

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, SEPTEMBER 01, 2022– 2 PM

Hybrid meeting – Missoula County Courthouse Annex Sophie Moiese
Room/Microsoft Teams

[Click here to view the meeting recording.](#)

Time stamps (in green) correspond to meeting recording above. Please click to
the time stamps listed to view a particular item in the meeting.

ATTENDANCE:

Commissioners Present:

Chair Vero

Commissioner Strohmaier

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office

Nick Zanetos, Planner, Community and Planning Services

Vinnie Pavlish, Civil Deputy County Attorney, Attorney's Office

Kali Becher, Open Lands Project Manager, Community and Planning Services

Jennie Dixon, Planner, Community and Planning Services

Allison Franz, Communications Manager, Communications

Steve Niday, Survey Party Chief, Surveyor's Office

Chris Lounsbury, Missoula County Chief Administrative Officer

Kyla Lehnerz, Administrative Assistant, Commissioners' Office

Patrick Swart, Property Records Specialist, Clerk and Recorder's Office

Tim Worley, Senior Planner, Community and Planning Services

Laurie Hire, Office Manager, Community and Planning Services

Erik Dickson, Transportation Engineer, Public Works

Shane Stack, Director, Public Works

Annie Cathey, Administrative Assistant, Commissioners' Office

Juniper Davis, Parks, Trails & Open Lands Program Manager, Community and Planning Services

Lisa Frost, Property Records Specialist, Clerk and Recorder's Office

Jason Emery, Missoula County Chief Information Officer

Emmie Bristow, Community Engagement Coordinator, Communications

Mel Fisher, Strategic Initiatives Manager, Communications and Projects

Shyra Scott, Recording Director, Clerk and Recorder's Office

1. CALL TO ORDER *[Time stamp – 0:02]*

2. **PLEDGE OF ALLEGIANCE** *[Time stamp – 0:08]*
3. **LAND ACKNOWLEDGEMENT** *[Time stamp – 0:23]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 0:35]*
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 1:14]*
6. **CURRENT CLAIMS LIST** *[Time stamp – 1:27]*
Claims received as of August 18, 2022 to August 25, 2022 by the Commissioners' Office total \$3,990,625.22.
7. **HEARINGS**
 - a. **Mission View-Evaro Open Space Bond Project – County** *[Time stamp – 1:44]*
Kali Becher, Open Lands Project Manager, Community and Planning Services

[Resolution 2022-092 Book: 1081 Page: 320]
 - b. **Running W Ranch Covenant Amendment** *[Time stamp – 19:39]*
Nick Zanetos, Planner, Community and Planning Services

[Letter 2022-233. Mailed to: Jamie Erbacher]
 - c. **1st Hearing: Road Abandonment Petition – Bitterroot Road Right-of-Way** *[Time stamp – 31:09]*
Patrick Swart, Property Records Specialist, Clerk and Recorder's Office

[Continued to September 15, 2022 Public Meeting]
 - d. **3rd Hearing: Road Alteration Petition – Bitterroot Road Right of Way** *[Time stamp – 40:57]*
Patrick Swart, Property Records Specialist, Clerk and Recorder's Office

[Continued to September 15, 2022 Public Meeting]
 - e. **Thomas E. Miller Family Transfer** *[Time stamp – 58:46]*
Jennie Dixon, Planner, Community and Planning Services

[Letter 2022-232. Mailed to Montana Northwest Co. c/o Lynne Edens]
8. **OTHER BUSINESS** *[Time stamp – 1:43:00]*
9. **ADJOURN**
Chair Vero – Called the meeting to adjourn at 3:44 p.m.

BCC Public Meeting September 01, 2022 – Transcription

This transcription was produced by transcription software. There may be discrepancies between this transcription and meeting dialogue. You can view the recording of the meeting on the county's YouTube channel: <https://www.youtube.com/c/missoulacounty> or contact the commissioners' office to obtain a copy.

Dialogue in the transcription attributed to "Sophie Moiese Room" is for all speakers that attended the meeting in person. Attendees that participated virtually are labeled individually.

0:02

We'll call it to order.

0:04

So we'll begin with a pledge.

0:08

Pledge allegiance to the flag of the United States of America, to the Republic for which it stands one nation under God, indivisible, with liberty and justice.

0:23

And Missoula County acknowledges that this event in the Sophie Moise room takes place on the Aboriginal territories of the Salish and Kalispell people.

0:35

Public announcements.

0:36

We're going to adjust the the meeting order.

0:39

SO7C is now going to be 7 E for our hearings.

0:46

Any other public announcements, I jump in here, Juanita.

0:52

Sorry folks, I am not joining you in person today.

0:55

I am Commissioner Dave Strohmeyer recovering from COVID.

1:01

So this way I don't have to be masked in the room with you today.

1:08

Glad you're recovering, Dave.

1:11

Thank you.

1:14

Any public comment on items not on the agenda?

1:18

OK, our current claims list and Commissioner Slotnick is in a mediation so he's not here.

1:27

Current claims received as of August 18th, 2022 to August 25th by the Commissioner's Office totals \$3,990,625.22.

1:40

We have.

1:44

I'm sorry.

1:44

We have 12345 hearings today, and we're gonna begin with the mission View EVRO Open Space Bond project.

1:53

Kaylee.

1:57

Yeah.

2:00

There we go.

2:01

Thank you.

2:02

It's been a while.

2:04

Don't use this.

2:06

So good afternoon, Commissioner Barrow, Commissioner Strohmeier.

2:10

So today's item is a proposal to use, oh sorry, Kaylee Becker, Missoula County Open Lands Project Manager.

2:20

Today the hearing is for a proposal to use up to 32,000 and 449 dollars of open space bond funding towards a donated conservation easement in the Evro area on 90 acres.

2:35

Five Valleys Land Trust is the project sponsor and they would be holding the east, the conservation easement.

2:40

I'm going to turn it over to Eric from 5 Valleys Land Trust to give a short presentation on the project and then I'll follow that up with a brief staff report.

2:48

Thank you.

2:54

Thank you, Kaylee.

2:57

My name is Eric Greenwell and I'm taller than this mic accommodates for.

3:02

No, I'm a project manager with Five Valleys Land Trust and I want to thank Commissioner Vero and Commissioner Strohmeier for your audience today to talk about this project.

3:16

The the project in question is a this is going to be a donated conservation easement, the land owners, one of which is in the room today.

3:26

His name is Gary and I want to thank him for coming as well.

3:29

The the land owners want to donate the conservation easement to Five Valleys Land Trust.

3:34

So we're talking about a donated conservation easement on 90 acres that are located just east of Everow off of Mercer Lane.

3:43

That's the, that's the County Road to access the property.

3:47

If you could hit the next slide for me just to sort of locate us, this is a, this is a vicinity map which sort of shows the context of where the property is located.

3:57

It's the 90 acre piece there in the center and it's surrounded by lands that are held by the tribe, the state of Montana.

4:06

And then there's also a conservation easement that Five Valleys already holds and the purchase of which was funded by the Open Space Bond program and that's the Hayes Ever Oak conservation easement and that's the sort of diagonal line property there on the map.

4:20

And I think it's also important to note, and I'll talk about this in a second, that those lands extend to Forest Service lands as well.

4:27

Can we hit the next slide please?

4:29

Thank you.

4:30

I just want to add a high level touch based on some of the conservation values that I think advance the goals of the open space bond program, the wildlife habitat and native plant communities category.

4:41

I think this project definitely advances those goals.

4:45

The tribe was involved, the department natural resources with the tribe was involved in identifying some of the key species there.

4:51

A reach of Finley Creek goes through the through the property and that contains a pure population of West Slope cutthroat trout.

5:00

It's also Grizzly grizzly habitat and the land owners will tell you at length all the other great animals that they have seen there including elk and bighorn sheep and the list goes on.

5:13

In terms of water quality, the one thing I just wanted to call folks attention to is and then in the Flathead Reservation Comprehensive Resource Plan, they identify residential development, strip development in the Evro areas, major issues affecting air and water quality, cultural resources and wildlife habitat.

5:28

And so this conservation easement would limit development to one residential unit on the whole 90 acres.

5:34

And so that speaks to to the goals of water quality.

5:38

It is a working landscape.

5:41

I've been impressed with the land owners forest management techniques.

5:45

It's in the properties in the ecological condition is today because of their great management of the forest.

5:50

They also raise hay and have have raised cattle.

5:53

So it does speak to the sort of cultural goals to working landscape as well.

5:58

In terms of the public values, this property is is located in the Missoula County Planning Region, the Montana Fish and Wildlife.

6:09

The statewide wildlife action plan identifies it as a Tier 1 terrestrial focal focal area and has been recognized as having significant Fish and Wildlife communities that are in greatest need of conservation.

6:20

And the Flathead Reservation Comprehensive Resource Plan also says that land subdivision development continue to diminish wildlife habitat.

6:28

So in terms of public values, I just wanted to call those out.

6:31

Could you hit the next slide for me?

6:33

Thank you.

6:34

And I just wanted to highlight this one last map.

6:37

In working with the OLC, they reminded me that there's an additional category called unique conservation values.

6:42

And there's two in particular I want to call out.

6:45

One is that this property is located within the traditional boundaries of the reservation of the Flathead Indian Reservation and it was sold out of ownership through the allotment process in the 1920s out of tribal ownership and so this would protect and meet some of the goals of the Flathead reservation Comprehensive resource plan and the tribe submitted a letter of support that I think speaks for itself in terms of the importance of this property being conserved to the tribe.

7:13

The other important or unique conservation value I want to call your attention to is the fact that this, that this, while it's 90 acres connects a lot of other larger portions of protected property that are managed for wildlife habitat.

7:27

And so and So what you're seeing is not just 90 acres but a corridor for wildlife and a connective piece in that tissue.

7:35

And so I just want to call attention to that as well.

7:38

If we could go to the next slide please.

7:40

And this last slide is the budget and sort of underscores the request for \$32,049.

7:49

Through the course of this, I know that the OLC and county staff has recommended funding this project at \$26,300.

7:57

And so I just want to take this opportunity to plead my case for the full \$32,049 if the commissioners decide to fund it at that level.

8:07

The two, the two points I just want to make are that you know when I originally spoke with the county staff about adding one in particular line item in here and that is staff time, direct staff time related to completing the transaction, they had told me, you know, the reason for adding staff time was to increase the pace and scale of conservation in Missoula County.

8:29

I want to speak to that point.

8:30

I want to say that when the land owners originally came to me and said that they wanted to donate an

easement, there's a saying in land conservation work that no low hanging fruit is low, even if you think it's low.

8:41

And the reason that is, is because it cost money.

8:44

If we're going to acquire conservation easement there, we're going to protect forever into perpetuity.

8:48

We really need to do our due diligence and that's why you see a cost of \$32,049 because we do extensive work on the front end to make sure that the that the conservation easement is sound and that we can protect those conservation values for the public benefit into perpetuity.

9:04

So it is a price tag and it's easier to say yes to land owners like like Gary and and the other land owners of this property when we know that we have a funding source like the Missoula, Missoula County Open Space Bond program to help us cover those costs to make it happen and to and to bring to bring their legacy into into focus and to make it happen.

9:28

And so I really want to say that it is increasing the pace and scale of conservation because because it allows us to say yes and it allows us to do it quickly.

9:35

This is the fastest conservation easement I've ever worked on from beginning talking to the land owners to the end about 8 months it's been and we're hoping to close pretty soon.

9:43

So it is increasing the pace and the scale, the ability to say yes.

9:47

The only other point I want to speak to is you know I I struggle with this budget because when you look at this budget it says it says these things cover 100% of the cost, but this isn't 100% of the project.

10:00

And and what and what I mean by that is before our board approves a project, we have extensive conversations with land owners to find the right fit.

10:08

And so there is costs associated with that, right, that aren't covered by grants or you know we have general operating that we have to cover.

10:15

And then really the big portion of it is on the back end a lot.

10:20

Our stewardship team would tell you that the project doesn't really start until we sign on the dotted line.

10:24

And now we have a perpetual obligation to monitor, I would say perpetual responsibility to monitor and enforce the terms of the conservation easement.

10:33

And so this is 100% of the cost to acquire the easement, but it's not 100% of the work that we do throughout the course of the life of the conservation easement and the relationship with the land owners.

10:44

And so in five, five valleys is evaluating whether to say yes or not.

10:48

We have to consider all of those things in the lifespan of the project and where the revenue is going to come from and where it's going to go.

10:54

And the risks that we're going to take on being able to say yes and have these have these costs covered in the front end makes it easier to fulfill our perpetual obligation to protect and our, our perpetual responsibility to protect these conservation values in perpetuity for the public benefit.

11:10

So I just kind of wanted to highlight those two points and then I wanted to conclude and allow the commissioners or anyone to ask questions of me.

11:19

And I know Kaylee's gonna come back up.

11:22

Thank you.

11:23

Yeah.

11:26

Is are you gonna come back up or is there anyone from OLC who'd like to speak to this project?

11:43

Ron Slater SCHLADERI am a member of the Missoula County Open Land Citizen Advisory Committee.

11:51

On August the 2nd a group of us visited the project area.

11:56

What we saw was a managed parcel of land that meant a great deal to its owners.

12:01

It's heavily timbered and is ideal as a wildlife cover area and a great wildlife travel corridor.

12:08

We met as a committee on August the 11th and discuss the proposal in detail.

12:14

We all agreed the parcel more than meets the intent of the taxpayer approved Open Space Bond.

12:20

Therefore, the Mizzou County Open Land Citizen Advisory Committee highly recommends approval of an expenditure of up to \$26,300 in 2006 Open Space bond funds for a donated conservation easement for the Mission View EVRO Open Space Project.

12:53

Thanks, Ron.

12:56

Gary, would you like to off the record?

13:00

I'm Gerhard Knudsen, I'm one of the owners of this this property.

13:04

And Gary, if you can just it could be close to the microphone.

13:07

You can leave your mask on, just be close to it.

13:11

There you go.

13:12

OK.

13:12

Again, Gerhard Knutson, and I'm one of the land owners, there's really very little that I can add to what's been said.

13:19

I know there's considerable documentation was provided as part of this agenda item.

13:23

I just really want to thank the Open Lands Committee and the the, the, the members of the tribal Natural Resource staff that reviewed the thought review the project in a very thoughtful and thorough manner.

13:39

I guess all I can say is I appreciate your consideration of our request for this money and and also that we're at we that we're going to be able to have some land that's in perpetuity and is protected.

13:53

That's all I am.

13:55

Thank you and Kaylee.

13:59

OK, thank you.

14:03

I'll just follow all that up with a brief staff report.

14:08

So as was covered by the OLC member, they did make their recommendation and we're out on the property on August 2nd along with two of the commissioners.

14:19

And then the OLC members completed their evaluations of the project based on criteria adopted by the Board of County Commissioners via Resolution 2007, Dash 40, and they ranked the project highest in terms of wildlife habitat and public values.

14:35

I'll repeat a little bit of what was said just from a staff analysis on the aspects of the project that really stood out and are strong points for the project.

14:45

So the location of the property is within an important wildlife habitat kind of movement corridor based on proximity to other protected lands, public lands and wildlife highway crossings.

14:58

The property also contains farmland of local importance and then as was noted, there is a letter of support in the project.

15:06

The packet that was submitted for this item today that is from the Confederated Salish and Kootenai tribe as the project is within the Flathead Reservation.

15:16

Lastly, based on staff analysis, the project meets the following purposes of the open space bond protecting water, quality of rivers, lakes and streams, protecting wildlife habitat, conserving working ranches, farms and forests, managing for growth, providing open space and scenic landscapes.

15:35

As you saw in the presentation, the request today is for \$32,049 which is at is a 100% of the project costs and works out to \$356 in bond funds per acre.

15:48

Just to put that in context, the average over all the projects has been open space bond funding of \$359 per acre with an average match of 4.7 dollars of bond funding to \$1.00 of Nope, I messed that up 4.7 dollars of matching funds to \$1.00 of bond funding Sorry.

16:10

And with that, I wanted to share the staff recommendation, which is that we are recommending the project be funded for up to \$26,300 and this would cover 100% of the transaction costs and then 50% of the requested reimbursable 5 Valleys Land Trust project staff time.

16:31

And at that amount would work out to 292 open dollars in open space bond funding per acre.

16:39

And that is all I have for the staff report and I'm happy to answer questions.

16:44

Thanks.

16:45

Is there any public comment on on this?

16:53

And I don't see anyone online.

16:57

OK, we'll close public comment.

17:01

Commissioner Strohmeier, thank you and thanks Gary for joining us today.

17:08

It was a delight to be out on the property here a number of weeks back.

17:12

I think this is absolutely a worthy project and a good investment of these public bond dollars.

17:24

I appreciate the concern of increasing the pace and scale of the work that we're doing.

17:30

I do though tend to agree with staff and OLC that that we are putting in some dollars towards staff time to assist with that.

17:43

But we also think that that this is kind of what High Valleys does and and it's important for five Valleys to remain having skin in the game as part of this work.

17:56

So I agree with staff's recommendation, OL CS recommendation and I would move that the Board of County Commissioners approved the expenditure of up to \$26,300 at the county's portion of the 2006 Open Space Bond funds for the mission view Ever O Open space bond project and approve the resolution.

18:22
Thanks.

18:23
And I second that and then just like to add that I really appreciate this as an example of of a variety of land owners coming together to protect a peace as but it's just a it's a great example for the rest of the community out there that a different strategy for conservation that really works.

18:44
And then I know back in 2006 when this was started the there was some concern about how do you get smaller land owners, how can they participate and so this is just a great example and so really appreciate Gary you and your partners bringing this project forward.

19:03
So and and yes I agree and Eric, totally peer your position but it's it's also important to have 5 allies like Dave said skin in the game.

19:17
And this I'm not doing the rough math.

19:21
6005 thousand dollars.

19:22
Feels like this demonstrates 5 allies skin in the game for the project.

19:29
So yeah.

19:31
All in favor.

19:32
Aye.

19:33
Aye.

19:34
Thank you.

19:35
Thank you everyone.

19:39

Hey, next step we have Running W Ranch Covenant Amendments and I've been dying to know with Running W, is this the piece of equipment or is this a brand?

19:51

Because I have an old running W in the barn and I just was really wondering where the name came from.

19:59

Honestly, I'm not positive.

20:01

On that note.

20:02

Maybe Jamie the Rep might know more than I I see her popping on and shaking her head now.

20:07

OK, it's a it's a sketchy piece of equipment that I've never used and.

20:13

I I've just, yeah.

20:14

Stuff that my my grandfather used on horses and I wouldn't want to do it.

20:20

Sorry, Jamie.

20:20

Go ahead.

20:23

Or Nick.

20:24

Yeah, no worries.

20:25

I'm gonna start my PowerPoint here and I'll give a brief presentation pops up.

20:32

All right.

20:34

So this is the running W Ranch Covenant Amendment.

20:37

This is a request from Track two Cos 6492 LLC and the representative is WGM Group and Jamie is on the line here for for the questions after the staff report.

20:49

Just giving a quick background on the subdivision, it was approved originally in 2005 as a 318 loss of division with multiple phases.

21:00

Phases one and two were filed in 2008 and then there were various phase and amendments that changed the phasing schedule, but ultimately phasing 2, sorry Phase 2A was filed in 2021.

21:11

Phases 3 through 11 remain unfilled at the time of approval.

21:16

It was approved with a plan variation overlay to the base CRR 3 zoning district and this just provided A varied the side yard setbacks and other setbacks within the district with the base of CRR 3 and then Phases 3 through 11 were recently rezoned as part of the broader Missoula County zoning update project.

21:39

The phases that were already platted to phases one and two and Phases 2A, those have remained as legacy districts with the CRR 3 planned variation overlay.

21:51

All right, so the Covenant amendment request is to amend Section 7 of the running W Ranch covenants to allow for varied housing types and increased density.

22:01

Section 7 was called out as a section in the conditions of approval as a section that could not be amended without governing body approval.

22:08

So that is why we are here today.

22:10

Section 7 was pretty much restricted all residential lots to single family residential with some small variations for attached Adus.

22:23

And with the new zoning update to align with this, the applicant's requesting an an amendment to allow for these variant housing types that the new zoning would allow for.

22:35

The project was sent out to HD agencies around Mozilla for comment.

22:40

Where there's no comment received was also posted in the Missilian on August 21st and 28th and we also received no comments from that posting.

22:49

When we review adjustments to file Platts and other file documents we were looking at section 6.7 point four of our sub regs and we use these nine points in our staff report to base all staff recommendations off of.

23:05

Just gonna highlight a few of the main ones that were that came out of staff report first This the request is deemed minor nature.

23:13

The changes would not affect the changes sorry.

23:17

Would that affect the zoning or what is on the ground for anything that's already filed?

23:21

Of this would be only the projects, sorry, the only the phases that are unfilled.

23:27

The project would comply with these zoning regulations that are in place.

23:30

Currently there's a goal within the Missoula County Go plastic to allow it for varied housing types of this would help further align the subdivision with that goal.

23:42

And last, the changes are not deemed incremental.

23:45

The applicant is proposing to change this for all phases of the running W Ranch subdivision that remain unfilled and with that staff is recommending approval of the covenant amendment.

23:59

There are three conditions of approval that we are recommending.

24:02

The 1st is that staff would recommend the covenant language prior to recording.

24:07

Second is we staff would also like to review the proposed covenants to make sure that the two sorry to make sure that some landscaping requirements that was stipulated in the original subdivision approval have followed through to the new covenants.

24:22

And then third, as what comes with our sub regs, the applicant would have 60 days to file the changes with the clerk, clerk and recorders office or the approval would be deemed invalid.

24:35

That's all I have for the staff report and I'm here for questions and I know Jamie's online as well.

24:40

Thanks, Nick.

24:41

Jamie, thank you, Anita and Dave and Nick.

24:47

The only other thing I think I'd like to add just for a little bit of clarification is that the top of our request letter, we do refer to it as Running W Ranch slash Meadowlands subdivisions.

24:58

So just for future reference, the unfiled phases of Running W Ranch, we are going to change the name of that and give it a little bit more of a unique identity from phases 1-2 and 2A.

25:11

And so I believe the name that we'll be going with is Missoula Meadowlands subdivision.

25:16

So just a little bit of an FYI and a clarification there.

25:20

Otherwise we don't have any concerns with the conditions that staff is proposing.

25:29

Thank you.

25:30

So I don't have a microphone.

25:36

Try this one.

25:38

We hear you.

25:38

OK.

25:38

Yep.

25:39

There we go.

25:41

So the language that we have here is is correct that.

25:49

OK.

25:50

Yep, Yep.

25:50

We don't have any issues with it.

25:54

Is there any public comment on this on this change?

26:01

OK, we'll close public.

26:02

Oops, Annie.

26:03

Kathy, hi commissioners, thank you for a chance to comment on this.

26:09

This is connected to the subdivision I live in.

26:13

So I do have a question as far as if you are going to increase the amount of units, is there going to be an increase access point to the subdivisions as there is only one real access, the other one, The road is not really a Rd.

26:35

so that is a concern I have living out here.

26:38

So I wanted to know if that had been addressed.

26:42

Thanks.

26:43

Annie, Nick or Jamie maybe.

26:46

Do you have a, do you have a map that you could share with folks?

26:50

Yeah, I could pull up a map.

26:51

And I think I'll let Jamie answer the infrastructure question.

26:55

No, thanks, Nick.

26:57

Thanks, Annie.

26:58

As soon as Nick pulls this up, I'll show you where their point of access is coming from.

27:07

Nick, do you have the phasing plan?

27:08

Actually there we go.

27:15

So on the phasing plan here, Annie, you will see that running W Ranch Rd.

27:20

connects up into Carthage with phase three of that subdivision.

27:24

We are currently working on filing phase three right now.

27:28

We hope to have it filed by the end of this year.

27:32

And so as part of that we will be developing that connection to Cartage Rd.

27:36

which would then connect to the signal at 93.

27:40

And so that'll be the next point of access.

27:42

And then there is another leg of running W Ranch Rd.

27:46

that circles around RDO, the John Deere distributor and that is proposed with Phase 10.

27:56

At this point, I don't see your cursor.

27:59

Nick or sorry.

28:05

Got it.

28:06

Nick.

28:06

Yeah.

28:07

This is Cartage here.

28:08

So here's where the future connection will phase three will connect over to Cartage right here.

28:15

And then the other connection is to the South here to John Deere.

28:21

OK, thanks.

28:25

Annie probably knew where those were, but I I needed the cursor.

28:28

Thanks.

28:33

Any further public comment?

28:36

OK, we'll close public comments, Strohmeyer.

28:43

All right.

28:43

If we could queue up the motion again.

28:51

All right.

28:52

And so just to be clear, the name Running W is what we're going with for right now.

28:57

Is that correct, Jamie?

28:59

OK.

29:01

That being the case, I would move that we approve the running W Ranch Covenants amendment request based on the findings of fact in the staff report and subject to the recommended conditions of approval.

29:12

Those conditions being #1.

29:14

The amended covenants language shall be reviewed and approved by CAPS prior to recording #2.

29:21

The amended covenants shall include Blvd.

29:23

planting and landscaping requirements stipulated in the original running W Ranch subdivision.

29:28

Conditions of Approval This section shall be subject to review and approval by the planning officer private prior to recording and #3.

29:36

Any recorded documents that are modified by this adjustment shall be revised and then filed with the clerk and Clerk.

29:45

And is that supposed to be Clerk and Records office or?

29:48

Yeah, that's a typo on my part and filed within 60 days of the governing body's approval.

29:58

The approved adjustment shall be void if the applicable documents are not filed within 60 days of approval.

30:09

Second, with the recorder correction, any further discussion all in favor?

30:16

Aye, Aye.

30:23

Thanks, Nick and Jamie, thank you.

30:26

Thank you, commissioners.

30:27

Thank you, Nick.

30:29

Next we have Patrick Swart with first hearing for Rd.

30:35

management petition.

30:38

Hello, my name is Patrick Swart and I'm with the Clerk and Recorder's Office.

30:43

Today.

30:44

There are two Rd.

30:45

petitions before you.

30:47

The first is the abandonment as you mentioned.

30:49

In the second is an alteration for which we've had two prior hearings, but both petitions concern the same county right away.

30:58

Our objective for the first hearing for the abandonment is to open the hearing, hear any public comments and then to establish dates for the road viewing and 2nd hearing.

31:09

So with that, the road petition to be abandoned is described as the portion of Bitterroot Rd.

31:15

located on the east side of the Bitterroot River from Lower Miller Creek Rd.

31:19

in sections 14/15/22, all in Township 12 N, Range 20 W The petition fee has been paid in full and a notice of hearing has been published twice in the Missoulian.

31:34

The petition has been signed by at least 10 freeholders in the Missoula County Road District and all of affected land owners have been contacted.

31:42

So with that, the petition is now presented to the board.

31:46

Thank you.

31:47

Thanks, Patrick.

31:51

Steve Naida, did you?

32:00

Yes.

32:00

Commissioner Merrill, Steve Night, a surveyor's office.

32:05

I'm actually going to defer to Violet because she's been doing the heavy lifting in terms of scheduling all of our hearings and viewings.

32:17

So we do have just a couple dates that I'll I'll provide to everybody.

32:25

So this is the first hearing for the new petition to abandon the right of way.

32:30

There will be a road viewing with Steve Nidae and Commissioner Vero on September 6th, Tuesday at 3:30 meeting at the intersection of Lower Miller Creek Rd.

32:45

and Haugen Drive.

32:48

The following that the second hearing for this new petition to abandon is going to be the September 15th public meeting.

32:57

It will be hybrid like this one.

33:00

So here in this open movies and over Microsoft Teams.

33:03

This meeting Please note does start at 3:00 rather than the normal 2:00 start time.

33:09

So that will be the second hearing for this new petition.

33:14

Lastly, there is a field trip that we have scheduled for Commissioner Vero and Commissioner Strohmeier to look at alternate access sites to the river and that is scheduled for October 25th at 3:00.

33:33

And that one they are going to meet at the intersection of OR at the corner of Miller Creek Rd.

33:42

and Old Bitterroot Rd.

33:44

is where they will be meeting for that.

33:45

Again, that one is October 25th at 3:00 and those are the dates.

33:51

OK, Thank you.

33:54

So sorry, Steve, did you have something to add?

34:00

Just meet me in the in my office at 3:30 on September 6th and we will will drive out together.

34:07

Others are welcome to join us.

34:10

And if you'd like to join us, I guess it would be nice if we knew who all was gonna show up and so we don't leave prematurely.

34:22

And how best would you like folks to make that contact through the BCC communications site?

34:30

OK, sure.

34:32

We could have people e-mail BCC at Missoulacounty dot US if you're interested in attending.

34:37

Steve, did you want to meet everybody to meet at the county and or did you want to meet at 3:30 at Lower Miller Creek?

34:46

I think we should meet out there on site where we've met before.

34:50

OK.

34:51

We can leave here at 3:30 and be out there by 3:45 or so.

34:55

OK, great.

34:57

Thank you.

34:59

Was there any public comment on this item?

35:06

And we just wanna give people a heads up.

35:08

We're limiting public comment to 3 minutes.

35:12

One day we're gonna have a timer in here, but for now you're stuck with my my iPhone.

35:19

Go ahead.

35:24

That button looks like we're I'm here in support of the new petition brought in front of you to abandon the unused County Road known as 1867 GLL Rd.

35:36

That crosses our Oxville Cattle Company property in Section 14 and 15 of Township 12 N and Range 20 WI.

35:43

Just want to make a few points about this road.

35:47

We know for a fact for the past 26 years this unused Rd.

35:51

that cannot be located.

35:52

This has had zero members of the public using it.

35:55

The only access across the land of the river and FWP parcels has been by permission from Arty Doris or us.

36:02

Therefore, this is not about moving public access to the road that goes through the heart of our ranch, but creating a new one.

36:09

One could even argue that the public has not used this road for 150 years #2 The FWP parcels at this road access is already have substantial access from Ranchette Park, Riverside Park in Lolo and the other FWE parcels that are on the West side of the river.

36:25

These parcels as you have heard and seen, provide easy and unique access for the members of the public.

36:32

Third thing is, as we have attended hearings on this road and had site visits, I believe it has become very clear that this is not about access, just neighbors that are upset with me.

36:41

I could argue that I have more neighbors than anyone in Missoula County when you consider our needed land and grazing leases.

36:47

I have had very limited interaction with these neighbors that have brought the issue in front of all of us.

36:51

It is limited to two interactions iron 1.

36:54

Iron one ironically has to do with access as they are upset that I allow hunters to access our land through the FWP block management program.

37:02

And two, we moved our fence line to the actual property line.

37:06

By moving the fence to our actual property line, we gained about 10 acres of land for our business and also made sure that the Five Valleys land conservation easement boundary is clear and not at risk.

37:17

We gave neighbors a year's notice which in result resulted in some folks pitching in and paying for their half of the fence, while others chose to be mad at me for fencing the land I own and pay Missoula County taxes on.

37:31

I believe it is clear that a new road through our place to access the FWFWP parcels has way more negative impacts to the community than does positive.

37:41

The last thing the Bitterroot River needs is another access point.

37:44

This was very apparent to me at the last site visit when we visited the FWP parcels and then Ranchette Park off of oral Zumwalt Way.

37:53

The FWP parcels had wildlife on them and the riparian vegetation.

37:57

Vegetation was healthy and grew all the way to the water's edge.

38:00

When we got to the Ranchette Park, it was dirt past fence trees to protect them and people to the water's edge.

38:06

I even picked up some trash on the ground.

38:08

That view pretty much summed it up for me.

38:11

Abandoning this unused and unidentifiable Rd.

38:14

once and for all would be a win for our community by preserving and serving this part of the bid route for the wildlife livestock in public that use it.

38:24

Let's hold on to a piece of Montana and not ruin it.

38:27

Sometimes the best we can do for a place is leave it alone.

38:31

I thank you for your time once again.

38:34

Thanks Bart.

38:49

Any other public comment on this petition?

38:53

We see your hand around, but we have a couple folks in the room.

38:56

First, I think I'm in the speaker, am I?

39:03

I'm Elizabeth McClay and I rise in support of closing the Lower Miller Creek Rd.

39:09

Can you speak a little closer to the microphone?

39:10

Yeah, there we go.

39:13

As you know it, this road runs directly through Oxbow headquarters and it would be devastating to their business.

39:19

The Oxbow Ranch has been successful and blending ranching and conservation ecology and economy and I would hate to see them fail in this community.

39:31

They have been forward thinking in providing the neighbors with a conservation easement so that the people in the area have a viewshed where they can see the wildlife, the big or little wildlife, the birds and the bees.

39:48

It's a viewshed I'm sure they enjoy everyday.

39:51

Are they aware that if the road does open to the public, this viewshed will be impacted with traffic, noise, dust and garbage?

40:04

Is this what the the people really want or is?

40:10

As Brett mentioned, it's just greed, envy and lack of understanding of what the ranching is about.

40:23

As I say, I oppose opening the road.

40:26

Thank you.

40:28

Thank you, Elizabeth.

40:33

OK, anyone else in the room would like to speak to this.

40:48

My comments.

40:48

Oops.

40:49

Does that matter?

40:52

My comments.

40:53

Oh, and Larry, can you state your name please?

40:55

Yes, my name is Larry Evans.

40:57

I am a proponent of the petition to Alter and an opponent of the petition to Abandon.

41:05

The petition to Alter may be proven moot and the petition to abandon may be proven unnecessary given some facts that I have found and looking into this.

41:17

So without further ado, and I apologize if some of my comments appear to be offensive that they're not intended to be, there is a public roadway easement.

41:37

You'll be able to see it on an exhibit that's included in this boulder I'll be leaving.

41:42

It was granted on December 18th, 2003 for valuable consideration received from Missoula County.

41:48

This grant of public roadway easement recorded at the Missoula County Clerk and Records Office is a contract and it's binding on the Grantor and Missoula County and shall run with the land wording from the deed.

42:01

This easement was purchased at taxpayer expense and belongs to the city.

42:05

I rather to the citizens of Missoula County.

42:09

On December 9th, 1996 Roy Proc.

42:12

In exchange for valuable consideration deeded to Fish, Wildlife and Parks parcels of land noted in book 493, page 2293.

42:22

The deed asserts that access is provided by an existing 60 foot wide public Rd.

42:28

easement over the existing Pergiello Township Plat 1890 and known as the Bitterroot Trail.

42:35

I think that's a very significant point as on other documentation which is not included, but I would be happy to locate and submit shows that Roy Proc and the Q-tip Trust had the authority and the right to determine where rights of way and easements were located.

42:59

The property deeds for adjacent land owners, meaning David Mead and Oxbow Cattle Company are subject to and made reference to Glo roads and trails and book one of roads as disclosed by maps provided by the County Commissioner, County Surveyor.

43:16

Montana Code Annotated states.

43:18

The board may not abandoned a County Road or right of way used to provide existing legal access to public lands or waters unless another public road or right of way provides substantially the same access.

43:30

The substantially the same imply a 60 foot wide public right of way.

43:35

None of the proposed alternatives even remotely provide the same access.

43:39

The county's ranch at park referenced in the petition to abandon and which we went and looked at, is behind a locked gate and Barton Morris has the key and has boasted that sometimes he will allow his neighbors to access the park to make use of his corral.

43:54

Once on the county owned park, one would have to would have to cross private property to access the river.

44:01

This isn't substantially the same access.

44:03

In fact, it's no access.

44:05

And by the way, why does a private citizen have a key to public property?

44:10

Who decides what constitutes substantially the same access?

44:14

If the county Commission assumes the right to abandon, they may be subject to lawsuits wherein they would have to define and justify the criteria by which substantially the same access was determined.

44:24

And 30 seconds, Larry.

44:26

OK.

44:27

Will their justification stand scrutiny or might it imply a pre-existing bias in favor of one party?

44:32

And based on some other consideration?

44:35

My last question, By what right can the Board of Commissioners abandoned property purchased at taxpayer expense and gift it to a private citizen?

44:44

And that wasn't an accusation.

44:45

That was a rhetorical question.

44:48

Thank you.

44:49

Thank you.

44:50

And can you.

44:51

Yes, thank you.

44:51

Leave that with Violet.

45:02

My name is Dave Mead.

45:03

We own the property near the river, my wife, Maryland.

45:06

Dave, I'm sorry you you have to get really close to that microphone or stretch it up because you're tall.

45:11

There you go.

45:15

I won't address the issues in the petition since they're clearly stated Larry did not make in the access point out of Lolo, which is a pretty wide and public access there as well, which isn't very close upriver from the where we're talking about now.

45:34

But really the point I wanted to make is something on a little different note.

45:39

And I would like to ask the simple question of where is the justice in a scenario where families can save their entire life to purchase a piece of property and in some cases acquire building permits from the county and then build a house.

45:56

Where the title companies did a total search in all these cases and came up clear.

46:04

Although as I believe all found out later, they're not required to acknowledge PLO roads.

46:10

In fact, unless you're a surveyor, it's almost impossible to find any evidence of them.

46:16

So how where is justice served in a situation where all of a sudden 150 year old potential public easement to a road that may or may not have existed and there's no evidence been able to found on multiple days and hard effort in in the field by the county surveyors in this road all of a sudden pops up and threatens the entire piece of property that they own it and would completely ruin it for them if it was actually put on the ground again.

46:47

Even though there's no guarantee it ever was there and there's no evidence of it, if it was put in place, those properties as far as those owners of the ones I know ourselves included, would be completely ruined.

47:00

The question of where the justice in this is is simple.

47:03

There isn't any that is very old, 150 year old antiquated deal.

47:10

There's lots of laws on the books that shouldn't be there.

47:12

We all know that and some of them shouldn't apply in certain situations.

47:17

And in this case this, there is no Greater Community good for leaving that easement in place.

47:24

It would not benefit that particular part of Missoula at all to have that in place, as Libby McClay so well pointed out.

47:34

And so I asked you, commissioners, when you're looking through this, to consider these aspects and I appreciate your time and effort in this case.

47:43

Thank you very much.

47:45

Thank you, Dave.

47:55

Good afternoon.

47:56

My name is Tom Bergen on.

47:59

I'm here on behalf of Big Hill Property LLC, which is a neighbor to David Mead in Oxbow Cattle and one of the affected land owners and also one of the petitioners for the petition to abandon the County Road right of way.

48:16

I just wanted to make a couple of quick points here.

48:21

The the first of which is that the properties in question are all encumbered by conservation easements that protect certain things that are identified within the conservation easement and usually defined as conservation values.

48:36

And those things are are typically like a vegetation, wildlife, habitat and scenic view shed.

48:43

I want to know that the conservation easements in question here on all of those properties where the road crosses do not include public access among their conservation values.

48:56

And so when the the various stakeholders, including the Land owners and Five Valleys Land Trust looked at this and decided to set these lands aside from development, they were not looking at public access is one of the values they were protecting on the property.

49:12

I've got a a short statement I'm going to turn in.

49:16

I'm not going to read it here.

49:18

I just wanted to point out, as Larry Evans mentioned, the the statutory requirement that in order to abandon the road, the commissioners need to.

49:31

They can only do so if there's another right of way that provides substantially the same access.

49:38

I looked at a map today of the Bitterroot River.

49:42

It's about 80 miles long and I concluded that there are.

49:46

I was able to count at least 24 different river access sites along the length of the Bitterroot River and a number of them are pretty close to this site.

49:55

Bart mentioned Ranchette Park, which the commissioners visited last month.

50:02

And then there's Riverside Park on the other side of the river that's only about 1/4 of a mile away.

50:07

And there are other tracks owned by FWP that can be used by people either by access from the river or access by roads.

50:15

So I would argue that we, we shouldn't look at the term substantially the same access as meaning, precisely the same access, which seemed to be what Larry was implying.

50:27

We should look at it as meaning substantially more or less the same.

50:30

And there are a number of more or less the same perfectly usable public access sites close by on the Bitterroot River.

50:40

Thank you very much.

50:42

Thank you, Tom.

50:48

I would just like to jump in and mention that it is the county's intention to explore anything that is remotely considered could be considered substantially the same.

51:03

So it's not our intention to to exclude anything that could possibly work in lieu of this existing right of way.

51:13

Thank you.

51:21

Good afternoon.

51:22

My name is Tom Allbrandt.

51:24

I'm a landowner on oral Zumwalt Way.

51:28

I'm also a specialist.

51:30

My training is in geomorphology surface land processes.

51:34

I am physically visited the proposed area.

51:39

That and I support the petition to abandon this easement.

51:44

This is a floodplain, 100 year floodplain that most of this proposed Rd.

51:49

would go through And there, and I had submitted previously a number of examples of the damage that would occur by trying to build this imaginary Rd.

52:01

that cannot be found.

52:03

And there's a reason it cannot be found.

52:05

It's 150 years old, if the right of way ever was formally recognized.

52:11

That's a good question, but you've had 150 years of sedimentation which is depositing sands, gravel, silts, clays on top of this flood floodplain which is undisturbed.

52:23

So how you would ever find a road 150 years later?

52:27

I've looked at satellite imagery, I've looked at on site investigations.

52:32

I don't see any evidence of a road and so I think this is very disruptive to the land owners in the area and I am certainly opposed to development of that road.

52:44

It it disrupts ongoing agricultural activities and environmentally very, very unfortunate to develop.

52:56

Thank you.

52:57

Thank you, Tom.

53:00

Anyone else in?

53:01

Sophie Moise.

53:07

OK.

53:07

It doesn't look like we have anyone in the room.

53:09

So Ryan Salisbury.

53:15

Hi there.

53:16

Good afternoon, commissioners.

53:17

Sorry I'm calling in remote.

53:19

I had to be in Bozeman today.

53:21

So I appreciate the hybrid option for this meeting.

53:25

I I'm here as one of the petitioners in favor of vacating the Bitterroot Road, and I object to the proposed relocation of the Bitterroot Rd.

53:35

In my mind, the Bitterroot Rd.

53:36

is essentially a lost Rd.

53:39

that was used very rarely back in the day, maybe not at all back in the day.

53:44

I say this because there was never a bridge built across the river, so that means that this Glo Rd.

53:50

could have only been used when river flows were low enough to cross with the wagon or when the river wasn't frozen.

53:56

Taking this lost road and just moving it to the nearest most convenient location is wrong in my opinion.

54:03

Moving this road to the proposed location is.

54:07

It is also, in my opinion, expanding the original use and intent of the Bitterroot Rd.

54:13

in this particular location and relocating the Glo Rd.

54:17

would expand the use to year round and would be a significant hardship to property owners and would devalue lands.

54:25

The right thing to do is to formally vacate this historic lost road.

54:30

And I also find it interesting that in the last public hearing, we heard a lot of the petitioners that want to see the Glo Rd.

54:38

relocated complain about hunting in the area and disruption from hunters and whatnot.

54:47

Yet they're petitioning to relocate a road right through the middle of private property with an existing cattle ranch.

54:54

And it's gonna be very disruptive.

54:57

That's all I had.

54:58

Thank you.

55:00

Thank you.

55:00

Ryan, do we have anyone else online or on the phone?

55:09

Star 6 if you're on the phone.

55:12

OK.

55:14

We will close public comment.

55:18

This hearing is remains open.

55:22

Dave, did you have anything to add?

55:25

Nope.

55:25

It's going to be continuing conversation for a few more months.

55:30

So OK, we'll begin with E the third hearing Rd.

55:39

alteration petition.

55:42

Patrick, you again.

55:47

Well, E, which is now D, yeah, we don't have any formal presentation for this hearing, but it's just I think more public comment was my understanding.

55:56

OK.

55:59

Steve, did you want to add anything you had just this expression on your face?

56:04

OK.

56:06

Oh, is there any any comment in the room on the third hearing for the road alteration petition?

56:15

Come on up, Larry.

56:20

OK, it's me again.

56:20

I'll keep it short.

56:21

This is not about the way we'd like things to be.

56:25

I understand the the arguments made by the land owners in the area and other conservation cognizant groups.

56:36

This is about the law.

56:37

The law was established sometime in the past.

56:40

The grants were made sometime in the past.

56:43

If we don't like the way it is, I think that the remedy is to change it via the law.

56:48

Arguing about what is and what isn't and what's right and what's wrong and how it's going to impact the people in the neighborhood or affect the land is important but irrelevant.

57:00

This is about the law and I think that's where it's going to have to be addressed.

57:04

And beyond that I have little more to say.

57:05

So I'll sit down.

57:07

Thanks Larry.

57:13

Anyone else in?

57:14

Sophie Moise.

57:18

OK.

57:18

Anybody online?

57:24

OK, we'll close public comment, but it's the hearing remains open.

57:30

Oh, yes.

57:30

Thanks Violet.

57:31

OK.

57:32

Let me just one more time run through those three dates.

57:37

So the road viewing for the petition that was introduced today to abandon the right of way is September, Tuesday, September 6th at 3:30.

57:48

Juanita and Steve will be heading out there may be arriving at 3:45 at the intersection of Laura Miller Creek Rd.

57:57
and Haugen Drive.

57:58
The second hearing for the same petition is at the public meeting on September 15th, same place.

58:06
Again this, this public meeting will start at 3:00 PM.

58:10
And then the commissioners, Commissioner Strohmeier and Commissioner Vero have a field trip scheduled October 25th at 3:00 to look at alternate access sites.

58:23
So those are the three dates, one more time.

58:25
Thank you.

58:41
Sorry, Dave, did you have anything you wanted to add?

58:45
OK.

58:46
Jenny Dixon with the Thomas Miller Family Transfer.

58:51
Good afternoon.

58:53
Thomas Miller here.

58:54
Thanks for letting me come a little later.

58:56
Great.

58:57
I got great, My blood drawn and I'm all good.

59:00
Well, actually, Tom, I think what we're gonna do is we'll do a staff presentation 1st and then the applicant will speak and then public comment and then we'll would go with you.

59:12

You could have spent more time getting blood drawn, right.

59:16

It'll be quick.

59:17

Thanks Tom.

59:18

I'm glad you made it here today.

59:21

So for the record, my name is Jenny Dixon with the Planning Department and this is a family transfer request from Thomas Miller represented by Montana Northwest to divide, ATTRACT and 280 acre tract out in the East county area.

59:40

I'm gonna give you a vicinity, General General vicinity.

59:43

So kinda out in the middle of nowhere, huh?

59:49

So it's up Kramer Creek Rd.

59:52

to.

59:53

And then there's the Ashby Creek Rd.

59:55

Kamas Springs I would say it's it's Kamas Creek.

1:00:01

Rd.

1:00:01

to Kamas Springs Kramer's.

1:00:07

On the other side, oh, you're coming in from I-90 as you get in from I-90?

1:00:12

Yeah, you bet.

1:00:13

Just kind of giving locational references for the commissioners and anyone in the public to to how you might get there.

1:00:20

Generally speaking from from familiar locations like I-90.

1:00:25

So it is north of I-90 and as seen on this map South of 200.

1:00:30

But I think the the most common way to get there would be I-90 Kramer Creek to in the Camas Springs.

1:00:39

So 280 acres.

1:00:41

Mr.

1:00:42

Miller would like to divide this using the Family Transfer exemption to gift 80 acres as shown here to his adult daughter Carly.

1:00:54

Carly Rose and that's shown with the C on the western tract there 100 acres and then gift 80 acres to adult son Joshua shown with the J and then proposed to retain tract 3 remaining tract for for Thomas.

1:01:17

This Family Transfer request did not elicit or flag any of the rebuttable presumptions or general evasion criteria.

1:01:28

However, we did note a little bit of confusion in the application states that Thomas resides on this property, and in my reading I assumed that meant he resided in the yurt that is shown on Carly's property, Carly's tract.

1:01:48

But in a with in doing a little more research and Mr.

1:01:51

Miller you may be able to speak to this in a moment.

1:01:54

It appears that Mister Miller resides in Patty Canyon and you know, I, I presume uses this property for recreational purposes in the in the yard is is there for his use with the division that yurt will be on Carly's property and I it.

1:02:11

It remains to be seen whether her intent is to live in the yard or construct another home.

1:02:18

But the the property, if divided as proposed, would create 3 tracks, one for each child, one for Thomas, and commenting agencies did not have any concerns about it.

1:02:31

Staff is recommending approval.

1:02:34

We did discuss this with the commissioners for just a few minutes on Tuesday.

1:02:38

And I think we do have some questions for Thomas that I would like to ask before we turn it over to to you and your agent for discussion.

1:02:52

So if you wouldn't, if you wouldn't mind.

1:02:55

Yeah.

1:02:55

Would you come up to the podium And if, if you could please state your name for the record?

1:03:02

And then Thomas Miller.

1:03:04

Thomas Miller, Thank you.

1:03:06

We just have a few questions to ask.

1:03:08

Did you buy this property with the intent of dividing it?

1:03:11

No.

1:03:13

And I would note for the commissioners that this property was purchased initially by Mr.

1:03:18

Miller in let's see October 17, I believe October 2017 there was a quit claim to TE Miller Three LLC.

1:03:33

That was my property LLC, yes.

1:03:35

And then back to Mr.

1:03:37

Miller individual in the last couple of months, correct.

1:03:42

So for all intents and purposes and Mr.

1:03:45

Miller's ownership since October 2017, do you or your transferees intend to transfer the property, your property within the next year?

1:03:55

No.

1:03:57

Do you intend to reside on the property?

1:04:00

No.

1:04:01

How is the property used?

1:04:03

It's recreation.

1:04:04

I I go there and sit by Canvas Creek.

1:04:07

It's my therapy.

1:04:08

Just to hear a little babbling.

1:04:10

Brook.

1:04:10

Gotcha.

1:04:12

Have you talked to anyone in the county about going through subdivision review?

1:04:15

No.

1:04:17

Do you expect that the properties, the transfer tracts will be developed?

1:04:21

No.

1:04:23

Will the recipients, recipients of the property plan on residing on the property at any point?

1:04:30

Those are my young kids.

1:04:31

One's in college and one just graduated from college.

1:04:36

They visited and liked it.

1:04:38

I'm more or less looking at.

1:04:40

I unfortunately got cancer and my life expectancies has been shortened and so I'm just trying to put ducks in a row.

1:04:47

What my kids want to do with it.

1:04:49

They don't even know they're getting it, so I can't answer for them in the future.

1:04:54

OK.

1:04:54

You know, I don't suspect so that we like it.

1:04:57

OK.

1:04:57

It should be just hopefully remains the same.

1:04:59

OK.

1:05:01

All right.

1:05:06

I would just point out for the Commission that the application states in response to the question What is the purpose of the Vanry Line relocation?

1:05:20

It is intended to gift land to Thomas's daughter and son in an effort for estate planning and provide Thomas's children with the potential to have a home next to Thomas.

1:05:30

The existing home will remain as the residence of Thomas Miller.

1:05:35

So if I could ask Mr.

1:05:36

Miller, is the yurt a residence that you use at I I use it.

1:05:40

It's the only building on the premise and so it's next to the Creek.

1:05:44

It's a building and not like a tent or it's, it's a yurt, which is a tent, a glorified tent, glorified tent with hard floor and A and a porch.

1:05:53

Right.

1:05:54

So it just happens to be next to the Creek.

1:05:57

Right.

1:05:57

So.

1:05:58

And it's got a bare fence around it and it has a septic system and.

1:06:01

And water.

1:06:02

No, no, it's it.

1:06:03

I brought electricity to it.

1:06:05

Electrical.

1:06:06

Oh, maybe that was the electrical permit that I.

1:06:07

Yeah.

1:06:07

Yeah.

1:06:08

So it's it's it's just meant to have some luxury so my kids could charge a cell phone.

1:06:14

OK.

1:06:15

So some electrical but no water or sanitation disposal.

1:06:19

OK All right.

1:06:22

I think with that I'll and my presentation portion and leave it to the commissioners to ask questions that may help guide and hopefully I've provided you with adequate information to make some to ask some good questions.

1:06:42

OK.

1:06:42

Thanks Jenny.

1:06:45

Oh, I'm sorry, come on up.

1:06:50

Well, he's doing that.

1:06:51

If I would just make, I could just make a note that and Ken, maybe you could address this in the application.

1:06:56

There is a wastewater treatment system inspection report for a pit Privy perhaps.

1:07:02

And so that's why I guess I thought there was.

1:07:05

And there's a septic outside the beer fence.

1:07:12

OK, OK, so there's a septic.

1:07:16

It's a pit toilet.

1:07:17

Pit toilet, right.

1:07:21

OK, Yep.

1:07:23

OK.

1:07:24

That is in use or when you're there that's what you use or are you?

1:07:30

Yeah, yeah.

1:07:31

OK.

1:07:32

Sorry Ken, go ahead.

1:07:33

Thank you.

1:07:34

For the record, Ken Jenkins with Montana Northwest Company.

1:07:38

First, I would apologize for the confusion created by the application which is sort of geared toward residential use, residential questions, that sort of thing.

1:07:52

This is truly recreational property, the likelihood of anyone living on any of these tracks year round.

1:08:01

It's right at the top of the range pretty much between the Blackfoot and Clark Fork valleys and I just want to point out to the when we started looking at this I spent quite a a good deal of time with Thomas.

1:08:18

I don't want to say agonizing, but his the the configuration and trying to trying to equalize be fair to both children and what they were getting.

1:08:34

It did play a part in how this is configured and the other thing like each of these tracks.

1:08:42

What I was impressed with is each of them has a special place that the family likes to go to, where maybe there might be other recreational living quarters like a yurt, or maybe it's just a maybe it's just a tent, I don't know.

1:08:59

But anyway, no, there's this isn't really an an intention to create your own residential.

1:09:09

It's Thomas would like each of his children to have part of this place that they like and the PCs keeping has a special place on it that he likes.

1:09:20

And so and I did see the county permit for a pit Privy.

1:09:29

That's something you very seldom see an outhouse with a permit.

1:09:38

Hey, thanks Ken and and Thomas, yeah, if you want to tell us your story or anything that you want us to know.

1:09:52

My story is simple.

1:09:53

I, I, I'll say in 2017 I was looking for just a place, right.

1:10:01

I did not live in Montana at the time.

1:10:03

I had every intent to when I bought that that property Where you see the T is where the previous owners, two older gentlemen had pretty much set up a perfect place with probably the best view from the property.

1:10:21

And I said boy, if I could live 24/7 somewhere that be where I would build the house.

1:10:27

I actually brought electricity partially up there.

1:10:30

There was a permit for that, you know.

1:10:33

But then cancer kind of comes when you don't expect it.

1:10:37

I don't think I could live up there as much as I want.

1:10:41

Just for fact that I I'm slated for radiation every day starting next week for three months.

1:10:48

So my health I don't think would allow me.

1:10:55

I that's too far a drive to get to the hospital.

1:10:58

So what I'd like to die up there.

1:11:01

Sure.

1:11:01

You know, I'm having, Well, my struggle is just I've never had to face mortality.

1:11:08

So what's I just thought, God, something for my kids.

1:11:12

So that's as far as I thought it through, you know, So I bought the house.

1:11:18

I didn't expect to buy a house at the worst time of a market to buy a house, but I needed to be in town.

1:11:24

So that's my story.

1:11:26

It's pretty simple.

1:11:27

Just trying to get through today.

1:11:31

Thank you.

1:11:31

You're welcome.

1:11:34

I did wanna follow up when if you've once you've finished asking questions, I do have some follow up for you.

1:11:42

OK.

1:11:42

I don't have Dave, do you want, I mean, yeah, maybe your follow up might be useful but.

1:11:47

Oh, sorry.

1:11:48

OK, go ahead.

1:11:48

Dave has questions.

1:11:51

Yeah.

1:11:51

Thomas, Mr.

1:11:52

Miller, if you don't mind.

1:11:54

Thanks for joining us today.

1:11:56

So this is a little bit out of the ordinary in that typically for family transfers our approach has been to look for evidence that someone would actually be in it for the long haul.

1:12:13

And by that I mean that there the transferee, the the, the, the party to whom the property is being transferred.

1:12:20

In this case your kids or another family member will likely reside on the property.

1:12:27

So it's not just immediately flipped part of our I think our hesitation, hesitation and in agreeing to family transfers where there's not that evidence as we've seen instances particularly with younger children, often times minor children who end up with the property and and it absolutely did not turn out the way it was presented to us and shortly, not that long after the the transfer occurred, it's under another use that makes it clear that the children will never live on that property.

1:13:05

So that's what we've typically tried to avoid in the past.

1:13:08

So anyway, my question, Thomas, is did you ever contemplate just doing a a split such that you gift each of your kids 50% of the the parcel or just in other words, just split it in half as opposed to retaining a parcel for yourself here?

1:13:31

Well, the parcel for myself, assuming I get through the next two years, I still kind of want to live up there, right?

1:13:39

So I would prefer my kids not live there.

1:13:43

It's it's it was meant for me to recreate.

1:13:47

I don't want to see houses on the property.

1:13:49

I don't even think I'd want to see another yard.

1:13:52

I was looking for equitable way to divide the property.

1:13:55

So I had something to give to my kids for recreation if my kids live there or not.

1:14:02

I don't, you know, that's not for me to say.

1:14:06

I'm just hoping to see this through and then I think I've done my job as a dad, right?

1:14:11

So I all I can say is I'm sorry.

1:14:14

That's not what you or your experiences were in the past.

1:14:18

I don't know what your experiences are in the past and to me and that that's my dream right there the picture.

1:14:27

So it's in your hands so ask other questions because that one to me is not really, I don't know it's not ringing high in in my life right.

1:14:40

What has happened in the past?

1:14:42

So can you rephrase?

1:14:44

I don't know what your concern would be with such a.

1:14:46

Well my my concern is that these parcels get gifted to your children and that they quickly and you've even indicated yourself you don't have a clear they don't even know that they might potentially be the recipient of these parcels and you don't have a clear vision of whether or not they would actually want to hang on to this property.

1:15:10

And that's precisely what we don't want to do in a Family Transfer is set it up so that it's just going to be flipped over.

1:15:17

And and yeah, your kids might garner the proceeds, but that's that's not what this Family Transfer exemption is intended for.

1:15:26

And I agree entirely if I were you.

1:15:28

This sounds like a fantastic place to to, to reside, but the concern is that we're simply going through the subdivision process at at a significantly lower cost than what most folks would have to go through.

1:15:48

And it's not going to end up in the intended situation where the the children are going to be residing on the property.

1:15:57

Well, they live in another state and I'm not going to be presumptuous enough to say the kids do what you want them to do right now.

1:16:04

I'm just happy to get them through college.

1:16:06

Right.

1:16:06

So I'm with you there.

1:16:08

Yeah.

1:16:09

So I I.

1:16:10

That's about as far as I thought this through.

1:16:12

Nope.

1:16:13

I understand.

1:16:13

Thank you.

1:16:14

And maybe maybe we have some additional information from staff who'd like to share with us.

1:16:20

Yeah, go ahead, Jenny.

1:16:22

Thank you.

1:16:23

So in the last couple of days, I feel like the information in the application did not accurately reflect the situation and that we drew conclusions and and made findings and drew conclusions and made a recommendation based on information that was prior to close.

1:16:47

But and we may have found differently and perhaps even recommended differently had we known that there was that there was.

1:16:58

When I saw the yurt and saw that in the in the packet that he will remain in the home, my assumption was that's his home.

1:17:06

He's gonna live in it still.

1:17:08

And so that's my place to recreate this whole thing about residing.

1:17:14

What is it in Montana?

1:17:16

I'm a Wisconsin boy.

1:17:17

You know, my parents had a house and then they had a house on the lake that we got to go to in the summer, a few weeks out of the year.

1:17:27

My intent for this property is, is for recreation.

1:17:32

I would like to live out there.

1:17:34

I don't know if I can, right.

1:17:36

So I guess I'm in a different mindset.

1:17:40

What you all have to deal with in the past is to me, I've never even given some thought to you know, But to say that, boy, I have to know if my kids are going to live there, right.

1:17:53

We're just kind of talking about the this tool of a family transfer and and and how this tool is designed to be used.

1:18:00

But but sorry, keep keep going, Jenny.

1:18:02

I'm sorry.

1:18:02

Yeah.

1:18:03

And so with the parameters set by state law and you know recent, well not recent to me in my mind, recent revisions to this, the subdivision exemption regulations, Commissioner Strohmeier and Vero, you're interpreting the Family Transfer as as I believe it was intended in the REGI revision.

1:18:28

And and as you've been interpreting it and applying it for the last six or eight, six years, I guess it is which is that the applicant generally lives there and the intent is to bring family close to live.

1:18:41

And and recently I've heard you know in this discussion in the last few days, it's no it's more of recreation and in fact with no plans for Joshua or Carly Rose to reside on the property gives me pause that this family transfer is not as presented in the application and our findings and conclusions may have been different.

1:19:06

And so I I put that out there for you to you know maybe we go back and we rework this as a you know to do an estate planning where you gift recreational land to children can happen through a court order or what what would like a a conservation easement do to if you don't want this land to be developed and that's your dream.

1:19:32

I mean is that is that just sort of too big of a process or like what it's just outside of the it's not the OK of my department and also of a of a any kind of exemption anyone can ask for seek conservation easement for protection.

1:19:52

You know after an an an and a conservation easement is placed on the property there may be less interest or let me let me after there's a division of land there would be less interest probably on the behalf of any conservation organization to put a conservation easement on it because it's too small because they.

1:20:10

Yeah and it's in but but I can't say that for sure the time to pursue that would be before dividing the land I would think.

1:20:18

But again, that doesn't achieve and that achieves the conservation mission that he that Mister Miller's talking about.

1:20:25

But it doesn't achieve this division of land.

1:20:28

But what I'm hearing the mission really is, is to create a recreational space, which they already have and don't necessarily need to divide land to do that.

1:20:37

Yeah.

1:20:37

So that's why I'm wondering, do we want to pause this and then you and Ken talk this through a bit more and come up, present us with the exact dream or vision or I think there's a difference of interpretation.

1:20:52

And you know, I'm talking with Ken and and hearing Mr.

1:20:55

Miller's ideas that they they want to have separate tracks for recreation.

1:21:02

I don't think that that's going to change.

1:21:06

Mine is I would love to live up there.

1:21:09

Can I?

1:21:10

I don't know.

1:21:11

Do I need to sell that property to pay for medical bills?

1:21:16

Maybe.

1:21:16

Do I want to split it up so maybe we can still retain some If I had to sell my track, that to me makes sense, right?

1:21:25

Otherwise, you know, it's all or nothing.

1:21:28

And so you can't buy property anymore.

1:21:31

Now, I did that, more or less, you know, for inheritance sake.

1:21:34

And if I have to go down, right?

1:21:37

And, you know, you sell your primary home, which is now Patty Canyon, OK, what if that's not enough?

1:21:46

That would be my next place to go, right?

1:21:49

Would I prefer to live on tea?

1:21:51

Oh, you bet.

1:21:52

I don't think I'm going to be in a year's time.

1:21:55

If I started, I don't know if I'll see you through.

1:21:57

So to me, I I I'm a little displeased to hear that I have to worry about all the other things that you guys deal with when my world is supposed to be a little simpler than that.

1:22:09

At least I would like it to be simpler than that.

1:22:12

And I will say from Ken and my standpoint, we've had few times on the phone, but more or less it's when I'm at the hospital and I'm giving them little bits and pieces.

1:22:22

So if it's not, the puzzle is not perfect for you.

1:22:26

Well, that's my fault because I don't have a lot of time to give them, you know.

1:22:30

So I'll put it out there for you all to think.

1:22:33

But a pause to me is crazy.

1:22:36

I'm trying to get this done before I go South, right.

1:22:39

And you say it's so easy, just, I'm sorry, what's your name on the screen?

1:22:44

Dave Stromer.

1:22:45

Dave, you know what, it's it's not as all that easy, right.

1:22:49

So I I have been previously married, right.

1:22:53

My kids reside with my ex-wife in Illinois.

1:22:59

No, they're to say in my will certain things can happen.

1:23:03

Sure.

1:23:03

When I die.

1:23:05

Well, that doesn't give my kids a lot of let's just say Peace of Mind.

1:23:11

Oh, we can join you and and and have a piece of the pie when you die.

1:23:15

I I don't like the sounds of that at all.

1:23:18

So if that's the only suggestion you have, I don't like it at all, because that means death has already come upon me, you know?

1:23:26

So I I I was hoping you would find something which this is a little more speedier than expedient than me dying, because that's what you guys make it sound like, and which to me is is, you know, untenable.

1:23:44

But it is what it is.

1:23:46

So if you call it a pause, may it not be a long pause because I'm headed for two months of hell and I just would like this part taken care of.

1:23:57

All right.

1:23:59

And Ken, Oh, I'm sorry, Dave.

1:24:04

Ken is approaching.

1:24:05

But.

1:24:06

And and I I don't I did not intend to imply that the only options before us are I'm sorry I I a quick response here or your your untimely passing which we we absolutely wish the the very best in in your treatments.

1:24:28

What I am trying to say though is that there is a way to achieve what is on the screen here by way of dividing the the parcels and and a way to do so that is more appropriate to the sort of situation that you've outlined, keeping your options open to.

1:24:47

Yeah, maybe you will find yourself in a position where you may need to for financial reasons sever off a portion of this and take your parcel and and sell it.

1:24:57

But but that is not the intent of the state law that pertains to family transfers and and that would fly in the face of of how we've applied this tool in the past.

1:25:11

So that's all I'm saying is that what you can see on the screen can be achieved.

1:25:17

The Family Transfer tool, I believe, is not the right fit for that.

1:25:22

Yeah, but I got to tell you.

1:25:23

So I I tell them, my kids, hey, listen, I'm actually, can you get a little close to the microphone?

1:25:27

Yeah, I'm going to tell them, my kids, hey, we're going to put plants of survey together and you got to plant houses here and then you can have a Family Transfer.

1:25:32

That seems a little illogical also.

1:25:35

No.

1:25:35

And then again, that that too is not what I'm saying.

1:25:38

You can you can divide this up through a subdivision process and and never build a home on it.

1:25:46

But it's, it's the process that we're talking about here is that if if you go through the process of a family transfer, we want to see a commitment that someone will be dwelling on it.

1:25:58

If you go through the subdivision process for a minor subdivision, it makes no difference to me whether you ultimately end up building on it or using it recreationally.

1:26:07

But that is the appropriate process to go through.

1:26:13

Ken, Thank you once again.

1:26:20

Ken Jenkins, this residing on IT question.

1:26:32

So my family has had 160 acre homestead in the Swan Valley my entire life.

1:26:41

And at some point the old homestead cabin got to be too crowded when all of us grew up and started having our own children.

1:26:49

And I have a 20 acre family transfer that came from my parents and I have a beautiful cabin there and my family and I enjoy it a lot, but I don't live there.

1:27:03

I think that the idea of creating a place for his children where they might be able to take their families and have their own cabin or yurt or whatever it might be, I don't think there's anything in the Model Law from the state or in the presumptions of evasion in Missoula County's regulations.

1:27:32

I don't think there's anything there that would prohibit a person in Montana or Missoula County from gifting a piece of recreational property to their children.

1:27:44

I don't.

1:27:48

If you look at the facts, probably half of the people in this county have a cabin somewhere and they may well want to create a gift for their children so that they can bring their families there.

1:28:05

I just, I I don't really understand the basis for a denial.

1:28:12

Look at a formal subdivision of this property would never fly.

1:28:20

It's at the top of the divide between the Blackfoot and Clark Fork valleys.

1:28:28

It is not, even though there are a few tough old birds that live up on top of there, but it's it's not really conducive to residential type property.

1:28:40

And I and I don't know that there's anything in state law that pins this much emphasis on year round residents.

1:28:54

So I nothing is going to change about what we're asking for.

1:29:02

So if I think in the interest of time and you guys are busy, I understand it is a difficult task that commissioners are charged with to look at these family transfers and decide whether or not it is evasion.

1:29:18

I can only speak for my experience with Thomas that this seems very legit to me.

1:29:26

It's a piece of ground that he loves and he wants to give each of his children part of it.

1:29:31

And if things work out well, he would like to try to live there, but living there might be recreational use in the summer.

1:29:45

Thank you.

1:29:47

Thanks, Ken.

1:29:47

Go ahead, Dave.

1:29:49

Yeah, thanks.

1:29:49

Thanks, Ken.

1:29:50

And and I appreciate your comments and I partially agree with you and that, yeah, strictly speaking there may be no provision in state law that absolutely mandates that subsequent to a family transfer someone reside there.

1:30:08

But what I will say is that almost entirely without exception the the family transfers we've reviewed have come with some level of commitment on the part of either the the applicant or their grantees of of the transfer that that they would reside there.

1:30:33

And and that tells us that that's kind of a a a bit of a litmus test in terms of their commitment to keep the land and not just flip it.

1:30:43

I think that's what is our underlying concern is that what we've heard today and and I do not question whatsoever Mr.

1:30:54

Miller's intent here and it it's all very legitimate and and well reasoned.

1:30:59

But I've seen no evidence that, particularly given that the kids don't even know that this is transpiring, that they have any desire to to keep this for any length of time after they after they get it.

1:31:14

And.

1:31:15

And that's what's problematic.

1:31:16

If if the transfer comes with a desire to occupy the property that's a pretty strong indicator an indication that it's it's going to stay in the spirit of the family Transfer for some time maybe not in perpetuity but for some time without that it's it's extremely speculative.

1:31:41

And Dave when you say occupy you're you're meaning not necessarily just residential year round but as as in Ken's situation it's well a commitment to to be on the property.

1:31:55

Well, partially, yes.

1:31:58

But I think that's that's one way to interpret occupation of the property.

1:32:03

But more often than not we hear from folks that yes, the property will be developed because my adult children have every intent of building a home right here on the property.

1:32:16

That's that's what we hear more often than not.

1:32:18

It could be some evidence or commitment that they're not necessarily going to build a a permanent home there and reside there year round, but some other some other strong evidence of occupancy of the property.

1:32:34

And I frankly I'm not seeing that here today and that the the parcel as a whole could continue to be used as recreational land and shared by all all parties.

1:32:46

Hey Dave, you wonder why people mislead you if that's the options you leave them.

1:32:54

Boy oh boy.

1:32:55

Listen, so Tom, make up this story that your kids are going to live somewhere, then you can family transfer it.

1:33:02

That's ludicrous.

1:33:03

And then you wonder why your litmus test doesn't work so well that it, you know, I I don't think it is fair or right for you or anyone on the Commission to say you have to know what your kids are going to do in two years.

1:33:19

That's both.

1:33:20

Excuse me?

1:33:21

That doesn't sound logical to me.

1:33:24

So what are you saying?

1:33:25

My options are here for me to do that.

1:33:27

I got to do a subdivision for you.

1:33:30

Well, then I'm going to parcel it up in 100 ways.

1:33:33

Then.

1:33:33

That's crazy.

1:33:35

That is crazy.

1:33:36

So do I have to get a sworn affidavit that my kids aren't going to sell it in two years?

1:33:41

They don't know they're going to get it.

1:33:43

That's kind of the surprise of a father, isn't it?

1:33:45

You know what?

1:33:46

Thank you for your time.

1:33:48

I don't agree with Jenny.

1:33:52

One of the options that had crossed my mind, given all of the testimony and discussion today from the commissioners, is if there's a sense of wanting to create tracks for the children for recreation could do.

1:34:08

You could view it as keeping the family close in residence to the father who resides in Missoula and Patty Canyon and divide the property into two gifting tracts to the children.

1:34:22

In the future, child could gift to Thomas as a father should he in the future decide to actually build a house.

1:34:32

And my hope is that you do, but I do in in this new information, I do feel that Dave has characterized it correctly that the purpose of the tool, yeah, this is a little bit out of character, but trying to find a way to achieve something akin to what Mr.

1:34:51

Thomas or Mr.

1:34:53

Thomas Miller is requesting.

1:34:55

OK.

1:34:55

So what would be the process to be able to thread that so that he could achieve that?

1:35:06

Well, this comes back to my original question, which was would it had it been ever contemplated and could it be considered by the applicant to simply divide the parcel in half?

1:35:19

What that would do is avoid the the scenario that we're looking at here, which I can easily see being the case that the two children get a parcel, 1/3 parcel.

1:35:29

The remainder is out there and it gets sold off to to raise revenue at some point in time and then the other parcels get sold off too.

1:35:43

What Jenny's suggesting is if each of the children received one parcel at some future date, if if Mr.

1:35:52

Miller wanted to reside up there, one of his kids could.

1:36:05

I believe, if I'm correct, gift to him a portion of that for a residence and in the interim they retain the ability to use the entire property recreationally, No.

1:36:23

Then your child could transfer it to you.

1:36:27

It would be cleaner then if I do this.

1:36:34

Oh yeah, sorry, come up.

1:36:43

So if I understand that you're saying I divided in half, if in 2-3 years I decide, hey, I'm going to finish my life up on the hill, then I ask my children to gift me a a a parcel back to me.

1:37:00

Yes.

1:37:01

And when what's the, what's the added expense of doing that?

1:37:04

I don't want to have to keep paying for something I own.

1:37:08

So there's some legal identification that fits some umbrella that you're falling under.

1:37:15

What's the process of doing that?

1:37:17

It's this process.

1:37:19

But in reverse child gifting to parent, there's another option that again, not knowing your situation or your wishes where you wouldn't.

1:37:30

There's the opportunity to build multiple dwellings on these tracks without even creating land divisions.

1:37:36

So you know gifting to your two children is really gifting them their own tract, which by the the discussion here today doesn't even necessarily seem like that's that's their goal, is to have a tract.

1:37:54

They certainly can come up and they could even build homes on this property assuming you get sanitation approval without having to have separate tracks.

1:38:03

So that ability does exist right now for you your, your daughter and your son to have homes on this property without creating these tracks.

1:38:12

So I think then commissioners are trying to and we're all trying to explain that in a way it's gets very complicated but that you can do that Creating these tracks sets up a scenario that the county is trying to avoid, has been trying to avoid through these family transfers, not trying to prevent you from enjoying your your land up there.

1:38:34

The options would be to come back and do a family transfer from A1, whichever child, and create a tract out of that parcel that you've gifted to that child.

1:38:44

Or you don't necessarily need to create a tract and you could just build a home, or you could just use it for recreation.

1:38:52

But that doesn't seem tidy for equitable division of what I own to my children.

1:38:59

That now puts me 100% under them, which is not what any parent wants to be under their children.

1:39:07

But that's your saying is my option right?

1:39:10

Or to maintain that control that you're talking about is let them build homes on the property.

1:39:16

Should they so desire in the they may not want to build homes.

1:39:18

That's the whole point.

1:39:19

Why can't I divide a property?

1:39:20

So hey kids, when I die, you have equal things.

1:39:24

What's under T per my for my will gets divided equally amongst them.

1:39:32

OK, OK, but that's after I'm dead so I can't gift to my two children why I'm living.

1:39:40

Say, hey, look what dad done for you, because you're afraid they're going to sell it right away.

1:39:47

But if they want to build a home right away, they can build a home right away.

1:39:50

I don't care if they ever build a home.

1:39:52

I hope they don't build a home, right.

1:39:54

I want a place to go.

1:39:56

So I don't get it, you know?

1:39:57

So thank you for at least the suggestion, but you're putting life beyond what typically a parent would expect.

1:40:07

With what they have, right?

1:40:10

So when you have a house in Missoula and you have three kids, the only way they can benefit from it is when you die, right?

1:40:21

Hey kids, you can't have my backyard.

1:40:23

Don't play in the backyard without building a house.

1:40:26

That to me makes no sense, right?

1:40:32

But that's what you're saying.

1:40:36

I can't, I can't have the privilege as a parent to give my kids something while I'm still alive unless they build on it.

1:40:48

That's.

1:40:50

Oh, yeah, sorry.

1:40:50

Go ahead.

1:40:51

Can I guess I would also bring up the option of a life estate.

1:40:57

Have you explored that as a possibility or thought of that at all?

1:41:02

That may be something we could talk about as well and that's thanks.

1:41:06

Well, thanks to our Clerk and Recorder's office who just texted a suggestion maybe another way to accomplish what Mr.

1:41:15

Miller would like to Anita, Ken Ken had said we can explore options after this decision.

1:41:25

So would it make then sense to deny this decision so that you can have the freedom to go forward with a new plan or are we pausing this?

1:41:38

I think that if I wish, I didn't think that the best way would be to deny this at this point and kind of start fresh because the application just there's just more information now.

1:41:53

So and it might change.

1:41:56

There is an additional \$200.00 fee.

1:41:58

But I could, I can check with our office and see what we can do with that about waiving it.

1:42:03

OK, Dave.

1:42:04

Sorry.

1:42:06

Yeah.

1:42:06

So one last question.

1:42:09

And and I get your frustration, Mr.

1:42:12

Miller, because it does not appear as it's going the way in which you probably intended it.

1:42:18

It would.

1:42:18

But believe me, we've been through these processes before and and are looking as you speak for a way to thread the needle here.

1:42:27

Thank you.

1:42:28

Jenny, is there Are there any?

1:42:31

I'm assuming you've already investigated this.

1:42:34

Any stray boundary lines within this parcel that could be relocated, located.

1:42:40

I have explored that and there aren't.

1:42:43

This is 1 full parcel.

1:42:45

OK, All right.

1:42:50

We need.

1:42:51

I'm ready for a motion.

1:42:52

OK.

1:42:53

Let me sit down.

1:42:58

I would move that we deny that Thomas e-mail or family transfer.

1:43:03

OK.

1:43:03

Second, any further discussion just hope that you guys will get together and.

1:43:13

OK.

1:43:13

All in favor.

1:43:14

Aye, aye.

1:43:15

OK.

1:43:17

Thank you.

1:43:17

And you'll talk to Tyler or Tyler's talking to you?

1:43:20

Yeah.

1:43:20

OK.

1:43:21

I will about and we'll talk with Ken.

1:43:24

If if they wanna pursue a life state or a different type of family transfer, there is, there is a way we can get through this.

1:43:36

OK.

1:43:36

Thank you.

1:43:38

Is there any other business?

1:43:43

OK, we're adjourned.

1:43:45

Have a good afternoon.

1:43:46

Thank you.

1:43:48

Thanks