate to request a family transfer for your other child.

[00:50:05] Absolutely. Absolutely.

[00:50:09] Ok, so with that in mind, either Josh or Wanita, would you like to make a make a motion to that effect?

[00:50:16] I just want to make sure. Oh, go ahead. You have a Josh.

[00:50:20] I was going to give it a shot, but I was I was going to say something like, we would approve the family transfer for tracks D and C.

[00:50:31] That, Rick. Does that capture it?

[00:50:37] I've got think so we're drawn, I confirm that sounds fine and and let's see, just for the record, see is the track that's proposed to go to Amanda Jordan and then D is to go to Timothy Jordan so that it further clarifies her.

[00:51:00] What about track A?

[00:51:04] A is the remainder track that was to be to remain in Jonathans ownership. So it was the it's the original parent parcel.

[00:51:13] Ok, got it. OK, I will.

[00:51:21] Second thought, Josh, go ahead and just repeat it again for everyone. I would move.

[00:51:27] We approved the family transfer protracts D and see.

[00:51:32] Second, any further discussion all in favor. I, I thanks for your cooperation Mr. Jordan.

[00:51:44] Thank you very much. I appreciate everything you guys do.

[00:51:48] Thank you.

[00:51:49] Thank you for joining us and hope hopefully you will be able to get back to Montana.

[00:51:54] Oh, you have no idea how long we got. We've been waiting.

[00:51:57] We've got an in with the sheriff's office if you need a job.

[00:52:00] So that's where that's where I got laid off. Oh, I'm down here.

[00:52:08] Hopefully you have electricity down there. We lost it for a couple hours. Yeah.

[00:52:13] Other than it wasn't it wasn't too bad for us. So but other places I got lots of friends that were all their pipes, but they don't winterised down here the way we do up there. So it was horrible. So I appreciate you all very much. Thank you.

[00:52:30] Ok, thank you. Thank you. But.

[00:52:35] All right, thanks, Nick, for helping us through that. Thank you, John Hart. And our final public hearing of the day is Meadow Heights Creek, Platt Amendment and Bailey. Would you like to introduce this for us?

[00:52:49] Yes, I will.

[00:52:52] And Bailey, you're a little bit face to face. OK, is that better if I hold it, if I hold it closer? Yes, that's better. You need to work on those cheapskates. Know chaps to get you some distance. I should.

[00:53:09] Well, and then some days it works great and some days it doesn't. So I don't I don't know anymore. I'll just hold it. It's all good. That's OK. So hopefully you guys can see my screen, my PowerPoint. OK, so this is a request for the Meadow Heights of Grant Creek final plat adjustment. The property is at six zero three seven Gleneagle Way and the applicants are Richard and Maryland Reep and Michael and Timmy Dahlstrom. Make sure I'm on the right screen. So here is the property location and I will turn on my laser pointer here. So that way you guys can see it. So here's the property location. So here's the Reserve and 990 interchange down here. And so we're headed up towards Snowbowl and this is the Gleneagle way that comes out here off of Green Creek. So the project request is to modify the location of a private access and public utility easement, it's shown on Lot one of Meadow Heights of Green Creek, but it actually provides access to lot two of Meadows of Grant Creek subdivision, which is a completely different subdivision. They are proposing to delete the existing driveway easement and provide a new easement just north of the current location of the existing easement. So this is the plot, and I did put a north arrow on it for you guys here, so north is this direction, this what's inside this red box is the easement that we are talking about that we are looking at today.

[00:54:47] So. So just some project notes going over, so Meadow Heights and Grant Creek was a Fallot minor subdivision approved October six, 1993, it was final platted with the meadows of Granite Creek subdivision at the same time on December of 1993. And that was because both subdivisions were approved with the same 20 conditions of approval. The new driveway will actually access, as I said, Lotu in the in meadows of Granite Creek. And that home is currently under construction, and that's at 60, 55 Gleneagle away. So the existing driveway to Lotu was constructed in July of twenty nineteen as part of the approved building permit through the city of Missoula for that home under currently under construction on Lotu. And basically it wasn't until after construction that the new driveway was found to be outside of that splatted easement that was shown on the face of the Platte. So the current owners of Lot one have no objections to the new location, but want to be assured that the old easement location is removed from the Platte and therefore it just cleans everything up. So we reviewed the request per hour subdivision regulations, we have a Section six point seven for adjustments to an old filed plats and related documents.

[00:56:11] There is a condition, 17 of the original subdivision approval that identifies these no improvement zones and not one that are shown on the face of the Platte. And the proposed easement is located outside of that. So we reviewed it for all the criteria, it appears to meet all of the criteria. I can go into further detail of each one. There's nine of them off top of my head. I believe we did notify advisory agencies. We placed the legal in the and the Missoulain as well. And I've had no comments received on the project to date. So we are recommending approval of the adjustment with two recommended conditions of approval. One is that there's a draft proposed agreement for the easement and road maintenance for the new drive relocation. And so to make sure that that that easement agreement be recorded with the recorder. And then we also have a standard requirement that any recorded documents that are modified by this adjustment have to get filed within 60 days. And mainly we want a revised plat exhibit and certification that shows the new easement location in the correct spot. So and so I have a motion and I can go back to the plot if that helps you look at that area or I'm happy to answer questions. And I know the applicant's representatives are on the the line as well.

[00:57:37] Yeah, I'd like to see the visual while the applicant's representatives are speaking. Or is it Dave have muted to.

[00:57:48] Yeah, OK, I was needed there. Sorry. Thank thank you.

[00:57:52] So, yeah, before the applicant's representative speaks with the applicant, the applicant present then would like to say anything or is the applicant's representative of the mind to share anything with us.

[00:58:05] Yes. Thank you, Commissioner. My name is Vic Valgenti. I'm representing and my very good old friends from more than 60 years ago.

[00:58:17] And we're sitting here near home where I lived long ago. In any event, like. And reshape, my clients appreciate the work done on this project, particularly by Bailey and the other caps clatters Tim Wortley and Jenny Dixon that I had the privilege of working with earlier, I think they presented the factual situation. I won't burden you with further on that. We're certainly happy with the outcome and I believe there will be some further work to get the revised flat exhibit prepared for both the. Conveyancing agreement of the easement and the actual plus adjustment itself. With that, again, on behalf of my friends and clients and myself, I appreciate the opportunity to be here today and the assistance of the camp's representatives and we, of course, are happy with the motion and the recommendation of the panel. Thank you.

[00:59:49] Thank you for sharing. Is there any public comment on this proposal?

[00:59:57] Ok, seeing none we will close the public hearing questions or comments from the commission.

[01:00:05] So I just want to make sure I understand this right, we're moving the driveway to where it's appropriate and getting rid of the of allowing it to be where it wouldn't be appropriate.

[01:00:16] Yeah, it's basically getting moved. I don't have it as a I could pull it up. I don't have it as one of my slides. I almost put it in. But it's going to it's basically goes over here and it kind of there's kind of a little noal or a hill and it kind of instead of going over the hill, it's going kind of around it. So it's not getting into any of these.

[01:00:36] No improvement. This is one no improvement areas over here. And the other one is right here kind of in this area. So it's basically going just over here instead.

[01:00:46] So it's not going to affect anybody but the folks who are building a house there.

[01:00:51] Yep. It's just these these property, this lot one. So it'll still be on there. It'll just be moved a little bit. And it's it's a lot to is over is right over here as where it's accessing. Thank you.

[01:01:02] Thanks.

[01:01:06] No, I don't have any questions, I'm motion to approve the amendment to Meadow Heights of Grant Creek final plot with a recommended conditions of approval as detailed in the staff report.

[01:01:18] I'll second that. Any further discussion on the motion all in favor.

[01:01:24] I, I. OK, thanks, Bailey.

[01:01:29] Thank you, Mr. and Mr. Valenti.

[01:01:33] But let me just make a point here, because we I want you guys to know that we're privileged to have Vic Valgenti here with us. You guys probably don't know who he is. Vic is on the executive committee of the Wise Old Elders of the Missoula Bar. He's been a practicing lawyer in this town since nineteen sixty three. The stories about Vic are legendary.

[01:02:04] I've heard a lot of judges talk about Vic and and I had an opportunity to talk with them on the phone a couple of times last spring and it was really a pleasure for me. He's a he's an example of a great public servant and a great member of the bar. And we're really privileged to have him on this this call this afternoon. And I just wanted to point that out to everybody.

[01:02:34] Thanks, John.

[01:02:36] Thank you, John.

[01:02:40] See, I embarrassed into a little bit.

[01:02:45] Well, it's an honor to have you with us today. Thank you. All right, with that, any other business to come before the commission today? Well, see, none at 3:04 p.m. we will be adjourned.

[01:03:02] Wow, buddy. All right.