

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, JULY 1, 2021 – 2 PM

**Hybrid meeting – Missoula County Courthouse Annex Sophie Moiese
Room/Microsoft Teams**

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Time stamps (in green) correspond to meeting recording above. Please click to
the time stamps listed to view a particular item in the meeting.

ATTENDANCE:

Commissioners Present:

Chair Strohmaier
Commissioner Slotnick
Commissioner Vero

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office
John Hart, Civil Deputy Attorney, Attorney's Office
Bradley Seaman, Elections Administrator, Elections
Nick Zanetos, Planner, Community and Planning Services
Bailey Minnich, Planner, Community and Planning Services
Tim Worley, Senior Planner, Community and Planning Services
Allison Franz, Communications Manager, Communications
Anna Conley, Chief Deputy Civil Attorney, Attorney's Office
Sarah Coefield, Air Quality Specialist, Environmental Health
Caroline Lauer, Climate Resilience Coordinator, Community and Planning Services
Kyla Lehnerz, Administrative Assistant, Commissioners' Office
Erica Grinde, Director, Risk and Benefits
Emmie Bristow, Community Engagement Coordinator, Communications
Sarah Bell, Communications Coordinator, Communications
Nathan Cohan, Deputy Elections Administrator, Elections
Chris Lounsbury, Chief Administrative Officer
Mel Fisher, Strategic Initiatives Manager, Communications and Projects

1. **CALL TO ORDER** *[Time stamp – 00:05]*
2. **LAND ACKNOWLEDGEMENT** *[Time stamp – 00:12]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the
Salish and Kalispel people.
3. **PLEDGE OF ALLEGIANCE** *[Time stamp – 00:25]*

4. **PUBLIC ANNOUNCEMENTS** [Time Stamp: 00:55]

a. **Proclamation: Wildfire Smoke Ready Week**

5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** [Time Stamp: 06:18]

[None]

6. **CURRENT CLAIMS LIST** [Time stamp – 06:40]

Claims received as of June 18, 2021 to June 21, 2021 by the Commissioners' Office total \$1,798,269.03.

7. **HEARINGS**

a. **Ramos Family Transfer** [Time Stamp: 07:15]

Nick Zanetos, Planner, Community and Planning Services

[Continued to August 12, 2021 Public Meeting]

b. **Woody Mountain Court Subdivision Extension** [Time Stamp: 44:25]

Bailey Minnich, Planner, Community and Planning Services

Commissioner Vero made the motion that the final plat submittal deadline for Woody Mountain Court Subdivision be extended to August 9, 2024, based on the findings of fact in the staff summary.

Commissioner Slotnick seconded.

[Motion passed 3-0.]

[Letter 2021-174 Mailed to: IMEG Corp.]

c. **3% Local-Option Tax on Marijuana Sales** [Time Stamp: 49:05]

Chris Lounsbury, Missoula County Chief Administrative Officer

[Continued to July 15, 2021 Administrative Public Meeting]

8. **OTHER BUSINESS** [Time Stamp: 1:01:05]

[None]

9. **ADJOURN**

Chair Strohmaier – Called the meeting to adjourn at 3:01 p.m.

BCC Public Meeting July 1, 2021 – Transcription

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[00:00:03] Ok, we're in business. Good afternoon, everyone like to call the order today's Thursday, July 1st twenty one meeting of the Missoula Board of County Commissioners. We begin as at all of these meetings with a land acknowledgement, and that is the Missoula County acknowledges that this event today takes place in the Aboriginal territories of the Salish and Kalispell people. We please join me in the Pledge of Allegiance. I pledge allegiance to the flag of the United States of America and to the Republic for which it stands one nation under God, indivisible with liberty and justice for all. It is much easier to say the pledge when we're doing it all together in the same room than purely online, so much more synchronized. So today we have one public announcement that's on the agenda. This proclamation? Whereas the National Interagency Fire Center is predicting above average significant wildfire potential throughout our region in twenty twenty one. And whereas our recently adopted Climate Ready Missoula plan found that our summers are becoming hotter and drier. Wildfire smoke is a growing risk and we need to enact strategies to mitigate harm. And whereas wildfire smoke is a serious public health threat that causes worsened asthma attacks, decreased lung function, worsen COPD symptoms, increase susceptibility to infectious disease, increased risk of heart attack and stroke, and increase hospitalizations and deaths.

[00:01:43] I hope you're all feeling real good right now. And whereas wildfire smoke can come indoors, creating unhealthy conditions both outside and inside. And whereas during periods of heavy wildfire smoke, it's possible to protect health by creating cleaner indoor spaces, reducing outdoor activities and checking in on friends, family and neighbors. And whereas public outreach focused on the dangers of wildfire smoke and how individuals can protect themselves and others plays an important role in community preparedness during wildfire season. Now, therefore, be it resolved, we Missoula County and the city of Missoula to hereby proclaim July 12th through July 18th as wildfire smoke ready week to inform and educate Missoula City and county residents of the hazard that wildfire smoke present presents, and how to prepare and stay healthy as individuals, families, neighborhood neighbors and as a community signed the mayor of Missoula, John Engen and US three commissioners up here, Dave Strohmaier, Juanita Vero and Josh Slotnick. Is there anything anyone would like to add on this topic?

[00:02:50] Can I ask a question? Yes, please. Sarah, what good things are going to happen this week?

[00:03:01] And there we go. I'm Sara Cofield, I'm Eric Schlosser, the Missoula City County Health Department. I'm very excited to have this proclamation for smoke ready week for Missoula County. Wildfire smoke is our most significant air pollution health threat. It's a serious public health risk that we all face year after year. But the good news is there's something you can do about it. You know, the spill comes inside, but the technology exists to create those cleaner indoor air spaces. We just want to make sure as many people as possible know that that there are simple steps you can take to stay safe during wildfire season. You don't have to just sit there in the smoke and feel miserable. So during the smoke ready week, we have some events lined up that we're planning where folks can come and ask an air quality specialist on the 14th. We'll get that information pushed out. We're going to have a lot of radio ads running some social social media campaign going. And Caroline, I think is knows more about all the events we have lined up. We'll also be at the farmer's markets before on the 10th and on the 17th, and we'll be out to lunch and downtown tonight the week before, because that's when we could get on there to table with information and provide as much information as we can. People who are interested in how to create those cleaner indoor air spaces. Caroline Deb, did I cover it? Did I cover it? Awesome. So we're very excited for this. It's the first smoke ready week in Montana, and it's going to hopefully help us better prepare our community because I find people who have never heard a word that I have said over the past four years, and I'm excited to reach more folks and help us be healthy and get through the fire season.

[00:04:44] Thank you so much, and one surefire way to decrease smoke is to be safe with fireworks or better yet, don't even ignite them in the next several days. Anything else on this proclamation? Ok. Mr. Slotnick, did you have?

[00:05:02] To say thanks to both of you guys?

[00:05:04] Yeah, thank you. Good work. One other announcement to make if you have not caught it yet, and we are fortunate enough to have a couple representatives, at least for at least a couple from the media here. The Board of County Commissioners has begun a new video series called Tip of the Spear. We, I believe, have four of these out so far and introductory video a couple dealing with passenger rail and one that just rolled out today, I believe, on aspects of utilizing our river recreation areas. Joshua or Juanita, anything that you'd like to add on on this.

[00:05:48] They're great.

[00:05:49] They're great, are great videos.

[00:05:50] Our comms team has done a wonderful job of taking our jabr and making it tight and adding music and good B-roll, and they're really cool, so you should check them out.

[00:06:00] You can find them either via the county commissioners page on our website when the website is functioning, or you can also go to the Missoula County YouTube channel.

[00:06:11] Rumor has it, so check that out. They are crowd pleasers. Ok. Is there any public comment an item is not on today's agenda? And the folks are joining us virtually. Be sure to raise your hand virtually, and we will call on you in the order in which you do so or unmute yourself, hit star six and we'll engage you that way. So if there's no public comments on items not on the agenda, the current claims list as of June 18 through June 21st, claims received by the Commissioner's Office total one million seven hundred and ninety eight thousand two hundred and sixty nine dollars and three cents. We have three public hearings today, the first of which is a continuation of a public hearing. We opened a while back and we'll be revisiting today. Each of these public hearings will begin with a staff report, followed by an opportunity for public comment, followed by questions from the commission, either a emotion or discussion and debate among the commissioners. And then we'll vote on the item. So to begin with, Nick, would you like to reintroduce to us the Ramos family transfer?

[00:07:21] Yes. Thank you, Dave. I'll share my screen here. Get it up in the. And do. All right. So this is a continuation of a hearing from mid-May. This is a proposal by Mike Romney to use the family transfer exemption to the Montana Subdivision and Planning Act, starting with a quick background section on the project. So the location of the proposed family transfer is approximately five miles south of Arlee in the northern part of Missoula County. Which sits approximately zero point five miles to the east of Highway. Ninety three north and it's fully within the Flathead Reservation boundaries. Property is currently unsound and the growth plan that covers the area is the two dozen and two regional language guide. That guide that designates this track as opening a resource with a recommended one dwelling for 40 acres. It means that the existing onsite conditions the property is ten point zero six acres in size and currently undeveloped. The claimant Mike Romos owns the adjacent lot, which is two four nine two two two a valley road. That parcel has one issued permanent on it for a barn with dwelling space and a shop with Joint Space. And if there was a dwelling unit on the. Given the chance of parcel density would be one dwelling per ten point zero six acres. And getting into the family transfer proposal, the proposal would result in the claimant's adult son Tyler receiving a five point zero two acre track, which is supposed to track one B, it's the one on the northern end of the property.

[00:08:58] The claimant Mike Ramos would retain ownership of the remaining five point zero four acres, which is track one a. The extension application states. All tracks are intended to maintain single family residential and it was discussed during the last hearing and get along with some supplemental information that Mr Ramos does have some plans to potentially later transfer his proposed Track 1A to a future son, and I believe they will detail some findings on that later. Let's get into HD. comment, the Mousses County Public Works Department commented that all these all properties would would be required to gain access up to Valley Road, which is the roadway of lesser classification. The health department commented that the project would require sanitation review. Then we did receive comment from the Confederate, say the scrutiny tribe's wildlife biologist, and they commented that the proposal would not affect local wildlife habitat. Now, as with any family transfer proposal, I would, we will go over

the rebuttable presumptions in general admission criteria, points that were triggered during staff analysis. Starting with rebuttable presumption, number four, this is found applicable. Mike and Wendy Ramos also own the adjacent parcel, which is partial, with three of C.O.s six one three two to the proposed parcel, which is parcel of C.O.s six one three two.

[00:10:24] The family the recipient could be gifted parcel one essentially achieving the goal of the family transfer exemption without the division a parcel one. Rebuttable presumption number eight is also amicable, as shown in U.S. six one three two Track one was created using the family transfer exemption. However, this was not done by a member of the Ramos family. This is done by the previous lot owners. General vision criteria, number one, also applicable. Well, it's not believed that the applicant is solely in the business of land development. Mike Ramos did perform a two lot minor subdivision in 2007, referred to as the Ramos addition. General Evasion, number 2, this is also applicable, Mike and Wendy were almost purchased the property warranty deed on November 30th of 2020, as shown in Book Ten Twenty four Page eight seventy four. General Vision Point number 14, this is applicable, except current density would be one dwelling per ten point zero six acres, which does exceed the recommended density of one dwelling for 40 acres. The family transfer would be only transfer proposal would further exceed the recommended density at one dwelling per one dwelling per five point zero three acres. And I think Mike is here, I will have him come up here and we can go with the family to answer questions,

[00:11:53] So do we do this again? We already did this the last time, did we not?

[00:11:57] We did. Yeah, sorry. I was going back there, but we did. We can skip this part for you if we just want to go straight. Yeah, I think sounds good. Yep. I'll just leave that proposal up.

[00:12:07] Ok. So with that, with the applicant or applicants representative like to address us, come on up.

[00:12:24] Perfect. Thank you, commissioners, I'm Rachel Parkin, I'm an attorney with Milodragovich, Dale & Steinbrenner, and I'm here on behalf of Mike Ramos. We appreciate your time and your reconsidering this matter further, considering this matter. I don't want to waste your time plowing old ground. I want to just jump right in with addressing some of the concerns that had arisen during the May 13th hearing. And just jump into our proposals and how we might alleviate some of the concerns that the commissioners have. So at first, the goals. I want to make sure that Mike's goals are very clear because that's really what's driving this request. So again, he has two adult sons, Tyler and Ryan. Mike owns Paul's pancake parlor. Part of his succession planning is getting his his elder son in particular, back here to to Missoula so he can start the process of taking over that family business. And so again, this parcel was purchased with the intent of doing a family transfer and giving a part of it to to Tyler for that purpose. One of the alternatives I know that had come up at the last hearing was transferring the entire 10 acre parcel, and I think Nick had had mentioned that again going through the staff report and we've talked about that. So I spoke with length at length with with Mike. We researched some of the options, talked about it, and there are a number of reasons why it just it's not going to achieve the goals that he is looking for. So first, it's not. It's not going to help with financing, so as we all know, it's not impossible to obtain financing when there's a joint ownership, right? So if he's transferring the property to both sons and as co-owners or joint tenants, as was suggested, there is a financing issue.

[00:14:28] He's got two sons in their 20s that are trying to get established and trying to build a home and finance a home on a bare piece of land is difficult with with co-owners. I think that's particularly true when you're talking about younger persons who are trying to keep their their finances independent of each other. It sets his sons up for disagreement over use and care of the property maintenance of the property. Things like that. And again, Mr. Ramos goal is to make it as easy as possible for his sons to return to to build on this land and to do that by doing a family transfer. It's going through the sanitation review process right now on my dime. So you know, when the property is split, it'll go through that sanitation review process. Otherwise, he's he's transferring a piece of property that actually has a co-star on it, restricting it to a single family dwelling at this point. And so if both sons at some point wanted to live on that 10 acre parcel, they'd have to go through either a division process or coast or rewrite anyways. So, so again, preserving the ability to, I guess, treat each son equally is important as well. And one 10 acre parcel doesn't allow him to do that in the same way that two five acre parcel does. So with that, before I move on to the next next one question?

[00:16:06] Yeah, go ahead.

[00:16:07] First, thanks so much for coming in. I appreciate it and appreciate the background. So. Looking at this right now, it looks like if the family transfer was completed as as you would like, it looks like one son would get five acres. And then there would be one remaining tract of five acres that Mr Ramos could do with as he wishes. That subdivision, and if he could sell it tomorrow, sell it next month, give it to second son in a year. He has all array of options are on the table. I really looks like subdivision. If, as you're saying, and I don't doubt you and I, sir, I don't doubt your motives at all, this is just kind of what it looks like externally. If the goal here is to get each son five acres, why not divide it in half? Give each son five acres? Then it looks like a family transfer. Each son gets five acres. They're your sons. Looks pretty clean having one acre be unassigned or only assigned to the owner of the parent parcel. Really looks like subdivision.

[00:17:08] And I have. Oh, I'm sorry.

[00:17:12] I guess I'm confused when you have to re- retain. Ownership. You couldn't give it to two sons you'd have to retain

[00:17:21] For for for this. And I guess just to extend the idea, and maybe you're getting to this another idea that was the boundary line. Yeah. Or aggregation is that is that even feasible to aggregate the northeast portion or northeast property that I think may be your home or or there's actually a dwelling unit and the southwest parcel that would allow you to accomplish a family transfer with both parcels than going to each zone? Forgot that step? Sorry, go ahead. I don't want to preempt anything you want to say.

[00:18:00] I was going to get there eventually. Ok. Ok. Let me take some kind of step by step. Sure. With regard to doing an immediate transfer, so retaining like a small square and doing an immediate transfer to both sons, I think there's two reasons that that won't be effective. The first is the Missoula County regulations themselves require Mr. Ramos to retain that property for a period of at least two years after the family transfer is complete. If we're we're talking about keeping a small square. I'm not sure that the family transfer statute allows you to to transfer two parcels and retain one. I think it requires you. And John, if you disagree, let me know. In fact, I have the statute right here, but to do one one parcel and one remainder.

[00:18:59] Mr. Hart,

[00:19:01] John.

[00:19:03] If, Josh, if what you're suggesting is, you know, divvying up the 10 acre parcel and kind of like.

[00:19:12] I'm imagining, like one in four and a half and four and a half and one, yeah. Yeah. And Mr Ramos keeps one in the two sons each get four and a half.

[00:19:21] There isn't anything prohibiting, you know, a transfer. I mean, a three way division like that as long as you know it's going to. Two sons, and I mean, that would be a possibility. You know,

[00:19:39] But but then you end up with kind of the same scenario in that. So traditionally when we do these family transfers, the the remainder is yeah.

[00:19:50] And so you then rather than now, there's one acre to sell

[00:19:54] Right and continue.

[00:19:56] And that also doesn't doesn't solve the problem of the fact that Ryan, his younger son, isn't planning on coming back right away. So this is something he's planning to do in the future. It's a gift he would like to be able to make in the future. My understanding is Ryan's not in Montana and not planning on coming back to Montana right away. And so, you know, honestly, I think what Mr. Ramos is expressing to me was that he would like to be able to use that property. So the 10 acre property that he has is ended to be as a rescue right for horses. And so he's talked about haying the the remainder portion of that property. He'd like to be able to use it and to hold it to to gift or transfer to his son in the future. Should Ryan return and want that, and maybe I can get us there faster. We did come

up with a proposal for the commissioners to consider. Mr. Ramos would like to propose an additional restriction on his deed, restricting the transfer for a longer period of time. So instead of. A two year restriction on transfer following the family transfer division, he proposed doubling that period of time and making it four years. And we had actually drafted up a proposed revision sent it over to John for review in advance of this so that he could consider it as well.

[00:21:32] So before we get to that. Did you discuss the possibility and maybe it's not even technically or legally feasible to do an aggregation?

[00:21:42] Right, so the aggregation still doesn't quite get us there. Honestly, I have never done an aggregation based on a corner. I had a conversation with John about it, and I actually researched it a little bit and didn't come up with a firm answer. I suspect you can do it because they are contiguous. They touch, if only at the corner. But regardless, that still doesn't accomplish Mr Ramos goal, which is to be able to immediately transfer a parcel to his older son and then to retain a parcel that he can transfer to an equal parcel to treat both equally that he can transfer.

[00:22:23] I think I think that I think that would accomplish it. You'd be able. Yeah. Could you be able to immediately transfer split the parcel as currently conceived in half and transfer one to each son? Am I missing?

[00:22:39] I mean, it seems like aggregating. I think your aggregation would be step one. So now you have one big piece and then you could cut it in half where Mr. Ramos continues to live on one half. So it doesn't look like subdivision. He's going to sell it. And then the Northeast and then give the other corner to his son. Then you would. It would look like a much more traditional family transfer. So in this communication, this first step and then the second step would be splitting it right where the two corners touch.

[00:23:04] So in the schematic that we're looking at here, the upper right hand corner where the red arrow is going to would retain that would be aggregated with the lower left proposed family transfer parcel. Mr. Ramos would retain ownership of the northeast corner there, and then the proposed family transfer parcel would be split in half. In each of those would one would go to each son.

[00:23:30] They that that that would that's a proposed recipe.

[00:23:33] Right? And so a couple of things there, first of all, if we can go back to the proposed transfer, I believe actually has tracked 1b going to his son, which is actually the contiguous portion. And so it would not be possible to, I think, aggregate the proposed tract 1a with the existing 10 acre parcel.

[00:24:03] You see, OK, we're missing out. So what what I'm suggesting is that currently one B and one A, it's just one large parcel. So that would be all aggregated with the northeast corner at the corner and then then split as.

[00:24:19] The shape is like a in the hourglass diagonal.

[00:24:23] Then then you split as you as you would like to, right?

[00:24:26] You're proposing aggregating to 10 acre parcels to this 20 acre parcel and then dividing off

[00:24:33] The lower 10 acres into two pieces. And then it would be totally then it'd be totally clean. It would fit. It would. It would each. It would work well.

[00:24:42] It seems like a couple of extra legal steps and still doesn't change the fact that Mr. Ramos's younger son isn't prepared at this point in time to come back to Montana.

[00:24:54] Well, he could give. Mr. Amos could give the five acres that he likes to the son who is ready to come back. Hold on to ownership of the of the other five acres. And when the time is right, family transfer that five acres to his son. As long as he's still living on the upper corner, there's no problem.

[00:25:11] Or does that make sense? Maybe our county, a deputy attorney, would like to.

[00:25:17] Did I go? Did I get go wrong on that?

[00:25:20] I think what you were saying is essentially what they're proposing here today. I mean, it would still post what they do after aggregation is just split the the lower 10 acres into two parcels and dad holds the holds the one for some period of time, which is basically what they're proposing to do.

[00:25:42] I'm just saying it wouldn't be split because you'd still at the end of this, you'd have two parcels. One is the big corner on top and the other is a half of the bottom corner, so you'd end up with two parcels. Dad owns five acres plus 10 and then five acres goes to the son. And then when the time is right, he cleaves off the other five to give to son number two. And I'm sorry for getting the name wrong. I apologize.

[00:26:07] So you do the aggregation.

[00:26:09] You do the aggregations, first steps and now you out to corner two of these square corners, then cleave off five acres of the bottom corner to give to son number one. And then when the time is right, family transfer off the second five acres to son number two.

[00:26:24] Can that be done and that be done no longer? Then the parcel that would be wanting to be cleaved off later would no longer be contiguous.

[00:26:31] It might have to swap in north and south five acres, so it's so it's contiguous. You know, what is that, OK?

[00:26:41] Yeah, no, no, no, understand it. Yeah. Tyler, the son who is would be the applicant under the current proposal, gets the lower part of that right right? And Mr. Ramos retains the. The the 15 acres, yep,

[00:26:58] And then when the time is right, he could cleave off that top five for a younger son.

[00:27:05] My primary concern with that is that we're setting ourselves up for a second family transfer in the future, and there's no offense to any of the commissioners sitting before me today, but no guarantee that the three commissioners here today will be the three commissioners deciding the family transfer issue in the future. So even if that were one Option,

[00:27:28] I would say that that that might be a path forward to actually getting the family transfer done as opposed to no family transfer today. So.

[00:27:37] And yeah, there's definitely that and we are doing our best to really follow the letter of the law here, which is why all the fuss we are rooting for you we want. I have kids and I own land. I would want to get get. They want to get this done for you. We're setting you up for the second family transfer being super clean right now. What you propose today is not, which is hence all the fuss. So the one that would happen in the future is really straightforward. It wouldn't be. It would. It would be not so much fuss, no matter who's sitting here.

[00:28:07] I understand what you're saying, but respectfully, as an attorney, I've seen very clean things litigated into messes. And so again, there's just no guarantee, you know, that's that's taking a big risk on, you know, something that's not guaranteed in the future.

[00:28:24] First thing, Dave said, still remains true, though.

[00:28:27] Well, and so to speak to that as well. I think what Mr Ramos is proposing here today is exactly the reason that the family transfer statute is there. That exemption is there. He he is not proposing to sell. He's just proposed to put an additional deed restriction on that remainder parcel, limiting his ability to sell it because he is committed to hanging on to it

[00:28:54] With all due respect for years is not a deep commitment in the world of land sales.

[00:28:59] So, so here's a question for either you or Mr. Ramos. So, so when when might do you think your second son would be in a position to move to this parcel? Or is it is it still unknown whether? His life will take him in a different direction, for sure. Ok.

[00:29:20] And you have to understand, I mean,

[00:29:22] If you could come up to the microphone, Mr. Ramos,

[00:29:25] You have to understand most of us have kids and. These two are polar opposites. I've got one that I want to give some land and one that it's got to do some work still, you know? So he's a work in progress and that's exactly what I want to do. But, you know, it's still up in the air.

[00:29:49] No, thank you. Oh, yeah, I would fall back on, we could aggregate and give the bottom five acres of the bottom corner and get that done and leave open the possibility in the future for a second five acre family transfer when the time is right. And that'll that'll get you there, that'll get you there today.

[00:30:06] That's and we fully recognize that's an extra step, but it's it's probably way less of a step and a lighter lift than minor subdivision, for sure. For sure.

[00:30:18] Yeah. In. Again, I guess I I haven't spoken with Mr Ramos about whether that would be an option. I suspect there may be a reason why the tract one be the upper portion or northern portion was proposed as the transfer parcel and not the remainder parcel. Do you want to speak briefly to that?

[00:30:43] Please come on. So you're all

[00:30:45] Familiar with McClure Road. There's a whole bunch of dust on that road. It's and it's very close to the road, so the preferred lot is the further north piece.

[00:30:58] So given that is unlikely that your second son would actually want to live on a lot next to a dusty road or,

[00:31:06] Well, I think he probably would. Yeah. I'd be saying the North lot is the preferred lot, and that's the one I want to give to the son who Is ready to receive that lot.

[00:31:20] John, do you see a path through here, would that what they all need to be contiguous? Now,

[00:31:30] I don't I don't see a problem, I agree with Miss Perkins that an aggregation is because those two lots touch, they are contiguous. I know the surveyor's office has the same opinion, so they could be aggregated if that's what you're asking.

[00:31:50] I'm wondering about how how is there a path here to. Cleave off the northern part of the lower corner. That because then I guess we end up with the same situation we started in is that we have this kind of hanging. The five acres on the bottom looks like a loose five acres that Mr. Ramos could sell next week or

[00:32:12] The have to be north east west.

[00:32:14] Could it go? So that's a good question. Could you divide it vertically?

[00:32:20] Yeah, I know. Yeah,

[00:32:21] Great question if you could introduce yourself.

[00:32:23] Yeah, Dan Folsom, I'm I've been helping Mike, along with the surveying and family transfer and sanitation in this tract really doesn't lend itself to a north or south split because of sanitation. So on the I guess, western side, we have an irrigation ditch and some higher ground water down towards that area. On the eastern side, up by the road is kind of where, yeah, where it works for septic and sanitation and the regulations that impact. All

right. So just one thing that could be possible, it could be very. Ugly, but would be to have a small strip of land that runs down a property line that connects the southern piece, right? So you would have a very strange looking parcel

[00:33:07] flag shaped. Yes.

[00:33:09] You know, a foot or Six inches or something strange.

[00:33:12] Maybe maybe the flag shape is possible. The other one, it just

[00:33:16] Surveyor's office and planning office would like to see a parcel or a survey Like that, but it may be possible.

[00:33:21] I mean, how about could you draw a line from the the middle corner to the far left corner? So you got so you'd end up with two two triangular shape, lots on the bottom? And then the northern triangular shaped lot could go to Tyler. You know, you know what I'm saying? And they all touch at the corner

[00:33:39] Like it, said the sanitation. And this is not the simplest because of high ground in this area,

[00:33:44] We'd still get a whole bunch of that northern that northern half.

[00:33:48] Yeah. I just still so we have quite a few like setbacks that we have to stay on the property lines and that one, it might be tough. I wouldn't say it's impossible, but but

[00:33:59] You know what I mean, John, cornered, if that can,

[00:34:02] You can you. I don't know what you mean. Can you demonstrate screen that?

[00:34:07] Sure. I don't mind it. No. Yeah, yeah, yeah.

[00:34:13] Let's do the mouse. You're going to get some mouse action here. Yeah, go. Go ahead, please do a little magic here.

[00:34:37] Yeah, no, I see what you're getting at. I do think it would be it wouldn't be a nice straight line, but there could be potentially a configuration with lots of bends that might not so much. Ok.

[00:34:52] Sure. Yeah. Please do. I hope you guys can see where we're trying to problem solve and not say, no, that's we're trying to get to yes, here.

[00:35:14] And so the other option I'll just throw out here is is I know as as much as we want to get this done and resolved, if if it's kind of engineering this on the fly is not desirable, we can certainly take some extra time if you would.

[00:35:32] Nicks and got this up. So. Tyler, yeah, and then the north half of that would go to Tyler, the south, half of that of that stays with Mr Ramos. It's still contiguous, so we're not into that issue. We were with when we started and Mr Ramos could deed that bottom triangular shape away when the time comes right.

[00:35:53] So the goal is to go to Tyler, right, and try to configure this in a way that that you still have some of the desirable building parcels available for both sons and don't end up with the remainder because that's what we're trying to avoid. That's the remainder that makes it look like subdivision. And so this way you get no remainder, but, you know, not having walked the land. I don't know. Maybe this doesn't work because of the specifics of the property. It just works on a map.

[00:36:24] And I think that's not a yes or no answer for us today. I don't think that that sitting here is going to be able to say this is exactly where we the engineering on the fly is not ideal. Exactly, exactly. So why

[00:36:37] Don't you guys together and talk

[00:36:39] Those flag shape, flag shape option as well? I could chat with Capps about these things

[00:36:44] Before we say, let's continue this until next time, though, can we circle back to the the proposed restriction? I understand four years is not a long time in the real estate world. Is there something or a solution that we could explore with the commissioners there, even if it's not for years, if it's something else? Is that something that the commissioners are open to?

[00:37:10] I'd ask John what's legal to do here and what isn't?

[00:37:14] Well, you can't restrict property forever, but something along the lines of four or longer. I mean, I don't really want to I don't I don't want to come up with a number of myself. But Rachel and I talked about the, you know, she she offered a proposed deed restriction and there's some logistics involved in it that I won't complicate this hearing with. But it is possible and I think it's it's legal. However, it a deed, a deed restriction on private property then raises sort of how does the governing body, Missoula County, you know, for lack of a better term police that or make sure that that remains in place because what a what a property owner can impose on their property. They can they can modify or change or they if nobody's looking, if if we're not monitoring this, then it may not.

[00:38:26] Yeah, it's not like a conservation easement with the stewardship.

[00:38:29] Exactly. It may not fulfill the purpose that that that we're we're looking for.

[00:38:34] So the other the other consideration is that we've seen plenty of family transfers where it's some time before the the recipient actually resides on the property, and that's in cases where they actually articulated a desire to move to the property. In this case, it's still somewhat speculative. I think that's the hope that the other son will will take up residence here. But simply having a period of time where it cannot change hands will not assure that that. Son even wants to reside there. Did you have something else you wanted to add?

[00:39:11] I was just going to speak briefly to to John's point, I think, you know, it's a fair concern, but we can certainly draft a restriction that alleviates those concerns. There are, you know, agreements we can enter into and terms we can put in a restriction that would impose the restriction until the parties, for example, filed and you don't know satisfaction of the, you know, holding period or some sort of notice that that had been completed. So I think that we could alleviate those concerns through the drafting process.

[00:39:51] So refresh my memory, it's slight subject, change a parcel a family transfer cannot be used for, like one sibling to transfer to another. Is that correct?

[00:40:08] Correct.

[00:40:09] Ok. I guess I am less enthusiastic about the the deed restriction than I am about physically changing the lot configuration to avoid the remainder, but other commissioners.

[00:40:24] Would tell you would have the flag shaped lot option or triangular shaped option or whatever, or would a real engineer would work work out and you guys would be walking the ground and actually making sure the physical considerations were met? That's much more appealing to me than the restriction.

[00:40:45] I agree. Well, I mean, we don't know how long the deed restriction, what's appropriate, what Ryan would be ready for. I mean,

[00:40:54] And he said, I don't know how we police deed restrictions. We're not in that business.

[00:41:01] We've we've tried to be in that business in the past and sometimes we've been unsuccessful. Not saying that we wouldn't be successful in this case and Rachel is exactly right. We could put all sorts of, you know, sideboards on it and, you know, triggering mechanisms and things like that. But you know, at the end of the day, it still is not. Again, it may not accomplish the the goals that it's intended to accomplish.

[00:41:32] And all things being equal, if if dust along the road or the desirability of the building site wasn't an issue, just splitting it as originally proposed, aggregating first splitting as originally proposed and having the transfer for your son who wants to move to the site on that southern parcel would be the ideal path of least resistance. Short of that, I would say spend some time thinking about what you see on the screen or some other configuration. And we and we'll keep the public hearing open, keep it open, and yeah, and I hope see we're trying to we're trying to figure out a solution here.

[00:42:18] We appreciate that you haven't just denied it outright and that you're working with us to find a solution for sure. So and we'll we'll keep plugging away at it and we'll be back.

[00:42:30] Ok, thank you for joining us. Thank you, Nick. And before we move on, is there any public comment on that item on the proposed Ramos family transfer? Ok, we will keep the public hearing open to a date yet to be determined to reconvene. Hang on a second, we'll recess just momentarily. Robots are going to go on going. It. Booked. Sure. Yeah. Where do those stories go? Just out into the hallway, oh, bathrooms is right. Is it? Certainly. Ok. That's. Oh, I love it. That's the spoiler alert. Oh yeah. You know? Sounds like it. I hope. Ok, we will come back into session here. Bailey, would you like to introduce this next public hearing, which I will open and this is the Woody Mountain Court Subdivision extension proposal?

[00:44:35] Yes, good afternoon. I apologize. I just realized I didn't update my first slide from Monday, so the dates are a little wrong, but everything is also still the same other than the date. So. So this is an extension request for the Woody Mountain Court Subdivision. There's no physical address for the property currently, but it is located in the southwest corner at the intersection between Highway two hundred and Tamarack Road, kind of between East Missoula and Bonner closer to Bonner. So it's the area that's been highlighted in red right there. It is zoned. It is located under our Missoula County Land Use Element from 2019, which is an amendment to the growth policy from 2016, and it's identified in the area that is residential. So this is a kind of a I tried to get as close as I could with it. So being not blurry picture of the subdivision that was approved, it was a 25 unit mobile home park subject to 15 conditions of approval, and it was approved August 9th of 2018. The current final plot submittal deadline is August 9th of 2021, and that was approved as part of the original subdivision, so there have been no previous or other extension requests at this time.

[00:45:56] This is the first one, so we do allow under our subdivision regulations for extensions beyond the original three year filing deadline date, but it cannot exceed more than six years from the original preliminary plat date. So they are proposing to apply for the full three year extension, which would make a new deadline date of August 9th of 2020. For for the whole, it's not phased or anything like that, just one one big date. We review requests in under our subdivision regulations. We have criteria for subdivision extensions and these include changed circumstances, no significant changes to general area, no destruction of public facilities or services to the subdivision. We do notice advisory agencies and I did that on June 9th, and the only comment that I got was from the surveyors office, which was that it was no comment. So that's the only thing we received. And so therefore we are recommending approval of the request to extend the deadline to August 9th of 2020. Four. I do know Anna from Imag is the applicant representative, and she was on the line. If she's still there, hopefully if she has anything further to add, or I can go into criteria as well.

[00:47:15] Ok. Anna, are you on the line and would like to comment?

[00:47:18] Hi, good afternoon, commissioners. Sorry that I'm not there in person. I have more meetings later as I'm sure you guys are all busy as well. My only comment is is that we're hoping for the extension request. The reason for the request is we have been working diligently on getting this final plot done. But due to COVID, the EC has suspended their timeline reviews, which has been the issue with getting it completely finished. So that's our reason for the extension request. And that's all I have. Thank you.

[00:47:51] Thank you. Anything else?

[00:47:55] No other than just open public hearing and OK, if anybody's out there.

[00:48:00] Thanks, Bailey. This is a public hearing. Is there any public comment either by folks in the room here in the Sophie employees room or on the line? Ok, see none, I'll close the public hearing questions from the commission.

[00:48:17] Ok? Wondering why the extension?

[00:48:20] So it is not Missoula County's fault, so thank you. Yes, that would be the state of Montana.

[00:48:27] Covid COVID. Thank you.

[00:48:29] Ok, Final hospital deadline for Woody Mountain? It's great that the final plots of middle deadline for Woody Mountain Court Subdivision be extended to August 9th, 2024, based on the findings of fact in the staff summary.

[00:48:45] Second, that.

[00:48:46] Any further discussion on the motion see none all in favor. I, thanks. Okay. Thank you. And our final public hearing of the day, which I will open is on the proposed three percent local option tax on marijuana sales and putting this before the voters of Missoula County for their consideration and we'll begin with a staff report from County CAO Chris Lounsbury.

[00:49:19] Good afternoon, commissioners. So today and before you sorry, I think I'm really loud. They're going to move the microphone back just a little bit. Stand before you to ask you to open a public comment period on placing on the ballot the local option marijuana excise tax as part of a special election that would occur in November. So just a little bit of legislative history, as you'll recall, Citizen Initiative Measure II 90 was passed during the last election and as part of its legislative process, the state of Montana rules around how medical marijuana and recreational marijuana may be used in the state of Montana going forward. That resulted in House Bill seven one, which allows for counties where the majority of their citizens voted for Initiative I-90 to automatically be opted in and allow the sale of both recreational and medical marijuana. In Missoula County, we had a majority of our citizens vote. Approximately 70 percent voted in favor of that initiative, so we were automatically opted in so recreational medical marijuana will be allowed to be sold in Missoula County. Part of House Bill seven to one, though, includes a local option three percent tax, which may be charged against all or limited forms of marijuana so it can be charged against recreational and medical, just recreational or just medical.

[00:50:35] And so that three percent tax becomes effective 90 days after the election. Included in a House bill, 701 was a request by the state that if counties were to consider this and put this initiative before their citizens, that it occur in the current year, and that's why we're on the timeline that we are so that the Department of Revenue, which is charged with collecting and then distributing that tax, could meet their deadlines for implementing that program. So the way House Bill seven oh one structures the marijuana excise taxes that 50 percent of the tax that's collected in a local county is returned to the local government. So to Missoula County and then forty five percent of the tax that's collected is distributed to any municipalities inside that jurisdiction. And of course, in the case of Missoula County, there is only one municipality and that is the city of Missoula. And then the state is able to retain five percent of that tax to defray the costs associated with both the implementation and the administration of that. So we do have a little bit of information here at this point. Of course, we don't have a way to estimate precisely what the revenue might be that's generated from this. However, our staff here has worked diligently to look at the information that the state gathered on potential revenue and be able to put that together.

[00:51:44] And so looking at seven states that have had programs in place since 2019 that legalized the sale of recreational marijuana for the full year of the marijuana tax, revenue represented about thirty six point three six percent of the overall state's budget. So as of May 7th twenty twenty one, there are already 48 registered marijuana dispensaries in Missoula County. They are currently registered with the Department of Health and Human Services. That registration process will move over to the door starting January 1st. So the language that would be on the ballot is still up for your consideration, but I have proposed language in front of you today that you can modify when you close the public hearing and make your decision, which will occur after the public comment period during the week of July 12th at an administrative meeting. So the proposed language I have before you proposes that you would tax both medical and recreational marijuana, but of course you have not made that decision. But I needed to provide

some proposed language for you so that both are included. But you can adjust this language as you desire based on public input. So the question that would be read on the ballot would be shall Missoula County impose a three percent local option? Marijuana excise tax on the retail value of all marijuana and marijuana products sold at adult use, excuse me, at adult use dispensaries and medical marijuana dispensaries within Missoula County, and then for a three percent marijuana local option, excise tax against a three percent marijuana local excise tax.

[00:53:14] And so with that, I would ask you to open the public comment period and then hold that open for the next approximately week and a half and then make a decision and administrative meeting during the week of July 12th.

[00:53:24] Sorry, we know,

[00:53:25] Chris. Do we know precisely the date of that administrative meeting?

[00:53:29] I believe it is. It's the 15th, the 15th of July, which is Tuesday. Ok, very good.

[00:53:37] Well, we have opened the public hearing. Is there public comment on putting this before the voters in November? Come on up to the mic here in the Sophie Moiese room and please make sure that the green light is lit on the microphone and say your name for the record and share with us your comments.

[00:53:57] My name is Justin Michaels. Thank you for the time. I am strongly opposed to this for either adult use or especially for medical use, something you might not be aware of. When the state legislature was debating this, they had a special session, and that committee called before them a DEA agent from Colorado. And that Colorado DEA agent explained to him that since legalization, the black market's actually gotten much worse because the high tax rate encourages people to not not respect the law. And so he's fighting what he said would require \$100 million to fight what he thought we should allocate to fight it in this state.

[00:54:37] So he inadvertently said that anything you can do because our state legislators asked him, What do you think about the proposed 20 percent tax rate? And some of them were talking about dropping it to 15 percent at that point? And he said anything you can do to lower that tax rate will help encourage people to go to the legal market and not be on the illegal market, not have gun fights in the streets. People are killing each other over this still in legal states and punishing people for it to fund city government. And it looks like the main use of that would probably be to lower property taxes for some people. So now we have medicine that's being taxed. For some people that have four percent, it would go up to seven percent. It's still medicine for people that are using it adult use. It's just not recognized as medicine, which again, it makes me really call into question the integrity of our government with this. But the point is that encouraging people to not follow the law doesn't seem like it's productive for the city government. It seems like we're going to be better off if we actually encourage people to shop at those 48 different businesses which are all paying taxes. Already, we all pay income taxes. I've worked in that industry for years.

[00:55:50] I stepped away because I need to actually be able to speak my mind and not put my employer in danger, which could happen because of the way that the contradictory laws allow for uneven enforcement. There's just a lot of problems with this, and I really think that it's a it's a shortsighted move to keep on adding more tax, Montanans voted for 20 10 percent tax only because that was the only option we had. I don't think Montana's really want to punish people for using this plant medicine instead of pills. So that's where I stand on this. I really hope that you look at this as an integrity issue and at the long term, rather than just the short time. Dollar signs.

[00:56:29] Thank you, Mr. Michaels.

[00:56:30] And if you have any questions, I do have a lot of knowledge in this area, but thank you. Thank you for your time.

[00:56:36] Thank you. Well, sure. And just and just to be just to be clear, for everyone who's joining us today, either online or in the room, what we're contemplating is not making a decision on this, but putting it before the electorate of Missoula County to decide whether they want this on the ballot is on the well placed on the ballot for folks in Missoula County to decide whether they want marijuana taxed in this manner, and also the decision to be made as far as what goes on the ballot relates to whether or not it's both recreational and medicinal or medical or both.

[00:57:14] So. It's entirely possible that even if this goes forward to the ballot, that it's only recreational marijuana and not medical. That would be taxed.

[00:57:23] I think the Department of Revenue might fight you on that.

[00:57:25] Well, I think it's.

[00:57:27] There's so many gray areas with this. But did you say you had a question, sir?

[00:57:30] I wanted to reiterate what Dave just said very articulately that our vote here is to put this on the ballot and then the citizens of Missoula vote. So you would.

[00:57:39] It's unfortunately, it's a matter of do you want to speak into the mike? Yes, sorry. I'm afraid that there's a big problem with misinformation. I had to actually call for days in a row to get a response from the Department of Revenue that they actually did intend to tax medical along with adult use because on their website previous to last week, it indicated that medical would not be taxed, even though in the law, it's very clear that both will be taxed. So when I read different newspaper articles about it, most of them don't mention or very quietly mention that medical would be taxed. And so there's just, I think the public understanding of this really needs to be improved if we're going to have a legitimate vote.

[00:58:19] So thank you, Mr. Michaels. Additional public comment, either folks here in the courthouse or if anyone is online, please raise your hand and we will call on you.

[00:58:32] Chris has Chris has.

[00:58:35] So commissioner is not a public comment, but just for information we have not received any comments to. I appreciate Mr. Michaels coming today, so that's our first public comment for that. Just to clarify, the state is taxing recreational marijuana at 20 percent. They are taxing medicinal marijuana at four percent under the existing law. This would be a local option tax that would be in addition to that. And again, you will make the decision what language goes on the ballot for the local only option peace that state peace we don't have any control over as to whether the voters choose to impose an additional three percent on either recreational, medical or both. And you'll make the decision what that ballot language for Josh. So. What would the state tax medicinal now? I would defer to John, but I believe it is already taxed at four percent, but I can research that and make sure that I'm correct.

[00:59:27] This Mell says for so, so effectively, Mel, come on, come on up to the microphone. So we get this on the record here. And if you could state your name also.

[00:59:36] Sure. Hi, I'm Mel Fisher. According to the State Department of Revenue website, it is taxed at four percent right now,

[00:59:43] So this would change

[00:59:45] This. So the state, what the website says is they have and will continue to tax medical at four percent.

[00:59:50] So if and this is a lot of ifs because we haven't decided anything if we were to choose to add a three percent tax to put the option for Missoula. Missoula County voters to decide if they wanted to add three percent to recreational and not medicinal, the tax on medicinal would not change. It has been taxed at four percent. It would continue to be taxed at four percent. Nothing would change for medicinal buyers.

[01:00:14] That's how I understand it from the website.

[01:00:15] Thanks. Okay, thank you. Any additional public comment? And you went online. Ok, well, we will keep the public hearing open for the next two weeks at our admin meeting on July 15th. We will take this up again for action. Folks are free to either between now and then offer public comment, send us emails, phone calls, whatever and you can show up at her admin meeting on the 15th. 10 a.m. 10 a.m. Location to be determined right here. Right here you'll be here, right here in the Sophie Moiese room. There you go. Ok. All right, that public hearing will

remain open, is there any other business to come before the commission today? Ok. Seeing none, we will be adjourned. Have a great Fourth of July, July. Be safe.