PUBLIC MEETING
BOARD OF COUNTY COMMISSIONERS
WEDNESDAY, NOVEMBER 18, 2015 – 1:30 P.M.
ROOM B14 – ADMIN BUILDING
MINUTES

If anyone attending the public meeting needs special assistance, please provide advance notice by calling 258-4877. Missoula County will provide auxiliary aids and services.

1. CALL TO ORDER

Commissioners Present: Commissioner (Chair) Nicole Rowley, Commissioner Jean Curtiss, Commissioner Stacy Rye.

Staff Present: Christine Dascenzo - Community and Planning Services, Corryn Greenawalt - Public Works Surveyors, Kali Becher - Community and Planning Services, Matt Jennings - County Attorneys, Shyra Scott - Clerk & Recorder, Steve Niday - Public Works Surveyor

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS
None

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
None

5. CURRENT CLAIMS LIST
November 5, 2015 through November 17, 2015 - $4,470,979.42

6. HEARING AND DECISION (Continued from 11/4/2015)
Petition to Alter a Portion of Mullan Road (Sections 4 & 5, T13N, R20W)

Steve Niday, County Surveyors’ office - Gave staff report. Viewing was performed on November 16, 2015. In attendance were Commissioner Rye, Steve Niday, Jen Turner MT DOT, Garrick Swanson, Missoula County Parks and Trails and three interested local residents. Reviewer reports reads, “The petitioners request the right of way for Mullan Road alter to 60’ wide and centered on the existing road. The viewers acknowledge the current legal width of the right of way is 66’ wide but in the interest of reducing conflict of existing surveys and public and private improvements, recommend the reduction to 60 feet. It is also recommended that a COS be recorded to further define and memorialize the location of the new and altered right of way. To proving the petition and recording the resolution to that effect will benefit the public, the County and the Montana Department of
Transportation. It is the opinion of the road viewers that this petition should be approved and the right of way be altered.”

**Commissioner Rye** – “The viewing was very interesting and Jim Turner has done the County a huge favor by clearing up this road for us to be able to alter legally.”

**Public Comment** – None

*Commissioner Curtiss made a motion that the Board of County Commissioners accept the viewers report as written and given. Commissioner Rye second.*  
*Passed 3-0*

7. **HEARING (Certificate of Survey)**  
**Bashor Family Transfer (Near Frenchtown)**

**Christine Dascenzo, Community and Planning Services** - Gave staff report. This is a consideration of a Family Transfer Exemption Affidavit submitted by Robert and Michelle Bashor. Robert & Michelle own 5.51 acres between Missoula and Frenchtown. The proposal is to create and transfer 1 lot of 2.5 acres to adult child Shelby Gordon for residential purposes. Remainder tract will be 3.01 acres. The proposal is compliant with zoning regulations. The parcel was created in 1979, when Mr. Beck transferred 3 parcels using the family transfer exemption. Bashor were approved for family transfer in 2007, but the intended recipient passed away prior to the filing. There is one structure and one out building on the parcel and none of them are located on the proposed transferred lot also out of the flood plain. The proposal triggered two evasion criteria, to divide a tract that was created through use of exemption, to divide a tract that will become one of three or more parcels that will have been divided from the original tract.

Christine Dascenzo asks the standard family transfer questions.

Please state your name for the record.

Robert Bashor – Robert Bashor

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

Robert Bashor – No.

How long have you owned the property?

Robert Bashor – Approximately 9 years.

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

Robert Bashor – No.

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

Robert Bashor – My son might sell it if he needs college tuition.
Possibly within the next year?

Robert Bashor – Possible that will be up to him.

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

Robert Bashor – My wife is handling this mainly, and she is unable to attend the meeting, So I do not know.

For the record, I did meet with Michelle in June to discuss possible subdivision.

Are you in the business of building or developing property?

Robert Bashor – No.

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

Robert Bashor – 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?

Robert Bashor – Yes.

Will the recipient develop the property?

Robert Bashor – She may build a house on it.

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

Robert Bashor – Not immediately, but possibly.

Where does the recipient live now?

Robert Bashor – Lives off of Wyoming St. Missoula

Public Comments – None

Commissioner Rye made motion that the Board of County Commissioners approve the Bashor family transfer. Commissioner Curtiss second. Passed 3-0.
8. HEARINGS
a. Adopt Resolution to Define Departmental Responsibilities for Reviewing Final Plats and Certificates of Survey and Adopt Amended Checklists

Shyra Scott, Clerk and Recorder’s Office is asking the commissioners to consider adopting a resolution to replace resolution 83-24 and resolution 86-33. Resolution which defined the departments’ responsibilities for reviewing plan and subdivision plats amended plats and certificates of survey. In order to provide the public clear guidance regarding family surveys in Missoula County and clarifying departmental responsibilities for fielding surveys, as well as insured surveys by Missoula County conform to current subdivision regulations and statute. The Missoula County Surveyor’s Office, County Attorney’s Office, City-County Health Department Environmental Health Division, Community & Planning Services, Public Works and Clerk and Recorders Treasurers Office are proposing the adoption of the resolution. Receive feedback and suggestions from the public and made adjustments accordingly. These new procedures and checklists allow the public and departmental officials forgo unnecessary review process.

Misty Zahn, Territorial Landworks, Inc. – General questions – “When will these be implemented? Verifying that all the agencies are making sure to get the information back to their departments, so that everybody is on the same board and knowing where things need to be initialed the N/A’s all those requirements. This causes us a lot of inefficiencies going back to those various agencies. Under the amended plats, this will apply under the amended plats, the survey, the COS. Clarification that they are not re-doing the exemption affidavit its already been approved by their office and they’ve already issued the letter, so making sure that they’re not going back and duplicating applications that have already been completed? Under #4 states that they’re verifying that taxes are not delinquent. This is something that Territorial Landworks, Inc. runs into issues with are individual land owners and developers that they have a very difficult time understanding. Wondering if that could be clarified per Missoula County Subdivision regulation 1.8.3.8? Under #5d Clerk and Recorder, maybe add that a N/A is ok, it says it on the check list but it does not state that in the resolution. So maybe clarifying that so that there is no confusion. Additionally under #5a, clarification if an actual copy of the letter or the original signed copy is required. On Certificate of Survey, same question under B2 and B4 regarding the taxes the exemption affidavit review as with amended plats. B3b does not give the (or) the health department can attest that, that was not required. Make sure that departments are duplicating the review process. Under the C Final Subdivision Plats #2a, checklist seems clear but in the resolution it might be confusing. Add language regarding a subdivision guarantee. Under the Subdivision Plats #5b, clarification from the departments, we have worked kicked back for differences in formatting and minor spelling and grammar from documents that was prepared by the attorneys. Under 5f, clarifying that what they are looking for under the flood way shown on the plat is not a duplicate of what the surveys office is already completing. Under 6 and 7 same comment to be using the N/A instead of just the initials.

Shyra Scott - Answer Misty question in regards to copies. It is a matter of training with both the copies and N/A question.

Commissioner Curtiss - Clarify a question in regards to delinquent taxes.

Shyra Scott – Will update the delinquent tax languages to reflect what is stated the Missoula County Subdivision Regulations.
Commissioner Curtiss – Work with someone to help clarify the language.

Shyra Scott – Checklist made available.

Commissioner Curtiss – Would it be fair to say January 2 for an effective date?

Kirin – I don’t envision too many problems with the one that are already in the process.

Commissioner Curtiss – This will be effective certain date and the ones in the process would be grandfathered in.

Kirin – Survey office will take on the responsibility of making sure once the effective date hits the new ones are attached from the beginning.

Shyra Scott – Hope was to keep the resolution pretty vague.

Commissioner Curtiss – Agree, but in some circumstances you will need the (or). Maybe that just needs to be formatted.

Kurt Adkins, Consulting Land Surveyor, WGM Group - COS in 3b, needs to be added that an exemption letter could be provided for a COS. Amended plats, COS and the moving of boundary are basically the same thing, just one says, “amended plat,” because it’s happening within a subdivision. Agreed with Misty. Mr. Adkins adds additional information to the final subdivision plat checklist.

Shyra Scott – We did discuss combining amended plats and Certificate of Survey checklists. The departments decided that would be more clear for the public if they were two separate.

Commissioner Curtiss - Leave contact information with Shyra Scott.

Commissioner Rowley – Continue this hearing on Dec 16, 2015

Wisher-Blackfoot Canyon Open Space Bond Project

Kali Becher, Missoula County Parks Trails and Open Lands – The hearing today is in regards to the Open Space Bond funding. Approved by the public in 2006 as a $10,000,000 bond to preserve the open space in Missoula County.

Vicki Edwards, Five Valleys Land Trust – Vickie gave staff report on Wisherd-Blackfoot Conservation Easement. The easement is on approximately 300 acres owned by Bonnie Wisherd Brewer located east of Bonner in the Blackfoot drainage. Five Valleys is requesting from the Missoula County Open Space Bond Program, $70,000 to help purchase this conservation easement. Funds will be matched from Five Valley Land Trust as well as a contribution from the Montana Wild Sheep Foundation. The property is located in the Potomac Greenough Planning Region surrounded by currently protected lands. This property was homesteaded back in the early 1900s. The property has been in the Wisherd family for over 100 years. The property contains conservation values, fish and wildlife habitat, open space, scenic views and agricultural soils. Year around habitat for the Bonner Big Horn Sheep along with, Moose, bear, elk, etc. This property has been identified by Montana Fish, Wildlife and Parks as
a tier 1 terrestrial focal area. Letter of support was submitted from Montana Fish, Wildlife and Parks. This conservation easement would help protect habitat along the Blackfoot River as well as provide scenic views. There will be no additional residences on the property outside the current residents. There will be no subdivision of the property. To protect the big horn sheep there will be no domestic sheep and goats. Estimated budget, the conservation easement value $100,000, estimated transaction cost not including Five Valley staff time and legal fees estimated at $20,700, total project cost of $120,700. Five Valley Land Trust will cover all transaction cost as well as $5,000 towards the purchase conservation easement. Montana Wild Sheep Foundation has contributed $25,000 to the easement.

Kali Becher - Gave overview of the project with a staff report. This project meets 4 of the Open Space Bond criteria, protecting the water quality of rivers and streams, protecting wildlife habitat, conserving a working farm, providing open space and scenic landscapes. Total $130,000 final easement approves $110,000, and $20,700 transaction costs. The bond funds would be applied to the purchase of the conservation easement. Staff recommends approval of this project. No special conditions.

Cylis Brewer, Owners grandson – states he grew up and spent all his summers on the property. I would like to see some of my grandmother’s spirit be left in this project. Spoke highly of the property.

Commissioner Curtiss made motion that the Board of County Commissioners approve the expenditures of $70,000 of Open Space Bonds via the attached resolution towards the purchase of the conservation easement on approximately 290 acres for the Wisherd-Blackfoot Canyon project based on the finding that the project qualifies for funding, on the recommendations of the Open Lands Citizen Advisory Committee a public hearing and a staff analysis. Commissioner Rye second. Passed 3-0

Boyer-Roman Creek Open Space Bond Project

Kali Becher, Missoula County Parks Trails and Open Space - The hearing today is in regards to the Open Space Bond funding approved by the public in 2006 as a $10,000,000 bond to preserve the open space in Missoula County.

Vickie Edwards – This is the third and final stage of protecting the historic Boyer Ranch in the Frenchtown Valley. Purchase conservation easement on approximately 118 acres owned by Joseph Boyer Jr. located in the Frenchtown/Huson planning region. Five Valleys is requesting from the Open Space Bond funding $80,000 to contribute to this project. Other contributors matching and contributing to this fund include Five Valley Land Trust, Five Valleys Audubon society, Montana’s Outdoor Legacy Foundation, Ducks Unlimited, LLC and substantial land owner contribution. This project has protected 1,079 acres thus far within the Frenchtown Valley. The property has been in the family for over 100 years. The Roman Creek property is managed first and foremost for agricultural production, but also contains wildlife values on this property. Conservation easement terms to help protect the values of this property include maintaining existing agricultural use of the property, one residence permitted on the property, no subdivision permitted on this property. The estimated budget for the project totals $170,200 a $150,000 of that is for the purchase of the conservation easement. The estimated transaction $20,200, requesting from the Missoula County Open Space Bond program $80,000, Five Valleys Land Trust is contributing $25,200 which would cover transaction costs as well as
$5,000 for the purchase of the conservation easement. Other contributors include Five Valleys Audubon Society, Montana Outdoor Legacy Foundation, Ducks Unlimited, LLC. and land owner donation.

Kali Becher - Gave overview of the project with a staff report. This project proposes to use up to $80,000 of Open Space Bond Funding, for the purchase of conservation easement of approximately 117 acres owned by Joseph Boyer Jr. Missoula County Open Citizen Advisory Committee met on October 15, 2015 and recommends approval of this project. The 2007 inter local agreement related to the open space bond established the general purposes of the open space bond, this project meets 3 of those established purposes; protecting the water quality of rivers and streams, conserving a working ranch and protecting wildlife habitat. This project is undeveloped agricultural lands and it contains soils classified as a prime irrigated by NRCS. The total project cost is $170,200, estimated conservation value $150,000 and transaction cost of $20,200.

Commissioner Rye – Question regarding what transaction cost consist of.

Kali Becher – Response, transaction costs include stewardship fees, appraisal and other real-estate transaction cost.

Vickie Edwards – portrayed more on the subject of transaction cost.

Commissioner Rye – What is the balance of the open space funds?

Kali Becher – Factoring in the Wisherd project, 1.37 million dollars remaining, 3.63 million has been spent from the 5 million dollar portion that the County manages.

Jeanna Boyer – Commented on the property and the opportunity it holds for the family.

Commissioner Curtiss made a motion that the Board of County Commissioners approve the expenditure of up to $80,000 in open space bonds and funds via the attached resolution towards the purchase of the conservation easement totaling $117 acres for the Boyer-Roman Creek project based on the findings that the project qualifies for funding recommendations of the Open Land Citizen Advisory Committee, public hearing comments and staff analysis. Commissioner Rye second.

Passed 3-0

9. OTHER BUSINESS

10. RECESS

Meeting called to recess at 2:53 pm.