1. CALL TO ORDER: Commissioner (Chair) Nicole “Cola” Rowley, Commissioner Jean Curtiss and Commissioner Stacy Rye

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

4. Commissioner Jean Curtiss - reads the 2015 Parks and Trails Steward Award proclamation

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
   None

5. CURRENT CLAIMS LIST
   Current Claims List Dated 11/18/2015 – 12/16/2015 - $4,870,759.67

6. HEARINGS (Certificates of Survey)
   Trenary Family Transfer (Clinton)

Christine Dascenzo Community Planning Services – Consideration for a Family Transfer Exemption affidavit submitted by Guy & Teresa Trenary. Own 3.6 acres in Clinton, MT. Trenary proposal is to create and transfer 2 parcels of 1.2 acres to adult children Aaron Trenary and Andrea Proth for use of residential purposes. Property is compliant with zoning regulations. Trenary transfer triggered 2 in the evasion criteria regulations, to divide a tract that was created through use of and exemption, to divide a tract that will become 1 of 3 or more parcels that will have been divided from the original tract through use of exemptions. Staff recommendation is for approval.

Christine Dascenzo asks Guy and Teresa Trenary the standard family transfer questions.

   Please state your name for the record.

   Guy Trenary – Guy Trenary
Are you using the subdivision exemption process in an attempt to evade subdivision review?

Guy Trenary – No.

How long have you owned the property?

Guy Trenary – 8 years.

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

Guy Trenary – No.

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

Guy Trenary – No.

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

Guy Trenary – No.

Are you in the business of building or developing property?

Guy Trenary – No.

Do you understand that this exemption is not being reviewed for adequate physical legal access by all vehicles in all weather?

Guy Trenary – Yes.

Do you understand that approval of this exemption does not mean that the property is approved for zoning compliance, building permits, flood plain and septic systems or any other permits?

Guy Trenary – Yes.

Will the recipient develop the property?

Guy Trenary – Yes.

Will the recipient of the property be residing on the property?

Guy Trenary – Yes.

Where does the recipient live now?

Guy Trenary – My son Aaron lives in Missoula and my daughter Andrea lives in Kalispell.

**Commissioner Curtiss** – I want to make sure you understand the easement.
Guy Trenary – Yes.

**Public Comment** – None

*Commissioner Rye made motion that the Board of County Commissioners approve the request by the Trenarys to create and transfer two parcels by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review.*

*Commissioner Curtiss - Second*

**Passed 3-0**

**Butler Family Transfer (Frenchtown)** –

**Christine Dascenzo, Community and Planning Services** – Consideration for a family transfer exemption submitted by Teresa Butler who owns 40 acres off Mill Creek Road south of the county line. Butler is proposing to use the family transfer exemption to transfer the southern 20 acres to spouse Stephen Butler. Proposal is compliant with zoning as the property is unzoned. Land use recommendations is 1 dwelling per 40 acres and open-end resource land use designation from the 2002 regional land use guide. This request was reviewed for the subdivision evasion criteria in the subdivision regulations and triggered 4, to divide tracts that were created as part of an overall development plan with characteristics such as common roads utilities, covenant open space etc. to divide tracts that fit a previously established pattern of land division and land transfers, to divided tracts that were recently transferred to the applicant, to divide land for transfer to a spouse. Staff recommends denial.

Christine Dascenzo asks Patricia Butler the standard family transfer questions.

- **Please state your name for the record.**
  - Patricia Butler – Patricia Butler.

  - **Are you using the subdivision exemption process in an attempt to evade subdivision review?**
    - Patricia Butler – No.

  - **How long have you owned the property?**
    - Patricia Butler – Since 1998.

  - **Did you buy the property with the intent of dividing it?**
    - Patricia Butler – No.

  - **Do you or your transferees intend to transfer the property within the next year?**
    - Patricia Butler – No.

  - **Have you talked to anyone at the County about going through subdivision review?**
Patricia Butler – No.

Are you in the business of building or developing property?

Patricia Butler – No.

Do you mind expanding on what LLC business is for?

Patricia Butler – An LLC was that was created because our attorneys said that because we own rental properties that we should get everything that we own out of our name; including our cars and so on and so forth, because of the possibility of lawsuits.

Do you understand that this exemption is not being reviewed for adequate physical legal access by all vehicles in all weather?

Patricia Butler - Yes.

Do you understand that approval of this exemption does not mean that the property is approved for zoning compliance, building permits, flood plain and septic systems or any other permits?

Patricia Butler – Yes. Can I give a little background, because this is all a little confusing. The original purpose of the division of the property was because my husband and I are trying to get ready for retirement. We have a blended family of four kids. We wanted to have four 20 acre lots so that there would be no conflict between the kids. At the time Eli and Associates recommended that we split the profits for financial reason, we couldn’t cover everything. So we did the 80 acres first and my daughters live in the Bahamas, so that’s why we transferred the property to me on that third lot instead of one of my daughters and then the other 40 was transferred to me so that we could do this subdivision later. As I mentioned if I would have known that there was going to be a problem, because we are trying to create the property for our kids, I probably would have found a way to finance it all at one time, but that’s how it ended up the way it is. We recently became owners of rental properties in another state and we were told that we need to get everything out of our name for our own protection.

Will the recipient develop the property?

Patricia Butler – I don’t know; as my husband and I will be able to retire and still pay a mortgage on the property that we have. So we looked at it as an option if we needed to sell instead of doing a reverse mortgage we would rather sell it and put something small on the other southern lot.

So you may sell the northern portion?

Patricia Butler – Lot 4 has our home which is 3,700 square feet. It is a huge home for two.

So the remainder from the previous family transfers?
Patricia Butler – Right, we still owe a couple hundred thousand on that. We don’t want to leave but if we had to we could move to one of the other lots and sell the big house.

Will the recipient of the property be residing on the property?

Patricia Butler – It is a possibility.

Where does the recipient live now?


Commissioner Curtiss – So the two lots that were transferred to the children and then transferred back, this is snoopy probably none of my business and you don’t have to answer it but are the children listed as the LLC? Is it a family LLC?

Patricia Butler – They are not listed as of yet, but this is all going into the estate for them.

Commissioner Curtiss – It was mentioned that you were interested in creating the one lot, would be a cemetery lot and you know there is another process to do that. It does not sound like you have enough people to bury on 20 acres.

Patricia Butler – We have two buried there now. My mother and Steve’s grandfather there, and we just want to preserve that so that it can never be sold by our children.

Commissioner Curtiss – So the pervious lots, one of them have your home on it but other than that you already have 5 lots total currently so that there could be one for each child; except one is encumbered by a cemetery.

Patricia Butler – That and the fact that it is 40 acres. I don’t want the cemetery sold so that gives one child 40. I am in the mist of my father failed to make a couple right moves, and I have been in probate with one brother for 3 years.

Commissioner Rye – Christine in light of that, is our staff still recommending denial of the parcel?

Christine Dascenzo – I don’t think it changes any of the history, which got us to where we are now. I think I would keep my recommendation just based on the history.

Public Comment – None?

Patricia Butler – We are just trying to be fair with our kids and not have a war.

Commissioner Rowley – How many parcels are currently there? 5? And this would make 6? There are 4 children?

Patricia Butler – Yes, 4 children. The big house we maintain it until we die will be sold and divided 4 ways evenly. The 20 acres which is the 5th parcel is the cemetery, which I do not want anyone to sell.
Stephen (inaudible) with Eli and Associates – One of the criteria that Christine comes up with, was that this was a planned development through the access. That was not the case, I think that the road was a logging road and when we divided the 80 acres to the north you always have to provide some access so we did the boundary, but it wasn’t a preplanned development. Also the other criteria is spouse and that your guys rule but it is in the state the family transfer immediate family is spouse that spouse is immediate family. I am still not sure how you guys keep track of this, of how many criteria’s it is. On this one take those into consideration it drops you down to 2. On the one that was just approved there was 6 parcels. I would have bet that you would have recommended denial on that one so I was surprised that you recommended approval.

Christine Dascenzo – I think the difference between the two is that no one from the application was involved with those previous exemptions and that’s not the case here.

Commissioner Rowley – To point out there is no set number of evasion criteria that leads to denial. It is not a numbers, but the pattern of development. It appears potentially that this is an attempt to subdivide the land without going through subdivision.

Stephen Butler – I think the public is complicated the dead transfers, listening to an attorney.

Commissioner Curtiss made motion that the Board of County Commissioners approve the request to transfer the one parcel as it does not appear to evade subdivision review. Commissioner Rye - I would second the motion and I think that I would concur that the history of the quick claim deed, transferring properties back and forth is worrisome and that had me very concerned but after listening to the acclimation regarding the advice from the attorneys and accountants, I can sympathize with that sort of advice when in hind sight you would have done it one way and was told by professionals to do it another, led you down a road where some time later that wasn’t the best thing to do. I still have some concerns, I am not without concerns with the history of quick claim deeds and transferring of properties gives me cause for concern, but will error on the side of benefit of the testimony by the Butlers’. Commissioner Rowley - I sympathize as well, but there are adequate parcels for each child to have a parcel at this time and there has been numerous subdivisions, quick claim deeds complicated this history. I do see this as an attempt to evade subdivision, but the motion is to approve the motion.

Passed 2-1

Moe Family Transfer (Frenchtown)

Christine Dascenzo - Raymond Moe owns 5.39 acres in Missoula near the Wye. The proposal is to use the family transfer exemption to create and transfer one 2 acre parcel to adult child Jordan Moe for residential purposes. The remainder tract would be 4 acres to property is unzoned. The land use recommendation of open end resource, 1 dwelling per 40 acres on the western portion and residential with 1 dwelling per 5 acres on the eastern portion. This family transfer triggered 2 evasion criteria, to divide a tract that was created through use of an exemption, to divide a tract which will become 1 of 3 or more parcels that will have been divided from the original tract through use of exemptions. Staff is recommending approval.

Christine Dascenzo asks Raymond Moe the standard family transfer questions.
Please state your name for the record.

Raymond Moe – Ray Moe.

Are you using the subdivision exemption process in an attempt to evade subdivision review?

Raymond Moe – No.

How long have you owned the property?


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

Raymond Moe – No.

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

Raymond Moe – No.

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

Raymond Moe – No.

Are you in the business of building or developing property?

Raymond Moe – No.

Do you understand that this exemption is not being reviewed for adequate physical legal access by all vehicles in all weather?

Raymond Moe – Yes.

Do you understand that approval of this exemption does not mean that the property is approved for zoning compliance, building permits, flood plain and septic systems or any other permits?

Raymond Moe – Yes.

Will the recipient approach the bench? If you could state your name.

Jordan Moe – Jordan Moe.

Will the recipient develop the property?

Jordan Moe – As of right now no.
Will the recipient of the property be residing on the property?

Jordan Moe – Possible in the future.

Where does the recipient live now?

Jordan Moe – On the other property.

**Commissioner Curtiss** – Did you buy it from the Bick family member?

**Raymond Moe** – No, I bought it from Mick Bicker. He built it and we ended up buying it a couple years after that.

**Commissioner Curtiss** – You always wonder whether people really give it to their kids.

**Public Comments** - None

*Commissioner Rye made motion that the Board of County Commissioners approve the request by Raymond Moe to create and transfer 1 parcel by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Curtiss – Seconds
*Passed 3-0

**7. HEARINGS**

**A. Iverson- Union Creek Open Space Bond Project**

**Kali Becher, Missoula County Parks Trails** – A request for open space funding of $140,000 from Five Valley’s Land Trust for the Iverson Union Creek project.

**Vickie Edwards Five Valley’s Land Trust** - Denny and Charlotte Iverson have been working with Five Valley’s Land Trust to place a purchase conservation easement on approximately 164 acres in the Potomac valley. Iversons’ and Five Valley’s are asking Missoula County for $140,000 of Open Space Bond Funds to go towards the acquisition of that conservation easement. Funds would be matched by contribution from Five Valley’s Audubon Society, Five Valley’s Land Trust and the land owners as well. This project is a two phase project, phase one has already been completed. Conservation values for open space for agriculture production all 164 historically have been managed for agriculture production. No residential dwellings on the property. The conservation easement would not allow for any subdivision, residential dwelling on the property and localizes any permanent agricultural structures to one acre agriculture building zone. The property includes 1.6 miles of meandering Union Creek. Union is a Westslope cut throat trout stream a species of concern in the state of Montana. Property contains 23 acres of mapped wetland and recurring habitat and 20 acres of grass lands. Five Valley’s conducted a bird survey earlier this year. Estimated value of the purchased conservation easement is $164,000, estimated transaction cost $20,300 not including Five Valley’s staff time or legal fees. Total project price per acre $1,124. County total project price per acre $854.
Jeanie Becker - Gave staff report. Five Valley’s Land Trust would hold the conservation easement. November 19, 2015 the Board of County Commissioners determined that this is a qualified open space bond project through adopting Reimbursement Resolution 2015-119 which qualifies the project for funding. Missoula County Open Land Advisory Committee recommends this project for approval, ranked highest in terms of working landscapes, scenic historic values and water quality. The 2007 interlocal agreement related to the open space bond established the general purposes of the bond and this project meets 4 of those purposes, protecting the water quality of river and streams, conserving a working ranch and/or farm, providing open space and scenic landscapes and managing for growth. Total project cost is $184,300, $160,000 is the estimated conservation easement value and $20,300 for transaction cost. The bond funding would be applied towards the purchase of the conservation easement. Five Valley’s Land Trust is requesting 76% of the total project cost this works out to a cost per acre $854. Staff recommends approval. No special conditions.

Halisha Vanderhyden, member of the open land committee – On the behalf of The Open Lands Committee Vanderhyden shows their support for this project.

Denny Iverson, Land Owner – My wife and I have been looking at this property for a long time. We put the easement on the original home ranch, with the intent to use those dollars to eventually buy some more farm land. That opportunity came about 2 or 3 years ago. Our intent was to hold that and eventually put a conservation easement on the original 124 acres, to potentially buy more farm land. These acres are a part of a larger ranch that used to be a part of the Wills Ranch, that I worked on and it was my first job in 1976. A short time after that the family started to split up the ranch. This is a continuing process to try and put some of that ranch back together and it will probably put most of the irrigated land back together. We lease the rest of the irrigated farm land. When the 40 acres came up for sale it precipitated our desire to hurry up to get a conservation easement on the land that we had to be able to purchase the 40 acres, because we are still heavily in debt on the first 124 acres that we bought. That is the main reason we went that route. I have to say Five Valley’s Land Trust have stuck their neck out buying the 40 acres, with the hope that we can get this done. The owner of the 40 acres was a reluctant seller in that he didn’t have anything to buy in. So we are leasing that 40 acres back to him for 2 years. We along with Five Valley’s Land Trust will have control over land management, so they will not be able to graze. The fence that separated the properties has been re-fenced several times and is a management nightmare, but also a nightmare for wildlife and for the fishing. So the intent is to remove that fence and remove that barrier along the creek. We will go to the use of electric fence on either side. There will be a grazing management plan with Five Valley’s Land Trust.

Public Comment – None

Commissioner Curtiss made a motion that the Board of County Commissioners approve the expenditure of up to $140,000 in Open Space Funds via the attached resolution once the purchase of conservation easement totally approximately 164 acres from the Iverson Union Creek project based on findings that the project qualifies for funding and recommendation of the Open Land Citizen Advisory Committee, public hearing comments and staff analysis. Commissioner Rye – Second, Commissioner Rowley – Passed 3-0
B. Designating Common Buckthorn (*Rhamnus cathartica*) as a Noxious Weed in Missoula County

Bryce Christiaens, Weed Coordinator for Missoula County Weed District – Gave staff report. Investigation for year 2015 finds extensive increases in the spread of weed species outside. The City has found along Butler and Grant Creek.

Chris Carlson, City of Missoula Conservation Lands Management – Common buckthorn has been on our radar for about 4 years now. The largest infestation that they know of is up the rattlesnake valley. Buckthorn has been documented as being problematic throughout the northern tier of states. This petition was submitted January of 2014. This is the first weed that Missoula County would add to noxious weed list.

Commissioner Rowley – What is the purpose of listing buckthorn on noxious weed list?

Chris Carlson – Montana Department of Agriculture has 1.5 million dollars each year, that it spends on research and weed removal projects, and by being on the list it makes it eligible for some of that support from the state level.

John (inaudible), Chairman on Weed Board – Commented to the commissioner about the challenge with the invasive species.

Commissioner Rye made a motion that the Board of County Commissioners approve designating the Common- Buckthorn as a noxious weed in Missoula County. Commissioner Curtiss second – Recommend that once approved take it to the Montana Association for resolution. Passed 3-0

C. Petition to Re-Name a Public Road (Larivee Court to Holloran Lane) – Larivee Addition Phase II

Shyra Scott – Petition to re-name Larivee Court has been signed by the majority of the affected land owners.

Commissioner Rowley – Can you please give us a little history?

Shyra Scott, Clerk and Recorder Office – “This is a new process.” Based on the Public Works Manual, a majority of the land owners on that right-of-way need to approve the name change. Currently there 8 lots and 6 of the 8 lots are owned by one individual and the owner of one of the other two lots did not approve the name change.

Commissioner Curtiss made a motion that the Board of County Commissioners approve the request to rename Larivee Court to Holloran Lane as it has met all the requirements of the law. Commissioner Rye seconds the motion. All in favor. Passed 3-0

D. Petition to Annex Property into Frenchtown Rural Fire District (Carr – 23205 9 Mile Rd., Huson)
Shyra Scott - Clerk and Recorder annex property into Frenchtown Rural Fire District. Petition has been signed by property owners who represent at least 40% of the acreage and the 40% of the taxable value of the property to be annexed. Already annex a portion between Nine Mile Road and Cedar Creek Road.

Commissioner Curtiss – Is the fire department contacting the owner of a section in the map that is not annexed yet?

Shyra Scott – Unsure, I can look it up and inquire.

Commissioner Rye made a motion that the Board of County Commissioners approve an annexation of property in Frenchtown Rural Fire District as described by the Clerk and Recorder’s Office otherwise known as 23205 Nine Mile Road, Huson MT – Moved to approve Commissioner Curtiss seconds the motion. All in favor
Passed 3-0

The amendment to surveyor review responsibilities and checklists, and survey review and procedures – This will continue from Nov. 18, 2015 and will continue again on January 13, 2016.

Comments -

Did not state name - Working with WGM and Territorial Landworks and come up with a satisfactory resolution to submit on January 13, 2016.

8. OTHER BUSINESS
   None

9. RECESS
   Commissioner Rowley called recess at 2:50 p.m.