

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, JUNE 08, 2023 – 2 PM

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

[Click here to view the meeting recording.](#)

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:

Commissioner David Strohmaier (Acting Chair)

Commissioner Juanita Vero

Staff Present:

Cheryl Hartman, Administrative Assistant, Commissioners' Office

John Hart, Civil Attorney, County Attorney's Office

Erica Grinde, Director, Risk and Benefits Office

Shyra Scott, Director, Clerk and Recorder's Office

Karen Baldrige, Property Records Specialist, Clerk and Recorder's Office

Lisa Frost, Property Records Specialist, Clerk and Recorder's Office

Tim Worley, Senior Planner, Planning, Development and Sustainability

1. **CALL TO ORDER** *[Time stamp – 0:05]*
2. **PLEDGE OF ALLEGIANCE** *[Time stamp – 0:12]*
3. **LAND ACKNOWLEDGEMENT** *[Time stamp – 0:30]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 0:41]*
 - a. **Closed Captioning Available**
 - b. **Proclamation: Juneteenth Independence Day**
 - c. **Proclamation: World Elder Abuse Awareness Day**
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 6:50]*

6. CURRENT CLAIMS LIST [Time stamp – 7:20]

Claims received as of May 16, 2023 to May 30, 2023 by the Commissioners' Office total \$4,560,167.07.

7. HEARINGS

a. Tucker Family Transfer [Time stamp – 08:20]

Zach Jones, Planner, Planning, Development, Sustainability

Commissioner Vero made the motion to approve Gary and Rebecca Tucker to utilize the aggregation exemption and family transfer exemption to create and transfer two parcels, and the remaining parcel as presented by staff report..

Commissioner Strohmaier seconded.

[Motion Passed 2-0.]

[Letter 2023-115 Mailed to: Gary and Rebecca Tucker]

b. 1st Hearing to Alter a Portion of Blue Mountain Road [Time stamp – 17:08]

Steve Niday, Chief Surveyor, Surveyor's Office

Commissioner Strohmaier opened the hearing for the petition to alter a portion of Blue Mountain road. Road viewing date was scheduled prior to the 2nd hearing.

[2nd Hearing continued to the July 13 meeting]

c. 2nd Hearing to Alter a Portion of Lower Miller Creek Road [Time stamp – 27:46]

Steve Niday, Chief Surveyor, Surveyor's Office

[Postponed to the June 22, 2023 Public Meeting]

d. Resolution – No Parking Request Highway 200 [Time stamp – 52:20]

Shane Stack, Director of Public Works, Public Works

Commissioner Vero made the motion to close the hearing for No Parking near the Sha Ron parking lot and adopt the resolution for no parking near the Sha Ron river access site.

Commissioner Strohmaier seconded the motion

[Motion passed 2-0]

[Resolution 045 Book:1089 Page:326]

e. Settlement Agreement and Release Claims for McCauley Meadows Subdivision [Time stamp – 57:01]

John Hart, Civil Attorney, County Attorneys' Office

Commissioner Vero made the motion to close the McCauley Meadows Subdivision settlement and release all claim as set forth in Exhibit C to the MOU, to include the Preliminary Plat shown on Exhibit A and the conditions set forth in Exhibit B.

Commissioner Strohmaier seconded the motion.

[Motion passed 2-0]

f. OTHER BUSINESS [Time stamp – 2:13:27]
[None]

8. ADJOURN
(Acting) Chair Strohmaier – Called the meeting to adjourn at 04:22 p.m

BCC Public Meeting June 08, 2023 – Transcription

This transcription was produced by transcription software. There may be discrepancies between this transcription and meeting dialogue. You can view the recording of the meeting on the county's YouTube channel: <https://www.youtube.com/c/missoulacounty> or contact the commissioners' office to obtain a copy.

Dialogue in the transcription attributed to "Sophie Moiese Room" is for all speakers that attended the meeting in person. Attendees that participated virtually are labeled individually.

0:0:0.0 --> 0:0:1.410

Sophie Moiese Room

Alright, good afternoon, everyone.

0:0:1.420 --> 0:0:6.510

Sophie Moiese Room

I'd like to call to order today's Thursday, June 8th meeting of the Mozilla Board of County Commissioners.

0:0:6.520 --> 0:0:8.430

Sophie Moiese Room

Please stand and join me in the Pledge of Allegiance.

0:0:10.860 --> 0:0:22.970

Sophie Moiese Room

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.

0:0:27.450 --> 0:0:34.800

Sophie Moiese Room

Missoula County acknowledges that this event today takes place in the Aboriginal territories of the Salish and Kalispell people.

0:0:35.890 --> 0:0:39.340

Sophie Moiese Room

Before we get going, Cheryl, do you have some announcements for us?

0:0:40.410 --> 0:0:41.120

Sophie Moiese Room

I do.

0:0:41.130 --> 0:0:46.660

Sophie Moiese Room

I have a closed captioning announcement and it's going to be up on your screen here just momentarily.

0:0:55.50 --> 0:0:57.770

Sophie Moiese Room

Teams is being a little wonky for me here.

0:1:5.410 --> 0:1:6.950

Sophie Moiese Room

Teams is not cooperating today.

0:1:13.490 --> 0:1:15.740

Sophie Moiese Room

Yeah, it's not gonna share screen.

0:1:15.970 --> 0:1:16.540

Sophie Moiese Room

OK.

0:1:16.550 --> 0:1:19.890

Sophie Moiese Room

We will forego the closed captioning announcement today.

0:1:23.410 --> 0:1:25.860

Sophie Moiese Room

And so yeah, teams is not cooperating.

0:1:26.270 --> 0:1:28.670

Sophie Moiese Room

Are there any instructions that you would like to give folks?

0:1:28.680 --> 0:1:29.400

Sophie Moiese Room

I can.

0:1:29.530 --> 0:1:39.850

Sophie Moiese Room

It's not gonna be up on the screen, but if you are joining us for this meeting virtually today and we will have closed captioning on all the screens here in Sophie Louise room.

0:1:39.860 --> 0:1:43.10

Sophie Moiese Room

And we also have assisted listening devices available.

0:1:43.380 --> 0:1:47.550

Sophie Moiese Room

Please come to me if you would like assisted listening device and we'll get one for you.

0:1:47.900 --> 0:1:53.110

Sophie Moiese Room

We ask that all speakers today Please remember to speak slowly and clearly during the meeting.

0:1:53.420 --> 0:1:56.430

Sophie Moiese Room

This helps with the accuracy of the closed captioning.

0:1:56.680 --> 0:2:1.790

Sophie Moiese Room

There will be multiple chances during the meeting for public comment virtually during those times.

0:2:1.800 --> 0:2:8.20

Sophie Moiese Room

If you would like to speak, we ask that you raise, use the raise hand feature if you're on Microsoft Teams.

0:2:8.30 --> 0:2:9.600

Sophie Moiese Room

This is the small hand button.

0:2:9.850 --> 0:2:13.860

Sophie Moiese Room

If you're calling in on the phone, you'll need to hit star 5 to raise your hand.

0:2:13.870 --> 0:2:17.520

Sophie Moiese Room

Then once called on, you'll need to hit star 6 to unmute.

0:2:18.70 --> 0:2:18.570

Sophie Moiese Room

Thank you.

0:2:20.160 --> 0:2:20.830

Sophie Moiese Room

Thanks, Cheryl.

0:2:20.840 --> 0:2:23.990

Sophie Moiese Room

We have two proclamations today.

0:2:24.0 --> 0:2:27.430

Sophie Moiese Room

The first will be read by Commissioner Vero and that is for Juneteenth.

0:2:29.120 --> 0:2:29.580

Sophie Moiese Room

Thanks.

0:2:31.80 --> 0:2:40.350

Sophie Moiese Room

Whereas Missoula County and the City of Missoula acknowledges the lasting impacts of racism in the United States, fueled largely by the horrific acts of Institution of slavery.

0:2:40.360 --> 0:2:52.850

Sophie Moiese Room

And whereas news of the end of slavery did not reach frontier, areas of the United States for more than two years after President Lincoln's Emancipation Proclamation of January 1st, 1863, and months after the conclusion of the Civil War.

0:2:53.120 --> 0:3:3.760

Sophie Moiese Room

And whereas on June 19th, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, TX, with news of the Civil War had ended and that the enslaved were free.

0:3:3.770 --> 0:3:8.460

Sophie Moiese Room

Were free and whereas African Americans have been slaves in the southwest. Celebrate.

0:3:8.610 --> 0:3:9.310

Sophie Moiese Room

Excuse me?

0:3:9.390 --> 0:3:18.740

Sophie Moiese Room

Where has African Americans who have been slaves in the Southwest celebrated June 19th, commonly known as Juneteenth, Independence Day, as the anniversary of their emancipation?

0:3:19.110 --> 0:3:30.770

Sophie Moiese Room

And whereas African Americans from the southwest and across the country, continuing the tradition of Juneteenth Independence Day as inspiration and encouragement for future generations and whereas more than 150 for more than 150 years.

0:3:30.990 --> 0:3:39.430

Sophie Moiese Room

Juneteenth Independence Day celebrations have been held to honor African American freedom while encouraging self development, respect and dignity for all people.

0:3:39.740 --> 0:4:3.980

Sophie Moiese Room

And whereas the strength and character, faith and resilience demonstrated by former slaves remains an example for all people of the United States, regardless of background and religion or race, and whereas the character demonstrated by former slaves should inspire us in this country to give thanks for the freedom won by so many

people and all nations, and to strive for the goals of bringing freedom and democracy to people of other countries, no matter what their race or religion.

0:4:4.390 --> 0:4:13.660

Sophie Moiese Room

And whereas although June 10th, Independence Day is beginning to be recognized as a national and even global event, the history behind the celebration should not be forgotten.

0:4:14.50 --> 0:4:37.840

Sophie Moiese Room

And whereas Montana proudly joins 47 States and the District of Columbia, and observing Juneteenth as a state of ceremonial holiday, therefore, be it resolved, we, the Missoula County and the City of Missoula do hereby proclaim the 19th of June as Juneteenth, Independence Day, to commemorate African American emancipation from slavery, to celebrate the Freedom one by people in many countries, and to rededicate ourselves to the cause of liberty.

0:4:38.490 --> 0:4:44.450

Sophie Moiese Room

Data the 8th day of June City of Missoula and the Missoula County Board of Commissioners.

0:4:46.630 --> 0:4:47.500

Sophie Moiese Room

Thank you, Juanita.

0:4:48.930 --> 0:4:52.40

Sophie Moiese Room

Is there anyone who would like to comment on that proclamation?

0:4:54.80 --> 0:4:54.730

Sophie Moiese Room

See none.

0:4:54.740 --> 0:5:9.720

Sophie Moiese Room

Our second proclamation relates to world Elder Abuse Awareness Day, whereas older adults deserve to be treated with respect and dignity to enable them to serve as leaders, mentors, volunteers, and vital participating members of our communities.

0:5:10.690 --> 0:5:29.150

Sophie Moiese Room

And whereas June 15th, 2023 marks the 17th annual World Elder Abuse Awareness Day, recognition of which will promote a better understanding of this problem, which can include financial exploitation, physical or emotional abuse, neglect and other negligent acts.

0:5:30.110 --> 0:5:47.850

Sophie Moiese Room

And whereas the National Center on elder Abuse Adult Protective Services of Montana, Missoula County, Missoula, Aging services in the western Montana chapter for the prevention of Elder Abuse recognize the importance of taking actions to raise awareness, prevent and address elder abuse.

0:5:48.750 --> 0:6:16.680

Sophie Moiese Room

And whereas it is up to all of us to ensure proper social structures exist so people can retain community and societal connections, reducing the likelihood of abuse, and whereas preventing abuse of older adults through maintaining and improving social supports like senior centers, Human Services and transportation will allow everyone to continue to live as independently as possible and contribute to the life and vibrancy of our communities.

0:6:17.100 --> 0:6:35.620

Sophie Moiese Room

Now, therefore, we the Missoula board of County Commissioners do hereby proclaim June 15th, 2023 as World Elder Abuse Awareness Day and encourage all our communities to recognize and celebrate older adults and their ongoing contributions to the success and vitality of our communities.

0:6:36.720 --> 0:6:36.840

84dcb31d-5c08-4433-b377-0b7fdef6879c

Yeah.

0:6:37.270 --> 0:6:39.530

Sophie Moiese Room

Anyone want to comment on that proclamation?

0:6:41.190 --> 0:6:48.950

Sophie Moiese Room

OK, seeing none, is there any public comment on items not on today's agenda?

0:6:49.0 --> 0:6:55.850

Sophie Moiese Room

So for each agenda item that you see for each of the public hearings, there will be an opportunity to comment on those items then.

0:6:56.300 --> 0:7:9.750

Sophie Moiese Room

But this is your opportunity, either in person and the Sophie Moise room in the Missoula County Courthouse or online to comment on anything else that you would like to that hopefully is within the jurisdiction of Missoula County.

0:7:11.790 --> 0:7:12.330

Sophie Moiese Room

OK.

0:7:14.220 --> 0:7:25.830

Sophie Moiese Room

See none our current claims list is reflective of claims received as of May 16th through May 30th, 2023 by the Commissioner's Office, which totals four million \$560,167.07.

0:7:25.840 --> 0:7:36.890

Sophie Moiese Room

Four million \$560,167.07 we have five public hearings today for each of these.

0:7:36.940 --> 0:7:47.770

Sophie Moiese Room

And this is particularly for any of you who have not attended these meetings previously for each public hearing, we will begin with the staff report from Missoula County staff.

0:7:47.780 --> 0:7:54.350

Sophie Moiese Room

That will be followed by an opportunity for an applicant or applicants representative to make comments.

0:7:54.660 --> 0:7:58.550

Sophie Moiese Room

We will then open it up to anyone in the room or online to comment.

0:7:58.560 --> 0:7:59.800

Sophie Moiese Room

We'll close the public hearing.

0:7:59.810 --> 0:8:5.130

Sophie Moiese Room

We'll have deliberation on the part of the board of County Commissioners, of which there are just two Commissioners here today.

0:8:5.140 --> 0:8:17.510

Sophie Moiese Room

Commissioner Slotnick is unable to make it, and then we will, uh, deliberate and and vote so with that, our first public hearing is the Tucker family transfer, Zach.

0:8:34.690 --> 0:8:35.580

Sophie Moiese Room

And welcome Zach.

0:8:35.590 --> 0:8:39.940

Sophie Moiese Room

Is this your first opportunity presenting to us today in this room?

0:8:40.190 --> 0:8:43.670

Sophie Moiese Room

You are correct and excellent excited to get started.

0:8:45.90 --> 0:8:46.610

Sophie Moiese Room

First I need to mute my laptop.

0:8:55.950 --> 0:9:1.770

Sophie Moiese Room

OK, so the item I have today is the Tucker family transfer and aggregation.

0:9:3.270 --> 0:9:7.500

Sophie Moiese Room

It is located at 8000 Nature Drive, which is in low low.

0:9:8.10 --> 0:9:11.340

Sophie Moiese Room

The applicants are Gary and Rebecca Tucker.

0:9:11.590 --> 0:9:14.680

Sophie Moiese Room

They're representative is Montana, Northwest company.

0:9:14.750 --> 0:9:18.490

Sophie Moiese Room

And for the record, I am Zach Jones with the planning office.

0:9:21.260 --> 0:9:24.880

Sophie Moiese Room

O this shows the location of the property.

0:9:26.860 --> 0:9:33.310

Sophie Moiese Room

The red road to the north or the top of the screen here is Hwy 12.

0:9:33.980 --> 0:9:36.290

Sophie Moiese Room

The red road to the east is Hwy.

0:9:36.300 --> 0:9:40.790

Sophie Moiese Room

93 and then you have Mormon Creek Rd.

0:9:41.540 --> 0:9:57.620

Sophie Moiese Room

Just to the north, but the property is actually accessed from the subdivision to the east of the highlighted lot and nature drive is the access point to the existing House that is on the property.

0:10:1.660 --> 0:10:21.460

Sophie Moiese Room

And existing conditions on the property are just one existing home with a garage and a shop which is accessed through a private access Rd nature drive and the property is about 153 acres.

0:10:26.890 --> 0:10:52.580

Sophie Moiese Room

The proposal for the family transfer is to create 2 new tracks and then transfer the three tracks, which is the entire property to the Tucker three adult children, Jessica Overbaugh, Garrett Tucker and Marissa Tucker, and also aggregate a boundary line that was created by Book End, Page 550 of the Deeds.

0:10:56.120 --> 0:10:59.310

Sophie Moiese Room

And this is what that configuration would look like.

0:11:0.320 --> 0:11:11.260

Sophie Moiese Room

The property is divided into 3 equally sized lots, each of which would be 51.216 acres and the transferred to the three children.

0:11:17.90 --> 0:11:39.160

Sophie Moiese Room

And the only so of the general evasion criteria, and rebuttable presumptions that we review for family transfers, the only one that was triggered was this one, which is the division appears to be made for the purpose of speculation by the landowner or for resale, for the benefit of the landowner by using the grantee as a straw person.

0:11:39.490 --> 0:12:2.810

Sophie Moiese Room

This may be indicated if the granter or recipient own other tracks of land in Missoula County, or it is evident that the receiving family members do not intend to reside on the family transferred tracks and what came up here was that the applicants own another property that they live on at 6230 Lamar Trail and Gary Tucker.

0:12:2.820 --> 0:12:5.350

Sophie Moiese Room

Also Co owns with UH.

0:12:6.530 --> 0:12:8.740

Sophie Moiese Room

I might be saying this wrong. Mackie.

0:12:8.750 --> 0:12:14.300

Sophie Moiese Room

Jody Lynn Tucker, two 160 acre tracks that are north of Hwy.

0:12:14.310 --> 0:12:17.480

Sophie Moiese Room

12 W of Lolo and none of the recipient.

0:12:17.490 --> 0:12:21.30

Sophie Moiese Room

Adult children own any other tracks of land in Missoula County.

0:12:26.580 --> 0:12:29.720

Sophie Moiese Room

So that is what I have for the staff report.

0:12:30.660 --> 0:12:31.350

Sophie Moiese Room

OK.

0:12:31.360 --> 0:12:34.530

Sophie Moiese Room

Is the applicant in the room or online?

0:12:34.540 --> 0:12:34.790

Sophie Moiese Room

Yeah.

0:12:34.800 --> 0:12:38.120

Sophie Moiese Room

Could you come on up to the microphone and the podium?

0:12:38.130 --> 0:12:40.970

Sophie Moiese Room

There are a few questions that Zach will pose to you.

0:12:45.190 --> 0:12:47.830

Sophie Moiese Room

So first, could you state your name for the record please?

0:12:49.690 --> 0:12:53.20

Sophie Moiese Room

And Gary, is your microphone on and the light should be green.

0:12:53.110 --> 0:12:55.40

Sophie Moiese Room

Uh, you hit a little button there.

0:12:55.50 --> 0:12:55.580

Sophie Moiese Room

There we go.

0:12:55.680 --> 0:12:56.300

Sophie Moiese Room

OK.

0:12:56.370 --> 0:12:57.640

Sophie Moiese Room

Gary Tucker, thank you.

0:12:58.610 --> 0:12:59.300

Sophie Moiese Room

OK.

0:12:59.990 --> 0:13:3.670

Sophie Moiese Room

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

0:13:5.400 --> 0:13:5.950

Sophie Moiese Room

Thank you.

0:13:6.320 --> 0:13:10.800

Sophie Moiese Room

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

0:13:12.500 --> 0:13:12.900

Sophie Moiese Room

Thank you.

0:13:13.560 --> 0:13:18.450

Sophie Moiese Room

Have you talked to anybody at the county about going through subdivision review?

0:13:19.180 --> 0:13:19.570

Sophie Moiese Room

Thank you.

0:13:20.960 --> 0:13:29.70

Sophie Moiese Room

And all of the transferees are not minors, so will the properties be developed?

0:13:31.500 --> 0:13:32.40

Sophie Moiese Room

OK.

0:13:32.120 --> 0:13:36.520

Sophie Moiese Room

And will the recipients of the properties be residing on the properties?

0:13:39.40 --> 0:13:41.600

Sophie Moiese Room

One parcel that has the house on it daughter.

0:13:47.800 --> 0:13:48.150

Sophie Moiese Room

OK.

0:13:48.220 --> 0:13:48.540

Sophie Moiese Room

Thank you.

0:13:56.960 --> 0:14:2.590

Sophie Moiese Room

Is there anything else that you'd like to add? No.

0:14:6.530 --> 0:14:13.280

Sophie Moiese Room

Uh, this has been in the family since 1921 and he's like to see it stay that way.

0:14:13.290 --> 0:14:24.760

Sophie Moiese Room

So OK, but we're doing this, OK, once you hang on right there, I will open it up for public comment, which I and thinking there might not be that much.

0:14:24.770 --> 0:14:27.400

Sophie Moiese Room

And I've got a question or two for you, Zach.

0:14:27.410 --> 0:14:28.410

Sophie Moiese Room

Anything else from you right now?

0:14:29.720 --> 0:14:31.10

Sophie Moiese Room

Where does that conclude your.

0:14:31.110 --> 0:14:36.80

Sophie Moiese Room

Nope, that is everything that I have does lit or anyone from Montana.

0:14:36.90 --> 0:14:36.470

Sophie Moiese Room

Northwest.

0:14:38.290 --> 0:14:41.550

Sophie Moiese Room

I'm Lynn, told me she was not planning on being here today.

0:14:41.870 --> 0:14:44.500

Sophie Moiese Room

She did say if you had any questions for her, you could.

0:14:44.590 --> 0:14:45.190

Sophie Moiese Room

We could call her.

0:14:46.480 --> 0:14:51.570

Sophie Moiese Room

OK, so First off, is there any in just hang, hang on with us.

0:14:51.580 --> 0:14:54.430

Sophie Moiese Room

So I don't make you sit down and then pop back up again.

0:14:54.820 --> 0:15:0.520

Sophie Moiese Room

Any public comment from anyone in the room or online regarding this proposed family transfer?

0:15:3.420 --> 0:15:4.30

Sophie Moiese Room

OK.

0:15:4.140 --> 0:15:16.230

Sophie Moiese Room

So Mr Mrs Tucker, uh, I you mentioned that one of your kids will be residing on the parcel that currently has at a home on it.

0:15:17.630 --> 0:15:18.80

Sophie Moiese Room

Thoughts.

0:15:18.90 --> 0:15:29.20

Sophie Moiese Room

As far as what the other two parcels will end up uh being used as, do your kids have any intent of building homes there at some point?

0:15:29.450 --> 0:15:39.380

Sophie Moiese Room

Our son would like to at some point and our daughters young enough I I'm not sure what her plans are right now.

0:15:39.390 --> 0:15:46.670

Sophie Moiese Room

It's as you can see, it's going into a special needs trust with our granddaughter named as beneficiary.

0:15:46.730 --> 0:15:52.220

Sophie Moiese Room

So our hope is to pass that on through the generations to her at some point.

0:15:54.600 --> 0:15:55.780

Sophie Moiese Room

But time will tell.

0:15:57.460 --> 0:15:57.890

Sophie Moiese Room

OK.

0:15:58.0 --> 0:15:58.440

Sophie Moiese Room

Thank you.

0:15:59.460 --> 0:16:0.410

Sophie Moiese Room

Any questions when needed?

0:16:1.560 --> 0:16:2.710

Sophie Moiese Room

No, I don't have any questions.

0:16:2.720 --> 0:16:3.40

Sophie Moiese Room

Thank you.

0:16:4.430 --> 0:16:5.20

Sophie Moiese Room

OK.

0:16:5.90 --> 0:16:5.510

Sophie Moiese Room

Thank you.

0:16:6.900 --> 0:16:11.490

Sophie Moiese Room

I I moved to approve the use of the family transfer exemption.

0:16:18.120 --> 0:16:29.520

Sophie Moiese Room

Ohh, I'm so sorry, I'm reading it's a different I move to approve the request by Gary and Rebecca Tucker to utilize the aggregation exemption as presented in the subdivision exemption affidavit.

0:16:30.610 --> 0:16:35.490

Sophie Moiese Room

Second, any further discussion on that first motion seeing none.

0:16:35.500 --> 0:16:36.60

Sophie Moiese Room

All in favor?

0:16:36.430 --> 0:16:49.490

Sophie Moiese Room

Aye, and I also move to approve the request by Gary and Rebecca Tucker to utilize the Family transfer exemption to create and transfer 2 parcels, and the remaining parcel as presented in the subdivision exemption affidavit.

0:16:49.740 --> 0:16:54.50

Sophie Moiese Room

Second, any further discussion on that motion seeing none all in favor?

0:16:54.320 --> 0:16:55.70

Sophie Moiese Room

Aye.

0:16:55.400 --> 0:16:55.950

Sophie Moiese Room

OK.

0:16:56.40 --> 0:16:56.480

Sophie Moiese Room

Thank you.

0:17:0.610 --> 0:17:1.130

Sophie Moiese Room

Thank you, Zach.

0:17:3.850 --> 0:17:11.720

Sophie Moiese Room

Our second public hearing is the first public hearing on a petition to alter a portion of Blue Mountain Rd.

0:17:11.770 --> 0:17:12.470

Sophie Moiese Room

Steve Knightley.

0:17:15.660 --> 0:17:19.30

Sophie Moiese Room

Yes, we have someone from the clerk and Records office first.

0:17:19.140 --> 0:17:21.690

Sophie Moiese Room

OK, OK, come on up.

0:17:24.850 --> 0:17:29.530

Sophie Moiese Room

Hello, I'm Lisa Frost with the clerk and records office.

0:17:30.240 --> 0:17:36.330

Sophie Moiese Room

What petition to alter a portion of the Blue Mountain Rd has been submitted to the clerk and Records office.

0:17:36.550 --> 0:17:43.590

Sophie Moiese Room

It is described as a Blue Mountain Rd from the intersection of Tiberius Drive to the intersection with Forest Hill Lane.

0:17:44.120 --> 0:17:49.260

Sophie Moiese Room

The petition fee has been paid in full and a notice of hearing has been published twice in the Missoulian.

0:17:50.500 --> 0:17:56.390

Sophie Moiese Room

A petition has been signed by at least ten of the freeholders of the Missoula County Road District.

0:17:57.270 --> 0:18:0.280

Sophie Moiese Room

All affected land owners have been contacted.

0:18:0.410 --> 0:18:16.670

Sophie Moiese Room

The property or the purpose of today's hearing is to establish dates for the road viewing and 2nd hearing, which Cheryl should have dates for those, and then just on a side note, we did have one opposition to the alteration.

0:18:18.480 --> 0:18:19.130

Sophie Moiese Room

OK.

0:18:19.240 --> 0:18:20.560

Sophie Moiese Room

Thank you, Steve.

0:18:24.520 --> 0:18:31.590

Sophie Moiese Room

Yes, Commissioner Steve 9A, surveyors, office and as an older adult, some might say elder.

0:18:32.40 --> 0:18:34.470

Sophie Moiese Room

Thank you for your elder abuse proclamation.

0:18:36.950 --> 0:18:41.530

Sophie Moiese Room

So Lisa noted that there was one opponent.

0:18:42.620 --> 0:18:43.890

Sophie Moiese Room

His name is Chris Newell.

0:18:45.30 --> 0:18:52.830

Sophie Moiese Room

I reached out to him and asked him if he would be so kind as to provide me with reasons for his opposition.

0:18:54.750 --> 0:18:59.180

Sophie Moiese Room

His reasoning was that he did not want to see Blue Mountain Rd whitened.

0:19:0.290 --> 0:19:2.580

Sophie Moiese Room

That's not the intent of the petition.

0:19:2.590 --> 0:19:16.380

Sophie Moiese Room

I've responded to him, told him the intent was to not change the Blue Mountain Rd, but to use the extra width, petitioned for to create a non motorized path.

0:19:17.800 --> 0:19:21.290

Sophie Moiese Room

He got back to me and said Ohh well that changes everything.

0:19:21.340 --> 0:19:28.630

Sophie Moiese Room

I'm in support and he in fact did resign the petition he had signed it earlier.

0:19:28.960 --> 0:19:32.490

Sophie Moiese Room

He resigned it and sent it to me by email.

0:19:32.900 --> 0:19:40.770

Sophie Moiese Room

And I'm not sure if it went to others, but I have it so there is no opposition that I know of.

0:19:41.920 --> 0:20:22.370

Sophie Moiese Room

All of the affected land owners have signed the petition and now approved it and a little background on why this is being done is that there are plans to build a trail from the existing Lolo to Missoula Trail, up the Blue Mountain Road to the Forest Service parking lot at the trail head, and in looking at the right of way situation for that trail, it was apparent that the road that exists today is not entirely within right of way of record.

0:20:23.420 --> 0:20:39.490

Sophie Moiese Room

However, there is right of way of record that does not follow the physical road and initially that 40 foot wide right of way that exists was looked at as the location for the trail.

0:20:42.360 --> 0:20:45.970

Sophie Moiese Room

I and others looked at this as an opportunity to.

0:20:47.240 --> 0:20:53.130

Sophie Moiese Room

Move that 40 foot legal right of way over to where the existing Rd is.

0:20:53.930 --> 0:21:1.140

Sophie Moiese Room

I contacted the landowner who's road now exists.

0:21:1.680 --> 0:21:2.700

Sophie Moiese Room

He was in agreement.

0:21:3.560 --> 0:21:5.370

Sophie Moiese Room

Uh, he lives in Canada.

0:21:5.380 --> 0:21:8.830

Sophie Moiese Room

I don't see him on teams.

0:21:9.240 --> 0:21:10.350

Sophie Moiese Room

There is a hand up.

0:21:10.360 --> 0:21:11.790

Sophie Moiese Room

I don't know if it's that individual.

0:21:11.800 --> 0:21:14.880

Sophie Moiese Room

We'll find out here momentarily, but go go ahead, Steve.

0:21:15.20 --> 0:21:16.230

Sophie Moiese Room

Yeah, very.

0:21:16.240 --> 0:21:17.770

Sophie Moiese Room

Strauss is his name.

0:21:18.180 --> 0:21:23.80

Sophie Moiese Room

He owns the large lot northeast of the Forest Service parking lot.

0:21:25.150 --> 0:21:28.80

Sophie Moiese Room

He decided that yes, that was a good idea.

0:21:28.90 --> 0:21:49.60

Sophie Moiese Room

It it's of benefit to him, it takes away a burden of the old legal right of way, puts it on the existing road and provides additional width to accommodate the trail based on all those facts, I created the petition.

0:21:50.590 --> 0:21:51.410

Sophie Moiese Room

Send it to Barry.

0:21:52.470 --> 0:21:56.850

Sophie Moiese Room

Barry signed it because he's out of country.

0:21:57.440 --> 0:22:5.190

Sophie Moiese Room

I attempted to physically contact the adjacent land owners and also sent them mailings.

0:22:6.20 --> 0:22:17.450

Sophie Moiese Room

Umm I was not able to content contact them physically when I knocked on their doors, but eventually I got the petitions back from all those individuals with their signatures.

0:22:18.700 --> 0:22:21.550

Sophie Moiese Room

So that's kind of the the basics here.

0:22:22.280 --> 0:22:22.900

Sophie Moiese Room

Umm.

0:22:23.450 --> 0:22:26.740

Sophie Moiese Room

And since we do have a hand up, let's see what's going on there.

0:22:27.390 --> 0:22:36.400

Sophie Moiese Room

Persons phone number who is 805-646-8051 and before we do that though, Steve, do you want to explain the process?

0:22:36.410 --> 0:22:38.50

Sophie Moiese Room

So this is the first public hearing.

0:22:38.60 --> 0:22:46.680

Sophie Moiese Room

There will be a road viewing correct and then we will reconvene and have the opportunity to actually take action, correct.

0:22:46.730 --> 0:22:47.610

Sophie Moiese Room

Correct.

0:22:47.620 --> 0:22:51.50

Sophie Moiese Room

Now, Ron Viewing has already been set for June the 12th.

0:22:52.900 --> 0:23:9.730

Sophie Moiese Room

Wanita and I will meet in my office at 9:30 and drive out to the Forest Service parking lot at the base of Blue Mountain, where the trail head is are at that point others can join in and we can do a required site investigation.

0:23:10.710 --> 0:23:19.260

Sophie Moiese Room

Umm, we will come back from that investigation, draft up a brief report on our recommendation to the entire board.

0:23:23.710 --> 0:23:30.840

Sophie Moiese Room

That will take place at the second hearing and I don't know, do we have a second hearing date, July 13th.

0:23:31.980 --> 0:23:39.460

Sophie Moiese Room

OK, the line 13th would be the second hearing where the road investigators report will be read into the public record.

0:23:40.930 --> 0:23:55.500

Sophie Moiese Room

Adequate time for additional public comment from anyone and at that point, usually the Commissioners can make a decision unless there's need for additional time or for other input.

0:23:55.990 --> 0:23:56.420

Sophie Moiese Room

OK.

0:23:56.430 --> 0:23:57.200

Sophie Moiese Room

Thank you, Steve.

0:23:57.210 --> 0:23:59.0

Sophie Moiese Room

Let's begin this time online.

0:23:59.10 --> 0:24:2.260

Sophie Moiese Room

Is there on anyone joining us online or on the phone?

0:24:2.270 --> 0:24:8.710

Sophie Moiese Room

Who would like to comment on this petition to alter right away?

0:24:11.910 --> 0:24:13.270

Sophie Moiese Room

Anyone online or on the phone?

0:24:12.250 --> 0:24:15.540

84dcb31d-5c08-4433-b377-0b7fdef6879c

It's it's Chris Newell.

0:24:15.610 --> 0:24:16.900

84dcb31d-5c08-4433-b377-0b7fdef6879c

I don't know if you can hear me or not.

0:24:17.330 --> 0:24:18.450

Sophie Moiese Room

Yeah, go ahead, Mr Newell.

0:24:19.770 --> 0:24:20.130

84dcb31d-5c08-4433-b377-0b7fdef6879c

Yes.

0:24:20.140 --> 0:24:35.110

84dcb31d-5c08-4433-b377-0b7fdef6879c

I I just wanted to confirm what Steve had said that I had originally misunderstood the purpose of the the change of moving the center line N to its actual location and the widening for the trails.

0:24:35.120 --> 0:24:40.130

84dcb31d-5c08-4433-b377-0b7fdef6879c

So I just wanted to confirm that I'm not.

0:24:40.560 --> 0:24:41.420

84dcb31d-5c08-4433-b377-0b7fdef6879c

I do not object.

0:24:42.970 --> 0:24:43.410

Sophie Moiese Room

Great.

0:24:43.420 --> 0:24:44.50

Sophie Moiese Room

Thank you for that.

0:24:45.390 --> 0:24:46.470

Sophie Moiese Room

Anyone else?

0:24:46.550 --> 0:24:46.860

Sophie Moiese Room

Yeah.

0:24:46.870 --> 0:24:47.530

Sophie Moiese Room

Thanks Chris.

0:24:52.700 --> 0:24:52.870

84dcb31d-5c08-4433-b377-0b7fdef6879c

No.

0:24:47.540 --> 0:25:7.500

Sophie Moiese Room

And and just because there was a little bit of confusion there, the purpose of this petition is to move the physical right of way to not we're not anticipating in any foreseeable future Rd improvements other than building a non motorized trail alongside the existing Rd.

0:25:8.560 --> 0:25:10.170

Sophie Moiese Room

Thanks for that clarification.

0:25:10.220 --> 0:25:12.740

Sophie Moiese Room

Anyone else online or on the phone who would like to comment?

0:25:15.70 --> 0:25:18.180

Sophie Moiese Room

OK, anyone in the Sophie Moiese room like to comment?

0:25:18.530 --> 0:25:19.540

Sophie Moiese Room

Come on up to the microphone.

0:25:23.160 --> 0:25:26.410

Sophie Moiese Room

Hi there, Travis Mateer, Missoula County resident.

0:25:26.500 --> 0:25:36.790

Sophie Moiese Room

I would like to speak just a general concerns about traffic flow and where we do know there is the future of growth happening along Mullin and also in Midtown as I attend city.

0:25:36.800 --> 0:25:47.530

Sophie Moiese Room

And I know this is counting, but as I attend city development conversations in Midtown, I don't know if big flat Rd and some of the growth and pressures of traffic are always being taken into consideration.

0:25:47.810 --> 0:25:58.660

Sophie Moiese Room

Uh, I I see a lot of reckless, stupid drivers on big flat, more and more and I get concerned is we have more construction happening in the city that people are gonna try and take shortcuts.

0:25:58.670 --> 0:26:10.420

Sophie Moiese Room

If they think that there are some advantageous routes on big flats, so I continue to get worried about my kids the way they drive on the bus, Mcclay or the Mcclay bridge is also a continued concern.

0:26:10.430 --> 0:26:17.770

Sophie Moiese Room

So I think public outreach and accurate information is more important now than ever, especially since we have such an atrocious media landscape.

0:26:18.150 --> 0:26:24.580

Sophie Moiese Room

Really not doing their job to inform the public, so please do your job to outreach to the public so they have accurate information.

0:26:24.710 --> 0:26:26.800

Sophie Moiese Room

But any kind of development happening on roadways?

0:26:27.70 --> 0:26:27.750

Sophie Moiese Room

Thank you so much.

0:26:28.770 --> 0:26:29.720

Sophie Moiese Room

Thank you, Sir.

0:26:30.270 --> 0:26:36.160

Sophie Moiese Room

Anyone else here in the room like to comment on this proposed alteration of the roadway?

0:26:39.560 --> 0:26:42.900

Sophie Moiese Room

Anybody else this?

0:26:45.370 --> 0:26:46.640

Sophie Moiese Room

Is Michael trying to?

0:26:47.190 --> 0:26:51.540

Sophie Moiese Room

Is there the person who's on the screen identified as Michael?

0:26:51.550 --> 0:26:52.870

Sophie Moiese Room

Are you wanting to comment?

0:26:58.280 --> 0:27:1.950

Sophie Moiese Room

OK, you're you're going to have to unmute yourself if you want to.

0:27:1.960 --> 0:27:3.160

Sophie Moiese Room

Other up there we go.

0:27:4.160 --> 0:27:5.0

Sophie Moiese Room

Apparently not.

0:27:5.470 --> 0:27:12.990

Sophie Moiese Room

It's gonna say anyone online who does not want to be displayed in perpetuity in our records can turn off their cameras.

0:27:13.0 --> 0:27:19.490

Sophie Moiese Room

So alright, with that, we will keep the public hearing open.

0:27:19.500 --> 0:27:27.30

Sophie Moiese Room

There will be a road viewing here in a couple weeks and then we will reconvene in the month of July to take action on this.

0:27:28.100 --> 0:27:28.520

Sophie Moiese Room

Thank you.

0:27:29.530 --> 0:27:35.660

Sophie Moiese Room

Steve, you have not gone far from the podium here, but also I I, Karen Baldrige, were you wanting to say anything more?

0:27:35.970 --> 0:27:43.980

Sophie Moiese Room

OK, so this is the second public hearing related to a petition to alter a portion of lower Miller Creek Rd.

0:27:44.20 --> 0:27:44.720

Sophie Moiese Room

Steve. Mayday.

0:27:46.360 --> 0:28:4.590

Sophie Moiese Room

Yes, Commissioners Rd viewing was held attended by many and I believe if I'm not mistaken, some of the concerns addressed by those present were addressed at that meeting, one of which was speed.

0:28:5.870 --> 0:28:11.150

Sophie Moiese Room

Umm yeah, I think that that was addressed adequately by the.

0:28:12.190 --> 0:28:15.470

Sophie Moiese Room

Installation of a traffic circle that's proposed out there?

0:28:16.210 --> 0:28:31.280

Sophie Moiese Room

Umm, so on May 22nd, 2023, David Stromeyer and myself conducted this site investigation and the report reads as follows.

0:28:31.830 --> 0:28:48.620

Sophie Moiese Room

At approximately 4:00 PM, the investigators listed above that would be Dave and I, plus other representatives of city and county government, along with several petitioners and effective landowners, met at 7565 Lower Miller Creek Rd.

0:28:49.70 --> 0:28:57.470

Sophie Moiese Room

We discussed the different existing county petitioned rights of way and the section section of Laura Miller Creek Rd.

0:28:57.480 --> 0:29:9.80

Sophie Moiese Room

Affected by this petition since the petition effects rights of way in both the city and county, both entities are collaborating to ensure continuous public right of way.

0:29:9.430 --> 0:29:29.10

Sophie Moiese Room

We we recommend the petitioners request be granted contingent on the successful completion of the petition within the city and completion of a constructed Rd in the altered location and acceptance of that road by both the city and county.

0:29:29.520 --> 0:29:54.620

Sophie Moiese Room

In addition, since the petition as submitted would result in an isolated section of Bitterroot High Water Rd across the northwestern energy parcel at 7565 Lower Miller Creek Rd, it is recommended that the north with northwestern energies consent this section be included in the alteration.

0:29:56.330 --> 0:30:2.970

Sophie Moiese Room

As far as I know, and have been told, Northwestern Energy has offered that consent.

0:30:6.770 --> 0:30:8.490

Sophie Moiese Room

That concludes my report.

0:30:8.890 --> 0:30:24.50

Sophie Moiese Room

OK, we have received some the public comment as of today from folks who felt as if they were not given adequate notice that this meeting was occurring and they ask for additional time to participate.

0:30:25.740 --> 0:30:35.950

Sophie Moiese Room

Is the applicant or the petitioner or petitioners representative here were online I see Josh Hilling up there from Imag.

0:30:36.0 --> 0:30:40.320

Sophie Moiese Room

Josh is are you there?

0:30:41.90 --> 0:30:41.730

Josh Hilling

Yes, I am.

0:30:42.650 --> 0:30:48.560

Sophie Moiese Room

So if well, First off question for Cheryl.

0:30:48.570 --> 0:30:54.660

Sophie Moiese Room

So when when would be the next available date that we could take this up if we wanted to not take action?

0:30:54.670 --> 0:30:58.560

Sophie Moiese Room

Today we have June 22nd available or July 13th.

0:30:59.240 --> 0:31:9.80

Sophie Moiese Room

So Josh, if this was postponed until June 22nd to give folks adequate notice, how, how would that impact your construction schedule?

0:31:10.690 --> 0:31:13.310

Josh Hilling

I don't believe that would be impactful to us.

0:31:15.290 --> 0:31:17.470

Sophie Moiese Room

OK, hold that.

0:31:17.480 --> 0:31:21.360

Sophie Moiese Room

Thought anyone in the Sophie Moiese room wanna comment?

0:31:21.890 --> 0:31:22.440

Sophie Moiese Room

Come on up, Sir.

0:31:26.310 --> 0:31:26.660

Sophie Moiese Room

Yeah.

0:31:26.670 --> 0:31:29.410

Sophie Moiese Room

So I'm Scott Twite, one of the owners of the property.

0:31:29.850 --> 0:31:38.530

Sophie Moiese Room

And I was just curious as to what more info, what additional information was requested or wasn't presented at the time.

0:31:38.540 --> 0:31:41.260

Sophie Moiese Room

And do we know what additional information is being requested?

0:31:41.270 --> 0:31:50.30

Sophie Moiese Room

And I don't think there is any additional information requested so much as folks who did not know this meeting was happening today. OK.

0:31:53.580 --> 0:32:4.990

Sophie Moiese Room

John or Steve, to my knowledge, nobody requested additional information to be presented so much as just wanting to participate, not to my knowledge either.

0:32:5.0 --> 0:32:8.230

Sophie Moiese Room

No additional information was requested.

0:32:8.680 --> 0:32:19.570

Sophie Moiese Room

The two individuals that emailed a group of us about receiving individual notice of the set this second hearing.

0:32:21.130 --> 0:32:38.390

Sophie Moiese Room

We're both in attendance at the first hearing and that second hearing date was established in the first hearing, so I believe unless they weren't paying attention, they would have been able to know about this today's hearing.

0:32:40.20 --> 0:32:48.580

Sophie Moiese Room

And I and I, it seems to me that that was their primary issue was that they weren't individually noticed of this second hearing.

0:32:52.120 --> 0:33:16.900

Sophie Moiese Room

John Hart, I received a voicemail this morning about 10:00 o'clock from a woman named Deb Hoagland asking me to tell her the counties legal position on why we don't have to give actual notice to affected land owners for every single hearing on a road petition.

0:33:17.700 --> 0:33:22.10

Sophie Moiese Room

And I was able to respond to her with an email.

0:33:22.760 --> 0:33:28.20

Sophie Moiese Room

A couple of hours ago explaining that, you know the the these Rd.

0:33:29.20 --> 0:33:31.200

Sophie Moiese Room

Statutes or old statutes.

0:33:32.130 --> 0:33:42.60

Sophie Moiese Room

Honestly, I was surprised to learn this afternoon that we don't have to provide any actual notice to anybody on a road petition.

0:33:42.70 --> 0:33:46.860

Sophie Moiese Room

The only time that our obligation provide actual notice, what I'm talking about actual notice.

0:33:46.870 --> 0:33:54.420

Sophie Moiese Room

It's like mailing something, sending an email, putting it, you know, knocking on your door and giving it to you.

0:33:55.890 --> 0:34:7.240

Sophie Moiese Room

So the only actual notice requirement under the statute is, after you make a decision, then you're supposed to notify affected land owners of the decision.

0:34:8.620 --> 0:34:17.190

Sophie Moiese Room

And you know, for for what that's worth, I I, that's what I told Miss Hoagland.

0:34:17.200 --> 0:34:23.220

Sophie Moiese Room

I copied the statutes from the code into my email and I I told her I said.

0:34:23.230 --> 0:34:35.350

Sophie Moiese Room

But if you you or anybody can make it to this meeting today, you can ask the Commissioners to continue the hearing to another date and postpone their action on this petition.

0:34:35.400 --> 0:34:42.550

Sophie Moiese Room

And you know, I said I couldn't speak for you, but I suspected that that would be something that you would be receptive to.

0:34:42.900 --> 0:34:44.890

Sophie Moiese Room

I didn't get a response prior to this meeting.

0:34:44.900 --> 0:34:48.300

Sophie Moiese Room

I I haven't got it during the meeting either, so that that's what I did.

0:34:49.530 --> 0:34:50.760

Sophie Moiese Room

Thank you, Mr Hart.

0:34:51.290 --> 0:34:52.260

Sophie Moiese Room

Come on up.

0:34:52.850 --> 0:34:56.390

Sophie Moiese Room

I gotta come up to the microphone and speak to me, OK?

0:34:56.400 --> 0:34:56.620

Sophie Moiese Room

Yeah.

0:34:56.630 --> 0:35:1.890

Sophie Moiese Room

Please state your name for the record and keeping us in suspense there while we're talking about you.

0:35:1.930 --> 0:35:2.620

Sophie Moiese Room

OK.

0:35:2.670 --> 0:35:5.740

Sophie Moiese Room

Well, I always like to know what's being said before I raise my hand.

0:35:6.330 --> 0:35:14.60

Sophie Moiese Room

My name is Deb Hoagland and and I can speak for David and Renee Biggert today, because I just.

0:35:14.150 --> 0:35:31.150

Sophie Moiese Room

I just got off the I've been communicating with them back and forth and they were the ones and they can't be here today because when you said if we weren't paying attention, well, people, you know, people have hearing issues, you know.

0:35:31.160 --> 0:35:34.50

Sophie Moiese Room

And so, and I kept myself.

0:35:34.60 --> 0:35:39.850

Sophie Moiese Room

I kept looking on the Commissioners website because I thought, well, when is it?

0:35:40.340 --> 0:35:41.810

Sophie Moiese Room

And so and it.

0:35:41.820 --> 0:35:44.130

Sophie Moiese Room

You're your agendas weren't published till.

0:35:44.140 --> 0:35:53.470

Sophie Moiese Room

I don't know when just recently because I looked all the way through May and they weren't published, so I don't know exactly when they were published for the agendas we're going to happen.

0:35:53.560 --> 0:35:57.730

Sophie Moiese Room

And then I looked on Sunday and I was like, yeah, Dang it.

0:35:57.740 --> 0:35:58.790

Sophie Moiese Room

Are you kidding me?

0:35:58.910 --> 0:36:5.250

Sophie Moiese Room

Because I didn't know that it was on the 8th and when we were here the last time, you know, you.

0:36:5.340 --> 0:36:20.460

Sophie Moiese Room

You in particular said that you would keep us informed that you would, that you would send us letters and we can go back and and we verified our addresses and and every and.

0:36:20.470 --> 0:36:22.760

Sophie Moiese Room

And you even made the comment of.

0:36:22.870 --> 0:36:23.860

Sophie Moiese Room

You want me to spend?

0:36:23.910 --> 0:36:26.240

Sophie Moiese Room

You want me to pay postage for that?

0:36:26.690 --> 0:36:27.690

Sophie Moiese Room

And it was like, yeah.

0:36:27.740 --> 0:36:33.420

Sophie Moiese Room

And so that is what you agreed to and I could be here today, but the others couldn't.

0:36:33.790 --> 0:36:34.700

Sophie Moiese Room

So I don't.

0:36:34.710 --> 0:36:38.400

Sophie Moiese Room

So I would like to ask for a postponement for their benefit.

0:36:38.490 --> 0:36:39.420

Sophie Moiese Room

So is there anything?

0:36:40.50 --> 0:36:42.830

Sophie Moiese Room

Is there anything specific you would like to share about the proposal?

0:36:43.200 --> 0:36:45.10

Sophie Moiese Room

Hey, while you're here, I have lots.

0:36:45.380 --> 0:36:47.330

Sophie Moiese Room

OK, we'll do it.

0:36:47.480 --> 0:36:47.840

Sophie Moiese Room

Ahead.

0:36:47.850 --> 0:36:48.430

Sophie Moiese Room

Do you mind?

0:36:48.440 --> 0:36:55.310

Sophie Moiese Room

Yeah, because I don't know if you want to postpone it till day till the other participants can be here.

0:36:55.320 --> 0:36:56.710

Sophie Moiese Room

It's a it's a public hearing.

0:36:56.720 --> 0:37:1.510

Sophie Moiese Room

You can comment on it today and then we can decide whether or not to extend it or not.

0:37:1.560 --> 0:37:3.20

Sophie Moiese Room

So OK.

0:37:7.530 --> 0:37:14.730

Sophie Moiese Room

And and if you could keep your comments to 3 minutes or less, that would be, well, 3 minutes or less. Well.

0:37:14.810 --> 0:37:19.140

Sophie Moiese Room

That I can because yeah, I I have them written out.

0:37:19.310 --> 0:37:26.200

Sophie Moiese Room

OK, you can provide us your written comments and if you wanted to provide a summary in 3 minutes that would be good too.

0:37:26.260 --> 0:37:27.830

Sophie Moiese Room

Can give you a thumb.

0:37:30.800 --> 0:37:32.690

Sophie Moiese Room

I can give you the basis for my comment.

0:37:32.700 --> 0:37:33.310

Sophie Moiese Room

Excellent.

0:37:33.380 --> 0:37:34.210

Sophie Moiese Room

I I won't.

0:37:34.260 --> 0:37:38.140

Sophie Moiese Room

I won't give you a summary of the comments, but I'll give you a basis for the comments.

0:37:38.150 --> 0:37:47.280

Sophie Moiese Room

OK, so all so I'll do the I'll do 3 minute part and then I'll do a little thumbnail for the rest of it.

0:37:47.600 --> 0:37:48.210

Sophie Moiese Room

How's that?

0:37:48.220 --> 0:37:48.470

Sophie Moiese Room

Go ahead.

0:37:49.200 --> 0:38:0.100

Sophie Moiese Room

So you know, I understand that development is a reality and the necessary necessity, but I also believe that this petition cannot be looked at in a vacuum in which it's presented.

0:38:1.410 --> 0:38:14.810

Sophie Moiese Room

The proposal needs to be assessed within the context of the Miller Creek Area Comprehensive Plan amendment, which the current legal, which is the current legal neighborhood planning document guiding Missoula City and county Planning and zoning.

0:38:15.630 --> 0:38:16.640

Sophie Moiese Room

It should be about.

0:38:16.650 --> 0:38:40.600

Sophie Moiese Room

This proposal should be evaluated on the merits of the goals, design principles and recommendations of the comprehensive plan of which the sufficient petition appears to disregard the transportation services and infrastructure are a large portion of the comprehensive plan one of the tenants listed is that, and I quote, the current residence of Miller Creek.

0:38:40.610 --> 0:38:44.30

Sophie Moiese Room

Do not want to bear the traffic impacts of new development.

0:38:45.780 --> 0:39:5.300

Sophie Moiese Room

I am emphatically stating that this petition will make me bear a significant impact, besides the obvious impact of dramatic increase of volume of traffic, which is gonna happen, but relocating the eastern portion of Lower Miller Creek Rd will negatively impact mine property and quality of life dramatically for two reasons.

0:39:6.390 --> 0:39:13.600

Sophie Moiese Room

First, car headlights will now shine at my property as compared to the headlights moving past my property as they do now.

0:39:15.210 --> 0:39:21.810

Sophie Moiese Room

Miller Creek is one of the last few views in the Missoula area where night skies aren't grossly impacted by city lights.

0:39:22.690 --> 0:39:26.160

Sophie Moiese Room

I have somewhat made my peace with the lights of the development that are coming.

0:39:26.170 --> 0:39:31.900

Sophie Moiese Room

However, I shouldn't have to suffer the insult of additional headlights aimed at me.

0:39:31.950 --> 0:39:42.640

Sophie Moiese Room

Secondly, as there are numerous slide offs in winters now on lower Miller Creek Rd, I believe that adding a new period of adjacent to my property will increase the likelihood of property damage.

0:39:43.690 --> 0:39:57.650

Sophie Moiese Room

Given that the developer owns all the property where the changes proposed, there is no reason that he could not tie the egress from Linda Vista Estates phase three to five further West and avoid impacting the enjoyment of my property.

0:39:59.940 --> 0:40:3.610

Sophie Moiese Room

And there are other reasons that the this comprehensive plan.

0:40:3.620 --> 0:40:29.550

Sophie Moiese Room

So in more in a thumbnail this I don't believe that the comprehensive plan is being adhered to on many, many conditions of this both of the development which is city but coming out of the development as well, you don't take into account all the requirements of the goals, design principles and recommendations are already in there.

0:40:29.560 --> 0:40:45.850

Sophie Moiese Room

For instance, such simple things as bike paths, bike paths is in here shall be considered throughout the whole and the other thing about coming from the city to the county.

0:40:46.280 --> 0:41:9.620

Sophie Moiese Room

In this, the comprehensive plan amendment, it keeps saying bring existing in new roads at the same time to to for traffic flows that you have to look at the sum total not just of this little stretch, but you have to look at the whole that whole stretch, a lower Miller Creek.

0:41:11.540 --> 0:41:14.710

Sophie Moiese Room

I don't believe you were here last time, but last time I said.

0:41:15.30 --> 0:41:37.260

Sophie Moiese Room

And I'm and this is one thing that I really want on record is right now buses coming SE school buses SE on Miller Creek making that 340 degree turn onto Lower Miller Creek cannot stay in their lanes they have to turn head bound headlong into the eastbound traffic.

0:41:38.430 --> 0:41:41.380

Sophie Moiese Room

That whole section arose has to be looked at.

0:41:41.810 --> 0:41:49.190

Sophie Moiese Room

You can't just look at this one little part and and again and then the other.

0:41:49.200 --> 0:42:0.10

Sophie Moiese Room

The other short thing that I'll say because that comprehensive plan states over and over and over that you have to look at the existing and bring them up to.

0:42:1.130 --> 0:42:16.520

Sophie Moiese Room

Umm, safe standards at the same time as you're doing development, other development and the other thing I'll say though too, so that the bike that's a heavily used bike Rd what provisions are being looked at for that?

0:42:18.300 --> 0:42:18.870

Sophie Moiese Room

Thanks.

0:42:19.200 --> 0:42:24.930

Sophie Moiese Room

It's a heavily used pedestrian Rd that has to be factored into this.

0:42:25.200 --> 0:42:35.810

Sophie Moiese Room

I don't think you can look at 1000 feet of it and say ohh, you know we're we're just going to change this tiny thing where you're chipping away at the basic tenants of that design plan.

0:42:36.260 --> 0:42:50.550

Sophie Moiese Room

And then the last thing I will say is in it, it keeps it talks extensively about conservation areas and just so for clarification, are you citing the city or the county's growth policy and county?

0:42:50.950 --> 0:42:51.770

Sophie Moiese Room

It's the plan.

0:42:51.780 --> 0:42:54.950

Sophie Moiese Room

It's the miss.

0:42:54.960 --> 0:42:58.150

Sophie Moiese Room

It's on the Missoula County City Planning zone site.

0:42:58.160 --> 0:43:1.20

Sophie Moiese Room

It's the neighborhood plans that they have listed there.

0:43:2.40 --> 0:43:2.700

Sophie Moiese Room

OK.

0:43:3.30 --> 0:43:6.160

Sophie Moiese Room

And it was done in 1995.

0:43:6.170 --> 0:43:22.630

Sophie Moiese Room

This is 30 years that there's been this guidance out there to make bike trails two to make safe pedestrian ways to make, and I don't see it throughout that new subdivision, which is not your problem.

0:43:22.700 --> 0:43:24.650

Sophie Moiese Room

But coming out of it, it is your problem.

0:43:24.720 --> 0:43:39.610

Sophie Moiese Room

So the last thing I want to say is about the conservation areas that this plan says that you must consider and as well as some umm, uh, uh.

0:43:39.620 --> 0:43:40.290

Sophie Moiese Room

What's the word?

0:43:40.350 --> 0:43:41.270

Sophie Moiese Room

I'm not pathways.

0:43:41.580 --> 0:43:48.170

Sophie Moiese Room

Umm yeah, let me uh the doors.

0:43:48.240 --> 0:43:49.350

Sophie Moiese Room

Wildlife corridors.

0:43:49.360 --> 0:44:0.820

Sophie Moiese Room

It says you must consider it that valley out there last winter I counted 135 elk ride along the road and sometimes they go up the hills that are being developed.

0:44:1.980 --> 0:44:15.70

Sophie Moiese Room

I find it very fascinating that the Mount Jumbo can be closed to even hikers in the winter to protect the elk, but the S elk herd not so much.

0:44:15.280 --> 0:44:15.600

Sophie Moiese Room

Thanks.

0:44:15.610 --> 0:44:17.110

Sophie Moiese Room

We gotta wrap up here.

0:44:17.120 --> 0:44:24.590

Sophie Moiese Room

So if you could provide your written comments to Sheryl, we will decide here in a second whether we will extend this public hearing or not.

0:44:24.600 --> 0:44:24.920

Sophie Moiese Room

Thank you.

0:44:26.540 --> 0:44:28.550

Sophie Moiese Room

Anyone else like to comment on this?

0:44:29.160 --> 0:44:30.40

Sophie Moiese Room

Yes, come on up.

0:44:32.300 --> 0:44:33.110

Sophie Moiese Room

Thank you.

0:44:33.760 --> 0:44:38.790

Sophie Moiese Room

So I am Shiva Scott, Clerk and treasurer, director and we are in charge.

0:44:38.800 --> 0:45:26.60

Sophie Moiese Room

Our office is in charge of evaluating the petitions for Rd alterations and also for providing notice, and I just want to acknowledge Miss Hoagland and Mr and Mrs Bigger it's concerns and even and acknowledge that we understand that it can be challenging to keep track of those dates and even though we're not required to provide notice by law, I think in efforts to promote access to government and transparency that we can do better, and so our office is committed to revisiting our processes for providing notice and will amend our amend our practices moving forward.

0:45:26.70 --> 0:45:27.380

Sophie Moiese Room

So my apologies.

0:45:28.880 --> 0:45:29.670

Sophie Moiese Room

Thank you.

0:45:29.980 --> 0:45:30.810

Sophie Moiese Room

Thanks Sharon.

0:45:31.700 --> 0:45:34.310

Sophie Moiese Room

OHS the night day.

0:45:35.530 --> 0:45:37.220

Sophie Moiese Room

I just want to make a general comment.

0:45:39.130 --> 0:45:48.330

Sophie Moiese Room

Missoula County maintains a YouTube channel and which anyone can go and review previous meetings.

0:45:49.660 --> 0:46:0.950

Sophie Moiese Room

I did that this morning when I first got word of this dissatisfaction, so I would invite others to maybe review what actually took place at that meeting.

0:46:1.160 --> 0:46:15.30

Sophie Moiese Room

And maybe you wanna hear more about uh or review and and renew when something's gonna take place that was scheduled at a previous meeting.

0:46:15.340 --> 0:46:18.130

Sophie Moiese Room

You can certainly go to that YouTube channel.

0:46:18.140 --> 0:46:19.270

Sophie Moiese Room

It it's it's great.

0:46:19.320 --> 0:46:20.570

Sophie Moiese Room

I forgot a lot of things.

0:46:20.580 --> 0:46:22.150

Sophie Moiese Room

That was said at that meeting too.

0:46:22.220 --> 0:46:23.490

Sophie Moiese Room

So, OK, thank you.

0:46:23.580 --> 0:46:28.140

Sophie Moiese Room

Anyone else who has not commented already, like to comment on this particular item.

0:46:30.200 --> 0:46:35.290

Sophie Moiese Room

John Hart, I'm going to say a lot of unpopular things today.

0:46:35.300 --> 0:46:41.310

Sophie Moiese Room

I thought I was going to save them for the last agenda item, but I'm sure you will have more on popular things to say then too.

0:46:42.40 --> 0:46:46.900

Sophie Moiese Room

OK, first though I you know, I don't think Shara Scott needs to.

0:46:48.240 --> 0:46:51.300

Sophie Moiese Room

A apologize in any way.

0:46:51.310 --> 0:47:4.220

Sophie Moiese Room

I mean the I was surprised to learn this afternoon that the notice the actual notice that we give to affected land owners of a petition is more than is required by state law.

0:47:4.230 --> 0:47:6.0

Sophie Moiese Room

So they're already doing.

0:47:6.90 --> 0:47:8.660

Sophie Moiese Room

They're already going above and beyond what they're required.

0:47:9.450 --> 0:47:19.40

Sophie Moiese Room

I applaud them for looking at their procedures, but I want people to recognize they already do more than is required and that's a theme with Missoula County.

0:47:19.470 --> 0:47:26.210

Sophie Moiese Room

The second thing and and and I don't. I don't want to color your decision on whether or not to continue. The hearing until another date.

0:47:26.320 --> 0:47:58.410

Sophie Moiese Room

But I think it's important for people to understand the the state of the law when it comes to roads and, umm, and widening roads, building roads, developing land at the end of roads and what I try to remind myself is of the case that came out of the Montana Supreme Court in the early 80s here in Missoula County, when the State Department of Transportation decided to widen.

0:47:58.420 --> 0:48:11.400

Sophie Moiese Room

And improve Reserve St, which before that had been a a country, two lane and many property owners along reserve St understand, you know, reading the tea leaves, seeing what was going to happen.

0:48:11.560 --> 0:48:21.550

Sophie Moiese Room

Either quiet neighborhood sued the Department of Transportation and Missoula County, and the Supreme Court said this 40 years ago and it's still good law today.

0:48:22.710 --> 0:48:35.880

Sophie Moiese Room

I'm gonna read from the decision the benefits which come and go from the changing currents of travel are not matters in respect to which any individual has any vested right against the judgment of the public authorities.

0:48:36.390 --> 0:48:49.640

Sophie Moiese Room

To say otherwise would allow any property owner or resident of land adjacent to a proper public roadway to file legal claims against the governmental agency responsible for the maintenance and construction of the roadway.

0:48:49.790 --> 0:48:58.540

Sophie Moiese Room

Whenever AVV vehicle traffic upon the roadway increase to a point where the resident owner objected.

0:48:59.430 --> 0:49:2.650

Sophie Moiese Room

This is not the status of the law in this area.

0:49:3.240 --> 0:49:6.220

Sophie Moiese Room

We sympathize with the plight of the landowners.

0:49:6.650 --> 0:49:12.230

Sophie Moiese Room

However, the wheels of progress I'm I can't Scroll down.

0:49:15.360 --> 0:49:18.170

Sophie Moiese Room

The wheels of progress shall not be slowed.

0:49:18.500 --> 0:49:32.970

Sophie Moiese Room

There is no doubt that increased traffic volume, traffic fumes, noise, dust and difficulty of ingress and egress caused inconvenience or discomfort to the property owners when the Reserve Street Bridge was opened.

0:49:34.280 --> 0:49:37.690

Sophie Moiese Room

Nonetheless, we find these detriments to be non compensable.

0:49:38.200 --> 0:49:42.800

Sophie Moiese Room

That's a passage that I I I don't really like that myself.

0:49:43.310 --> 0:49:44.540

Sophie Moiese Room

I like quiet streets.

0:49:44.550 --> 0:49:47.440

Sophie Moiese Room

I like quiet neighborhoods, but that's the law in this area.

0:49:47.450 --> 0:49:52.280

Sophie Moiese Room

And that's what, like it or not, you guide your decisions on on the road issues.

0:49:53.120 --> 0:49:53.860

Sophie Moiese Room

Thank you, John.

0:49:54.470 --> 0:49:56.870

Sophie Moiese Room

Any further public comment online or in the room?

0:49:59.950 --> 0:50:3.40

Sophie Moiese Room

OK. Discussion. Thoughts.

0:50:3.290 --> 0:50:9.810

Sophie Moiese Room

Yeah, I appreciate reminding yourself the law and clarifying at the same time.

0:50:9.820 --> 0:50:15.670

Sophie Moiese Room

I'm I'm especially since Josh Killian said that wasn't going to be detrimental to their work.

0:50:15.680 --> 0:50:17.240

Sophie Moiese Room

I'm fine with extending it.

0:50:19.910 --> 0:50:24.240

Sophie Moiese Room

Yeah, I appears as though there aren't be no material harm to the project.

0:50:24.250 --> 0:50:37.230

Sophie Moiese Room

So we will go the extra mile and extend this to June 22nd and that will be please spread the word, Miss Hoagland, June 22nd back here and we will be making a decision at that point.

0:50:39.280 --> 0:50:39.660

Sophie Moiese Room

OK.

0:50:41.480 --> 0:50:42.180

Sophie Moiese Room

Thank you, everyone.

0:50:43.810 --> 0:50:49.980

Sophie Moiese Room

We will move on to our next public hearing, yeah.

0:50:53.610 --> 0:50:55.100

Sophie Moiese Room

You need to come up to the microphone, please.

0:50:55.790 --> 0:51:5.780

Sophie Moiese Room

Sorry, I just wanted to know since I've handed it, I can't imagine umm adding to my comments that I already handed in written.

0:51:5.860 --> 0:51:15.280

Sophie Moiese Room

Yes, I don't need to revisit any of that at the next correct, no, it's in the public record and we will consider that in our decision and you.

0:51:15.690 --> 0:51:16.540

Sophie Moiese Room

Yes, thanks.

0:51:16.550 --> 0:51:16.860

Sophie Moiese Room

Thank you.

0:51:18.20 --> 0:51:18.750

Sophie Moiese Room

Yes, Sir.

0:51:18.900 --> 0:51:19.410

Sophie Moiese Room

Come on up.

0:51:21.780 --> 0:51:27.850

Sophie Moiese Room

So Scott, tweet again and I assume that that would be something we'd have access to, so we can address it absolutely.

0:51:27.860 --> 0:51:53.470

Sophie Moiese Room

Previous to the meeting and the comp plan is stuff I have some to yes, things that I would like to clarify on on what she says it will be attached to the meeting materials, but also Cheryl or Steve, could you specifically get those you absolutely OK and it just to let everyone know the meetings are published a week before the scheduled date, OK.

0:51:55.10 --> 0:52:6.730

Sophie Moiese Room

And we will also ask our staff to address how growth policies, either in the city or the county apply or don't apply to petitions such as this.

0:52:6.740 --> 0:52:7.620

Sophie Moiese Room

So thank you.

0:52:9.430 --> 0:52:10.900

Sophie Moiese Room

Alright, thank you everyone.

0:52:10.910 --> 0:52:14.340

Sophie Moiese Room

We will move on to our fourth public hearing of the day.

0:52:14.350 --> 0:52:19.920

Sophie Moiese Room

This is a resolution related to no parking along Hwy.

0:52:19.930 --> 0:52:29.320

Sophie Moiese Room

200 in the area of the Sharon parking lot, our chief Public Works Officer Shane Stack is joining us.

0:52:29.370 --> 0:52:32.560

Sophie Moiese Room

Shane, would you be so kind as it provide a staff report?

0:52:33.720 --> 0:52:34.170

Shane Stack

Yeah.

0:52:34.180 --> 0:52:44.150

Shane Stack

So on May 25th, I believe we open the the public hearing regarding the proposed no parking resolution for Hwy.

0:52:44.160 --> 0:52:48.530

Shane Stack

200 and a short portion of Speedway in the Sharon area.

0:52:48.900 --> 0:52:50.740

Shane Stack

I'm assuming you can see my screen OK.

0:52:51.480 --> 0:52:51.600

Sophie Moiese Room

Yes.

0:52:52.490 --> 0:53:6.0

Shane Stack

All right, so the proposal, as you can see on the map was to create a parking restriction on Hwy 200 between Brickyard Lane and Lurch Lane on both sides of of Hwy.

0:53:6.10 --> 0:53:11.960

Shane Stack

200 and then also a short segment of Speedway Ave between Hwy.

0:53:11.970 --> 0:53:17.930

Shane Stack

200 and Buttercup Lane, which is a short segment of the county portion of Speedway.

0:53:19.800 --> 0:53:20.280

Shane Stack

Umm.

0:53:22.910 --> 0:53:27.920

Shane Stack

We had two public comments on Missoula County voice page.

0:53:28.70 --> 0:53:45.340

Shane Stack

There was an opponent to the restriction, and their concern was is that if the parking lot the the new newly constructed or being constructed parking lot is full, then they wouldn't have a place to park.

0:53:45.570 --> 0:53:48.380

Shane Stack

We did have a proponent on Missoula County Voice.

0:53:48.390 --> 0:53:50.40

Shane Stack

Those are the only two comments.

0:53:50.270 --> 0:53:52.900

Shane Stack

MDT Mike visits with them.

0:53:52.910 --> 0:53:56.320

Shane Stack

They are in full support of a restriction of parking on Hwy.

0:53:56.330 --> 0:54:19.930

Shane Stack

200 in this location and they are willing and ready to install no parking signs if and when this resolution is passed, and as a reminder, we do have a 68 spot parking lot that should be opened June 17th and June 16th is the last day of construction.

0:54:19.980 --> 0:54:23.600

Shane Stack

Uh, right now it'll have again 68 spots.

0:54:26.100 --> 0:54:35.990

Shane Stack

I I did a I did a quick calculation with with a each spot being equal to 24 feet of length on Hwy.

0:54:36.0 --> 0:54:53.230

Shane Stack

200 If people were going to parallel park and that essentially stretched from the intersection of Speedway Ave all the way to Lurch Lane, and so the equivalent parking that we're putting out there today would be essentially all the parking that would be able to occur on that.

0:54:53.240 --> 0:54:54.990

Shane Stack

Call it that southeast side of Hwy.

0:54:55.220 --> 0:55:2.850

Shane Stack

200 so that's the information that I have and I guess turn it over to you, Commissioners, for your thoughts.

0:55:4.140 --> 0:55:4.850

Sophie Moiese Room

Alright.

0:55:4.920 --> 0:55:7.390

Sophie Moiese Room

Thanks, Shane, and thanks for that calculation.

0:55:7.400 --> 0:55:9.550

Sophie Moiese Room

That's that's useful information.

0:55:9.560 --> 0:55:15.170

Sophie Moiese Room

So anyone in the room in the Missoula County Courthouse wanna comment on this item?

0:55:17.200 --> 0:55:20.200

Sophie Moiese Room

Anyone online or on the phone like to comment?

0:55:23.480 --> 0:55:25.310

Sophie Moiese Room

Seeing none, we'll close the public hearing.

0:55:25.320 --> 0:55:25.940

Sophie Moiese Room

Any questions?

0:55:27.10 --> 0:55:27.340

Sophie Moiese Room

No.

0:55:27.350 --> 0:55:36.260

Sophie Moiese Room

Also appreciate the calculation or the individual OK, been a long time coming, so I wish Slotnick was here.

0:55:36.330 --> 0:55:38.920

Sophie Moiese Room

Yeah, it has been a very long time coming.

0:55:38.930 --> 0:55:45.520

Sophie Moiese Room

We've heard for years, if not decades, complaints about safety and parking along the section of Hwy.

0:55:45.530 --> 0:55:57.320

Sophie Moiese Room

200 and as we did farther out towards W Riverside and the uh Confluence State Park out there.

0:55:58.300 --> 0:56:10.650

Sophie Moiese Room

We created parking and then posted no parking signs to keep folks from parking in areas where they should not park and divert them to the areas that we've created for parking.

0:56:11.80 --> 0:56:21.440

Sophie Moiese Room

We're doing the same thing here, and I think this is a creative solution that's been a long time in coming, has been a collaborative effort between multiple government agencies.

0:56:21.450 --> 0:56:24.210

Sophie Moiese Room

So I'm glad to see this come to pass.

0:56:24.910 --> 0:56:28.600

Sophie Moiese Room

Well, with that I I make the motion to close the hearing on Hwy.

0:56:28.610 --> 0:56:35.790

Sophie Moiese Room

200 Sharon, OK, how about uh, OHS and wanted to adopt the resolution, adopt the resolution.

0:56:35.800 --> 0:56:40.980

Sophie Moiese Room

I will second that any further discussion on adoption of the resolution seeing none.

0:56:41.50 --> 0:56:41.660

Sophie Moiese Room

All in favor?

0:56:41.820 --> 0:56:42.430

Sophie Moiese Room

Aye.

0:56:42.810 --> 0:56:43.490

Sophie Moiese Room

All right, so much.

0:56:43.500 --> 0:56:43.910

Sophie Moiese Room

Thanks Shane.

0:56:44.450 --> 0:56:44.800

Shane Stack

Thank you.

0:56:49.860 --> 0:56:55.610

Sophie Moiese Room

Commissioners, I think our our final hearing is going to take a little while.

0:56:56.20 --> 0:57:0.50

Sophie Moiese Room

I know that sad as it sounds, I have a lot to say.

0:57:0.620 --> 0:57:2.70

Sophie Moiese Room

There's a lot of folks in the room.

0:57:2.80 --> 0:57:3.710

Sophie Moiese Room

I think that wanna say something.

0:57:3.720 --> 0:57:4.950

Sophie Moiese Room

There's plenty of people online.

0:57:4.960 --> 0:57:12.220

Sophie Moiese Room

Maybe we should take a 5 minute break and then come back and and start this last final action item.

0:57:13.250 --> 0:57:13.760

Sophie Moiese Room

OK.

0:57:13.770 --> 0:57:21.870

Sophie Moiese Room

We will recess until 3:05, so take a break and we'll come back shortly.

0:57:22.890 --> 0:57:24.290

Sophie Moiese Room

So wise, thank you so much.

1:5:11.810 --> 1:5:13.290

Speaker 1

We can't hear you, Dave.

1:5:20.320 --> 1:5:23.140

Speaker 1

I think may have to unmute the selfie Moise room.

1:5:25.350 --> 1:5:25.910

Sophie Moiese Room

Pull up here.

1:5:28.400 --> 1:5:29.30

Sophie Moiese Room

Can you hear us now?

1:5:28.310 --> 1:5:29.850

Speaker 1

Now we can hear you. Yep.

1:5:30.430 --> 1:5:31.480

Sophie Moiese Room

OK.

1:5:32.360 --> 1:5:34.220

Sophie Moiese Room

Thanks everyone for that short recess.

1:5:34.230 --> 1:5:50.110

Sophie Moiese Room

We will come back into session as the Mozilla board of County Commissioners and we will begin with a staff report from Deputy County Attorney John Hart related to the McCauley Meadow Subdivision Settlement agreement and release claims.

1:5:52.600 --> 1:5:53.710

Sophie Moiese Room

Thank you, commissioners.

1:5:54.200 --> 1:5:59.360

Sophie Moiese Room

I'm here with my Co council deputy County Attorney Dillon Jakes.

1:6:0.760 --> 1:6:4.940

Sophie Moiese Room

Again, to talk about the Macaulay Meadows subdivision.

1:6:7.390 --> 1:6:9.840

Sophie Moiese Room

I'm not as old as Steve Knight Day.

1:6:9.850 --> 1:6:21.0

Sophie Moiese Room

I don't need the protection of elder abuse proclamations, but I am I I'm getting up there and I have a sheepish confession to make.

1:6:21.570 --> 1:6:25.760

Sophie Moiese Room

I have never put together a PowerPoint presentation in my life.

1:6:25.910 --> 1:6:27.360

Sophie Moiese Room

I'm not an early adopter.

1:6:27.770 --> 1:6:59.310

Sophie Moiese Room

I actually thought about it a little bit before and then I thought, no, I wanna retire saying that I've never done a PowerPoint presentation, but I do have Cheryl and Violet here with a couple of visual aids to help me and the one that we have up on the screen right now is an outline of the property that is the the proposed and ultimately denied McCauley Meadows subdivision that is the subject of the lawsuit.

1:6:59.320 --> 1:7:0.850

Sophie Moiese Room

We're gonna be talking about today.

1:7:1.160 --> 1:7:12.660

Sophie Moiese Room

So for those of you that can see, hopefully the outline of this property is is, uh, the circle by the green and black dashed line.

1:7:13.210 --> 1:7:23.900

Sophie Moiese Room

And this is a 28.3 acre parcel of land and the proposed subdivision was for 14 lots.

1:7:25.180 --> 1:7:48.410

Sophie Moiese Room

Dividing this property and as I talked this afternoon, you know, roughly half of the property is pasture land at the base of Macaulay Butte and roughly the other half of that is umm, what I'll call the apron of Macaulay Butte.

1:7:48.460 --> 1:8:4.10

Sophie Moiese Room

It doesn't go up to the top of the Butte, but it is at northern apron of the Butte, and you can kind of see a line going from northeast to southwest through this property.

1:8:4.20 --> 1:8:18.500

Sophie Moiese Room

That is, the Missoula Irrigation District ditch and that visually divides this property between what is roughly flat pasture land and the the apron of Macaulay Butte.

1:8:18.550 --> 1:8:27.780

Sophie Moiese Room

So the proposed subdivision was to divide the property into five lots on the Butte portion and.

1:8:30.720 --> 1:8:44.840

Sophie Moiese Room

Nine lots in the flat pasture land with several acres of well, maybe not several acres, but more than two acres of common land or common area.

1:8:47.70 --> 1:9:9.90

Sophie Moiese Room

You deny that sub subdivision application on April 22nd, 2021 unanimously denied it the basis for that decision, in a nutshell, was that you found that there was a failure to mitigate the loss of about 11 acres of of land in the subdivision that is prime agriculture soil.

1:9:10.280 --> 1:9:19.640

Sophie Moiese Room

You found that there was a failure to mitigate the loss of wildlife habitat, notably bird habitat, that exists on the.

1:9:21.20 --> 1:9:22.330

Sophie Moiese Room

Butte apron.

1:9:22.340 --> 1:9:36.570

Sophie Moiese Room

Portion of the property, and then finally you found that a the totality of the subdivision application was not in substantial compliance with Missoula counties growth policy.

1:9:36.580 --> 1:10:17.660

Sophie Moiese Room

Our our land use element and the target range neighborhood plan local plan as part of our growth policy and then also the city has a cornerstone open space plan of which McCauley Butte is part and together reading all of those growth policies together considering the loss of AG soil and bird habitat, you found that the proposal was not in substantial compliance on July 14th, 2021.

1:10:17.670 --> 1:10:21.790

Sophie Moiese Room

The the developer sued Missoula County over that decision.

1:10:23.360 --> 1:10:32.470

Sophie Moiese Room

The lawsuit alleged that your decision was arbitrary, capricious and unlawful in violation of the Montana Subdivision and Platting Act.

1:10:33.240 --> 1:10:39.370

Sophie Moiese Room

The lawsuit also alleged that in denying the subdivision application that you.

1:10:40.930 --> 1:10:52.940

Sophie Moiese Room

Violated the applicant's constitutional rights to equal protection and due process and violation of the 14th amendment to both the federal US Constitution and the Montana State Constitution.

1:10:54.110 --> 1:11:19.30

Sophie Moiese Room

The lawsuit then finally alleged that the the result of your decision to deny development constituted an unconstitutional taking of the applicants property without just compensation, and that is a that was in violation largely in of the 5th amendment to the Federal and Montana State Constitution.

1:11:20.170 --> 1:11:35.420

Sophie Moiese Room

The relief that the applicant asked for in that lawsuit was one in order from the court ordering that the the denied preliminary plat be approved.

1:11:35.430 --> 1:11:37.740

Sophie Moiese Room

So in other words, asking the court to.

1:11:39.170 --> 1:11:43.840

Sophie Moiese Room

Order the subdivision application that you had denied.

1:11:44.430 --> 1:12:3.150

Sophie Moiese Room

The lawsuit also asked for attorneys fees and costs that the developer incurred in litigating, and and then finally, the lawsuit asked for money damages as a result of the allegedly unlawful denial.

1:12:3.640 --> 1:12:14.930

Sophie Moiese Room

And I don't want to walk out on the on the money damage part of that, the applicant wasn't required to go into great detail and frankly, I don't.

1:12:14.940 --> 1:13:2.560

Sophie Moiese Room

I can't necessarily articulate what money damages might look at look like as a remedy if this lawsuit would be successful, but I mean for, for for the sake of simplicity, use as a measure of damages the difference between the property as it is now and the difference in the value of the property as it's subdivided into 14 lots as proposed the the the difference in those two values, the development value obviously being higher would be one measure 11 simple measure to to think about in terms of money damages and I don't know what that number is, but I don't.

1:13:2.620 --> 1:13:11.990

Sophie Moiese Room

I I think it's a not insignificant number and and and that's a risk for for the Missoula County taxpayers. Umm.

1:13:13.950 --> 1:13:34.570

Sophie Moiese Room

So following along in the timeline, December 2nd, 2021, following uh briefing but from Dylan and I, the District Court here in Missoula County dismissed the lawsuit, saying that they had failed to timely file the lawsuit.

1:13:34.840 --> 1:13:37.320

Sophie Moiese Room

And that they didn't have?

1:13:37.580 --> 1:13:47.100

Sophie Moiese Room

Umm, that their constitutional claims were not proper in this particular context, that's what the District Court decision found.

1:13:48.430 --> 1:13:51.920

Sophie Moiese Room

So I mean, dismissed lawsuit goes away.

1:13:51.930 --> 1:13:52.940

Sophie Moiese Room

Missoula County wins.

1:13:53.330 --> 1:14:0.700

Sophie Moiese Room

The developer appealed to the Montana Supreme Court and on November 15th of 2022.

1:14:1.270 --> 1:14:16.130

Sophie Moiese Room

So almost a year later, the Montana Supreme Court unanimously reversed the district court's decision and remanded or sent the lawsuit back to District Court to hear the merits of the lawsuit.

1:14:16.880 --> 1:14:24.450

Sophie Moiese Room

Uh, so that the the Supreme Court's decision had the effect of actually just sort of start, we would be starting over again.

1:14:24.460 --> 1:14:31.810

Sophie Moiese Room

So as of November 15th, Missoula County needed to respond to the merits of the lawsuit and litigate the case.

1:14:33.830 --> 1:14:34.130

Sophie Moiese Room

Uh.

1:14:35.60 --> 1:14:41.230

Sophie Moiese Room

The decision notably was by all seven members of the Montana Supreme Court.

1:14:41.520 --> 1:14:42.530

Sophie Moiese Room

That's unusual.

1:14:43.200 --> 1:14:57.200

Sophie Moiese Room

Generally the the only five members of the court here and decide a matter, but all seven Supreme Court members again reversed the decision.

1:14:57.530 --> 1:15:27.280

Sophie Moiese Room

And it was a 34 page order, which is that's not a really long court decision, but it's getting into the realm of being being pretty detailed on a on on issues, you know on a on a motion to dismiss that probably could have been dispensed with in, I don't know, 12 to 15 pages, half of the pages and in reading that decision, you know I've I've been doing this for a long time.

1:15:27.290 --> 1:16:29.410

Sophie Moiese Room

I've read hundreds and hundreds of Supreme Court decisions in my 25 plus years of practicing law, and as I read that decision and I and I read what the court said about the developers lawsuit, I was concerned that the Supreme Court was sending a message to Missoula County that that we had some infirmities with the decision that had been made, and notably the court went out of its way and talked at length about the fact that Missoula County had in part denied this subdivision be for failing to protect agriculture soils when our subdivision regulations didn't have any guidance for how a developer would go about mitigating such a loss.

1:16:29.750 --> 1:16:36.890

Sophie Moiese Room

And the court seemed the way the decision was written, the court was very troubled by that.

1:16:37.640 --> 1:16:42.500

Sophie Moiese Room

And and you know, I talked to my colleagues and they had the same concerns.

1:16:45.320 --> 1:16:51.980

Sophie Moiese Room

And So what I did trying to be a responsible attorney for Missoula County and for the taxpayers.

1:16:53.280 --> 1:17:1.830

Sophie Moiese Room

I initiated discussion with the attorney for the developer and I I'm just came right out.

1:17:1.840 --> 1:17:5.970

Sophie Moiese Room

I have a good relationship with this individual and I came right out and said is there.

1:17:7.600 --> 1:17:7.970

Sophie Moiese Room

Do you?

1:17:7.980 --> 1:17:23.260

Sophie Moiese Room

Do you want to talk about a possible settlement of this case and that led to several discussions, some of which involved Tim Worley in our planning department and UM over the course of the next several months?

1:17:24.10 --> 1:17:26.350

Sophie Moiese Room

We were able to put together what?

1:17:28.520 --> 1:17:41.20

Sophie Moiese Room

Myself and my office in Dylan felt was a A was a very reasonable compromise settlement proposal that we were ready to bring to you and to the public.

1:17:42.550 --> 1:17:53.250

Sophie Moiese Room

And and before I get into the details of that I wanna I I also wanna talk about something else that changed between April 22nd, 2021.

1:17:53.260 --> 1:18:0.960

Sophie Moiese Room

The date of your decision and November 15th, 2022, the date of the Supreme Court's decision.

1:18:1.770 --> 1:18:14.210

Sophie Moiese Room

One thing that happened is the Montana legislature changed the Montana subdivision and Platting Act to take away any power that local governing bodies have.

1:18:16.190 --> 1:18:36.600

Sophie Moiese Room

Through reviewing a subdivision to require a subdivider to set aside important important land that has important AG soils or extracts some sort of monetary contribution from the developer in lieu of not setting aside important AG soils.

1:18:37.440 --> 1:19:3.540

Sophie Moiese Room

So to the extent that, umm, your decision in April 22nd of 2021 was a valid reading of the subdivision and Platting Act by July 1st of 2021, UH, all subdivision applications going forward no longer had any obligation to try to mitigate impacts to important AG soils.

1:19:4.140 --> 1:19:17.90

Sophie Moiese Room

So we had a very troubling decision from the Montana Supreme Court and we had a very significant change in the law, which, you know, pulls out one of the three legs of the stool.

1:19:17.580 --> 1:19:23.730

Sophie Moiese Room

That was the basis for your decision to deny the subdivision. Umm.

1:19:26.640 --> 1:19:29.530

Sophie Moiese Room

That also the the change in the law.

1:19:29.540 --> 1:19:47.390

Sophie Moiese Room

Also it in my mind undermines the whether or not that subdivision proposal was in substantial compliance with the various growth policies on which which were in effect at the time of the application.

1:19:47.520 --> 1:19:53.590

Sophie Moiese Room

So you know, I'm not saying the second leg was ripped out too, but it's wobbly.

1:19:54.220 --> 1:20:1.570

Sophie Moiese Room

Which which really left the the the principle worth fighting over?

1:20:1.860 --> 1:20:26.200

Sophie Moiese Room

If we were going to litigate this case, that being the impacts to wildlife habitat on the Butte and the and the viewshed of the bug, it's kind of this framework that I had when I approached defense counsel and had throughout this, this past winter and early spring in negotiating a settlement proposal.

1:20:27.950 --> 1:20:33.80

Sophie Moiese Room

And also let's, I mean I think about this every day, all day long.

1:20:33.250 --> 1:20:40.460

Sophie Moiese Room

I I try to think about saving the taxpayers some money too, and I saw some significant risks litigating this case.

1:20:42.680 --> 1:21:3.680

Sophie Moiese Room

So on May 9th, last month, I brought to you at a public meeting the Memorandum of Understanding that I had negotiated with with the plaintiff and plaintiff Council in this case that set up a framework for hearing a proposed settlement of this case.

1:21:5.70 --> 1:21:20.100

Sophie Moiese Room

And there were three exhibits to that MOU, one being a proposed preliminary plat for a the the new subdivision.

1:21:20.470 --> 1:21:37.950

Sophie Moiese Room

And Cheryl, if you could at this time bring up that preliminary plat it's it's, it's, it's not a style that's such as style as a a a site layout, but this is this is exhibit A to the MOU.

1:21:39.50 --> 1:21:57.980

Sophie Moiese Room

Uh, and you can kind of see the outline of the of the aerial that Violet had on the screen to this point in time, but this shows a a new layout for a subdivision that's we're considering today.

1:21:58.450 --> 1:22:16.540

Sophie Moiese Room

It is still 14 lots on the same 28, plus acres of land, but instead of having four new lots on the Butte, for a total of five developable lots on the Butte, we're down to one additional lot.

1:22:16.710 --> 1:22:40.540

Sophie Moiese Room

And the existing lot that's on the Butte, the additional 3 lots that were part of the litigator proposal have been brought down into the pasture of flatland, part of the the the property in the area that was common area.

1:22:41.40 --> 1:22:47.170

Sophie Moiese Room

And that was going to be set aside as a common area and protection of important ax soils.

1:22:51.960 --> 1:22:53.190

Sophie Moiese Room

I'm sorry, John.

1:22:53.500 --> 1:22:57.180

Sophie Moiese Room

Or can can someone I can't see this very well.

1:22:58.470 --> 1:23:4.940

Sophie Moiese Room

Can you just with your cursor show us where those new lots are and where those which you were just talking about?

1:23:5.750 --> 1:23:9.260

Sophie Moiese Room

So there are you again.

1:23:9.270 --> 1:23:11.180

Sophie Moiese Room

You see the you see the squiggly line.

1:23:11.190 --> 1:23:12.180

Sophie Moiese Room

Thanks Tim.

1:23:12.250 --> 1:23:15.220

Sophie Moiese Room

Ditch through the through the property.

1:23:17.600 --> 1:23:23.990

Sophie Moiese Room

Dividing the pasture land from the from the the apron of the Butte.

1:23:24.540 --> 1:23:33.740

Sophie Moiese Room

The two lots then above to to the north of the irrigation ditch are the are the Butte lots and then the other.

1:23:37.270 --> 1:23:48.130

Sophie Moiese Room

12 lots are in the in the flat land to the north of the irrigation ditch, so lots 13 and 14 are are on the apron and McCauley Butte.

1:23:48.760 --> 1:24:2.790

Sophie Moiese Room

And just for the record, there has been a a structure, a residence that you can kind of see you know roughly there in the epicenter of this picture, I and I mean some of the residents can correct me if I'm wrong.

1:24:2.800 --> 1:24:5.850

Sophie Moiese Room

I think that that residence has been there for decades.

1:24:6.240 --> 1:24:31.510

Sophie Moiese Room

I know that this past summer it was demolished, but it is still a lot that has had a structure and again, correct me if I'm wrong, someone I wanna say that house was either read with a white fence around it or white with a red fence around it with the point I'm trying to make is it was real visible and it's been there for decades.

1:24:31.570 --> 1:24:58.600

Sophie Moiese Room

It was demolished, but if this if this if you agree to this settlement that lot will well in any event that somebody can rebuild on that law today, even if even if nothing happens after this meeting, the only new development on the Butte would be on lot 14, which is the lot that's in the far southwest corner of this site layout.

1:24:59.700 --> 1:25:8.490

Sophie Moiese Room

And part of that much of that is delineated and will be delineated on the final plat and in the covenants as a no build zone.

1:25:10.90 --> 1:25:20.880

Sophie Moiese Room

So I and I think the part that would be developed is what is above the trees and then just immediately lot 13 is in the southwest, right.

1:25:21.170 --> 1:25:22.220

Sophie Moiese Room

Yeah, a lot. 13.

1:25:22.270 --> 1:25:22.810

Sophie Moiese Room

OK.

1:25:22.850 --> 1:25:24.40

Sophie Moiese Room

Did I get them backwards?

1:25:24.350 --> 1:25:27.200

Sophie Moiese Room

I think so, but you keep going.

1:25:27.210 --> 1:25:27.780

Sophie Moiese Room

I got you.

1:25:27.870 --> 1:25:28.250

Sophie Moiese Room

Yeah.

1:25:28.290 --> 1:25:28.750

Sophie Moiese Room

OK.

1:25:28.890 --> 1:25:31.380

Sophie Moiese Room

I'm sorry about that. Maybe.

1:25:33.900 --> 1:25:35.90

Sophie Moiese Room

Well, it ain't lost seven.

1:25:35.100 --> 1:25:35.720

Sophie Moiese Room

I know that much.

1:25:37.570 --> 1:25:38.800

Sophie Moiese Room

This is love seven.

1:25:38.810 --> 1:25:40.820

Sophie Moiese Room

He was talking about southwest.

1:25:40.910 --> 1:25:41.340

Sophie Moiese Room

Yeah.

1:25:41.410 --> 1:25:42.900

Sophie Moiese Room

Is that is that lot 14?

1:25:42.910 --> 1:25:44.620

Sophie Moiese Room

That's that's lot 13.

1:25:44.880 --> 1:25:47.570

Sophie Moiese Room

This is lot OK.

1:25:48.260 --> 1:25:49.210

Sophie Moiese Room

OK, so I got it right.

1:25:49.220 --> 1:25:51.340

Sophie Moiese Room

So a lot, 14 lot 13.

1:25:53.650 --> 1:25:54.290

Sophie Moiese Room

Thank you, David.

1:25:56.120 --> 1:26:28.380

Sophie Moiese Room

So this site layout was exhibit A to the MOU, the second exhibit to the to the MOU was proposed conditions of approval on the final plat and those were Tim Worley in the planning development and Sustainability Department took the lead role in drafting those those conditions and with that it's from the developers team.

1:26:29.130 --> 1:26:33.810

Sophie Moiese Room

Most of those conditions are conditions that were part of the.

1:26:35.270 --> 1:26:36.0

Sophie Moiese Room

Subdivision.

1:26:36.10 --> 1:26:36.920

Sophie Moiese Room

That was denied.

1:26:37.370 --> 1:26:47.360

Sophie Moiese Room

So they're not new, but there are many that are new and there are significant and I'm not gonna go through every single condition of approval.

1:26:48.40 --> 1:26:54.180

Sophie Moiese Room

You'll be relieved to hear, but I wanna highlight those that I think are very pertinent to your decision today.

1:26:56.190 --> 1:27:6.110

Sophie Moiese Room

Again, instead of four additional lots on the Butte, the the conditions of approval and preliminary plat.

1:27:9.340 --> 1:27:22.190

Sophie Moiese Room

Allow only one additional lot and neither lots 13 or 14 can be subdivided in the future without board of County Commissioner approval.

1:27:22.640 --> 1:27:24.290

Sophie Moiese Room

That will be in the covenant.

1:27:24.420 --> 1:27:39.490

Sophie Moiese Room

Those covenants will work run with the land, so unless this Commission approves a further subdivision of lot 13 or 14, those will remain as the only two lots on the Butte in perpetuity.

1:27:39.500 --> 1:27:46.990

Sophie Moiese Room

And again, one of them has been developed for decades already and will have a new home on it that will be subject to.

1:27:48.170 --> 1:27:50.700

Sophie Moiese Room

Significant architectural restrictions.

1:27:54.670 --> 1:27:55.420

Sophie Moiese Room

Uh.

1:27:55.870 --> 1:28:13.420

Sophie Moiese Room

Condition of approval #21 involves building design requirements again for lots 13 and 14 and the goal for these were to harmonize any development or those two lots such that they will harmonize with and blend into the Butte.

1:28:13.770 --> 1:28:24.300

Sophie Moiese Room

So there are exterior structural material limitations the the any development has to use Earth tone colors.

1:28:24.860 --> 1:28:28.410

Sophie Moiese Room

White is a specifically prohibited.

1:28:29.240 --> 1:28:37.590

Sophie Moiese Room

There's no reflective that you can't use windows with reflective glazing, and there's many other restrictions that I that I'm not gonna go into.

1:28:38.460 --> 1:28:42.40

Sophie Moiese Room

There are exterior lighting restrictions that.

1:28:43.500 --> 1:28:47.770

Sophie Moiese Room

Direct all lighting downward to reduce glare.

1:28:47.820 --> 1:28:50.290

Sophie Moiese Room

Light trespass and sky glow.

1:28:50.380 --> 1:28:53.710

Sophie Moiese Room

Again, these are on the two lots 13 and 14.

1:28:54.240 --> 1:29:2.780

Sophie Moiese Room

These architectural restrictions and and lighting restrictions will be incorporated into covenants.

1:29:3.30 --> 1:29:20.100

Sophie Moiese Room

They'll run with the land and they will specifically be enforced by counties planning, development and sustainability department such that they will be subject to review prior to issuing a building permit as part of the Zoning compliance review.

1:29:20.150 --> 1:29:29.640

Sophie Moiese Room

So any any development that happens on lot 13 and 14 won't be approved unless they comply with these restrictions.

1:29:33.150 --> 1:29:52.160

Sophie Moiese Room

So that is again the second exhibit to the MOU being the conditions of approval, the lengthy conditions of approval, the third agreement or the third document is, UM, what's before you actually for signature and consideration today.

1:29:52.170 --> 1:30:5.170

Sophie Moiese Room

And that is a settlement agreement and release of all claims by uh by the developer against Missoula County and the terms of the settlement.

1:30:5.600 --> 1:30:8.690

Sophie Moiese Room

And I wanna read these into the record are as follows.

1:30:8.700 --> 1:30:16.210

Sophie Moiese Room

The the terms are in section one of the settlement agreement UH Section, 1.1 Missoula County.

1:30:17.200 --> 1:30:18.110

Sophie Moiese Room

Approves.

1:30:18.520 --> 1:30:31.30

Sophie Moiese Room

By signing this, you're stating this Missoula County approves the preliminary plat of the McCauley Meadows subdivision in a configuration and form as substantially shown on exhibit A.

1:30:31.140 --> 1:30:47.160

Sophie Moiese Room

Exhibit A's on the screen right now, and with an effective date as of the date of execution of this settlement agreement and release of all claims, and imposes as conditions of preliminary plat approval, the conditions set forth in exhibit B.

1:30:47.170 --> 1:30:47.620

Sophie Moiese Room

B.

1:30:48.20 --> 1:30:52.520

Sophie Moiese Room

Those are the seven pages of conditions that I just highlighted.

1:30:53.690 --> 1:30:54.180

Sophie Moiese Room

Umm.

1:30:54.770 --> 1:31:2.940

Sophie Moiese Room

Section 1.2 upon receipt of written approval of the preliminary plat and associated conditions as specified herein.

1:31:4.240 --> 1:31:5.340

Sophie Moiese Room

Uh, Titan.

1:31:5.350 --> 1:31:5.930

Sophie Moiese Room

That's the.

1:31:5.940 --> 1:31:15.550

Sophie Moiese Room

That's the name of the developer shall within 7 business days dismiss its complaint against Missoula County in the 4th Judicial District Court with Prejudice.

1:31:17.570 --> 1:31:48.830

Sophie Moiese Room

Uh Section 1.3 Titanic knows as the applicant for the subdivision that it bears the burden of satisfying the conditions of preliminary plat approval to obtain final plat approval in accordance with the Missoula County Subdivision Regulations and finally section 1.4 Missoula County acknowledges as the local governing body with authority to review and approve subdivision applications including final plat applications that it will process.

1:31:48.840 --> 1:31:56.990

Sophie Moiese Room

Any future final plat application from a calling meadows in good faith and in accordance with Missoula County Subdivision regulations.

1:31:57.380 --> 1:32:13.430

Sophie Moiese Room

So if you approve this settlement agreement and release, you'll be approving the preliminary plat on the screen you'll be and you will be requiring the subdivider to dismiss the lawsuit against Missoula County.

1:32:13.700 --> 1:32:20.400

Sophie Moiese Room

And if the developer wants to file a final plat for this subdivision, uh.

1:32:20.410 --> 1:32:32.430

Sophie Moiese Room

Comply with all of the conditions of approval and bringing that final plat through Missoula counties process the same review process that we use for any other subdivision and ultimate approval by the governing body.

1:32:36.20 --> 1:32:47.480

Sophie Moiese Room

And I'm that this isn't really hearing her there, but we would also go to in front of the District Court judge and the District Court.

1:32:47.490 --> 1:33:18.720

Sophie Moiese Room

We would ask the District Court judge to approve and adopt this this settlement proposal and order it as such, and I don't anticipate that the District Court would have any other function going forward, but the District Court would have some jurisdiction should there be some very significant disagreement in between Missoula County and the and the the applicant as this moves through to final plat.

1:33:18.850 --> 1:33:21.990

Sophie Moiese Room

But I don't anticipate that. Umm.

1:33:25.90 --> 1:33:31.960

Sophie Moiese Room

The MOU very, very importantly included the requirement for a public process.

1:33:35.470 --> 1:33:37.760

Sophie Moiese Room

That was very important to me.

1:33:38.880 --> 1:33:58.530

Sophie Moiese Room

It was very important to the the developer that we do this in the sunshine with a ample public notice to everybody and make a final decision up or down on the record.

1:33:59.880 --> 1:34:4.370

Sophie Moiese Room

You, you Commissioners, know that in.

1:34:6.50 --> 1:34:22.680

Sophie Moiese Room

Settling lawsuits there is a very narrow exception Montana law, that would allow us to have the discussion that we're having right now in a session between myself, Dylan, the Commission?

1:34:23.670 --> 1:34:38.150

Sophie Moiese Room

Uh, in a in a closed session you would not be able to ultimately make the decision to settle on a close, but having this frank, candid discussion about the pros and cons of settling the lawsuit can be done behind closed doors.

1:34:38.920 --> 1:34:48.720

Sophie Moiese Room

We're not doing that in this situation that that it was very important that we do this in the sunshine and not rely on that.

1:34:49.140 --> 1:34:49.280

Sophie Moiese Room

Yeah.

1:34:49.940 --> 1:35:6.630

Sophie Moiese Room

A statutory exception to open meeting laws in Montana, so we crafted into the Memorandum of Understanding this public process and it's part of deciding how extensive to be.

1:35:6.810 --> 1:35:12.610

Sophie Moiese Room

I made the decision that I'm gonna write a letter following that May 9th meeting.

1:35:12.680 --> 1:35:31.130

Sophie Moiese Room

I I wrote a letter and I sent it to 3039 property owners and organizations, including every single individual and

organization that commented on the denied subdivision at any of the several public hearings that we have on that subdivision.

1:35:31.860 --> 1:35:35.230

Sophie Moiese Room

And so everybody got those people got noticed.

1:35:35.480 --> 1:36:6.80

Sophie Moiese Room

Every adjacent landowner got a letter from me, and we also sent that notice to the target range homeowners association, the Audubon Society, the Community Food and Agriculture Coalition, and the Target Range, sewer and Water District, and my letter told people that there was honor County website how to find a page on the Missoula County voice that had all of these pertinent documents.

1:36:6.550 --> 1:36:17.660

Sophie Moiese Room

The MOU all three exhibits to the MU the complaint against Missoula County and a copy of the Umm decision of the Montana Supreme Court.

1:36:18.760 --> 1:36:25.620

Sophie Moiese Room

Uh, those were all provided on the Missoula County Voice page, and they've been there for almost a month now.

1:36:26.670 --> 1:36:28.800

Sophie Moiese Room

And my my letter went out.

1:36:28.810 --> 1:36:35.860

Sophie Moiese Room

I think the day after May 9th and my might have gone out on on on May 9th itself.

1:36:35.870 --> 1:36:40.900

Sophie Moiese Room

I I can't remember, but that was important to me to reach out to people and let them know.

1:36:43.160 --> 1:37:0.160

Sophie Moiese Room

And so we have received several written comments and because everyone's tired of hearing from me, I'm gonna let Dylan summarize for you the written comments that we have received up to this point.

1:37:0.510 --> 1:37:1.280

Sophie Moiese Room

Thank you, Dylan.

1:37:1.610 --> 1:37:2.600

Sophie Moiese Room

Good afternoon, commissioners.

1:37:2.920 --> 1:37:4.560

Sophie Moiese Room

Umm, you can hear me here?

1:37:7.400 --> 1:37:9.830

Sophie Moiese Room

For the record, I'm Dylan Jakes, W County Attorney.

1:37:10.440 --> 1:37:19.840

Sophie Moiese Room

I went on maternity leave right around the time the Supreme Court opinion came out, so I've been less involved in the settlement sort of discussions, but coming in in the last couple of months.

1:37:19.850 --> 1:37:24.550

Sophie Moiese Room

And so I'm just gonna really quickly just summarize public comments here.

1:37:25.80 --> 1:37:46.220

Sophie Moiese Room

John mentioned the Missoula County Voice page and it's been up since that MU uhm, you approved the MU and

just as some quick stats, it looks like we had about 110 total visits to the page with around 33 people who have engaged in some form with the documentation that was posted.

1:37:47.150 --> 1:37:52.220

Sophie Moiese Room

It looks like about six of those people posted comments, and then we also got a couple email comments.

1:37:52.230 --> 1:37:58.200

Sophie Moiese Room

So if you bear with me really quickly, I'll try to just summarize what those comments consisted of.

1:37:58.930 --> 1:38:2.510

Sophie Moiese Room

So the first commenter was Stewart Oldberg.

1:38:3.100 --> 1:38:7.790

Sophie Moiese Room

They're stated interest was that they were donor of some of the conservation easements on the Butte.

1:38:8.220 --> 1:38:18.310

Sophie Moiese Room

There are opposed to the settlement proposal and note that they are specifically opposed to building on the Butte and are concerned about the effect on the communities conservation efforts.

1:38:18.840 --> 1:38:21.680

Sophie Moiese Room

The next commenter was Tom and Amy Franzen.

1:38:21.720 --> 1:38:23.980

Sophie Moiese Room

Franzen umm.

1:38:24.10 --> 1:38:31.700

Sophie Moiese Room

I should also say that there's anybody in the room that I am summarizing your comment and you later in the public comment portion, want to clarify what I've said.

1:38:31.710 --> 1:38:35.0

Sophie Moiese Room

I've done my best to summarize, but please do clarify if you have other concerns.

1:38:35.920 --> 1:38:41.600

Sophie Moiese Room

Umm Tom and Amy Frandsen are adjacent target range land owners.

1:38:41.610 --> 1:38:43.550

Sophie Moiese Room

They are opposed to the settlement proposal.

1:38:44.120 --> 1:38:53.610

Sophie Moiese Room

They note that they're concerned about the plan for water use and the possibility of future land owners taking more water than they're supposed to, thereby affecting adjacent home water supplies.

1:38:53.620 --> 1:39:9.0

Sophie Moiese Room

And their existing wells, they're also concerned about the level of research that's been done around groundwater movement in the area, noting that standing water accumulates in the nearby flat near the spring and the potential effect that sewage produced by the subdivision could have on adjacent land owners existing wells.

1:39:10.0 --> 1:39:16.800

Sophie Moiese Room

And they also note a concern for the cultural significance of the Butte that couldn't be returned if developed.

1:39:16.810 --> 1:39:29.570

Sophie Moiese Room

The effect on Wildlife Conservation efforts umm and the effect of removing one of the only established sections of trees on the north side of the Butte, also the eyesore and the effect on the community.

1:39:29.720 --> 1:39:34.580

Sophie Moiese Room

And finally, they're requesting a lot 13 be removed from the proposed preliminary plat.

1:39:35.720 --> 1:39:43.430

Sophie Moiese Room

The next comment was from Paul Insid Ferguson, who were target, target range land owners and they're opposed to the settlement proposal.

1:39:43.900 --> 1:39:50.870

Sophie Moiese Room

They know that they're opposed to building on the Butte as a iconic feature of the area, and they're concerned about the effect on the view shed and wildlife.

1:39:51.0 --> 1:39:54.410

Sophie Moiese Room

And they also have significant concerns about water and waste.

1:39:55.220 --> 1:39:57.430

Sophie Moiese Room

The next commenter was Brett Colina.

1:39:57.760 --> 1:40:10.500

Sophie Moiese Room

Brett had, I think 2 comments that I've compiled into one summary here, right is a target range, landowner and contributed contributor to the adjacent river frontage conservation easements.

1:40:11.270 --> 1:40:25.320

Sophie Moiese Room

Brett is opposed to the settlement proposal, noting that they're opposed to building on the Butte due to concerns that it would negatively affect the adjacent properties protected by a conservation easement, including the effect on wildlife, and that the landmark would be forever scarred.

1:40:26.520 --> 1:40:38.860

Sophie Moiese Room

Also concerned that the preliminary plat proposal under the settlement is not different than the original preliminary plat proposed, and finally concerned that the county settling the case could encourage litigation and other cases of divided subdivisions.

1:40:40.890 --> 1:40:42.100

Sophie Moiese Room

I'm just a few more.

1:40:42.170 --> 1:40:56.180

Sophie Moiese Room

The next commenter is Kim McGuire, a target range landowner who is opposed to the settlement proposal, noting that they're opposed to building on the Butte and concerns about conformance with the Target Range, neighborhood plan and wildlife habitat.

1:40:56.450 --> 1:41:9.850

Sophie Moiese Room

The next commenter is Edward Taylor, who didn't state their interest or specific position on the settlement proposal, but they did note a concern about the wildlife regulation portion of the development and who would enforce those requirements.

1:41:11.990 --> 1:41:18.60

Sophie Moiese Room

The next commenter is Leslie Dalla Piazza, who's an adjacent target range land owner.

1:41:18.550 --> 1:41:22.570

Sophie Moiese Room

As opposed to the settlement proposal, noting they're opposed to building on the Butte.

1:41:22.790 --> 1:41:23.260

Sophie Moiese Room

Umm.

1:41:24.850 --> 1:41:30.500

Sophie Moiese Room

And they have a desire for the area encompassing lot 13 to be put into conservation.

1:41:30.920 --> 1:41:39.390

Sophie Moiese Room

They also noted that issues related to previous denials were really the reason for delay of the development, and the final commenter name was Peggy.

1:41:39.400 --> 1:41:40.290

Sophie Moiese Room

We didn't get a last name.

1:41:42.130 --> 1:41:47.720

Sophie Moiese Room

Uh interest was not stated, but they are opposed and they concurred with the other comments.

1:41:49.380 --> 1:41:51.350

Sophie Moiese Room

That's that's summarizes it.

1:41:51.640 --> 1:41:52.630

Sophie Moiese Room

Thank you, Dylan.

1:41:52.860 --> 1:41:53.800

Sophie Moiese Room

John, anything else?

1:41:55.610 --> 1:42:00.250

Sophie Moiese Room

You'll you'll be relieved to know that I'm getting close, but I have some more to say.

1:42:00.260 --> 1:42:01.190

Sophie Moiese Room

OK, excellent.

1:42:03.80 --> 1:42:10.700

Sophie Moiese Room

You know, Dylan probably said it, but that that summary includes comments we receive like up to noon today, so.

1:42:15.140 --> 1:42:26.220

Sophie Moiese Room

It's my strong recommendation and my office is strong recommendation that you sign the settlement agreement today.

1:42:30.310 --> 1:42:35.420

Sophie Moiese Room

And the reason I say that I'm going to go through several points in support for that recommendation.

1:42:39.320 --> 1:42:45.20

Sophie Moiese Room

This proposal complies with are zoning regulations.

1:42:46.310 --> 1:42:48.920

Sophie Moiese Room

It complies with the subdivision and Platting act.

1:42:49.390 --> 1:43:03.0

Sophie Moiese Room

It complies with the subdivision and Sanitation Act, or it will have to comply with the subdivision and Sanitation Act, or there will not be a final plat and every other law and regulation applicable to land use.

1:43:03.10 --> 1:43:11.950

Sophie Moiese Room

Decisions of this kind and that was very important to me and it was very important to the developer and the developers attorney.

1:43:12.900 --> 1:43:16.420

Sophie Moiese Room

I wasn't from the very first discussion.

1:43:17.630 --> 1:43:20.20

Sophie Moiese Room

I was not willing to.

1:43:20.80 --> 1:43:32.740

Sophie Moiese Room

And you know, nobody was willing to bring a settlement proposal or talk about a settlement proposal that was not 110% in compliance with Montana law.

1:43:33.260 --> 1:43:33.760

Sophie Moiese Room

I don't.

1:43:33.770 --> 1:43:34.400

Sophie Moiese Room

I don't want.

1:43:34.410 --> 1:43:36.90

Sophie Moiese Room

I didn't wanna do that to you.

1:43:36.360 --> 1:43:49.780

Sophie Moiese Room

I didn't wanna do that to the citizens of Missoula County, and I certainly didn't want to go in front of the judge and have to tell the judge that we were fudging the law in order to get a case settled.

1:43:54.80 --> 1:43:59.540

Sophie Moiese Room

I believe that this is a significant improvement in terms of development on the button.

1:44:00.700 --> 1:44:37.680

Sophie Moiese Room

I acknowledge that we that the axe soils for all intents and purposes, are lost, but the reduction from four additional lots on the Butte to one additional lot, I think is a very, very significant concession by this developer and shows the good faith that they had and and and frankly it's it's about as much as you that I would have hoped for in bringing a settlement proposal to you and I and I actually applaud the developer for doing that.

1:44:41.10 --> 1:44:51.920

Sophie Moiese Room

Another reason, as I've said before, we can't in any future subdivision proposal or land use application for this piece of land.

1:44:51.930 --> 1:45:3.430

Sophie Moiese Room

We can't do anything to preserve the axe soil that, that, that that opportunity has come and gone, the Montana to 2021 Montana Legislature did away with that.

1:45:4.80 --> 1:45:10.400

Sophie Moiese Room

So you that's off the table also.

1:45:14.40 --> 1:45:20.750

Sophie Moiese Room

In my humble opinion, and I feel strongly about this, so I don't think this is going to be used against me someday.

1:45:21.880 --> 1:45:33.710

Sophie Moiese Room

I think if you were to deny this proposal, if it came to you as a subdivision application, I think the denial would be arbitrary, capricious and unlawful.

1:45:33.720 --> 1:45:36.900

Sophie Moiese Room

And in violation of Montana subdivision and Platting Act.

1:45:39.600 --> 1:45:57.690

Sophie Moiese Room

And I want you to understand that even if we continue to litigate this lawsuit and we are ultimately successful in defending the lawsuit, this property owner could submit a another subdivision application that has more development on the Butte.

1:45:58.170 --> 1:45:59.690

Sophie Moiese Room

And you might have to approve it.

1:46:1.170 --> 1:46:14.770

Sophie Moiese Room

So if you reject this cell element agreement proposal today, you might be in a position of having to consider a proposal will significantly more development on the Butte and have no lawful choice but to approve it.

1:46:15.170 --> 1:46:19.320

Sophie Moiese Room

And that's even if we are successful in this lawsuit.

1:46:21.470 --> 1:46:30.600

Sophie Moiese Room

Alternatively, Missoula County could lose the lawsuit, and the court order the denied application.

1:46:30.910 --> 1:46:37.450

Sophie Moiese Room

And so we would be back to a subdivision with four additional lots on the Butte.

1:46:41.530 --> 1:46:58.850

Sophie Moiese Room

Any potential scenario for more development would come with no ability or limited ability to have many of the conditions that this subdivision will have on it, including the we.

1:46:58.920 --> 1:47:6.750

Sophie Moiese Room

We would not be able to impose a no further division on lots 13 and 14 like you like.

1:47:6.760 --> 1:47:35.210

Sophie Moiese Room

The proposal has today we may not be able to impose the architectural and design restrictions on new buildings on lots 13 and 14, and we may not be able to impose all of the living with wildlife covenants that will be on this land either, and there are many other conditions of approval that we were able to negotiate that may not be part of a subsequent proposal for this subdivision.

1:47:38.220 --> 1:47:45.360

Sophie Moiese Room

Again, as I said before and this is you know this, I'm I'm going through the support for my recommendations.

1:47:45.430 --> 1:47:53.730

Sophie Moiese Room

In summary, this would eliminate the risk to the taxpayers of money damages judgment against Missoula County.

1:47:56.240 --> 1:48:13.620

Sophie Moiese Room

And another thing I want you to be aware of this property owner or subsequent property owner could create one or more lots on the Butte through a family transfer which is exempt from subdivision and platting act and exempt from subdivision review.

1:48:13.880 --> 1:48:22.550

Sophie Moiese Room

Now I don't know the family of the of the property owner, but if they have parents, they have a spouse.

1:48:22.560 --> 1:48:44.0

Sophie Moiese Room

If they have children, any any combination of that, they could divide the existing tract into several developable lots on the Butte, and Missoula County may not have any ability to deny that subdivision happened or that that exemption application.

1:48:45.840 --> 1:49:3.670

Sophie Moiese Room

And again, well, I haven't talked about this, but you know, unless there's a philanthropist or a group of philanthropists who wants to try to buy out the current owner, this land is gonna get developed eventually, even if we win this lawsuit.

1:49:4.100 --> 1:49:13.900

Sophie Moiese Room

But today you have an opportunity to put significant restrictions and limitations on that development.

1:49:15.680 --> 1:49:20.330

Sophie Moiese Room

And so again, it's my strong recommendation that you sign the settlement agreement.

1:49:20.800 --> 1:49:22.210

Sophie Moiese Room

I have a proposed motion.

1:49:24.320 --> 1:49:34.290

Sophie Moiese Room

That is, that would be to authorize the chair to sign the settlement agreement and release of all claims between Tytam LLC and Missoula County.

1:49:37.830 --> 1:49:51.0

Sophie Moiese Room

And unless Dillon wants to add anything that would conclude the staff, I don't just said I concur in UM, you know, John's assessment of the situation and and this case and.

1:49:52.600 --> 1:49:54.710

Sophie Moiese Room

He's worked really hard to bring this to fruition.

1:49:54.720 --> 1:50:5.780

Sophie Moiese Room

So yeah, that also say Thanks John and Dylan, that may go down as the most thorough deputy county attorney presentation ever to be.

1:50:7.420 --> 1:50:8.790

Sophie Moiese Room

Revealed in this chamber.

1:50:8.800 --> 1:50:9.460

Sophie Moiese Room

So thank you.

1:50:10.690 --> 1:50:12.340

Sophie Moiese Room

You OK?

1:50:12.690 --> 1:50:20.200

Sophie Moiese Room

Would anyone from Titan or Titan's legal counsel or representative like to present Mr McCormick?

1:50:24.40 --> 1:50:25.390

Sophie Moiese Room

Good afternoon, commissioners.

1:50:25.440 --> 1:50:28.270

Sophie Moiese Room

Alan McCormick, attorney with Garlington.

1:50:28.280 --> 1:50:31.10

Sophie Moiese Room

Lana Robinson, representing Tytam.

1:50:31.80 --> 1:50:38.140

Sophie Moiese Room

I appreciate what truly was the most thorough deputy County Attorney presentation I've ever participated in.

1:50:39.290 --> 1:51:2.820

Sophie Moiese Room

In the 20 years that I've been practicing land use law, I've participated in what's getting close to about 70 pieces of litigation, and those have all been for counties I've represented every county in Western Montana except for this one on a land use item from everywhere from Gallatin County to Cascade County up to Lincoln and down the River Valley.

1:51:2.920 --> 1:51:6.820

Sophie Moiese Room

And so that has given me great appreciation for the job that John is doing.

1:51:7.110 --> 1:51:23.710

Sophie Moiese Room

I've sat in his seat and advised County commissioners throughout western Montana on their risks associated with land use law litigation, and we have litigated many of those through to the end with the Supreme Court and we have negotiated resolution and all of those.

1:51:23.780 --> 1:51:34.0

Sophie Moiese Room

Conversely, I've only filed litigation on behalf of developers against local governments four times in 20 years, and that's all giving me the context to appreciate what you're what you're going through today.

1:51:34.10 --> 1:51:43.400

Sophie Moiese Room

And it's a mitigation of risk and I and I and I and John is quite capably presenting all of the issues that that appear in front of you.

1:51:43.410 --> 1:51:46.260

Sophie Moiese Room

And litigation is a risk and it's unpleasant.

1:51:46.700 --> 1:52:1.850

Sophie Moiese Room

And and so it's given me the context and the reason that I bring that up is because of the context to say I was very, very pleased when John reached out after the Supreme Court order and asked if we would be interested in discussing resolution of this case.

1:52:2.530 --> 1:52:11.220

Sophie Moiese Room

I I was even more thrilled, thrilled frankly, when I contacted our client with the idea of making some concessions and trying to find a good compromise.

1:52:11.290 --> 1:52:14.20

Sophie Moiese Room

And they willingly said yes, of course.

1:52:14.370 --> 1:52:31.690

Sophie Moiese Room

So we spent a several meetings with and conversations with John and Tim, all of those in good faith and and in the spirit of compromise, to reach the the documents that you have in front of you, including the conditions of approval for the preliminary plat.

1:52:32.500 --> 1:52:41.330

Sophie Moiese Room

It's notable we did not ask and did not seek for you to approve, and ultimately the court to approve a final plat of the subdivision.

1:52:41.580 --> 1:52:49.770

Sophie Moiese Room

What we were asking for is to be just to have our client put in the position that Titan expected to be in, which was to have a preliminary plat approval.

1:52:50.60 --> 1:53:11.90

Sophie Moiese Room

And so Tam will still have to bear the burden, as is noted in the in the settlement agreement of complying with all

the conditions of approval and also notably, we did not include a request in the settlement terms for award of attorneys fees for the cost and bringing the litigation or for damages.

1:53:11.200 --> 1:53:19.310

Sophie Moiese Room

That was not something that our our client was asking for, simply wanted to be put back in the position that originally expected to be in.

1:53:19.380 --> 1:53:33.860

Sophie Moiese Room

But was concessions and and John mentioned most of those concessions, certainly reducing the number of lots on the Butte, reconfiguring some of the other lots, but then also agreeing to significant conditions of approval related to architectural controls.

1:53:34.390 --> 1:53:42.550

Sophie Moiese Room

Uh, I think County Attorney's office would acknowledge that the architectural controls are something that we.

1:53:44.130 --> 1:54:2.680

Sophie Moiese Room

Asked to be included, Tim had included some in the initial draft of those and the ones that we suggested are much more stringent than the ones that the county had proposed, because that's our our client is interested in making sure that the two dwellings that that would be on that area are architecturally appropriate for that context.

1:54:2.770 --> 1:54:6.710

Sophie Moiese Room

So again, I I appreciate your consideration of this.

1:54:6.820 --> 1:54:13.210

Sophie Moiese Room

I appreciate the position that you have been in having sat and John's chair many times doing this sort of evaluation.

1:54:13.580 --> 1:54:30.770

Sophie Moiese Room

I hope you will will consider his recommendation strongly and certainly I recommend that we all execute this settlement agreement, but the litigation to bed and feel like we've made the right compromise, I will answer any questions that you have.

1:54:30.780 --> 1:54:41.610

Sophie Moiese Room

I also have with me Andy Mefford of PCI who can answer any technical questions that you might have about the design or the conditions of approval as they're recommended here.

1:54:41.900 --> 1:54:42.630

Sophie Moiese Room

Thank you.

1:54:42.740 --> 1:54:43.950

Sophie Moiese Room

Thank you, Mr McCormick.

1:54:45.150 --> 1:54:56.150

Sophie Moiese Room

So we're two hours into our meeting today and what I would encourage folks to do is be as succinct as possible in your comments, we're going to open it up to public comment here in just a moment.

1:54:57.160 --> 1:55:4.670

Sophie Moiese Room

I would encourage you to keep your comments to 3 minutes or less and we are going to use an analog tool here.

1:55:4.680 --> 1:55:6.490

Sophie Moiese Room

We're gonna use an hourglass.

1:55:6.500 --> 1:55:15.430

Sophie Moiese Room

I think this was seen in the Wizard of Oz, perhaps, and this will help you keep track of your comments and where you are in the three minute cycle.

1:55:15.440 --> 1:55:28.130

Sophie Moiese Room

For those of you online or calling in by phone, we're gonna exhaust the comments in the courthouse, Sophie Moise, Room 1st, and then we'll go to folks online who want to comment.

1:55:28.140 --> 1:55:30.900

Sophie Moiese Room

Also, use the raise hand function if you can.

1:55:31.560 --> 1:55:36.940

Sophie Moiese Room

Uh to indicate that you want to speak, and we'll call on you in the order in which you raise your hand.

1:55:37.640 --> 1:55:47.680

Sophie Moiese Room

I think with that uh, OHS and I would just say if you hear someone who already has said what you're going to say it, it's OK to say.

1:55:47.690 --> 1:55:51.300

Sophie Moiese Room

I agree with that and no need to to belabor the point.

1:55:51.410 --> 1:55:59.810

Sophie Moiese Room

We we we may have short memories, but I think we can remember long enough to remember the the previous speaker in a meeting like this.

1:55:59.820 --> 1:56:8.710

Sophie Moiese Room

So with that, if you have comment, come on up to the microphone, make sure that the green light is on, state your name for the record and share with us your thoughts.

1:56:9.830 --> 1:56:10.460

Sophie Moiese Room

My name's web herrington.

1:56:10.470 --> 1:56:13.520

Sophie Moiese Room

Herrington, I live on Schwenk court, which is a Jason.

1:56:13.530 --> 1:56:16.370

Sophie Moiese Room

Is your microphone on good question?

1:56:16.440 --> 1:56:17.480

Sophie Moiese Room

I hit.

1:56:17.990 --> 1:56:20.720

Sophie Moiese Room

Is there a green light showing it was green?

1:56:20.730 --> 1:56:21.80

Sophie Moiese Room

OK.

1:56:21.90 --> 1:56:22.360

Sophie Moiese Room

Yeah, just bring it closer.

1:56:22.430 --> 1:56:23.940

Sophie Moiese Room

My name is Webb Harrington.

1:56:24.210 --> 1:56:33.20

Sophie Moiese Room

I live at Schwenk court with my husband and I've commented on this subdivision since it's inception, pretty much opposing it.

1:56:33.370 --> 1:56:40.450

Sophie Moiese Room

Mostly almost 100% because of building on McCauley Butte, which is so important to the whole community.

1:56:41.400 --> 1:56:59.900

Sophie Moiese Room

But John, you've done an amazing job today of changing my mind and just an appreciation for the work you did to not only honor the residents, but the property owners, which I believe they have a right to develop their property.

1:57:0.490 --> 1:57:7.980

Sophie Moiese Room

I just didn't like the way they proposed developing their property because it would be an infringement on.

1:57:8.530 --> 1:57:13.500

Sophie Moiese Room

I'm not only McCauley Butte, but the wildlife at cetera.

1:57:13.550 --> 1:57:20.650

Sophie Moiese Room

Everything you've listed in your thing, but you've done a good job and this is a compromise that I could accept a lot.

1:57:20.660 --> 1:57:43.760

Sophie Moiese Room

13 is still a big issue for me because I believe it's unnecessary, but the alternative of not settling this and going forward and having it more disastrous up there is appalling and I appreciate the work you're office did and not to, he moaned this.

1:57:43.770 --> 1:57:53.760

Sophie Moiese Room

But I appreciate you, the Commissioners, help through this process of stopping what could have been a disaster from the initial plat.

1:57:54.130 --> 1:57:55.710

Sophie Moiese Room

So thank you.

1:57:57.880 --> 1:57:58.950

Sophie Moiese Room

Thank you, Deb.

1:57:58.960 --> 1:57:59.450

Sophie Moiese Room

Thank you.

1:57:59.460 --> 1:58:8.740

Sophie Moiese Room

I I wish I had as as much influence with my daughter as I do with you in in arguing a point, Sir.

1:58:9.780 --> 1:58:11.330

Sophie Moiese Room

Hi, I'm Jim Brahm of five.

1:58:11.340 --> 1:58:12.110

Sophie Moiese Room

Alleys Audubon.

1:58:12.120 --> 1:58:15.190

Sophie Moiese Room

We think that the proposed settlement is very reasonable.

1:58:15.560 --> 1:58:20.970

Sophie Moiese Room

I would like to commend you for adding the claws on downward pointing lights.

1:58:21.500 --> 1:58:34.100

Sophie Moiese Room

Macaulay Butte is in an important migration corridor for birds that comes along a river corridor and dawning on the Bitterroot and lighting is become known now as one of the biggest disturbances of migrating birds.

1:58:34.110 --> 1:58:39.960

Sophie Moiese Room

There is, so it would be good to even do that elsewhere along this river corridor, to the extent possible.

1:58:39.970 --> 1:58:41.620

Sophie Moiese Room

But thank you for including that.

1:58:42.390 --> 1:58:44.540

Sophie Moiese Room

Thank you. Next.

1:58:48.120 --> 1:58:48.610

Sophie Moiese Room

Yeah.

1:58:48.620 --> 1:58:50.30

Sophie Moiese Room

My name is Mark Mcquirk.

1:58:50.100 --> 1:58:51.960

Sophie Moiese Room

I border the property.

1:58:52.830 --> 1:59:2.770

Sophie Moiese Room

UMI think you're giving a little bit more credit to your settlement for they have wildlife because they are going to be affected.

1:59:2.830 --> 1:59:17.840

Sophie Moiese Room

There's no question even with these considerations that you've given this year alone, I have seen herons, cranes, Turkey vultures, bears, a wolf, Turkey, dear Hawks, Eagles and marmots.

1:59:17.950 --> 1:59:26.380

Sophie Moiese Room

On that property, they're not gonna be there because a lot of them are on that board or I'm not necessarily against what's going on.

1:59:26.650 --> 1:59:28.840

Sophie Moiese Room

For that reason I just trying to protect them.

1:59:29.370 --> 1:59:32.80

Sophie Moiese Room

My biggest reason is being on the border of it.

1:59:32.630 --> 1:59:36.540

Sophie Moiese Room

I was part of that part of the House that was torn down.

1:59:37.510 --> 1:59:41.800

Sophie Moiese Room

They tore it down and and I think it was earlier this year, it was horrible.

1:59:42.600 --> 1:59:44.510

Sophie Moiese Room

Dust noise.

1:59:44.620 --> 1:59:50.760

Sophie Moiese Room

I've been there 20 years plus and I can't imagine 14 going at once.

1:59:51.270 --> 1:59:53.940

Sophie Moiese Room

Is there any restriction on how many they can build at a time?

1:59:54.710 --> 1:59:55.510

Sophie Moiese Room

They're gonna build it.

1:59:55.520 --> 1:59:55.950

Sophie Moiese Room

I don't care.

1:59:55.960 --> 2:0:0.500

Sophie Moiese Room

They've already started the the the the sewer processor, not the sewer process.

2:0:0.510 --> 2:0:0.950

Sophie Moiese Room

Excuse me?

2:0:0.960 --> 2:0:4.460

Sophie Moiese Room

The power process out there, but I can't imagine.

2:0:4.830 --> 2:0:6.500

Sophie Moiese Room

I think there's two that border mind.

2:0:6.510 --> 2:0:10.150

Sophie Moiese Room

Are they gonna start those same at the same time, boarded up bordered right against me?

2:0:11.60 --> 2:0:12.250

Sophie Moiese Room

The noise is incredible.

2:0:12.260 --> 2:0:13.340

Sophie Moiese Room

The dust was incredible.

2:0:13.350 --> 2:0:17.510

Sophie Moiese Room

Excavators pounding and that was just the teardown of 1 property.

2:0:17.880 --> 2:0:19.570

Sophie Moiese Room

I'm not here to prevent it.

2:0:20.10 --> 2:0:23.600

Sophie Moiese Room

I'm here to try and make it easier for me to live through this crap.

2:0:25.620 --> 2:0:26.350

Sophie Moiese Room

Thank you.

2:0:26.540 --> 2:0:27.20

Sophie Moiese Room

Thank you, Sir.

2:0:28.380 --> 2:0:29.340

Sophie Moiese Room

Next, come on up.

2:0:35.150 --> 2:0:39.480

Sophie Moiese Room

My name is Leslie della Piazza and I'm an adjacent property owner.

2:0:39.490 --> 2:0:41.220

Sophie Moiese Room

I guess is the classification.

2:0:41.970 --> 2:0:48.710

Sophie Moiese Room

I'm opposed to the settlement primarily because of the lot 13 on the Butte.

2:0:49.810 --> 2:1:3.210

Sophie Moiese Room

And while I appreciate the concern for my tax dollars every iteration of this proposal has gone down, in part because of building on the Butte.

2:1:3.860 --> 2:1:31.360

Sophie Moiese Room

And so I feel like if the developers were as committed to a development that could garner support from the neighborhood, they would have saw their way clear to not the existing lot is an exception from my perspective, because I agree it was there when any of us bought our properties and and build our own homes.

2:1:31.720 --> 2:1:41.190

Sophie Moiese Room

But the addition of a lot on the Butte is it's beyond the pale for me and I'm an agreement with the gentleman who talked about the wildlife.

2:1:41.300 --> 2:1:51.60

Sophie Moiese Room

You know, we have the luxury of being able to see as we sit on our front porch with binoculars, all of the animals up there, and I would include coyote in the list that he provided.

2:1:52.210 --> 2:2:0.540

Sophie Moiese Room

I have concerns about the water and the sewage, but I I not being a scientist or an engineer can't really address that.

2:2:0.630 --> 2:2:4.570

Sophie Moiese Room

And you're suggesting that that has properly been addressed within Montana law?

2:2:5.260 --> 2:2:21.390

Sophie Moiese Room

Umm, so I guess the final thing I would say is that I don't personally give the developers owners any credit for, you know, the compromise that has been made on this development.

2:2:21.540 --> 2:2:24.550

Sophie Moiese Room

I'm in agreement that this is probably the best we're going to get.

2:2:25.100 --> 2:2:33.230

Sophie Moiese Room

Two concerns are that one, you your proposal states that those lots 14 and 13 can't be.

2:2:34.760 --> 2:2:40.250

Sophie Moiese Room

Further developed or subdivided, unless it comes back before this body.

2:2:40.310 --> 2:2:47.120

Sophie Moiese Room

Well, if there are Commissioners with more of a development mind, they'll be right back here putting more houses on the Butte.

2:2:47.170 --> 2:3:3.380

Sophie Moiese Room

So it's not protected in the way that maybe some of us would like to think it's being protected with this agreement and it would be nice if there could be something more concrete and more final, more permanent that precludes any additional building on the Butte.

2:3:4.410 --> 2:3:20.360

Sophie Moiese Room

And I guess the other thing I wanted to say is that if since you're saving all of our taxpayer dollars by not going to litigation on this, perhaps we could use some of those to buy lot 13 and put it into conservation so that it does not get built on.

2:3:20.790 --> 2:3:21.320

Sophie Moiese Room

Thank you.

2:3:21.480 --> 2:3:21.830

Sophie Moiese Room

Thank you.

2:3:23.590 --> 2:3:25.650

Sophie Moiese Room

Anyone else in the room like to comment?

2:3:28.0 --> 2:3:31.200

Sophie Moiese Room

Erica, hi, commissioners.

2:3:31.350 --> 2:3:34.520

Sophie Moiese Room

Eric Grindy, chief people and risk officer.

2:3:34.600 --> 2:3:39.690

Sophie Moiese Room

Umm, somewhat of a serendipitous moment for me to come up umm.

2:3:39.890 --> 2:3:48.480

Sophie Moiese Room

As you know, Commissioners, but I always think it's important to try to help the public understand the financial risks in these situations.

2:3:48.540 --> 2:4:0.340

Sophie Moiese Room

And so I'm not going to go into, you know, where we would find those financial risks, because I think John has done a great job of explaining what could happen.

2:4:0.430 --> 2:4:7.500

Sophie Moiese Room

But I do think it's important for you to remember in the public to understand that Missoula County is self insured.

2:4:7.510 --> 2:4:8.190

Sophie Moiese Room

And what that means?

2:4:8.990 --> 2:4:17.110

Sophie Moiese Room

Umm for a litigation such as this, this would fall under the Counties liability insurance.

2:4:17.940 --> 2:4:25.200

Sophie Moiese Room

The county self insured retaining \$1,000,000 of any damages that are awarded Umm.

2:4:25.900 --> 2:4:29.670

Sophie Moiese Room

And what happens is the county has a risk fund.

2:4:30.120 --> 2:4:41.180

Sophie Moiese Room

Those dollars are restricted for the purposes of funding claims, be those liability claims, property damage claims, cyber liability claims, UMM.

2:4:41.590 --> 2:4:52.20

Sophie Moiese Room

So in this case that first \$1,000,000 would have to come from that fund or if that fund doesn't have that level of reserves, we would have to go out for a judgment levy.

2:4:52.420 --> 2:5:1.80

Sophie Moiese Room

Anyone in this room who has a property sees a couple of judgment levies already on their tax their tax bills at this time.

2:5:1.230 --> 2:5:9.60

Sophie Moiese Room

And so I just, I I just want to make sure everyone understands how it would be funded and that that's what we're talking about when we're saying we're saving taxpayer dollars.

2:5:9.100 --> 2:5:19.310

Sophie Moiese Room

So I'll let you provide any further information in terms of savings at the county might have, but in terms of actually funding this, that's how it would occur.

2:5:19.840 --> 2:5:20.270

Sophie Moiese Room

Thank you.

2:5:21.970 --> 2:5:25.760

Sophie Moiese Room

Other folks in the room who would like to comment on this come on up to the microphone.

2:5:29.340 --> 2:5:34.770

Sophie Moiese Room

OK anyone online or on the ohh folks?

2:5:34.780 --> 2:5:40.510

Sophie Moiese Room

Don't be shy if you want to say anything, hop right up and come to the microphone and names.

2:5:40.520 --> 2:5:52.800

Sophie Moiese Room

Paul Ferguson, we lived on Glen Drive and the street there is a lot of potholes which at times are visible from outer space on Google Earth.

2:5:53.890 --> 2:6:5.80

Sophie Moiese Room

And we've had the language, one language 2, McCauley Lane, all the heavy equipment coming up the road is in terrible shape.

2:6:5.230 --> 2:6:6.950

Sophie Moiese Room

The county won't do anything about it.

2:6:8.200 --> 2:6:18.170

Sophie Moiese Room

So would it be possible to divert the heavy, strong equipment to humble instead of Glen Drive?

2:6:21.300 --> 2:6:22.370

Sophie Moiese Room

Thank you, Mr Ferguson.

2:6:22.380 --> 2:6:30.570

Sophie Moiese Room

I do not know the answer to that question but and like to recommend that John did a good compromise.

2:6:30.980 --> 2:6:31.490

Sophie Moiese Room

OK.

2:6:31.500 --> 2:6:31.980

Sophie Moiese Room

Thank you, Sir.

2:6:34.590 --> 2:6:37.190

Sophie Moiese Room

Anyone else in the room wanna comment?

2:6:39.520 --> 2:6:46.340

Sophie Moiese Room

Is there anyone online via Microsoft Teams or on the phone who would like to comment on the settlement proposal?

2:6:50.530 --> 2:6:51.560

Sophie Moiese Room

OK.

2:6:51.930 --> 2:6:52.800

Sophie Moiese Room

Yes, Liz.

2:6:54.570 --> 2:6:55.440

Liz Beil (Guest)

Hi, this is Liz.

2:6:56.670 --> 2:6:58.40

Sophie Moiese Room

Yes, we can go right ahead, Liz.

2:6:55.450 --> 2:6:58.270

Liz Beil (Guest)

Bill, can you hear me? Alright.

2:6:58.320 --> 2:7:1.10

Liz Beil (Guest)

Well I am adjacent property owner.

2:7:1.20 --> 2:7:1.390

Liz Beil (Guest)

I just.

2:7:1.400 --> 2:7:11.990

Liz Beil (Guest)

I also want to thank Mr Hart for all the work that he's done that was just great to see just the considerations for the area.

2:7:12.300 --> 2:7:17.550

Liz Beil (Guest)

I wanted to agree with Mr McQuirk on just the question of timing with construction.

2:7:17.860 --> 2:7:48.720

Liz Beil (Guest)

As far as if there's any way to mitigate some noise pollution as this goes down, I realize obviously there will need to be developments and construction noises during this process and then and agree also just with the comment of questioning as far as the roads adding more traffic and having a small 2 year old with already people driving really fast in the area and just thinking about through if there's any possibility for umm, you know there's no sidewalks, they're very wide roads.

2:7:48.730 --> 2:7:56.440

Liz Beil (Guest)

But as far as trails or things like that, or a sidewalk being able to be put in a thinking about safety and walking in the area.

2:7:57.170 --> 2:7:58.920

Liz Beil (Guest)

So that's all I have to say.

2:7:58.930 --> 2:7:59.350

Liz Beil (Guest)

Thank you.

2:8:0.990 --> 2:8:1.860

Sophie Moiese Room

Thank you, miss Bile.

2:8:4.360 --> 2:8:7.630

Sophie Moiese Room

Anyone else online like to comment?

2:8:11.90 --> 2:8:12.730

Sophie Moiese Room

Going once, going twice.

2:8:15.90 --> 2:8:15.870

Sophie Moiese Room

OK.

2:8:16.420 --> 2:8:19.920

Sophie Moiese Room

We will close the public hearing and questions.

2:8:22.350 --> 2:8:38.710

Sophie Moiese Room

From the Commission, does Alan or John or Dylan or Tim Worley have any responses to folks's concerns that Mark Mcquirk or Leslie della Pia? Umm raised?

2:8:38.720 --> 2:8:40.380

Sophie Moiese Room

Can we answer any of those concerns?

2:8:44.160 --> 2:8:44.990

Sophie Moiese Room

I can't.

2:8:45.220 --> 2:8:45.830

Sophie Moiese Room

I don't.

2:8:45.840 --> 2:9:0.320

Sophie Moiese Room

I don't want to impose a bill, you know, sort of a build out schedule or I don't wanna commit to using particular roads or, you know, to for whatever development.

2:9:0.370 --> 2:9:5.810

Sophie Moiese Room

And you know, and have you equipment is accessed on this road.

2:9:6.300 --> 2:9:15.470

Sophie Moiese Room

If if there's other specific concerns that I that I missed, you know, maybe I could address those, but I I can't address those.

2:9:17.10 --> 2:9:17.680

Sophie Moiese Room

Is anyone?

2:9:17.690 --> 2:9:19.170

Sophie Moiese Room

Does anyone else? Uh.

2:9:24.60 --> 2:9:27.630

Sophie Moiese Room

13 We'll we'll come to that question in just a moment.

2:9:28.190 --> 2:9:29.640

Sophie Moiese Room

Anything related to.

2:9:31.320 --> 2:9:37.460

Sophie Moiese Room

The build out, so I will say that we have very limited, if any jurisdiction over.

2:9:39.340 --> 2:9:57.570

Sophie Moiese Room

Pedestrian infrastructure off site related where the correct me if I'm wrong John, but there is no way that we can condition add conditions to the A subdivision that might address significantly off site improvements is that.

2:10:1.980 --> 2:10:19.600

Sophie Moiese Room

Well, I I I think I was hearing part of that and one of the comments that in the general area there might be inadequate sidewalks, pedestrian infrastructure, yes, we we that's not a condition that we're imposing on this particular subdivision.

2:10:19.610 --> 2:10:20.400

Sophie Moiese Room

There are.

2:10:20.530 --> 2:10:22.100

Sophie Moiese Room

There are some pedestrian.

2:10:24.960 --> 2:10:37.80

Sophie Moiese Room

Paths along Ringo Dr that will have to be built out for this subdivision, but otherwise there isn't any additional.

2:10:39.820 --> 2:10:45.410

Sophie Moiese Room

Nonmotorized infrastructure, I don't think, OK.

2:10:50.480 --> 2:10:51.790

Sophie Moiese Room

Alright, no takers.

2:10:52.20 --> 2:10:53.30

Sophie Moiese Room

Sorry, thanks.

2:10:53.80 --> 2:11:44.540

Sophie Moiese Room

So I do have a question, John, as far as lots 13 and 14 and the the requirement that it any further future subdivision of those lots would require BCC board of County Commissioners approval what what sort of review presumably that would likely be a minor subdivision, what sort of right review process would that look like because I I think I think the the commenter is correct, there's no way we can bind the decisions of future commissions when none of us are sitting here and but and just in terms of the process by which uh those would be divided, so the the wording of condition 19 is as follows.

2:11:45.580 --> 2:12:2.960

Sophie Moiese Room

The Covenant shall include a provision prohibiting further division by subdivision or subdivision exemption of the two southernmost lots, 13 and 14, subject to PDS review and approval.

2:12:4.170 --> 2:12:23.860

Sophie Moiese Room

This section of the covenants and these covenants will be covenants that run with the land in the sense that as you as the lots are sold over time, every purchaser will buy that property subject to that covenant.

2:12:25.180 --> 2:12:32.870

Sophie Moiese Room

This section of the Covenant shall not be amended or deleted without prior approval of the governing body.

2:12:32.940 --> 2:12:54.800

Sophie Moiese Room

So as I see procedurally, what would have to happen is that an owner of lot 13 or 14 would have to bring up, you know, would have to petition this body for to approve of an amendment to thou those covenants.

2:12:55.130 --> 2:13:2.910

Sophie Moiese Room

And I believe also and maybe Alan will correct me, I think in order to approve to.

2:13:4.330 --> 2:13:6.590

Sophie Moiese Room

Amend or delete that covenant.

2:13:8.730 --> 2:13:23.190

Sophie Moiese Room

They that property owner would need the support of every other lot owner in this subdivision in order to go forward without amendments, so not so.

2:13:23.240 --> 2:13:28.960

Sophie Moiese Room

Everybody who owns a lot in this subdivision would have to say, yeah, it's OK with me to to.

2:13:30.180 --> 2:13:48.640

Sophie Moiese Room

Amend or delete that covenant and then the property owner would have to petition this body, demonstrating that support and convince this body that that covenant should be either amended or deleted so they can go forward with whatever.

2:13:48.690 --> 2:13:56.340

Sophie Moiese Room

For subdivision proposal, they they would want, so it would be a very heavy lift.

2:13:56.610 --> 2:13:59.80

Sophie Moiese Room

But Leslie's point is is well taken.

2:13:59.90 --> 2:13:59.970

Sophie Moiese Room

You you know you can't.

2:14:0.850 --> 2:14:6.600

Sophie Moiese Room

This Commission, decades from now, may look very different.

2:14:6.660 --> 2:14:6.860

Sophie Moiese Room

Who?

2:14:6.870 --> 2:14:31.260

Sophie Moiese Room

Who knows the value in Missoula Valley may look very different, but it's it's still would be a very heavy lift to to remove this restriction and for that reason I I can't imagine making it and we've crafting it in a way that's even more onerous or more difficult than it is already.

2:14:31.790 --> 2:14:33.940

Sophie Moiese Room

Thanks and the simple head nod will will do.

2:14:33.950 --> 2:14:36.610

Sophie Moiese Room

Mr McCormick, are you in concurrence with Mr Hartz?

2:14:39.480 --> 2:14:41.880

Sophie Moiese Room

Appraisal of the covenants there.

2:14:44.0 --> 2:14:48.550

Sophie Moiese Room

You never come on up to the mic if it's more than a simple head.

2:14:48.560 --> 2:14:49.700

Sophie Moiese Room

Not apparently so.

2:14:53.30 --> 2:15:0.720

Sophie Moiese Room

Alan McCormick never expect an attorney to do a head nod because it's just not in our DNA.

2:15:2.500 --> 2:15:7.410

Sophie Moiese Room

The I I wanted to say close enough, but then I know you would ask me the question.

2:15:7.420 --> 2:15:9.370

Sophie Moiese Room

Why are you not saying absolutely?

2:15:9.420 --> 2:15:24.130

Sophie Moiese Room

The only quirk I have to that is that covenants typically do not require 100% approval because for all the all the many things that you might want to do, you don't want to let it let that one hold out control the show.

2:15:24.140 --> 2:15:32.170

Sophie Moiese Room

So typically most covenants require a 75% or at least a 66% approval to change the covenants.

2:15:32.180 --> 2:15:34.140

Sophie Moiese Room

But John is absolutely right about everything else.

2:15:34.560 --> 2:15:39.670

Sophie Moiese Room

You first have to get all of the whatever that threshold number is to approve.

2:15:39.680 --> 2:15:48.730

Sophie Moiese Room

Then they'd have to come back before you to approve, and only if you revoked the covenant could they then file for us an application for a subdivision.

2:15:48.840 --> 2:15:53.610

Sophie Moiese Room

It's probably going to be a subsequent, but it be a subsequent minor.

2:15:53.620 --> 2:15:54.790

Sophie Moiese Room

Or would it just be a major?

2:15:54.800 --> 2:15:55.460

Sophie Moiese Room

So it could.

2:15:55.560 --> 2:15:58.950

Sophie Moiese Room

It could have more than just a minor subdivision review attached to it.

2:15:59.120 --> 2:16:13.410

Sophie Moiese Room

One of the nice benefits of this design and removing those lots off of the hillside is is that you're not going to see additional construction on the road way that leads up to that and additional house and so that that means there's no new cut to the hillside.

2:16:13.420 --> 2:16:20.470

Sophie Moiese Room

There's there's some benefits to that and any any additional lots going to require that kind of additional work and the like.

2:16:20.480 --> 2:16:24.550

Sophie Moiese Room

So it's a agree this is what I'll agree with.

2:16:24.560 --> 2:16:25.330

Sophie Moiese Room

With the head not.

2:16:25.480 --> 2:16:27.170

Sophie Moiese Room

It's a very heavy lift.

2:16:27.840 --> 2:16:28.450

Sophie Moiese Room

OK.

2:16:28.500 --> 2:16:32.80

Sophie Moiese Room

Thank you for that clarification.

2:16:35.10 --> 2:16:41.200

Sophie Moiese Room

Any other questions you of the Tim want to add anything Tim Morley, is there anything you want to add?

2:16:42.610 --> 2:16:45.580

Sophie Moiese Room

He shakes his head no, but then he proceeds to the microphone.

2:16:45.830 --> 2:16:46.560

Sophie Moiese Room

That was a shake.

2:16:46.570 --> 2:16:47.340

Sophie Moiese Room

Yes, him.

2:16:47.350 --> 2:16:50.430

Sophie Moiese Room

Worley with PDS on the NONMOTORIZED.

2:16:50.440 --> 2:16:51.130

Sophie Moiese Room

John is correct.

2:16:51.140 --> 2:16:51.650

Sophie Moiese Room

There's nothing.

2:16:51.660 --> 2:16:53.350

Sophie Moiese Room

There's no requirement for off site.

2:16:53.750 --> 2:16:56.470

Sophie Moiese Room

A non motorized connections.

2:16:56.740 --> 2:17:3.230

Sophie Moiese Room

The only scenario where that would be the case is if there's existing non motorized where there is a gap they would be required to fill in a gap.

2:17:3.240 --> 2:17:7.910

Sophie Moiese Room

But as far as extending anything from the subdivision, there would not be a requirement.

2:17:8.190 --> 2:17:14.210

Sophie Moiese Room

All it's going to happen is an 8 foot wide pathway will be built along the extension of Ringo Drive.

2:17:14.220 --> 2:17:18.190

Sophie Moiese Room

So, and that's contained internal to the the subdivision.

2:17:18.400 --> 2:17:18.700

Sophie Moiese Room

OK.

2:17:18.710 --> 2:17:19.160

Sophie Moiese Room

Thank you.

2:17:22.220 --> 2:17:22.750

Sophie Moiese Room

Anything else?

2:17:22.760 --> 2:17:23.160

Sophie Moiese Room

We need it.

2:17:24.70 --> 2:17:25.300

Sophie Moiese Room

No, you're you're itching?

2:17:26.310 --> 2:17:34.400

Sophie Moiese Room

No, I I will show my hand, folks, I think this is as good as it gets and my wild about this subdivision.

2:17:34.410 --> 2:17:38.640

Sophie Moiese Room

No, I think that's borne out by the fact that we denied it previously.

2:17:38.650 --> 2:17:42.300

Sophie Moiese Room

But since then, there have been significant changes afoot.

2:17:42.310 --> 2:17:45.990

Sophie Moiese Room

As John Hart mentioned, state law has been changed.

2:17:46.960 --> 2:17:51.80

Sophie Moiese Room

One of the major reasons for denial previously has been taken away from us.

2:17:52.290 --> 2:18:5.980

Sophie Moiese Room

Uh, this has gone to the Supreme Court, which has remanded it back to District Court and the Supreme Court has telegraphed to us as again John Hart has has thoroughly made clear.

2:18:6.70 --> 2:18:14.990

Sophie Moiese Room

The Supreme Court has telegraphed to us that they would probably not be inclined to agree with some of the the.

2:18:16.350 --> 2:18:34.930

Sophie Moiese Room

Defense claims that we've been making at this point in time the risk that we run by not accepting this settlement agreement is binding ourselves with something much less desirable to the Community than what is currently here before us.

2:18:35.220 --> 2:18:39.420

Sophie Moiese Room

So I think this is probably again as good as it gets and.

2:18:41.20 --> 2:18:57.490

Sophie Moiese Room

And a sound decision and anything contrary to that would likely be subject to being arbitrary and capricious decision on our part, Commissioner Vero, and that we have Erica grindy in the audience.

2:18:57.500 --> 2:18:58.840

Sophie Moiese Room

That gives me pause as well.

2:18:58.850 --> 2:19:1.270

Sophie Moiese Room

So our chief people at risk?

2:19:2.110 --> 2:19:8.600

Sophie Moiese Room

Umm, I'm glad you came up because we would have asked you to come up and and talk about the risk to our taxpayers.

2:19:10.940 --> 2:19:15.770

Sophie Moiese Room

I appreciate the UM, the work that went into create this compromise.

2:19:15.780 --> 2:19:27.430

Sophie Moiese Room

I know it's it's really difficult, but I don't think we've experienced a subdivision denial like this that's gone to the Supreme Court comeback and still all parties have agreed to work together.

2:19:27.760 --> 2:19:31.50

Sophie Moiese Room

So thank you for that Alan.

2:19:31.60 --> 2:19:32.380

Sophie Moiese Room

Thank you for reaching out to John.

2:19:34.760 --> 2:19:37.350

Sophie Moiese Room

So I'm in agreement with Dave.

2:19:39.290 --> 2:19:40.560

Sophie Moiese Room

Dear, are you making a motion?

2:19:40.630 --> 2:19:42.20

Sophie Moiese Room

Ohh no, I'll leave it up to you.

2:19:42.30 --> 2:19:42.750

Sophie Moiese Room

It's there.

2:19:42.760 --> 2:19:43.280

Sophie Moiese Room

It is right there.

2:19:45.120 --> 2:19:52.290

Sophie Moiese Room

I authorized the chair to sign settlement agreement and release of all claims between Tytam LLC and Missoula County.

2:19:52.720 --> 2:19:54.470

Sophie Moiese Room

I will second that and I will.

2:19:54.590 --> 2:20:3.670

Sophie Moiese Room

Ah, Council is wanting to interject, say one more thing and I wanna say this to the residents out there in target range and the Jason property owners.

2:20:4.500 --> 2:20:8.260

Sophie Moiese Room

Umm, I mean, I I appreciate everybody's comments.

2:20:9.80 --> 2:20:31.580

Sophie Moiese Room

And before I dove head first into this, I want you to know that I spent a little time out there and there is is there is really a hush to the land right there, especially notably during the gathering darkness of a mid December evening.

2:20:32.560 --> 2:20:47.630

Sophie Moiese Room

And I appreciate that the volume of that hush is going to go up a notch or two, especially as it's built out umm and and I and I was very cognizant of that.

2:20:47.680 --> 2:20:48.220

Sophie Moiese Room

I did.

2:20:48.280 --> 2:20:55.70

Sophie Moiese Room

I visited this and I spent some time out there because I didn't wanna be as a public servant in attorney.

2:20:55.80 --> 2:21:1.960

Sophie Moiese Room

I didn't want to be a participant in something that that that I couldn't live with myself.

2:21:3.620 --> 2:21:20.730

Sophie Moiese Room

And so thank you for all your comments and thank you for, you know, helping me try to get the absolute best compromised settlement we could for for this very nice corner of Missoula County.

2:21:22.770 --> 2:21:23.620

Sophie Moiese Room

Thank you, John.

2:21:23.680 --> 2:21:24.500

Sophie Moiese Room

Thank you, Dylan.

2:21:24.510 --> 2:21:25.150

Sophie Moiese Room

Thank you.

2:21:25.490 --> 2:21:34.890

Sophie Moiese Room

Aye, titam and and legal represent representation by Mr McCormick in the settlement talks.

2:21:34.900 --> 2:21:39.530

Sophie Moiese Room

Thank you to all of you and the audience and online and elsewhere in the community.

2:21:39.730 --> 2:21:41.430

Sophie Moiese Room

You are the ones who?

2:21:42.240 --> 2:21:57.970

Sophie Moiese Room

Provided support throughout the litigation thus far, and again this is not necessarily the outcome that I had hoped for, but it is an outcome that I think is one that we can live with and is as good as it gets.

2:21:57.980 --> 2:22:6.390

Sophie Moiese Room

As I said previously, so we've had motion a second any further discussion seeing none all in favor. Aye.

2:22:6.400 --> 2:22:8.750

Sophie Moiese Room

Aye, OK.

2:22:8.860 --> 2:22:10.730

Sophie Moiese Room

That concludes our business for the day.

2:22:10.740 --> 2:22:14.830

Sophie Moiese Room

Thank you everyone and have a good and safe rest of the evening.