1. CALL TO ORDER
Commissioners Present:  Commissioner Nicole “Cola” Rowley, Commissioner Jean Curtiss, Commissioner Stacy Rye

Staff Present: Pat O’Heren, Community and Planning Services (CAPS); Christine Dascenzo; CAPS; Tyler Gernant, Clerk and Treasurer; Chris Lounsbury, Chief Operating Officer

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS
   ▶ PROCLAMATION: Relationship Violence Awareness Month read by Commissioner Curtiss

4. PUBLIC COMMENT –
5. Clyde W. (inaudible) lives 11280 Kona Ranch Rd. – Issues that have been affecting the members of the Big Flat community. Big Flat Rd joins with Kona Ranch Rd. Access in the big flat area was established approximately 15 years ago where Big Flat Rd makes a 90 degree turn. Surrounding area includes Plum Creek land, where an access point has been used up through Mark Gulch back into U.S. Force Service Land. Currently there is ongoing work in Plum Creek in effort to sell property. Concern among current surrounding land owners and recreationist who feel that access at that point will be closed. Concern is Mark Gulch, Tank Creek due south of Huson, MT.

▶ Commissioner Curtiss - Is that access now a road or a trail?

▶ Clyde W. - Trail, Plum Creek has built a road within 50 feet of the property line, and built switch backs to access property. Current access points that have been traditionally used are, Sherwood Rd., Gulch Rd, Deep Creek Rd, further to the West Albear Creek, Walk Creek. Concern about the construction of Plum Creek Rd around Mark Gulch area, with low cost construction procedure it has led to legal action over dust control and loss of property values. Plum Creek placed an 18 inch culvert into the newly constructed road. Clyde spoke of the debris flow and is concerned that the culvert will not be able to handle the seasonal runoff.
Clyde states material used for the construction are highly erodible, and could be washed out and end up on private property. Clyde is proposing that the county commissioners work with Plum Creek, other land owners, wildlife conservation groups, neighbors and their plans to carry out while remembering about outdoor recreational opportunities.

- **(inaudible)** Representing the Montana Back Country Hunters and Anglers, Retired District Ranger - Urge the County to look for solutions to maintain public access in Plum Creek area.

- **Brain Uggbee** – Land Owner in Section 8 – Feels that these new parcels that are being sold will disrupt the habitat and create more issues for the county.

- **(Inaudible)** - Questions regarding, what is allowed to happen in that area, who is responsible for permitting, and what types of constructions can take place. Citizen has 2 requests,"1 consider working with others to obtain open access to the land, 2nd to the extent that you have authority over this land and jurisdiction over this land and some obligation toward this land that you exercise that.”

- **John Vandervean** – own property that boarders southern parcel in question. Asked that the commissioners help resolve this issue. John stresses the respect that is currently in the area towards the land.

- **Patricia Kelly** – Question about the permitting process, “are there required permits available and have they been issued?”

- **Clyde** spoke in regards to speaking with Elizabeth Erickson from the City.

- **Brian Uggbee** – comment Rocky Mountain is interested in buying private access with easements to allow the public access for hunting.

- **Stephanie Vandervean** resident at 3125 Big Flat rd. – Resident is concerned about what was told to her by the real estate agency that represented Plum Creek, “The real estate agency to me one thing about distances to our property, boundaries and what was going to happen as did the project manager who put the road in, and they turned around and did something completely different and said well they didn’t come under guise of the regulations of the zoning.”

- **Forest June** – spoke with concern about this project, and hopes to keep the access to the public land as accessible as it is now.

- **Chair Rowley** – This is not a public hearing, so we did not have it as an agenda item. We are not trying to keep people from showing up.

- **Pat O’Heren Chief Planning Officer** – Missoula County Community and Planning office thanks you, for contacting our office and expressing your concerns about issues throughout our community. Missoula County has no ability to intervene in a sale of land between two private
property owners. The planning office visited the current owner of the property (Plum Creek). The Community and Planning office visited with the individual who oversees all their land in North America. Plum Creek is one of the largest private land owners in the continental divide. Plum Creek said they would be very happy to work with Missoula County and others in the future. I think there is some hope here that perhaps this access issue, if not on this one particular border section, then the area in general that Plum Creek is interested in working with area land owners and other land trusts. The potential new land owner may be willing to allow some access through the property. It appears from our record search, that access has been historic, has been well used and has been permitted by Plum Creek. This access has been a permissive access not a prescriptive access. I think the best way forward is that land owners get together, to work with Five Valley Land Trust, Rocky Mountain Elk Foundation, Missoula County and Plum Creek to see if there is a long term solution.

**Commissioner Rye** – Subdivision Regulations are contained within Montana statute at the County level?

**Inaudible** - Now that’s true Stacy. The original land owner was Champion National, champion owed the land, I cannot remember the day that champion transferred the land to Plum Creek; but you talked about the use and not prescriptive use. Champion never had a problem with anyone going up there. That did not change until the (inaudible) and others purchased part of Champion’s Land.

**Commissioner Curtiss** – We treat our regulations that apply at private property the same. It doesn’t matter if you’re Plum Creek and you own 22 thousand acres or if you’re somebody that owns 10 acres. We have to be consistent in that, we are not allowed to apply them differently. Please understand that we hear what you are saying

**Chair Rowley** – Attached are two RCA’s that we would like to be on the 4/28/16 agenda:

6. **CURRENT CLAIMS LIST**  
   *September 9 – October 13, 2015* - $5,097,479.43

7. **HEARINGS (Certificates of Survey)**  
   **Dale Denny Family Transfer (Frenchtown)**

**Christine Dascenzo, Missoula County Community and Planning Services** – Family Transfer exemption affidavit submitted by Dale and Karen Denny. Dale and Karen own 21.4 acres. – Dale and Karen are proposing to use the family transfer exemption to create and transfer 3 parcels to parent Ed Denny, and 2 adult children. Parent Ed Denny 5.35 acres, 5.35 acres to Dustin Denny, 5.35 acres to Michael Denny for use of home sites, the remainder tract 5.35 acres. Land use recommendation 1 dwelling per 40 acres. The proposal is compliant with zoning. Transfer is compliant with zoning regulations. Parcels were reviewed for subdivision criteria, triggered 2, to divide a tract that was created through use of land exemption, criteria 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.

**Ask Dale to approach the podium – standard family transfer questions**
State your name for the record.

Dale Denny – Dale Denny

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

Dale – No.

How long have you owned the property?

Dale – 2 ½ months

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

Dale – I did not.

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

Dale – Probably not.

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

Dale – No.

Are you in the business of building or developing property?

Dale – No.

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

Dale – Yes.

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

Dale – Yes.

Do you have the recipient present?

Dale - Yes, my son Michael

Will the property be developed?

Michael – I would like to eventually and just start my career.

Do you know the intent of the other recipients?
Dale – Yes, my other son would like to own a property.

Do you have a parent involved?

Dale – I do. My father is 76 years old, very independent and at some point if he needs assistance I would like to put him back there so we can help him.

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

Dale – Yes.

Where do the recipients live now?

Michael – I live here in Missoula.

Dale – One in Frenchtown and father is in Missoula.

**Public Comments** – None

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*Commissioner Rye made a motion that we approve the request from the Denny family to create 3 additional parcels. Commissioner Curtiss seconds the motion. Motion passes.*

**Patricia Iverson Family Transfer (East Missoula)**

*Christine Dascenzo, Community and Planning Services* - Patricia Iverson owns 6.1 acres in East Missoula and she is proposing to create and transfer 1 parcel to spouse Randy Iverson. 4.1 acres to spouse Randy Iverson for use of a home site, remainder tract 2 acres. The proposal is compliant with zoning, CRR3 with density of 4 dwellings per acre. Property is located outside the flood plain. Staff recommendation is approval.

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**Standard family transfer questions asked by Christine Dascenzo**

Can you state your name for the record?

Patricia Iverson – Patricia Iverson

Are you using the subdivision exemption process to evade subdivision review?

Patricia Iverson – No.

How long have you owned the property?

Patricia Iverson – 20 years in March.

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

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

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

Are you in the business of building or developing property?
Patricia Iverson – No.

Do you understand that this exemption is not being reviewed for adequate physical and legal access by all vehicles in all weather?
Patricia Iverson – Yes.

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

Could you state your name for the record?
Recipient – Randy Iverson

Will the property be developed?
Randy Iverson – At some point in time we are planning on building a retirement home.

Will the recipient of the property be residing on the property?
Randy Iverson – Yes.

Where do you live now?
Randy Iverson – Currently 1480 Renaissance.

Thank you.

 Commissioner Curtiss – Asked Christine to define the boundary line between Patricia’s property and Randy’s.

 Public Comments – none

 Commissioner Curtiss moved that the Board of County Commissioners approve the request by Patricia Iverson to create and transfer one additional parcel by use of family transfer exemption based on the fact that it does not appear to be an attempt to evade subdivision review. Commissioner Rye seconds. Motion passes.
HEARINGS (Annex Property into Missoula Rural Fire District)

a. Guy & Sharon Bingham (Keegan Trail)

Tyler Gernant - Missoula County Clerk and Treasurer
Petition has been received by the Clerk and Recorders office for a parcel of land located in Missoula County and Missoula Rural Fire District which has been checked and verified it contains the signature of 40% or more of the owners of the real property within the proposed area to be annexed and of the owners of the property representing 40% or more taxable value of the property within the proposed areas to be annexed. Owners of the property to be annexed Track A1 of survey 5183 located west half of section 21, T14N, R19W, – principal ready commonly known as Keegan Trail. Notice of agreement was published twice in the public newspaper on Oct. 4 and Oct. 11.

Commissioner Curtiss - Record should reflect the Missoula Rural Fire District approved the annexation.

Public Comment – None

Commissioner Rye - Where is the property?

Tyler Gernant – Grant Creek

Commissioner Curtiss – Sometimes the fire department is working hard to identify properties that haven’t technically been recognized and so we are making sure that they are included, one for protection and the other is so that they can contribute to the fire district’s budget.

Commissioner Rye made motion that the commissioners approve the petition to annex 9214 Keegan Trail into the Missoula fire district. Commissioner Curtiss second – Motion Passes

Close the hearing on Keegan Trail.

Bert/Green/Coan (Black Fox Trail) –

Tyler Gernant, Missoula County Clerk and Treasurer – Petition received by Clerk and Recorder office, annex of parcel and land located in Missoula County and Missoula Fire District, which has been approved by Missoula Rural Fire District. Petition has been checked and verified it contains the signatures of 40% or more of the owner of the real property within the proposed area to be annexed. Owner of the property representing 40% or more taxable value of the property within the proposed areas to be annexed there for meeting the Montana Code requirements. Owner property to be annexed, Lot 4 in NW corner of section 2, T13N, R19W described as parcel A of COS 2507, parcel number 5840460, commonly known as 5828 Black Fox Trail in Missoula, Montana. Petition has been paid in full. Notice of the hearing has been published twice in approved newspaper article on Oct. 4 and Oct. 11.
Commissioner Curtiss – So this is just one property but it has three owners?

Tyler Gernant – That is correct.

Commissioner Curtiss – That has been accepted by the Missoula Rural Fire District?

Tyler Gernant – That is correct.

Commissioner Rye – Could the property owners protest this annex?

Tyler Gernant – Yes they actually have to be the ones to petition so they have to have 40% or more.

Commissioner Rye – Does the fire district ask people to ask to be included?

Commissioner Curtiss – I think they’re being proactive in trying to identify parcels that have been missed over time.

Tyler Gernant – The statute requires 40% or more of (inaudible) and 40% or more of the (inaudible).

Commissioner Curtiss – In reality this is going to reduce their fire insurance.

Public Comment – none

Hearing Closed

Commissioner Curtis made a motion to the Board of County Commissioners to accept the petition for annexation into Missoula Rural Fire District for parcel located at 5828 Black Fox Trail Missoula, MT. Commissioner Rye second – Motion is approved.

Douglas & Janet Stewart (Deer Creek Road)

Tyler Gernant, Missoula County Clerk and Treasurer - Petition received by Clerk and Recorder office, annex of parcel and land located in Missoula County and Missoula Fire District, which has been approved by Missoula Rural Fire District. Petition has been checked and verified it contains the signatures of 40% or more of the owners of the real property within the proposed area to be annexed. Owners of the property representing 40% or more taxable value of the property within the proposed areas to be annexed there for meeting the Montana Code requirements. Area to be annexed is described as Lot 6 section 6, T12N, R18W, parcel number 5829251 publicly known as 4283 Deer Cr. Road Missoula MT. Missoula Rural Fire District has approved and accepted this petition. Notice of the hearing has been published twice in approved newspaper article on Oct. 4 and Oct. 11.

Public Comments – None
Close Hearing

Commissioner Rye made motion that Board of County Commissioners approve the petition to annex a parcel of land into the Missoula Rural Fire District commonly known as 4283 Deer Cr. Road Missoula, MT. Commissioner Curtiss second – Motion is approved.

8. OTHER BUSINESS - None

9. RECESS – Hearing was called to recess at 2:50 pm.