

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, JULY 11, 2024 – 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:

(Acting Chair) Josh Slotnick
Commissioner Juanita Vero

Staff Present:

Cheryl Hartman, Administrative Assistant, Commissioners' Office
Christina Dewar, Administrative Assistant, Commissioners' Office
John Hart, Lead Civil Deputy Attorney, County Attorney's Office
Matt Heimel, Planner, Planning, Development, Sustainability
Lauren Ryan, Planner, Planning, Development, Sustainability
Patrick Swart, Planner, Planning, Development, Sustainability
Samuel Scott, Assistant Recording Director, Clerk and Records' Office

1. **CALL TO ORDER** *[Time stamp – 0:02]*
2. **PLEDGE OF ALLEGIANCE** *[Time stamp – 0:04]*
3. **LAND ACKNOWLEDGEMENT** *[Time stamp – 0:24]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 0:30]*
 - a. Closed Captioning
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 1:24]*
6. **CURRENT CLAIMS LIST** *[Time stamp – 1:35]*
Claims received as of June 17, 2024 to June 28, 2024 by the Commissioners' Office total \$6,635,473.48.
7. **HEARINGS**

a. Lindbergh Lake Variance [Time stamp – 1:53]

Matt Heimel, Planner, Planning, Development, Sustainability

Commissioner Vero made the motion that the Board of County Commissioners of Missoula County hereby approve the variance for the shoreline regulations for a dock proposed on the side property set back at 7012 Lindbergh Lake Rd.

Commissioner Slotnick seconded.

[Motion Passed 2-0.]

[Letter sent to McCrane Family LLC in c/o David McCrane on July 16, 2024]

b. Deer Creek Tracts Zoning and Growth Policy-Amendment [Time stamp – 40:54]

Lauren Ryan, Planning, Development, and Sustainability

Commissioner Vero made the motion that the Missoula Board of County Commissioners approve and adopt the resolution of intent to amend the Missoula County Land Use map, Map 18, to assign the rural residential and agricultural land use designation to the properties legally described as Track two and Track 3A Certificate of Survey 5850 based on the findings of fact and conclusions contained in the staff report and to amend the zoning map to show the properties legally described as track two and track three-year certificate of Survey 5850 as agricultural rural residential 5 AGRR 5.
Commissioner Slotnick seconded.

[Motion Passed 2-0.]

[Resolution 2024-076 Book: Page:1073]

c. Missoula Rural Fire District Annexations (3) [Time stamp – 54:45]

Samuel Scott, Assistant Recording Director, Clerk and Records' Office

Commissioner Vero made the motion that the Missoula Board of County Commissioners I approve the Missoula Rule of Fire District Annexation petitions as presented.

Commissioner Slotnick seconded.

[Motion Passed 2-0.]

[Resolution 2024-077 Book: 1101 Page: 1138]

d. Pauldine Family Transfer [Time stamp – 57:38]

Patrick Swart, Planner, Planning, Development and Sus

Commissioner Vero made the motion that the Missoula Board of County Commissioners approve the request by Mark Paulding to utilize the family transfer exemption to create and transfer one track to his daughter, Haley Michelle Paulding, as presented in the exemption application and affidavit.

Commissioner Slotnick seconded.

[Motion Passed 2-0.]

[Letter 2024-150 sent to Mark Pauldine on July 30, 2024]

8. OTHER BUSINESS

[None]

9. ADJOURN

(Acting) Chair Slotnick – Called the meeting to adjourn at 3:11 p.m.

BCC Public Meeting July 11, 2024 – 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
July 11th.

0:04
Would you please join me in the pledge to the flag of the United States of America and to the Republic for which it stands, One nation under God, indivisible, with liberty and justice for all.

0:24
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispell people.

0:30
Do we have any public announcements?

0:39
Hello, everyone.

0:40
If you're joining us for this meeting virtually today, instructions for turning on closed captioning are on your screen.

0:45
If you're joining us in person, we'll have closed captioning on all the screens here in the Sophie Moiese room.

0:50
There would be an opportunity to during the meeting to for public comment virtually and in person.

0:55
We ask that all speakers today speak slowly and clearly.

0:58
This helps with the accuracy of the closed captioning.

1:01
If you're a Microsoft Teams, we ask the if you would like to speak when discussion has been open for a public comment, we ask that you use the Raise Hand feature.

1:10
If you're calling in on the phone, you'll need to hit *5 to raise your hand.

1:13

Once called upon, you'll need to hit *6 to unmute.

1:16

We also have assisted listening devices.

1:18

If anyone needs one, please find me during the meeting.

1:21

Thank you.

1:23

Thanks.

1:24

Do we have any public comment on any items not on the agenda?

1:33

OK, our current claims list.

1:35

These are claims received as of June 17th, 2024 to June 28th, 2024 by the Commissioner's Office.

1:42

Total \$6,635,473.48.

1:48

Today we have 1234 hearings, all land use type stuff.

1:53

The first one is on a Lindbergh Lake variance and Matt Heimel will present.

2:10

Good afternoon commissioners.

2:11

I'm Matt Heimel with planning, development and sustainability.

2:15

And just a moment, I'll join our teams meeting and be able to share my screen because I have a brief PowerPoint for this item.

2:46

OK, This is a scheduled public hearing on a request for a variance from the Missoula County Shoreline regulations for a construction of a new floating dock at 7012 Lindbergh Lake Rd.

2:59

Estate.

2:59

And I am the staff person at Hymel and the applicant is David McCrane.

3:04

So before I go into the details of the variance request, I'd like to take a few minutes to talk about the county

shoreline program and the preservation program because that's pretty unusual for a public hearing to be held about the shoreline regulations because most of the permitting is done through a administrative permit review.

3:22

So Missoula County has had shoreline preservation regulation since 1997.

3:27

And here are here's a bullet point with some examples of some of the goals and intent statements from the shoreline regulation.

3:34

So shoreline preservation is is authorized in Montana State statute and counties can adopt shoreline regulations with the intent of broadly preserving the the ecological value of lakes and the the Lakeshore ecosystem along with many of the goals stated here.

3:55

So we have development standards broadly with the intent to minimize or eliminate any adverse impacts to water quality, scenic value and and generally preserve the lakes in the county.

4:07

We have 23 lakes in the county where these regulations are applicable.

4:14

In general, those are lakes that are outside of the tribal boundaries that are at least 20 acres in area, so 23 and Lindbergh Lake just happens to be one of them.

4:27

So the way that the shoreline, oh I forgot there's a delay.

4:31

There we go.

4:32

The way the shoreline regulations are administered is through a principle the shoreline protection zone.

4:38

So the way that that is established is over a over several years a benchmark is measured by by licensed surveyors to establish a mean annual high water or a mean annual high water elevation, which is a mouthful Maui doesn't really roll off the tongue that great.

4:57

But once that surveyed benchmark is established, it is measured 20 feet from that, from that specific benchmark.

5:06

There are different ways we can handle a wetland or a meandering frontage, but in general, we we look 20 feet back from that high watermark for the Lake Shore zone.

5:15

We also regulate dock, you know, new, new docks or modified docks that are projecting in into the lake.

5:25

But general ideas that we're looking at the Lake Shore County is not really regulating all the activities out into the lake.

5:32

It itself just around those that would potentially impact the Lake Shore protection zone.

5:40

And as I said, most of the things that we've regulate and administer through the shoreline program are done through a administrative permit review.

5:49

Here are some examples of the permitted activities that can take place within the shoreline zone.

5:56

I have fixed or floating docks bolded on the top because that's what we're going to be talking about once in in just a few moments here.

6:03

But generally these are, you know, private recreational uses or maintenance of some activities that might have pre dated night 1997.

6:10

Notice alteration of structures is a is a item there.

6:14

But generally we're talking about structures that would have been in place before the regulations were in fact one note also is the second to last bullet point excavation, dredging and filling, although it's in this left this general list of permitted activities.

6:28

Dredging gets very complicated, has potential for high impact.

6:30

So it's not really an an encourage in most cases, but it it can be reviewed with our partner agencies.

6:40

And since we're going to be talking about floating docks today, here's some of the general requirements that would apply to a floating dock.

6:47

They are of specific standards within the regulations them themselves, but these are some of the high broad points that we look at.

6:54

So there's generally a 20 foot side property set back for docks.

6:59

We also look at construction materials to make sure that they're not going to have adverse impact to the water quality or the habitat.

7:07

1 dock is allowed for each waterfront property regardless of its frontage area.

7:13

We're going to be talking about setbacks, generally setbacks in the shoreline regulations are intended to prevent overcrowding of facilities on the Lakeshore, intended to prevent prevent navigational complications by having too many boats entering or exiting one specific area on the lake.

7:29

And if there are areas that cannot meet those, there are some alternatives that sometimes might be appropriate, such as shared, shared dock facilities for multiple properties.

7:41

Maximum length we look at for a dock, whether it be fixed or floating is 40 feet.

7:46

We may have some exceptions depending on if the water is too shallow at that 40 foot mark up to 60 feet, but most are up to 40.

7:54

Maximum area for dock facilities, including any attachments such as a jet ski ramp is 600 square feet.

8:01

They have to be suitably anchored so they don't drift or float away basically, and if they're going to be floating docks removed, it should be done in a way that minimizes any damage to the vegetation in the Lakeshore protection zone.

8:19

The shoreline regulations do allow for variances from the regulations, so if one has a proposed activity that is that would be constructed in a manner that's otherwise prohibited by the development standards in the shoreline regulations, they may request a variance.

8:36

Variances from the shoreline regulations first go to the city county Consolidated planning board for a recommendation to the board of county commissioners and then the board of county commissioners as the governing body makes the decision to grant the variance and or deny the variance or approve with conditions and then issue that that permit.

8:57

Generally the criteria look at policy criteria for issuance of a permit being looking at the degree of potential adverse impacts, whether there are unusual circumstances where strict enforcements of the regulations would result in a hardship and of course whether granting the variance would result in a threat to public health, safety or general welfare.

9:24

So that is a very brief, rushed version of the shoreline program.

9:31

So here we have our proposal for 7012 Lindbergh Lake Rd.

9:35

Lindbergh Lake, sure, as most of us, hopefully all of us know, is in the Seeley Swan Valley.

9:41

And 7012 Lindbergh Lake is one of a number of private tracks on the Eastern Shore.

9:49

Here is a closer aerial view of the property.

9:51

Note the aerial imagery is a little out of alignment with the property boundaries, but this is but the property itself is highlighted in this black and green outline on the screen.

10:09

The proposal is a new floating dock for for the for this tract and my next image will be slightly closer.

10:20

On the right hand side, you can see an area where the proposed dock landing itself has 10 1/2 feet from either

sideline, and the dock elements themselves, as they're in the lake, are essentially wholly within that That set back so the property itself has about 24 feet of frontage making, thereby creating the necessary for a variance request.

10:48

And here's a closer image.

10:49

Note the change in the north arrow down N is generally upwards on the image and we can see that there's also a proposed gravel trail to the dock, however, that meets the specifications that we call for.

11:04

Being 30 inches wide.

11:08

The dock does not meet the setbacks of course, but otherwise it does meet the length requirements and the I believe the proposed area is about or approximately 566 square square feet.

11:22

I may have said it was up to 600 during our morning update, but I I believe it's slightly less.

11:29

Here is a view looking towards Lindbergh Lake through the property.

11:32

Oh sorry, forgot about the any moment now.

11:39

There we go.

11:40

So this is looking out towards the lake.

11:44

There are stakes which we'll see in a couple of images here.

11:56

Here is looking SW along Lindbergh Lake.

12:03

The stake in the front of the image marks the corner of the property.

12:11

And this image again, it'll just take a moment or two.

12:16

This is looking NE on the lake.

12:18

There are two stakes on the lake frontage that is showing the entirety of of the lake frontage for this, for this parcel.

12:25

And the proposed landing is in the center approximately where those rocks.

12:28

Yeah.

12:32

So again, here's a slide showing the criteria again for shoreline variants do have attachments with this item.

12:41

I had findings of fact in the staff report, which I'd be glad to go over any any findings or criteria if there are specific questions on on those.

12:52

Just following up, we did have one public comment received on June 4th from a Jason property owner stating objection to this variance request.

13:01

The Planning Board recommended approval with five voting in favor of a motion to recommend approval, 3 voting not in favor, one planning board abstain from the vote.

13:10

My apology for not having that count on the slide, but 11 member did abstain from the vote.

13:16

The applicant is present today and may have some information for us as well.

13:27

Thank you, Matt, Sir, you're welcome to come up.

13:30

Commissioners, my name is David Mccrane.

13:35

I am the applicant actually on my family.

13:39

Would you mind making sure that green little lights on just push on the microphone, sorry.

13:46

So my name is David Mccrane.

13:47

I am the applicant and I'm acting on behalf of the member of the family LLC that owns that property.

13:58

I believe Mary, our neighbor is here for this meeting.

14:00

So I, I, I want to give her the the field as well if I can 1st and let her express what her concerns are.

14:09

OK.

14:23

Hi.

14:25

Hello.

14:25

You want to bend that down just so because I'm short?

14:28

No, it's tall.

14:29

That's fine.

14:31

My name is Mary Reardon and I live at I have a cabin at 7026 Lindbergh Lake Rd.

14:38

I have been a Montana resident for 52 years.

14:41

I'm a retired Montana teacher.

14:43

I'm a widow, a mother of five and a grandmother of six.

14:47

And we have the lot next to the McCrane's.

14:50

And During my 46 years of marriage, my husband and I often went up to Lindbergh Lake and realize what a special place it was.

14:57

We realized now started the part of the part of being special is that people have adhered to the rules and regulations and you know, to keep things clean and from overcrowding.

15:10

Anyway, unfortunately, my husband passed away at the age of 67 due to early onset Alzheimer's.

15:18

And at that point in time or a little bit after that, my my children and I realized life is short and we thought we would go ahead and and see if we could get the cabin we all dreamed of at Lindbergh Lake.

15:30

So we pull together our finances and purchase the cabin.

15:36

One of the things that, well I have a few objections to the to the proposed dock variance.

15:43

One of them is that the narrow lot in question was not meant to be a lake lot in the 1st place.

15:48

It was a designated wetland.

15:50

Allowing this variance will inevitably set up precedent for anyone on the lake to find reasons to adjust the rules.

15:57

Rules which were put in place to avoid overcrowding.

16:02

The 2nd objection is Mr.

16:04

Mccrain has ownership also of besides the lot in question, the next two lots giving him ample shoreline for the number of docks he desires.

16:14

He has the ability to redistribute the existing property lines to accommodate the docks he needs without need for shoreline variance.

16:23

Furthermore, as a property owner and taxpayer, I have concerns that my property will lose value due to the lack of desirability caused by overcrowding and having a dock so close to to us.

16:34

In conclusion, I do feel strongly that the established rules of Lindbergh Lake should be maintained for the benefit of all of the residents.

16:43

And I'm speaking also for my whole family.

16:46

Thank you.

17:01

This is David Mccrane once again, so I appreciate.

17:03

Thank you, Mary, for expressing your concerns.

17:08

I didn't really.

17:09

I have prepared some slides to kind of go through the history of the lot that might help everyone get a better understanding in the first layout of the slide if Matt might be able to pull up 19.

17:50

All right, thank you, Matt.

17:51

What we're looking at now is the slide as the property was surveyed in 1957.

17:56

Originally all of Lindbergh Lake or the Diamond Bar L was part of a guest ranch and from the 20s on to about the 50s when they could not make a go of it, they decided to partial off all the shoreline and sell those about 100 lots, 115 lots to the guests that were there and be going there for generations.

18:18

It was, it's been surveyed several times in different pieces, but what we're lot 2524 and 23 are was where two surveys had joined together.

18:30

So we purchased a lot in 2015 and we've been planning on cleaning up some of the problems that were with the county mapping system, and we brought in PCI Engineering to help us do the survey.

18:44

So Toby is here on another matter, but he's done all the surveying on the property.

18:48

So I'll go through the the simple version of this, but I think Toby could probably address it a little bit more clearly.

18:54

But where these two surveys had met in this one area where these lots are, they didn't quite agree.

19:00

So the lines were in different positions and it needed some cleaning up.

19:05

So when we purchased the property, this goes back to 1957, You'll notice there's a lot in between that was somewhat unassigned.

19:14

If we can move to the next slide of the 1970s.

19:28

From this slide, you can see from the black, you can see where the buildings were actually built sometime between the 50s and 19 and the 60s.

19:37

There was a cabin where Mary owns now is on lot 25 and it's moved over into the other section that was kind of floating there has been tied over to that lot for whatever reason in 1969, that cabin was built.

19:52

Not sure where the which one came first.

19:54

The other cabin on lot 23 was built and the docks you can see a representative.

19:59

We're not sure when they were built originally, but the problem we had with the survey when we purchased the property in 2015 rise the the property line, the shoreline was incorrect.

20:11

It did not extend all the way out to the shore of the lake.

20:14

So when we purchased the property, lot 24 had about I'm guessing about 80 square feet or 80 foot of frontage to the lot.

20:22

And in 19, let me back up over the course of several years.

20:33

The next slide, if you go to 2024, it shows all the layers on one slide where the shoreline was actually extended or property lines were extended, I'm not sure the legal term, but extended out to projected out to actual where the lake edge was that finally put the houses on the proper lot.

20:58

They weren't floating out there in front.

21:00

It took several years and a lot of work to get it this way.

21:04

But part of that in lot 24 is that our frontage and it went over to 15, lot 25 and a lot 24, that line projected out and Mary's lot gained about 80 foot of frontage and ours was reduced down to about 24 foot of frontage.

21:22

Now when Mary purchased the property, the Johnsons were not even aware that they had that shoreline was part of their property.

21:28

We did not tell them that, but they sold the property and Mary benefited from that.

21:35

I find it odd that the one who's benefiting from that is the one that's protesting our variance request from a set back from that line.

21:51

The bottom line here is these are historic lots on Limburg always have had frontage.

21:57

That frontage may have changed so, but they're entitled to having a dock on that property on that lot.

22:03

These lots were purchased for our family members and to deny having a dock or any benefit of the shoreline for lot 24 is just unfair.

22:17

As far as lot line adjustments, you'll notice that a lot line adjustment is not possible over the lot 23 without interfering with the current dock.

22:27

And I've approached Mary about doing a lot line adjustment on her side and she was not interested in that.

22:39

I guess that's probably about it.

22:40

I can go into wetlands, but the part of the property there is a wetlands on that.

22:44

We've gone to the Army Corps of Engineers and gotten a permit to be able to do that where we can build the house a lot 25 or 24, but it has no bearing at all on the shoreline.

22:59

I can go on for way too long.

23:00

Are there any questions?

23:03

Thank you, Sir.

23:04

I do have one question.

23:05

So Mary said you owned other lots here, Yes, that is correct.

23:13

We own Lot 70 and we own these three lots here from Lot 24, Lot 23 and Lot 22.

23:22

But they are owned.

23:24

My wife and I own Lot 23.

23:27

I'm part of the family and the member, the only one knows enough about all this for the family LLC on lot 24 that owns that.

23:34

So there are different entities of the same family members that do own multiple parcels on the on the lake 2423 and you said 22 as well.

23:44

And 70, yes.

23:47

And 70.

23:48

So just to be clear, so you and your wife own 23 and the LLC owns 24, the LLC owns 24 and lot 22.

24:02

OK.

24:02

All right.

24:03

Thank you.

24:04

Thank you.

24:11

Toby.

24:12

Yeah.

24:14

Get to do double duty today.

24:17

Hello.

24:17

My name's Toby DuMont with PCI.

24:20

Just a quick note on the on the lots that the old plat from the 50s meandered and gave everybody 100 feet of frontage along the along the entire subdivision.

24:33

His math wasn't real good and he never mapped out the the shoreline that he shows on the face of the plot and the actual shoreline on the ground are completely different animals.

24:45

These lots all project out to until they hit the water and that ultimately defines what they have for frontage.

24:52

And that's where this lot 24 being angular gets squeezed.

24:58

Thank you.

25:00

Thanks.

25:00

And the piece that that allows each lot to have a dock that's just an agreement with folks who live on Lindbergh Lake or what?

25:10

Remind me what that is?

25:11

They have the 40 feet, but each lot, I thought there's something about each lot is allowed a dock.

25:19

That is correct.

25:20

The dock standards in the shoreline regulation state that one each track is permitted 1 dock regardless of frontage.

25:29

The set back regulations do encourage the use of shared facilities if there is multiple ownership.

25:36

However, that is not necessarily the the standard.

25:38

The standard is that we can permit one per per frontage.

25:41

OK, thanks.

25:49

Any anybody else want to comment on this?

25:51

Do you have any other questions?

26:00

Just yeah, the requirements are the conditions of approval, what would it, how does staff approach focuses concerns or the concerns of the planning board?

26:17

The recommended condition of approval is to have suitable anchoring of the floating dock to avoid drift.

26:23

That way the dock will be in place as shown as a proposed exhibit that is in front of the subject property frontage and not have a significant drift to essentially park itself in front of a neighbor's property.

26:37

OK, thank you.

26:41

Sure.

26:44

It's it'll be up in just a moment.

26:47

Yeah, I'm sorry, I was sharing APDF.

26:52

I have to re re share.

27:00

I have a question for Matt.

27:02

Thank you.

27:03

Matt.

27:03

I'm I'm looking at the staff report and I'm not seeing where that shoreline regulation that that provides for one dock per lot owner.

27:13

Is that reference in the in the staff report any place?

27:18

And if it isn't, could you could we could you just give it to us just for the record?

27:23

Yes, Section 4.3 A2 is a standard for all dock facilities.

27:38

I'll actually show US1 dock is allowed on each waterfront property regardless of lake frontage.

27:46

And I'm going to right here at this 2A number one.

27:58

Thank you.

28:10

And again, the main concern was folks to the Planning Board was drifting.

28:15

That was one concern that came up at the June 4th Planning Board public hearing and other concerns included potential for impacts to the Lakeshore protection zone itself based on just the installation of a dock within this this area.

28:33

However, by having suitable anchoring as condition and adhering to the general construction material standards, those are all intended to minimize adverse impacts such as to any anchoring in the shoreline zone.

28:48

It's itself shoreline.

28:51

Our excuse me planning board members also expressed concerns about the size of the dock on Monday.

28:58

I was describing how the dock or also earlier how it's proposed to be 566 square square feet.

29:06

That was a concern of the planning board.

29:08

We're asking if there could be conditions of approval to reduce that that area.

29:13

So there is an option to have findings of facts and conclusions that tie that impact to any requirement to re reduce that area.

29:20

So the maximum that may be approved, the maximum area that may be approved in a short in a shoreline construction permit is 600 square feet.

29:29

However, unlike the one dock facility per per frontage, that's not necessarily a by right area.

29:37

It can be that that's just the maximum.

29:40

So the proposed area is 566 square feet and the planning board did not recommend any extra conditions of approval to re reduce that area.

29:51

Could you go back to the map please?

29:52

Yes, so could we go to the image where they were numbered so it's a little easier to see and the docks were on there.

30:25

Computers having some hiccups right now.

30:33

Here's another image showing aerial with an overlay of the proposed dock.

30:38

Mr.

30:38

Mccrane mentioned a lot 22 earlier, which is just northeast and adjacent to this lot 20.

30:43

Yeah, I was just curious about that and I please correct me if I get this wrong.

30:48

Then Mary wasn't interested in in selling or doing a boundary line relocation to create enough space to get to the 40 feet.

30:59

How about if Mr.

31:01

Mccrae is the owner of lot 23, Is it?

31:03

Is there enough space to do a boundary line relocation between 24 and 23 to get to that 40 foot distance?

31:13

I can't tell from this picture if the dock on 23 is so close to the the side boundary that that also isn't possible it it may create an additional non conformity with the existing facility if the boundaries move closer to something that exists.

31:31

A boundary line relocation or a subdivision exemption application could be an an option.

31:36

However, there's no guarantee that would be approved based on its evasion review factors.

31:42

So a boundary line relocation in theory could be applied for in this context.

31:47

It may results in additional non non conformity like I said with the adjacent set back or adjacent existing dock.

31:54

So would you would end up then with two non conforming pieces instead of 1 That is possible without knowing the exact measurements of where they would land.

32:07
OK.

32:07
I don't know exactly what how that would fit fit with the existing dock.

32:10
Thanks, Mr.

32:11
McCain.

32:11
I guess I think it's working now.

32:16
Yeah.

32:17
As far as the boundary relocation, it's not feasible to move that over without encroaching on the other dock is a problem.

32:25
That's what I was asking.

32:25
Yeah, it's, it's clearly so close.

32:27
In fact, we're looking to try to configure that so that if we can angle one so that they work together more closely because even now they're so close together, that's a that's going to be a challenge.

32:38
So the worst case scenario, one goes straight out like that and the other one stays angled.

32:43
We'd like to swing that away from Mary's property a little bit more, but we won't know until we get on site.

32:50
As far as I think before the the commissioners is, you know, is the variance going to be accepted, you know, or, or granted or denied If we touched on the idea of a, or there is another reasonable alternative available.

33:06
Yes, we do own other properties, but they're owned by different entities and legally I don't think that's not I don't think legally you can Force One landowner to accept that from another one, but we want to try to lot line adjustment is something we would do, but it doesn't work in this case, unfortunately.

33:25
And having the shared dock, if there was a shared dock on 23 for lots 24 A and lots 23, that's not a possibility either because different ownership or how they're all different ownership.

33:39
Yeah, you I like you couldn't force mayor and I to share the same dock either.

33:43

That's the problem.

33:44

So it's really either it's granted, the variance is granted or it's denied.

33:48

If it's denied, then we don't have a dock or we're going to have to figure something out and try to force some other landowner to share their dock with us.

33:56

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

33:58

So we're placed in a position of either we can have a dock or if it's denied, we cannot have a dock.

34:12

I can get this green button right.

34:14

One other point on this thing is to is that I'm really concerned about if the footage gets reduced, because right now we're looking at trying to cut some corners off of that and reducing it somewhat.

34:25

But we may have to extend that out another five feet just to clear the other dock or to get into deeper water.

34:30

And there's been a lot of work going into the 600 square feet.

34:33

I think it makes sense, but to have a smaller frontage to force us to have a small dock when that's the only access the family really has to the lake.

34:43

It's, it's kind of hard.

34:44

It's be a hardship on the family to do that.

34:47

And it would not allow us to be able, if we have to go to a little bit deeper to get the swing on the dock where we can get boats on both sides of the dock.

34:54

We'd have to come back for another variance for that.

34:59

What were the wetland concerns the the wetlands to the east?

35:05

I'm trying to, oh, I will share my screen again.

35:10

Yes, there is a designated wetland on the property.

35:13

Is it outside or more, more landward?

35:16

It is outside of the shoreline protection zone.

35:19

The applicant did obtain a, it's known as a four O 4 permit from the Army Corps of Engineers for filling a portion of it for driveway construction.

35:32

Trying to show the screen just so we can view that, but that was verified by the county planning office at the time of a prior boundary line, one of the boundary line retracement surveys.

35:42

The prior floodplain administrator did note that that was being approved by the Army Corps.

35:50

The Shrine regulations because they extend only 20 feet from the mean annual high high water elevation aren't applicable to that mapped wet wetland.

36:02

However, one thing I I do plan to do is when it when or if a building permit comes in just to verify that it's it's still in the course for that process of only just to have verbal cop confirmation to know.

36:13

But it's not something that Missoula County would regulate because it falls under the clean water actor four O 4 permit.

36:21

If I may one more time.

36:22

Yeah, There already is an approved building permit for a house on that lot where part of that corner of the house fills in some wetlands that are close to the drainage on the road.

36:33

But this has that's far away from the dock component of it.

36:37

The wetlands are closer to the road.

36:41

Thank you.

36:43

Thank you.

36:43

What are your feelings?

36:53

I think we have an unfortunate situation where these lines were drawn inaccurately a long time ago and then they projected out to meet the actual Lakeshore and we end up in this strange situation where someone has 40 feet of lake frontage.

37:09

My first thought in that the same last name was associated with both these adjoining parcels that a boundary line relocation might not be very difficult.

37:18

But as I understand from what you're saying, one's owned by the family LLC and one's owned by you and your wife.

37:23

And I'm not pre supposing any degree of comity between the two.

37:28

You all may be awesome and it's perfect and it would be no big deal and this would just be convenient or for all I know the LLC is not so happy with you.

37:37

There's no way for us to tell and with Juan and I have both been involved in family businesses and it's not always harmonious.

37:44

So and I understand and appreciate what you said about forcing any adjacent landowner to do anything.

37:51

So my personal feelings are to grant this variance given that there is a hardship.

37:59

There's only there's less than 40 feet here and it would encourage you, and you seem like a, a nice gentlemanly person to do all you possibly can to be considerate of your neighbor, tilt the dock away, do everything possible not to inflict more impact on her.

38:16

And we just resign ourselves to this sad fact that there's less than 40 feet of frontage here.

38:21

That's my personal take.

38:23

Do you have any thoughts?

38:24

No, that that's well said.

38:26

Just process who, who determines how the docks are built and those regulations.

38:41

You mean the actual specifications?

38:43

The specifications and how it's placed, not what angle.

38:46

And so the variance application packet includes the proposed layout, which I can pull up if the variance is granted.

38:55

This can serve as the approve layout, which I'll bring up again, essentially what I had on the screen earlier.

39:03

But with the in the shoreline regulations, if a variance is granted, the county would issue an approval letter serving as the permit with the findings of fact.

39:14

And there are specifications in the application that otherwise comply with the shoreline regulations.

39:21

And there are standard conditions that that they would apply for the materials and dimensions.

39:29

And I would also schedule a, a construction on a, a follow up visit to make sure that it's being built to, to plan, which is a standard operating method for for all shoreline permits.

39:42

OK, thank you.

39:48

Yeah, go ahead.

39:49

I just also want to add that the consolidated Planning Board voted 4:00 to 2:00 and we have great respect for the planning Board and understand they probably spent even more time on this than we did.

40:02

If it was even closer, it would.

40:06

Wouldn't mean as much, but it doesn't mean that to me.

40:11

I just want to honor the Planning board.

40:13

Thanks for saying that.

40:15

OK, With that, I move that the board approve variance for the shoreline regulations for a dock proposed in the side property set back at 7012 Lindbergh Lake Rd.

40:27

I'll second that and call for any other public comment.

40:35

OK, all in favor, aye.

40:38

Thanks everybody.

40:39

And I really appreciate how well mattered and kind everyone was here today on this potentially neighbor conflict issue.

40:45

Thank you.

40:54

Next up is a Deer Creek tracks zoning growth policy amendment and Lauren Ryan will present.

41:04

Thank you, commissioners.

41:22

So for the record, Lauren Ryan, planner with Planning, Development and Sustainability for your consideration this afternoon is an amendment to the growth policy land use designation and zoning designation on track two and three, Certificate of Survey 5850 and Missoula County, as we are proposing to amend these two, the land use designation, the zoning.

41:51

So the two properties are located right off of Deer Creek Rd.

41:57

South of I-90 here adjacent to the Deer Creek Shooting Center and the Clark Fork River.

42:07

There are some adjacent build storage units as well.

42:15

And here's a view of the property.

42:16

This was taken about a month ago.

42:18

There is some more action taking place out here as one of the property owners is building a agricultural warehouse facility out here.

42:26

So this photo is a little outdated.

42:31

So just a little bit of history on these two tracks and how we got to the proposal today.

42:37

So both of these tracks were recently de annexed from the City of Missoula's jurisdiction.

42:43

This was a request by both of the property owners as a petition to D annex from the City of Missoula.

42:50

There was a subdivision that was proposed in 2009 on both of these properties, which is how both of them were originally put in the City of Missoula's jurisdiction.

43:02

That subdivision was approved but was never filed so ended up phasing out.

43:09

Essentially, both of these properties have been vacant for a number of years now.

43:15

The property closest to Deer Creek Rd.

43:18

has historically had beekeeping activity on the property and like I said, is currently building a warehouse which I'll go into in a little bit more under the Title 20 zoning with the city.

43:32

It was zoned R40 out here so that's a pretty low density one per 40 zoning district with the city.

43:49

Computers are struggling today.

43:50

Must be the heat.

43:57

I don't want to press forward too many times.

44:03

There we go.

44:05

All right, so this is a certificate of survey.

44:08

So again, we're looking at this track two and track three.

44:11

Wanted to pull this up to show kind of some just difficulty as far as you know, constraints of development on tract three especially the image is a little small, but there is a 250 foot wide easement for the Bonneville Power.

44:30

There's big transmission lines that go over the property there.

44:34

There's also a underground high pressure gas line that runs through that property additionally.

44:41

And on the next slide, I'll show there's a little bit of floodplain that affects tract three along with that riparian resource buffer as well.

44:49

So the track three is around 47 acres and track two is around 26 acres.

44:56

But as far as development potential on track 3, it's a little bit limited due to those those site constraints.

45:04

Next slide is just a photo of the floodplain here.

45:09

So basically right on the on the Bank of the river there you have floodplain and then again that riparian resource buffer with the zoning also impacts some of the property as well.

45:23

So as I mentioned earlier, the petition to D annex from the city was requested by both of the land owners of track two and three.

45:33

Track two, as I mentioned the one adjacent to Deer Creek Rd.

45:37

is in the process of building a commercial agricultural building.

45:41

That building could not meet the water suppression requirements by the city and therefore prompting the request for D annexation.

45:53

Like I said, these tracks prior to 2009, I'm not sure the exact dates on that were in the county's jurisdiction and went to the city with that subdivision.

46:05

So ultimately you know sort of makes sense for these to be in the county's jurisdiction.

46:12

Tractor there this time does not have any proposed uses, though there is a septic and well permit that is pending at this time for just a single family dwelling unit.

46:33

All right, so staff completed an existing conditions analysis to determine what the appropriate growth policy and zoning designation were on these properties.

46:44

Again, these tracks are wholly surrounded by the county's jurisdiction and zoned areas in the 2019 Missoula Area Land Use Element.

46:55

It's a unique site in the sense that we've got a storage unit on one side, you have I-90, you have railroad tracks and you have a shooting range.

47:04

So, you know, I've, I've stood out there and honestly, the, the sound impact is not as bad as one would think.

47:14

And there was a sound study that was done in 2009 with that subdivision.

47:19

And so, you know, really high intensity, you know, residential use is probably not appropriate for for these two properties as far as growth policy in these surrounding these tracks.

47:33

Particularly we're looking at an open and resource and recreation designation, rural residential and small agriculture and a residential land use designation.

47:49

As far as zoning and this area, you know, since we recently updated the zoning, you know, was recently zoned to these designations.

47:58

So rural residential and small agriculture and resource and open lands zoning are adjacent to the property.

48:06

Municipal sewer and water extend north of I-90 but do not run adjacent to this property.

48:11

And the city did not have any plans to extend any of those services down there.

48:18

Therefore limiting you know density on the property and uses Deer Creek right of way is 50 foot width and paved.

48:28

That road does go through the Canyon river golf course area.

48:31

If you've ever driven down there, you know you're driving by golf carts a lot of time and people walking on the road there.

48:38

So staff determined, you know, wouldn't really be appropriate for the uses on this property to be anything, you know, heavy industrial, commercial or anything like that.

48:46

So that just sort of played into into our analysis for determination.

48:53

So the growth policy amendment is reviewed based on consistency with the Missoula Area Land Use Element adopted in 2019.

49:01

That growth policy amendment is required in order to zone both of these parcels.

49:08

So staff is proposing the rural residential and agriculture growth policy designation.

49:15

You know, the goals of this is to preserve natural landscapes and waterways, provide for real residential uses, but also have support for small agricultural type uses such as the the beekeeping business as well.

49:30

So staff felt that this was the most appropriate land use designation for the property.

49:38

So the zoning of course is based on that growth policy designation recommendation.

49:43

We review the zoning regulations and zoning map amendments with the state law criteria.

49:52

We did have, you know, recent public outreach in this area.

49:56

You know what the zoning adoption process and going back and looking at what the record said there, you know, folks, well, a lot of comments were no more storage units out here, which under the new zoning you cannot do storage units on this property.

50:11

And so, you know, people wanted to keep it lower density kind of open space was people's ideal kind of view of of this area in particular.

50:23

So staff is proposing the AGRR 5, the Agriculture rule residential 5 zoning district.

50:33

Again, the intent of the zoning district really matches what that land use designation is and that you're supporting, you know, you still have space for some small AG out here, supported and lower density residential to preserve, you know, natural landscapes, waterways, that sort of thing.

50:55

And I will note too, we worked with and that's on this note here as far as outreach, we worked with both the land owners and their representatives.

51:04

Since the county was proposing the zoning and growth policy designation, we wanted to make sure that what we are proposing aligned with what their plans were or future plans were for their property.

51:15

So we worked with both of them and they were they were both supportive of the the zoning and land use.

51:23

This is required to be posted in five locations for 45 days.

51:28

There's a legal ad.

51:29

I also attended the Bonner Community Council meeting to give them a heads up on what we're proposing out here.

51:36

And overall they were supportive and really like the idea of, of preserving any, any type of agriculture on especially that track too.

51:48

We did not receive any public comment on these proposals.

51:54

As far as Planning Board goes, they voted unanimously for approval.

51:59

Again, they really wanted to state their support of, you know, keeping some agriculture business alive with the beekeeping business out there.

52:10

And so they were supportive of that land use designation and zoning.

52:15

So as far as process goes, so this hearing today is to adopt the resolution of intent.

52:22

If the commissioners decide to pass this today, after the legal notice goes out, there will be a 30 day period to receive public comments regarding the resolution of intent.

52:34

And right now we have the final resolution to adopt if everything is passed today for an August 22nd public hearing.

52:44

So we have two recommended motions on the screen for you, but happy to answer any questions you may have.

52:53

Thank you.

52:56

Josh is dying to know when the last time we got to de annex anything.

53:02

I did.

53:02

Someone asked this exact question at planning Board and Tim Worley was there and he, yeah, I think he said like 2000, 2008, when like the collapse was kind of happening and a lot of people started to migrate over.

53:18

But yeah, they had the question, you know, does this happen and a lot to the point where, you know, people aren't wanting to meet city regs.

53:25

So they're like, I wanna hop in the county, but no, we don't see that.

53:29

So very early, I don't have any questions is refreshingly straightforward.

53:40

Yeah.

53:41

Anybody have any public comment on this?

53:47

We have a motion.

53:48

OK.

53:49

I move to adopt the resolution of intent to amend the Missoula County Land Use map, Map 18, to assign the rural residential and agricultural land use designation to the properties legally described as Track two and Track 3A Certificate of Survey 5850 based on the findings of fact and conclusions contained in the staff report.

54:06

And I'll second that and once again call for any other comment, public comment, OK, all in favor aye.

54:15

I also move to adopt the resolution of attempt to amend the zoning map to show the properties legally described as track two and track three-year certificate of Survey 5850 as agricultural rural residential 5 AGRR 5.

54:27

Based on the findings of facts and conclusions contained in the staff report.

54:31

I'll second that any public comment on this motion OK, all in favor aye.

54:37

Aye.

54:38

Thanks for all your work on this line.

54:40

Thank you.

54:40

Appreciate it.

54:43

OK.

54:44

Missoula.

54:45

Missoula Rural Fire District annexation petition.

54:48

Sam.

54:49

Oh, not Sam.

54:51

All right.

54:52

Great.

54:52

Thank you.

54:57

Hey there.

54:58

My name is Anna Shiroki, and I am a property records specialist for the Missoula County Clerk and Records office.

55:05

3 petitions to annex land in the Missoula Rural.

55:08

Rural Higher District have been submitted to the Clerk and Recorder.

55:12

While the properties are being presented under one agenda item, they are separate petitions and should be considered for annexation independently.

55:21

They may be approved in bulk with a single motion.

55:24

The first property proposed to be annexed is legally described as the West half of the southwest quarter of the northeast quarter of Section 2 Township 11 N, Range 21 W, with a physical address of 13465 Orion Way in Lolo, Mt.

55:44

The 2nd property is legally described as the West half of the southwest quarter of the northwest quarter of Section 2 Township 11 N, Range 21 W, with a physical address of 1325 O Orion Way in Lolo, Mt.

56:01

And lastly, the third property is legally described as Lot 1 of Wildflower Hills with a physical address of 697 Spanish Peaks Drive in Missoula, Mt.

56:13

The petitions have been signed by the property owners who represent at least 40% of the acreage and 40% of the taxable value of the property to be annexed.

56:23

In addition, a member of the Missoula Rural Fire District has completed an inspection of each proposed property and approve the petition.

56:31

A Notice of Hearing has been published twice in the Missoula IN and all property owners have been notified of this hearing.

56:38

The petitions are now presented to the board for your decision.

56:41

Thank you.

56:43

Thank you.

56:44

Questions.

56:45

Nope, no questions.

56:47

Is there anyone from the Missoula rule who's anything to say?

56:52

Any public comment on this?

56:56

I move that the Board approve the Missoula Rule of Fire District Annexation petitions as presented.

57:01

Thank you.

57:03

I'll second that.

57:05

All in favor, aye.

57:06

Thanks, Hannah.

57:07

Thank you.

57:07

Thanks, Patrick.

57:20

Good afternoon.

57:21

My name is Patrick Swart, and I am a planner with the Office of Planning, Development and Sustainability.

57:27

And I'm going to get my PowerPoint queued up here.

57:38

All right?

57:38

Today I'll be presenting the Paul Dean family transfer requests from Mark.

57:43

Paul Dean to utilize the family transfer exemption to the Montana Subdivision and Platting Act on his property at 12580 Highway 10 E in Clinton.

57:54

And Mark is being represented by Professional Consultants, Inc.

58:05

It's lagging a bit.

58:09

Yeah.

58:09

Must be the heat.

58:21

Let me try sharing this a different way.

58:46

There we go.

58:47

So here's a look at the property location.

58:49

Sorry about that.

58:51

It's right off the Tora exit of I-90.

58:54

Just SE there.

59:00

The property is currently known as Lot 2 of Roski Edition.

59:04

It's 2.12 acres and is unzoned.

59:09

According to the 2002 Regional Land Use Guide.

59:11

It has a recommended residential density of two dwelling units per acre and falls within the Tour activity center of that plan, which identifies this area as suitable for some more concentrated residential development.

59:27

And the applicant is proposing to split this lot in two and transfer a 1.1 acre parcel to his daughter, Haley Paul Dean.

59:37

And the plan is to construct a residence on that property for Haley to reside at.

59:41

And the applicant intends to retain ownership of the remaining one acre tract.

59:51

Here is a look at the proposed conditions with this boundary here splitting it down the center.

59:58

That lot 2, the 1.1 acres, is the one intended to be transferred to Haley and the one below remaining in Mark's ownership.

1:00:08

We reviewed the application against our rebuttable, rebuttable presumptions and general evasion criteria in the Missoula County Subdivision regulations.

1:00:18

It did raise a couple of flags, one in the rebuttable presumptions being that the property is currently undeveloped and the applicant does not live on the property.

1:00:27

And then under the general evasion criteria, the applicant does work in the business of land development and is the owner of ABC Construction and has previously used exemptions to divide property in the past, the example being a 2006 boundary line relocation, but that was on a separate piece of property.

1:00:46

We sent this out to relevant agencies for agency comments and we did not receive any adverse commentary on that.

1:00:55

And if you're here today, Mark, would you mind coming up to the podium?

1:01:04

Hello, my name is Mark Paulding.

1:01:07

I'm the owner of ABC Construction.

1:01:10

The the lot boundary that you were Speaking of.

1:01:14

So back in the day the there is like a pizza pie slice of property that 5 owners across Allen Creek Rd.

1:01:25

had ownership their own little subdivision.

1:01:29

The one guy's like I don't want to own this property.

1:01:33

He went to each person that owned fence line behind our houses.

1:01:42

If if there is a if you can look at that.

1:01:45

Well he was so wanted to sell it for 9500 bucks a person.

1:01:50

I only got like 20 feet of what he owned.

1:01:54

I'm like no, I'm not doing that.

1:01:56

Everybody else turned him down as well.

1:01:59

After about a year, he came back to me since I'd done some work for him and he was a good, he's like Mark, I'll tell you the whole thing.

1:02:06

So I bought this pizza pie slice that we added in that date.

1:02:11

And my daughter was an avid horse rider and we've been basically boarding her horse down the road about a mile and 1/2.

1:02:24

I built a pole barn and we got Nubian miniature goats and put the horse out there.

1:02:29

My daughter's married and living in Texas now.

1:02:33

So that that's the short story on this.

1:02:36

My other daughter Haley, as we all know, with taxes and the ability for a young person to be able to afford to buy a home right now, I'm a builder.

1:02:50

My wife and I bought this property like three years ago not even knowing what we're doing with it.

1:02:56

My daughter and her 2B husband that are getting married next year.

1:03:03

I would my wife and I would love to have our kids near us at and I'm pretty sure if I don't help them with this opportunity, they're probably going to move away somewhere else where they have maybe a better opportunity at affording a home.

1:03:20

And this is my way of I just turned 65.

1:03:26

This is our way of of helping our children.

1:03:32

That's all I have to say.

1:03:35

Thanks for providing that context.

1:03:37

We just have a few questions for you, if you wouldn't mind.

1:03:39

Yes, Sir.

1:03:41

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

1:03:44

No, actually not no I I did not.

1:03:49

So Haley, my youngest daughter out of both Montana born girls, she was the least of the camping and the fishing of when we were camping every other weekend.

1:04:00

Alexandria was the hunter and Haley was Alexandria met a young guy from Texas that their their family had a small ranch.

1:04:11

They sold it and they went back to Texas and now he's a Border Patrol.

1:04:16

He just graduated for Border Patrol.

1:04:20

They are probably not going to be back for many years.

1:04:26

When I found out that the property could not be subdivided, I talked to Toby and Hannah at PCI and they said, well, there's, there's mitigating circumstances.

1:04:38

And so I pursued it with the intention now that I thought I could still, this was supposed to be some retirement money for me and my wife.

1:04:50

I may be a builder, but I'm not a big builder like most dad and these guys.

1:04:54

I'm, I'm just a small guy and, and this is a way to keep my children here close to me and my wife because we live about, we live right across the river on Hampton Drive.

1:05:09

I mean, I don't know how much closer I can get other than buying them a house next door, which they couldn't afford.

1:05:16

So that that's it.

1:05:19

Thank you.

1:05:21

Do you or the transferee intend to transfer the property within the next year?

1:05:26

No, All Righty.

1:05:28

Have you talked with anyone at the county about going through subdivision review?

1:05:35

No, not that I know of, other than through Toby.

1:05:43

Will the property be developed?

1:05:45

Yes, the first property.

1:05:47

Since they're getting married next August, they're going to put more sweat equity into this than you ever seen.

1:05:56

I am not.

1:05:58

I'm 65.

1:05:59

I barely put my bags on it all anymore.

1:06:03

I'm buying him a \$4000 truck.

1:06:05

He's going to be picking up materials.

1:06:07

They aren't going to be camping for a while.

1:06:11

They're going to be working on this home.

1:06:13

And if we're lucky, we could probably afford to get in, do the excavation, get the foundation in.

1:06:22

But we're getting close to the end of the season, you know, depending on how things go.

1:06:30

And you've pretty much answered this last question here.

1:06:33

But for the formality, will the recipient of the property be residing on the property?

1:06:37

Oh, yes.

1:06:39

Oh, yes.

1:06:41

Thank you.

1:06:41

Thank you.

1:06:43

Thanks.

1:06:43

Mr.

1:06:44

Balding, could I do you mind?

1:06:45

Do you mind if I see a question?

1:06:46

Oh, yes, yeah.

1:06:47

Thanks a lot.

1:06:50

So you live on Hampton Way nearby Hampton Drive.

1:06:55

So if you know the little Clinton store and campground, if you just keep going around there, you'll hit Ocean Dr.

1:07:04

Crystal Creek and then Hampton Dr.

1:07:06

really shouldn't be called Hampton Dr.

1:07:08

It's a loop and it just comes back out on Tura.

1:07:11

We are the on the other end of Hampton Dr.

1:07:15

and my wife and I bought that in 1997 and I, I owe like 8 grand on the House.

1:07:24

We've paid it our whole lives.

1:07:25

And good for you.

1:07:27

Yes Sir.

1:07:27

Thank you.

1:07:28

So you're living there?

1:07:30

Yes, Sir.

1:07:31

And you're going to help your daughter build a house on the new piece?

1:07:34

Yes, Sir.

1:07:35

Again, good for you.

1:07:36

What are you going to do with the other piece?

1:07:38

Well, eventually after recovering from helping them build a house, it'll probably sit for a while, but I would like to build another house and, and either hopefully someday by then my other daughter wants to move back.

1:07:56

It's up in the air, but it's residential.

1:08:00

All right.

1:08:01

So my only concern would be that you would build a house and sell it or, or just sell that other lot, which are totally fine things to do, but this is not the right mechanism.

1:08:12

Since here was the give up and my wife and I had to have a chat.

1:08:16

I said, you know, we bought that lot cash out of our savings and we didn't know what we were going to do with it.

1:08:24

We're just like, well, let's just sit on it.

1:08:26

There's nothing wrong with keeping land and you know, we don't make enough money to just develop it and do all of that.

1:08:36

And then recently, within the last six months, my to be son-in-law proposed in front of my parents.

1:08:46

Who is he?

1:08:46

He's we go up in August, he's going to be 93.

1:08:50

And so he did it in front of my parents, which was it's an Italian family that's kind of huge.

1:08:56

A young man's got enough guts to do that in front of my mom and dad.

1:08:59

That's pretty huge.

1:09:00

So at that point it kind of changed and we decided that if we can be done, we're going to give them half of that, which that was part of our retirement money that we invested.

1:09:15

So there'd be no reason to sell the other half of that.

1:09:20

That is mine and my wife and what we are keeping it.

1:09:25

So I'm just curious, when you chatted with Toby about Subdivision, what were you looking into?

1:09:30

Just splitting the lot so I could give one to my daughter.

1:09:33

That was pretty much the Toby's recommendation was since you're giving it to your daughter, do a family transfer instead.

1:09:40

Yes, Sir.

1:09:42

Is that right?

1:09:42

Tell me.

1:09:44

OK.

1:09:44

Thanks a lot.

1:09:45

Thank you, Sir.

1:09:49

All right.

1:09:50

Staff did not find this to be an attempt to evade the Montana Subdivision Plotting Act or our regulations.

1:09:56

So we would be recommending approval.

1:09:59

And if I can get my computer to cooperate, I have a recommended motion for you.

1:10:18

OK, thanks and thanks for questions.

1:10:22

I move to approve the request by Mark Paulding to utilize the family transfer exemption to create and transfer one track to his daughter, Haley Michelle Paulding, as presented in the exemption application and affidavit.

1:10:37

I'll second that and ask for public comment.

1:10:40

Anybody wish to speak to this?

1:10:42

Thanks.

1:10:44

Is there someone online?

1:10:48
OK.

1:10:48
All right, then we'll do a vote.

1:10:51
All in favor.

1:10:52
Aye.

1:10:52
Aye.

1:10:53
Thank you.

1:10:53
Congratulations, Sir.

1:10:54
Thank you.

1:10:55
Thank you.

1:10:56
Yeah.

1:10:56
Thanks.

1:10:56
Toby Met.

1:10:58
Thank you.

1:10:58
Good luck.

1:11:00
And with that, I believe we are adjourned for today.

1:11:02
Thanks all.