

**Doc # 397155 Fee: \$0.00**

Commissioners Minutes

Macque L. Bohleen, Clerk & Recorder, Carbon County, MT

Recorded 9/22/2023 At 3:04 PM

By *Prue Helmuth, Deputy*

**167**

## **COMMISSIONERS' PROCEEDINGS**

August 22, 2023

Commissioners Scott Miller, Scott Blain, and Bill Bullock; and Administrative Officer Angela Newell were present.

8:30 Pledge of Allegiance.

Residents of Belfry met with Commissioners regarding the old highway access to Belfry.

Discussed Joliet property sale. The property sold for \$405,000 (the property was purchased for \$350,000).

Discussed last night's Fair Board meeting and rental of the Fairgrounds for a Rodeo event. Commissioners expressed frustrations with events that use both facilities not having rental arrangements for the Fairgrounds done until the last minute.

Bullock moved to approve Justice Court End of Period Disbursement for July 2023; Blain seconded; motion carried.

Bullock moved to approve Commissioners Proceedings for July 25, August 1, and August 3; Blain seconded; motion carried.

9:30 Bullock discussed land use agreement for the bridge reconstruction laydown yard. Blain moved to approve the Land Use Agreement with Julia Higgins; Bullock seconded; motion carried.

Newell Discussed Road Capital fund balances and budget balancing progress. Commissioners would prefer departments suggest cuts to close the 6% gap rather than taking on the cuts themselves.

11:00 Clerk and Recorder Macque Bohleen, County Attorney Alex Nixon, Contract Planner Forrest Mandeville, Kate Stout of Red Lode Surveying, and Jade Flanagan were in attendance to discuss the Appeal for the Spencer Family Transfer Denial. Mandeville reviewed his staff report. Bullock having reviewed and considered the application materials, project memorandum, public comments, and all of the information presented, moved that the determination to evade the subdivision and platting act is not overcome and to deny the exemption; Blain seconded; Bullock asked if denial would preclude minor subdivision and what is the difference. Mandeville noted the cost and timeline are significantly lower for a Family Transfer; Nixon interjected that if the goal is to sell the parcel, a subdivision would probably be faster than waiting one the two-year holding period now required of Family Transfers.


**COMMISSIONERS' PROCEEDINGS**

August 22, 2023 (cont.)

Nixon noted that the application specifies that because the applicant can't do a family transfer to a sibling, the remainder parcel appears to be created only for the transfer to evade subdivision, Nixon cautioned against setting a precedent of allowing remainder parcels to be created. Blain noted numerous incidents of family transfers being created for the purpose of a de facto subdivision. Nixon reiterated that remainders are problematic for the County. 11:12 CJ and Macy Spencer joined the meeting. Bohleen asked what was the basis of the appeal. Flanagan asked what was improper about division. Mandeville noted County Subdivision Regulations do not allow for a remainder tract to be created. Spencer argued that the purpose is ultimately to transfer the parcel to a family member. Blain noted he would like to allow them to do what they want with their land, but does not want to set a precedent, especially with the history of a majority of family land transfers being sold in short order. Nixon noted he believes the correct process would be to go through minor subdivisions, as siblings do not qualify for a family land transfer. Mandeville noted siblings have never been eligible for Family transfer since the Subdivision and Planning Act was put in place in the 1970s. Motion carried.

12:00 Adjourned.

ATTEST:

  
Clerk

  
Commission Presiding Officer

Respectfully submitted: Angela Newell, Administrative Officer