COMMISSIONERS APPROVAL

GRANDSTAFF CG

ROKOSCH

THOMPSON AT

CHILCOTT GC

DRISCOLL KD

PLETTENBERG (Clerk & Recorder)

Members Present..... Commissioner Carlotta Grandstaff, Commissioner Jim Rokosch, Commissioner Alan Thompson, Commissioner Greg Chilcott and Commissioner Kathleen Driscoll

Date.....October 3, 2008

Minutes: Beth Perkins

►The Board met for commission action on the appeal of a subdivision exemption denial for Sandra Hill (Terry Basolo). Present were Clerk & Recorder Regina Plettenberg, Deputy Clerk Linda Biesel, Planner Randy Fifrick, Sandra Hill, Jack Basolo, Terry Basolo and Roger Mikesell.

Commissioner Grandstaff called the meeting to order.

Regina gave an overview of the process of subdivision exemption and the denial basis. Terry presented a timeline to the Board of the family transfer to date. He explained when exactly the parcel went up for sale. Commissioner Rokosch questioned the remaining listings for March 2008. Terry clarified the listings for the remaining parcels and reviewed the memo he prepared as well as his current financial situation.

Roger Mikesell stated Terry borders his property. He is a great neighbor and friend. Roger stated two years ago, his diversion washed out and Terry was very good to him when it could have been a difficult situation. He stated Terry's property is well maintained and properly cared for. He is a good neighbor.

Terry presented three more letters from neighbors stating the property is high quality and well maintained.

Commissioner Rokosch requested clarification for the listing of the final plat recording. Terry replied he met with PCI in September 2007. He stated his father's parcel is in the subdivision review process. Commissioner Grandstaff requested basis for denial. Regina

replied it is the timeline and that all three parcels were up for sale within a year and the mortgages are under Terry's name. She stated the evident problem is with one mortgage and several owners. Commissioner Rokosch stated so we are seeing multiple gifts creating liability. Sandra stated the reason she does not have equity in the property is because it was intended for her to build a home and now due to financial constraint plans have changed.

Jack stated there is a statement that there is no equity in these two parcels. There is some decent equity in them. Commissioner Chilcott stated under title 76, these tracts are gifted or for sale. Further discussion followed regarding title 76. Commissioner Chilcott stated his problem is with the term "hardship". Hardship is not defined as financial hardship. He stated the Board is empathic and sympathetic. However, as defined by law hardship is more geographical. Commissioner Thompson stated family transfers within Montana law are a way for people to give a piece of land to their children or relatives. He explained a certain case and the legal ramifications of that case. He stated there is a three year timeframe set by this county for the sale of gifted tracts to address the concern of subdivision evasion. Although the Board is discussing hardships and timeframes, we have the power to grant this on a level of compassion. He is assuming he is hearing the truth regarding the financial hardship. Commissioner Chilcott stated under the family transfer operation policy, there is a three year waiting period, although there is some latitude there has to be legal basis. Commissioner Thompson stated it is easy to follow the law but there are certain situations where there has to be some latitude. Commissioner Rokosch stated the policy was four to five years waiting period at the time it was done. Commissioner Chilcott replied that was a recommendation of the County Attorney's Office not part of the regulations. Commissioner Rokosch questioned the time line and filing of the subdivision on parcel C. He stated Terry knew at that time the transfer was going to happen as well for parcel A. Terry replied actually that is not true. Terry explained his financial situation and stated it is not his wish to sell this property but he does not want to lose his home. Jack added this family has tried every possible alternative.

Commissioner Driscoll stated she has watched the pattern of what is happening and is sympathetic. She explained she also knows of the high risk with this path. She stated she knows there will be more cases similar to Terry's coming forward with the economy. Commissioner Chilcott stated Commissioner Thompson raised a good point with the application made two and a half years ago and they have made a pretty strong case with the current economy. It is not clear when the three year clock starts ticking. Regina replied the waiting period starts when the plat is filed. They have the option of changes within the timeframe.

Commissioner Rokosch stated he is struggling with the timeframe. He asked if the impacts could be mitigated with a deed restriction on the 10 acre parcel. Terry replied he would be willing to do that. Commissioner Driscoll asked Terry what his intentions are from a developing point of view. Terry replied he is not a developer but has been forced into a subdivision process with Parcel C. Sandra stated the reason why Terry sold his business is because of health issues.

Commissioner Grandstaff stated she agreed with Commissioner Rokosch's suggestion of a deed restriction on parcel A.

Commissioner Chilcott made a motion to approve Parcel A sale based on a deed restriction and recognizing it is not a subdivision evasion attempt. Commissioner Driscoll seconded the motion and all voted 'aye'.

►The Board met for approval of Resolution for Appointment of Special Deputy County Attorney civil case. **Commissioner Thompson made a motion to approve the resolution for the appointment of a special Deputy County Attorney for civil case. Commissioner Driscoll seconded the motion and all voted 'aye'.**

►The Board met with Juvenile Detention for a decision on hiring a teacher for juveniles being held in detention. Present were Cal Robinson and Lori Roderick.

Cal gave an overview and stated his wife who is a certified teacher has been coming in and working with the kids. **The Board directed Cal to meet with Human Resources Director Robert Jenni for direction on this position.**

►The Board met for approval of the final plat for Denney subdivision. Commissioner Grandstaff read the memo submitted by Planning Staff. **Commissioner Chilcott made a motion to approve the final plat for Denney Minor subdivision as recommended by Planning Staff. Commissioner Driscoll seconded the motion and all voted 'aye'.**