

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, NOVEMBER 02, 2023

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
Laura Collins, Planner, Planning, Development, and Sustainability
Rachel Manning, Administrative Assistant, Planning, Development, and Su
Zach Jones, Planner, Planning, Development, and Sustainability
Tim Worley, Senior Planner, Planning, Development, and Sustainability
John Hart, Civil Deputy Attorney, County Attorney's Office

1. **CALL TO ORDER** *[Time stamp – 0:04]*
2. **PLEDGE OF ALLEGIANCE** *[Time stamp – 0:06]*
3. **LAND ACKNOWLEDGEMENT** *[Time stamp – 0:24]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the
Salish and Kalispel people.
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 0:43]*
 - a. Closed Captioning
 - b. Native American Heritage Month Proclamation *[Time stamp – 1:30]*
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 5:27]*
6. **CURRENT CLAIMS LIST** *[Time stamp – 05:37]*
Claims received as of October 19, 2023 to October, 2023 by the Commissioners' Office total
\$198,722.03.

7. HEARINGS

a. Running W Ranch/Missoula Meadowlands Covenant Amendment *[Time stamp – 05:57]*

Laura Collins, Planner, Planning, Development, and Sustainability

Commissioner Vero made the motion that the Board of County Commissioners of Missoula County hereby approve the Running W Ranch Covenants Amendment request based on the fact in the staff report and subject to the recommended conditions of approval.

Commissioner Strohmaier seconded.

[Motion Passed 2-0.]

[Letter 2023-197 was electronically sent on November 14, 2023 to Jamie Erbacher]

b. McGuire Family Transfer *[Time stamp –18:26]*

Zach Jones, Planner, Planning, Development, and Sustainability

Commissioner Vero made the motion that the Missoula Board of County Commissioners approve the request by Lisa McGuire to utilize the family transfer exemption to create and transfer one parcel as presented in the subdivision exemption affidavit.

Commissioner Strohmaier seconded.

[Motion Passed 2-0.]

[Letter 2023-195 was mailed to Lisa McGuire on November 02, 2023]

8. OTHER BUSINESS *[Time stamp –27:46]*

[None]

9. ADJOURN

(Acting) Chair Strohmaier – Called the meeting to adjourn at 2:28 p.m.

BCC Public Meeting November 02, 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 --> 0:0:4.470

Sophie Moiese Room

He have the Missoula board of County Commissioners on this Thursday, November 2nd.

0:0:4.480 --> 0:0:6.810

Sophie Moiese Room

Please stand and join me for the Pledge of Allegiance.

0:0:9.0 --> 0:0:20.860

Sophie Moiese Room

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.

0:0:24.300 --> 0:0:31.70

Sophie Moiese Room

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

0:0:31.820 --> 0:0:34.250

Sophie Moiese Room

We have two public announcements today.

0:0:34.260 --> 0:0:41.780

Sophie Moiese Room

The one which we hear frequently is going to be delivered again for all of you out there in the listening world.

0:0:42.590 --> 0:0:43.760

Sophie Moiese Room

Cheryl's, uh.

0:0:43.770 --> 0:0:45.0

Sophie Moiese Room

Talked to us about cld captioning.

0:0:46.50 --> 0:0:46.600

Sophie Moiese Room

OK.

0:0:46.930 --> 0:0:58.860

Sophie Moiese Room

Hello everyone, if you're joining us for this meeting virtually today, instructions for turning on closed captioning or on your screen, if you're joining us in person, we'll have closed captioning on all the screens here in the Sophie Louise room.

0:0:59.10 --> 0:1:4.40

Sophie Moiese Room

And we ask that all speakers today remember to speak slowly and clearly during the meeting.

0:1:4.230 --> 0:1:6.780

Sophie Moiese Room

This will help with the accuracy of the closed captioning.

0:1:7.70 --> 0:1:11.940

Sophie Moiese Room

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

0:1:11.950 --> 0:1:14.860

Sophie Moiese Room

If you like to speak, we ask that you use the raise hand feature.

0:1:15.90 --> 0:1:17.830

Sophie Moiese Room

If you are in Microsoft Teams, this is the small hand button.

0:1:18.140 --> 0:1:21.670

Sophie Moiese Room

If you are calling in on the phone, you will need to hit star 5 to raise your hand.

0:1:21.980 --> 0:1:24.970

Sophie Moiese Room

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

0:1:25.60 --> 0:1:25.480

Sophie Moiese Room

Thank you.

0:1:26.710 --> 0:1:30.250

Sophie Moiese Room

And for those of you who don't know out there, I'm Dave Strohmeyer.

0:1:30.260 --> 0:1:40.140

Sophie Moiese Room

I'm joined by Commissioner Wanita Vero, Commissioner Josh Slotnick is not able to make it with us today and Commissioner Vera, would you be so kind as to proclaim for us?

0:1:41.820 --> 0:1:42.280

Sophie Moiese Room

Uh.

0:1:42.290 --> 0:1:57.310

Sophie Moiese Room

Whereas Missoula County and the City of Missoula are located in the heart of the homelands of the Salish and Cleese, Bay or Salish and Klee, spay Upper Kalispell or Ponderay, people, and this is also a place known and used by other indigenous nations, past and present.

0:1:57.320 --> 0:2:10.270

Sophie Moiese Room

And whereas for many thousands of years, the Salish and Kleeze Bay have lived, and the relationship of respect and the lands and waters and the plants and animals of this place, ensuring that future generations inherit a clean and bountiful home.

0:2:10.620 --> 0:2:21.530

Sophie Moiese Room

And whereas the wisdom, understanding, and countless cultural contributions passed on to us by, say, let's increase pay and other indigenous elders continues to enrich our lives and offer us a path to a better future.

0:2:21.890 --> 0:2:51.100

Sophie Moiese Room

And whereas from the arrival of Lewis and Clark to the excuse me in from the arrival of the Lewis and Clark expedition to the Salish inviting Jesuit missionaries to join their committee to the sacrifices of countless veterans of the Salish of the Confederated Salish and Kuni tribes in service to their nation, to our nation, to the many efforts of the CSKT today in working with Missoula County and the City of Missoula, the tribes have sought relations of mutual respect with non indigenous people.

0:2:51.110 --> 0:3:5.50

Sophie Moiese Room

And whereas in October 1891, the United States forced the Salish people to leave their Bitterroot homeland and move to the Flathead Reservation, marching them through Missoula or through the Missoula area on what became known as Montana's Trail of Tears.

0:3:5.520 --> 0:3:24.160

Sophie Moiese Room

And whereas in 1904 Montana's congressional representative secured passage of the Flathead Allotment Act, which in violation of the Hellgate Treaty of 1855, force individual land ownership pawn CSKT people and then opened remaining lands on the Flathead Reservation to home setting and non Indian ownership.

0:3:24.530 --> 0:3:35.100

Sophie Moiese Room

Whereas we acknowledge that the historical injustices directed towards indigenous people are rooted and have further entrenched systemic and institutional racism and intradermal intergenerational trauma.

0:3:35.410 --> 0:3:58.790

Sophie Moiese Room

And whereas November was the first was first designated as National American Indian Heritage Month in 1990 by Congress and President George HW Bush, and it has subsequently been proclaimed every November by every succeeding president and was renamed National Native American Heritage Month by Congress and President Barack Obama in 2009.

0:3:59.310 --> 0:4:9.230

Sophie Moiese Room

And whereas in the words of President Biden, Native American roots are deeply embedded in this land, a homeland love nurtured, strengthen, and fought for with honor and conviction.

0:4:9.700 --> 0:4:18.60

Sophie Moiese Room

Missoula County and the City of Missoula are committed to honoring our relationships with sovereign indigenous nations and peoples and to uphold our Treaty obligations now.

0:4:18.70 --> 0:4:30.140

Sophie Moiese Room

Therefore, be it resolved we, Missoula County and the Steve Missoula do hereby proclaim November as Native American Heritage Month and we pledge to honor and respect the rich cultures and histories as a Salish.

0:4:30.270 --> 0:4:44.430

Sophie Moiese Room

Please spay and all the indigenous peoples of our community to strive to learn and educate ourselves and others about those cultures and histories, and to cherish the many indigenous friends, neighbors and members of our community dated this day.

0:4:45.380 --> 0:4:47.430

Sophie Moiese Room

Second day of November 2003.

0:4:48.740 --> 0:4:49.940

Sophie Moiese Room

Thank you for that.

0:4:49.950 --> 0:5:1.60

Sophie Moiese Room

And for folks out there, if you have not already had a chance to visit this spot, take a look at the interpretive panels on the South side of Bear tracks.

0:5:1.70 --> 0:5:9.460

Sophie Moiese Room

Bridge, they've been newly reinstalled and and some modifications have been made to that particular site.

0:5:9.470 --> 0:5:10.950

Sophie Moiese Room

So check it out.

0:5:10.960 --> 0:5:20.570

Sophie Moiese Room

There's six panels there to talk about the history of indigenous culture in this area and also the history of bear tracks bridge and why it is named as such.

0:5:21.60 --> 0:5:23.780

Sophie Moiese Room

Is there any public comment on items not on today's agenda?

0:5:27.480 --> 0:5:37.420

Sophie Moiese Room

See none our current claims list and this would be claims received as of October 19th through October 23rd, 2023 by the Commissioner's Office.

0:5:37.430 --> 0:5:42.810

Sophie Moiese Room

The Commissioner's Office total is this right only \$198,722.03 that is exceptionally low.

0:5:42.820 --> 0:5:48.290

Sophie Moiese Room

\$8722.03 that is exceptionally low.

0:5:49.740 --> 0:5:50.750

Sophie Moiese Room

Holy smokes.

0:5:50.760 --> 0:5:52.230

Sophie Moiese Room

OK, that is some.

0:5:54.180 --> 0:5:55.250

Sophie Moiese Room

Fiscal constraint.

0:5:55.260 --> 0:5:57.100

Sophie Moiese Room

So we have two hearings today.

0:5:57.840 --> 0:6:7.350

Sophie Moiese Room

The first is the McGuire family transfer, and then there's the running W Ranch Covenant Amendment will begin with Zach and the McGuire family transfer.

0:6:14.550 --> 0:6:15.950

Sophie Moiese Room

OK, I'm bringing it up here.

0:6:59.980 --> 0:7:3.710

Sophie Moiese Room

So I may have a technological issue here.

0:7:3.840 --> 0:7:11.470

Sophie Moiese Room

I think I may have sent myself the wrong copy of the family transfer and I might have to go track down the correct one.

0:7:11.480 --> 0:7:23.570

Sophie Moiese Room

How about we flip flop the two items while you are rustling up that we need, and provided that we are ready to go with running W Tim or you able to to jump in here and.

0:7:28.150 --> 0:7:28.470

Sophie Moiese Room

OK.

0:7:34.900 --> 0:7:36.550

Sophie Moiese Room

Or Collins planner.

0:7:36.560 --> 0:7:39.450

Sophie Moiese Room

One with Missoula County planning, development and sustainability.

0:7:39.460 --> 0:7:41.620

Sophie Moiese Room

I'll actually be presenting the running W item.

0:7:41.630 --> 0:7:42.590

Sophie Moiese Room

Hey, it's all yours.

0:7:43.870 --> 0:7:47.40

Sophie Moiese Room

And you're going to have to swallow that mic a little bit too, really.

0:7:47.50 --> 0:7:47.260

Sophie Moiese Room

OK.

0:7:47.270 --> 0:7:48.40

Sophie Moiese Room

Yes, sounds good.

0:7:48.230 --> 0:7:48.850

Sophie Moiese Room

OK, yeah.

0:7:54.980 --> 0:7:56.850

Sophie Moiese Room

Just share my screen here.

0:8:9.610 --> 0:8:17.110

Sophie Moiese Room

OK, running W Ranch with pending name change to Missoula Meadowlands for unfilled phases.

0:8:17.290 --> 0:8:19.150

Sophie Moiese Room

This is a covenant amendments request.

0:8:20.950 --> 0:8:28.860

Sophie Moiese Room

This is actually a resubmittal of a request that was presented to you in September of last year and was approved.

0:8:29.200 --> 0:8:35.630

Sophie Moiese Room

The applicant missed the filing deadline for the approval documents and so we are asking you to reconsider the request.

0:8:37.0 --> 0:8:44.540

Sophie Moiese Room

The owner is Track 2, Cocos 6492 LLC with technical representation from WGM Group.

0:8:47.600 --> 0:8:53.840

Sophie Moiese Room

So running Ranch was a 318 lot 11 Phase Subdivision originally approved in August of 2005.

0:8:54.930 --> 0:9:0.640

Sophie Moiese Room

Phases one and two were filed in 2008 and Phase 2A was filed in 2021.

0:9:0.950 --> 0:9:3.40

Sophie Moiese Room

Phases 3 to 11 remain unfilled.

0:9:5.540 --> 0:9:11.740

Sophie Moiese Room

These subdivision was originally approved with a plan variation overlay to the base CR3 zoning district.

0:9:13.620 --> 0:9:19.470

Sophie Moiese Room

Phases 3 through 11 or rezoned during the Mozilla County Zoning Update project.

0:9:23.420 --> 0:9:24.700

Sophie Moiese Room

This is the current zoning.

0:9:28.590 --> 0:9:31.510

Sophie Moiese Room

So the phases 3 to 11 have.

0:9:33.370 --> 0:9:36.540

Sophie Moiese Room

Neighborhood residential, commercial, and Industrial center light.

0:9:45.80 --> 0:9:51.870

Sophie Moiese Room

The Covenant amendment request is to amend Section 7 of the running W Ranch Covenants to allow varying housing types and to increase density.

0:9:53.650 --> 0:10:10.200

Sophie Moiese Room

Section 7 of the Covenants currently limits lots designated as residential to single family residential dwellings, with a limited exception for attached accessory dwelling units, but the county zoning update would allow for increased density and varying housing types.

0:10:14.170 --> 0:10:23.390

Sophie Moiese Room

One of the subdivision conditions of approval calls out Section 7 to be amenable only by governing body approval, and that's why we're bringing this to you today.

0:10:27.10 --> 0:10:32.890

Sophie Moiese Room

Based on our review criteria, we find the supportable in line with the county zoning. Wait.

0:10:32.900 --> 0:10:34.0

Sophie Moiese Room

So Lauren, I'm sorry.

0:10:35.790 --> 0:10:37.950

Sophie Moiese Room

We have to approve the.

0:10:40.650 --> 0:10:43.880

Sophie Moiese Room

The even though it's law, or am I?

0:10:45.610 --> 0:10:59.800

Sophie Moiese Room

So the condition of approval of the subdivision called out Section 7, which includes the provision about

single family residential dwelling types as a section that can only be amended by governing body approval.

0:11:1.70 --> 0:11:6.110

Sophie Moiese Room

So it's Section 7 of the covenants of the Subdivision improvement.

0:11:6.120 --> 0:11:8.150

Sophie Moiese Room

Yes, right.

0:11:8.160 --> 0:11:12.910

Sophie Moiese Room

Which is different than so so this would be bringing the covenants and the line with what it's zoned.

0:11:13.530 --> 0:11:18.650

Sophie Moiese Room

OK, the new zoning would allow for multiple housing types and increased density.

0:11:18.660 --> 0:11:20.500

Sophie Moiese Room

So this would bring it in line with the new zoning.

0:11:22.10 --> 0:11:24.160

Sophie Moiese Room

That's what I I didn't recognize it.

0:11:24.230 --> 0:11:33.650

Sophie Moiese Room

We actually had to decide to bring it in compliance like it is just because of that condition of approval that calls that section out.

0:11:33.720 --> 0:11:34.610

Sophie Moiese Room

Yeah.

0:11:34.970 --> 0:11:35.690

Sophie Moiese Room

Ohh no, not at all.

0:11:40.270 --> 0:11:40.640

Sophie Moiese Room

OK.

0:11:40.690 --> 0:11:41.150

Sophie Moiese Room

Is that it?

0:11:42.700 --> 0:11:45.0

Sophie Moiese Room

I think my laptop is freezing one moment.

0:11:47.780 --> 0:11:50.550

Sophie Moiese Room

So agency comment was requested.

0:11:50.560 --> 0:11:51.520

Sophie Moiese Room

We received no comments.

0:11:53.40 --> 0:11:57.960

Sophie Moiese Room

A legal notice was published in the October 19th Missoulian.

0:11:57.970 --> 0:11:59.480

Sophie Moiese Room

There were also no public comments.

0:12:5.50 --> 0:12:6.350

Sophie Moiese Room

All these there seems to be a lag.

0:12:17.990 --> 0:12:21.40

Sophie Moiese Room

So these are the review criteria that we use to.

0:12:21.770 --> 0:12:25.780

Sophie Moiese Room

Umm, analyze amendments requests.

0:12:29.300 --> 0:12:33.230

Sophie Moiese Room

You're a few of the major findings of these review criteria.

0:12:33.480 --> 0:12:35.510

Sophie Moiese Room

The request is deemed minor in nature.

0:12:35.700 --> 0:12:42.0

Sophie Moiese Room

Changes only affect the unfilled phases of the subdivision, and why align with the current phase?

0:12:42.120 --> 0:12:45.190

Sophie Moiese Room

Zoning and the surrounding neighborhood and overall community type.

0:12:46.390 --> 0:12:55.440

Sophie Moiese Room

The proposal complies with Missoula County zoning regulations and the varied housing types that it would allow is consistent with the Growth policy goals.

0:12:58.0 --> 0:13:0.10

Sophie Moiese Room

The changes are not deemed incremental.

0:13:0.20 --> 0:13:2.960

Sophie Moiese Room

They'll apply to all unfilled phases of running W.

0:13:13.280 --> 0:13:16.720

Sophie Moiese Room

Staff recommendation is to approve the Covenant amendment request.

0:13:18.520 --> 0:13:26.30

Sophie Moiese Room

Based on the findings of fact in the staff report and subject to recommended conditions of approval, we have three recommended conditions of approval.

0:13:26.320 --> 0:13:29.750

Sophie Moiese Room

The language shall be reviewed and approved by PDS prior to recording.

0:13:30.780 --> 0:13:32.530

Sophie Moiese Room

It'll contain Blvd.

0:13:32.540 --> 0:13:36.770

Sophie Moiese Room

Planning and landscaping requirements stipulated in the original running W Ranch subdivision.

0:13:36.780 --> 0:13:54.460

Sophie Moiese Room

Covenants of approval conditions of approval, excuse me, and the section shall be subject to review and approval by the Planning Office prior to recording and any recorded documents that are modified by this adjustment shall be revised and then filed with the clerk and Records office within 60 calendar days of governing body approval.

0:13:56.840 --> 0:14:0.230

Sophie Moiese Room

Is PDS planning, development and sustainability?

0:14:2.620 --> 0:14:3.250

Sophie Moiese Room

OK.

0:14:3.800 --> 0:14:5.440

Sophie Moiese Room

Thank you. Absolutely.

0:14:8.650 --> 0:14:11.210

Sophie Moiese Room

And I believe that is it's.

0:14:11.220 --> 0:14:15.780

Sophie Moiese Room

I'm here for questions and I believe Jamie Erbacher is online as well, right.

0:14:15.790 --> 0:14:16.580

Sophie Moiese Room

Thank you very much.

0:14:16.590 --> 0:14:20.500

Sophie Moiese Room

Would the applicant or applicants representative, namely Jamie, liked to say anything?

0:14:22.300 --> 0:14:22.580

Jamie Erbacher

There.

0:14:22.590 --> 0:14:22.920

Jamie Erbacher

Thank you.

0:14:23.810 --> 0:14:33.580

Jamie Erbacher

And so we did actually bring this exact set of covenants to you last year and unfortunately our clients attorney was going to record them and missed the recording date.

0:14:33.590 --> 0:14:43.530

Jamie Erbacher

So according to the Subdivision regulations, because we didn't have them originally recorded within the 60 calendar days, we did have to bring it back to you for another approval.

0:14:44.420 --> 0:14:44.940

Jamie Erbacher

Umm.

0:14:45.160 --> 0:15:6.90

Jamie Erbacher

And wanita to maybe explain your question or answer your question a little bit more about why you're having to approve this section of the covenants when running W was first adopted the subdivision, it was also adopted as a plan variation and that plan variation had limited the uses within that planned variation.

0:15:6.100 --> 0:15:15.190

Jamie Erbacher

Excuse me and the base zone had limited the uses to single family and so at that time it is all we could do within the subdivision.

0:15:15.200 --> 0:15:23.330

Jamie Erbacher

But with the zoning code update and we can now do additional building types beyond single family.

0:15:23.340 --> 0:15:29.470

Jamie Erbacher

And so this change to the covenants will allow that to happen within the unfilled phases of the subdivision.

0:15:31.130 --> 0:15:31.900

Sophie Moiese Room

Thanks so much.

0:15:32.580 --> 0:15:33.80

Jamie Erbacher

Yeah, you bet.

0:15:35.220 --> 0:15:37.890

Sophie Moiese Room

And Jamie, is your your client's attorney?

0:15:41.230 --> 0:15:42.220

Jamie Erbacher

They better be, you know.

0:15:37.900 --> 0:15:43.160

Sophie Moiese Room

Yeah, waiting in the hall for us to file these documents once they're approved, OK.

0:15:45.450 --> 0:15:46.800

Jamie Erbacher

Yes, it will happen this time.

0:15:47.300 --> 0:15:47.720

Sophie Moiese Room

OK.

0:15:49.380 --> 0:15:50.300

Sophie Moiese Room

All right.

0:15:50.400 --> 0:15:51.890

Sophie Moiese Room

Any questions?

0:15:51.930 --> 0:16:1.890

Sophie Moiese Room

Lauren, do you have the correct language of the motion by chance and think it's a little different than the RCA and any public comment on this proposal?

0:16:2.20 --> 0:16:3.40

Sophie Moiese Room

Anyone out there?

0:16:4.470 --> 0:16:7.10

Sophie Moiese Room

The room is virtually empty here, and Sophie noise.

0:16:7.20 --> 0:16:8.760

Sophie Moiese Room

Anyone online like to comment on this?

0:16:12.550 --> 0:16:13.20

Sophie Moiese Room

OK.

0:16:13.70 --> 0:16:14.940

Sophie Moiese Room

Ohh, John Hart.

0:16:15.330 --> 0:16:40.200

Sophie Moiese Room

I don't have any public comment, but I just wanna take the opportunity because I had two Missoula County employees come to me today and say, hey, John, don't you always tell us that Missoula County doesn't have anything to do with private covenants that restrict, you know, a subdivisions use of property neighbor to neighbor?

0:16:40.270 --> 0:16:44.810

Sophie Moiese Room

And I say yes, that's always what I say and that's what I want you to remember.

0:16:45.200 --> 0:16:55.830

Sophie Moiese Room

And 999 times out of 1000, Missoula County cannot do anything to help one neighbor to enforce covenants against another neighbor.

0:16:56.120 --> 0:16:58.750

Sophie Moiese Room

But this is one of the very rare exceptions.

0:16:59.30 --> 0:16:59.320

Sophie Moiese Room

Where?

0:16:59.810 --> 0:17:14.710

Sophie Moiese Room

Umm, the the approval of the subdivision itself required this single family restriction to be in the covenants and it couldn't be modified without governing body approval.

0:17:15.20 --> 0:17:33.770

Sophie Moiese Room

We see that very, very rarely and this is one of the instances we see it, but as to the vast majority of the other covenants in this subdivision, Missoula County doesn't have any ability to change them or enforce them or help one neighbor enforce them against the other.

0:17:33.780 --> 0:17:38.370

Sophie Moiese Room

So I I just wanted to make that clear that this is an exceptional uh.

0:17:40.200 --> 0:17:40.950

Sophie Moiese Room

Request.

0:17:41.120 --> 0:17:41.730

Sophie Moiese Room

OK.

0:17:41.740 --> 0:17:45.190

Sophie Moiese Room

So everyone, you just heard this from Deputy County Attorney John Hart.

0:17:45.200 --> 0:18:0.880

Sophie Moiese Room

This is a historical moment that we are experiencing here, so remember this ohh with that I moved to approve the running W Ranch Covenants Amendment request based on the findings of fact in the staff report and subject to the recommended conditions of approval.

0:18:3.600 --> 0:18:4.610

Sophie Moiese Room

I think we're good.

0:18:4.700 --> 0:18:10.440

Sophie Moiese Room

I'll second that any further discussion on the motion see none.

0:18:10.450 --> 0:18:11.760

Sophie Moiese Room

Let's go ahead and vote all in favor.

0:18:12.10 --> 0:18:14.50

Sophie Moiese Room

Aye, OK. It's done.

0:18:15.410 --> 0:18:19.40

Sophie Moiese Room

And the documents will soon be delivered for recording.

0:18:19.50 --> 0:18:20.260

Sophie Moiese Room

I am sure so.

0:18:20.550 --> 0:18:21.220

Sophie Moiese Room

OK.

0:18:21.310 --> 0:18:21.800

Sophie Moiese Room

Thanks Jamie.

0:18:23.860 --> 0:18:24.240

Jamie Erbacher

Thank you.

0:18:25.190 --> 0:18:26.440

Sophie Moiese Room

OK.

0:18:26.980 --> 0:18:31.180

Sophie Moiese Room

Are we ready, Zach, for the long awaited McGuire family transfer?

0:18:34.310 --> 0:18:38.140

Sophie Moiese Room

We already OK issues you have to run to the back to the office.

0:18:38.330 --> 0:18:38.730

Sophie Moiese Room

Yeah.

0:18:38.740 --> 0:18:39.870

Sophie Moiese Room

I just ran back to the office.

0:18:39.880 --> 0:18:44.170

Sophie Moiese Room

Luckily, I had my bike at the office, so I biked back over here, saved a couple minutes probably.

0:19:12.500 --> 0:19:15.510

Sophie Moiese Room

OK, so this is the McGuire family.

0:19:15.520 --> 0:19:22.150

Sophie Moiese Room

Transfer it is located at 12088 Okeefe Creek Blvd.

0:19:22.280 --> 0:19:31.990

Sophie Moiese Room

The claimant is Lisa McGuire and she's represented by Eli and Associates and I am Zach Jones with planning, development and sustainability.

0:19:37.270 --> 0:19:47.650

Sophie Moiese Room

So just showing the location of the subject property I have a arrow pointing to it and then it's highlighted in this green and black dashed line.

0:19:47.660 --> 0:19:51.150

Sophie Moiese Room

Here it is on O'Keefe Creek Blvd.

0:19:51.240 --> 0:19:52.990

Sophie Moiese Room

And it's actually also right next to Hwy.

0:19:53.0 --> 0:20:0.690

Sophie Moiese Room

93 which is this red line here and just north of the Y is the area where this is located.

0:20:0.700 --> 0:20:4.700

Sophie Moiese Room

So the highway interchange itself would be a little bit to the South off the map here.

0:20:13.230 --> 0:20:17.430

Sophie Moiese Room

And this is showing the existing conditions on the property.

0:20:17.440 --> 0:20:31.730

Sophie Moiese Room

This is from the application and currently the property is about 4.75 acres which is actually including some of the the A public Rd easement on the West side of the property and O'Keefe Creek Blvd.

0:20:32.100 --> 0:20:50.350

Sophie Moiese Room

And like I said before, to the east is US Hwy 93 and there's actually a permitted approach which will be used in the future for new construction, at least that is the applicants plan, which you can see on the East here going off of Hwy 93.

0:20:57.870 --> 0:21:18.570

Sophie Moiese Room

So the proposal is to divide the 4.75 acre tract into two, therefore creating and transferring one new 2.44 acre track to the mcguires adult child, Cody barely, and the remaining 2.31 acre tracks will continue to be owned by Lisa McGuire.

0:21:19.590 --> 0:21:23.290

Sophie Moiese Room

And currently there's one single family residence located on the property.

0:21:30.630 --> 0:21:34.550

Sophie Moiese Room

And this is showing the proposed conditions from the application.

0:21:35.610 --> 0:21:54.280

Sophie Moiese Room

So like I was saying before, there is going to be 2 parcels pretty similarly sized and that existing permutative approach will access the newly created parcel and Okeefe Creek also runs through the property which is about right there.

0:22:0.620 --> 0:22:5.990

Sophie Moiese Room

So getting into the general evasion criteria and rebuttable presumptions that we review family transfers.

0:22:8.100 --> 0:22:12.10

Sophie Moiese Room

Umm, the couple that were relevant, I'll go over here.

0:22:12.120 --> 0:22:23.410

Sophie Moiese Room

So one is that a transfer of a tractive land by one family member to another by a quick claim deed is followed by an attempted use of this exemption on the same tract.

0:22:23.460 --> 0:22:41.80

Sophie Moiese Room

So this first point is kind of related to a different evasion criteria as well, but the previous owners of the parent tracked actually created this tract by using the family transfer in 1979, but the applicants were not involved with that.

0:22:41.880 --> 0:22:52.90

Sophie Moiese Room

And then earlier this year in August, Harry and Lisa McGuire quit claim deed, executed a quick claim deed to just Lisa McGuire.

0:23:3.340 --> 0:23:22.330

Sophie Moiese Room

And like I said before, another criteria is the proposed division is on a track that was previously created through use of a family transfer exemption or any of the other exemptions or it's received preliminary prep plat approval which like I said, the tract was created by family transfer in 1979 by the previous owners.

0:23:24.490 --> 0:23:32.520

Sophie Moiese Room

And another criteria is, is the claimant in the business of constructing or dividing, developing or selling land?

0:23:32.730 --> 0:23:34.860

Sophie Moiese Room

So Cody barely.

0:23:34.870 --> 0:23:48.340

Sophie Moiese Room

Who will be the umm who will be receiving the new created uh tract is, I believe currently a real estate agent at living CDs Realty Group, which is out of Corda Lane, Idaho.

0:23:52.80 --> 0:23:57.830

Sophie Moiese Room

Uh, that's the name of the Realty group living CDs Realty group.

0:24:1.690 --> 0:24:2.60

Sophie Moiese Room

Yeah.

0:24:2.70 --> 0:24:2.690

Sophie Moiese Room

So like I think it's.

0:24:5.0 --> 0:24:9.810

Sophie Moiese Room

Yeah, I think it stands for like living core dalene or I don't know what CDs is, but.

0:24:13.770 --> 0:24:14.30

Sophie Moiese Room

Sorry.

0:24:18.630 --> 0:24:25.660

Sophie Moiese Room

So now I need to ask the applicants some questions for the record.

0:24:25.670 --> 0:24:27.970

Sophie Moiese Room

Are they joining us remotely today?

0:24:30.190 --> 0:24:31.390

Eli & Assoc. (Guest)

Yeah, that's it's Brian's.

0:24:30.310 --> 0:24:32.110

Sophie Moiese Room

Is the applicant online?

0:24:33.430 --> 0:24:38.720

Eli & Assoc. (Guest)

This is Mariah sale, Eli and Associates, and Lisa McGuire is right next. Hello.

0:24:40.440 --> 0:24:41.210

Sophie Moiese Room

Hi, excellent.

0:24:41.220 --> 0:24:42.560

Sophie Moiese Room

Thank you for joining us.

0:24:42.620 --> 0:24:47.160

Sophie Moiese Room

So uh to the applicant, could you please state your name for the record?

0:24:48.170 --> 0:24:48.890

Eli & Assoc. (Guest)

Lisa Maguire.

0:24:50.610 --> 0:24:51.80

Sophie Moiese Room

Thank you.

0:24:51.350 --> 0:24:55.670

Sophie Moiese Room

And first question, did you buy the property with the intent of dividing it?

0:24:56.350 --> 0:24:56.530

Eli & Assoc. (Guest)

Now.

0:24:58.20 --> 0:24:58.550

Sophie Moiese Room

Thank you.

0:24:59.0 --> 0:25:3.380

Sophie Moiese Room

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

0:25:12.880 --> 0:25:14.730

Sophie Moiese Room

Thing out for some reason.

0:25:15.430 --> 0:25:16.910

Sophie Moiese Room

Uh, do you still hear us out there?

0:25:17.940 --> 0:25:20.20

Eli & Assoc. (Guest)

Yep, Becca.

0:25:19.860 --> 0:25:20.140

Sophie Moiese Room

OK.

0:25:20.150 --> 0:25:21.650

Sophie Moiese Room

We didn't hear your answer to that question.

0:25:23.700 --> 0:25:25.220

Eli & Assoc. (Guest)

My answer was known and #2.

0:25:25.880 --> 0:25:26.250

Sophie Moiese Room

OK.

0:25:26.260 --> 0:25:26.850

Sophie Moiese Room

Thank you.

0:25:26.940 --> 0:25:27.200

Sophie Moiese Room

Thanks.

0:25:28.760 --> 0:25:33.670

Sophie Moiese Room

A third question, have you talked to anyone at the county about going through subdivision review?

0:25:35.40 --> 0:25:35.220

Eli & Assoc. (Guest)

No.

0:25:36.840 --> 0:25:37.390

Sophie Moiese Room

Thank you.

0:25:37.620 --> 0:25:40.90

Sophie Moiese Room

And because the recipient is not a minor.

0:25:40.420 --> 0:25:40.670

Sophie Moiese Room

Umm.

0:25:40.680 --> 0:25:43.380

Sophie Moiese Room

Also ask will the properties be developed?

0:25:44.160 --> 0:25:44.360

Eli & Assoc. (Guest)

So.

0:25:46.60 --> 0:25:50.320

Sophie Moiese Room

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

0:25:55.530 --> 0:25:56.90

Eli & Assoc. (Guest)

Say yes.

0:25:58.530 --> 0:26:1.10

Eli & Assoc. (Guest)

Umm, the last one is yes.

0:26:3.520 --> 0:26:6.590

Sophie Moiese Room

Yes, Cody Bearly will be residing on the property.

0:26:8.980 --> 0:26:9.140

Sophie Moiese Room

Yeah.

0:26:7.400 --> 0:26:10.490

Eli & Assoc. (Guest)

Only by early and yes, he will be residing on property.

0:26:10.980 --> 0:26:12.920

Sophie Moiese Room

Sorry if I'm in, I've been saying that name wrong.

0:26:14.100 --> 0:26:20.30

Eli & Assoc. (Guest)

When when you ask me what properties be developed, you mean just by him that #4.

0:26:22.320 --> 0:26:23.50

Eli & Assoc. (Guest)

Well at all.

0:26:19.600 --> 0:26:24.110

Sophie Moiese Room

Yeah, the the newly created property like will anything be built there?

0:26:25.220 --> 0:26:26.340

Eli & Assoc. (Guest)

He's going to build on it.

0:26:26.350 --> 0:26:27.80

Eli & Assoc. (Guest)

Yes, and reason.

0:26:28.210 --> 0:26:28.650

Sophie Moiese Room

OK.

0:26:28.870 --> 0:26:29.420

Sophie Moiese Room

Yeah.

0:26:29.480 --> 0:26:29.780

Sophie Moiese Room

Great.

0:26:29.790 --> 0:26:30.110

Sophie Moiese Room

Thank you.

0:26:38.410 --> 0:26:38.840

Sophie Moiese Room

Umm.

0:26:38.850 --> 0:26:52.750

Sophie Moiese Room

So with that, uh, planning development and sustainability is recommending approval of the family transfer and I have the recommended motion on the screen and I'm available for questions and I think the representative would be as well.

0:26:54.700 --> 0:26:55.410

Sophie Moiese Room

All right.

0:26:55.420 --> 0:26:57.890

Sophie Moiese Room

Thank you, Lisa.

0:26:57.940 --> 0:26:59.230

Sophie Moiese Room

Or your representative.

0:26:59.240 --> 0:27:0.810

Sophie Moiese Room

Is there anything else that you would like to add?

0:27:3.180 --> 0:27:9.90

Eli & Assoc. (Guest)

Umm, we don't have anything to add, but thank you Zach for your review and thank you Commissioners for your time.

0:27:9.350 --> 0:27:10.40

Eli & Assoc. (Guest)

Thank you so much.

0:27:12.30 --> 0:27:12.400

Sophie Moiese Room

OK.

0:27:12.450 --> 0:27:12.920

Sophie Moiese Room

Thank you.

0:27:12.930 --> 0:27:14.440

Sophie Moiese Room

Any questions, Juanita.

0:27:14.670 --> 0:27:15.90

Sophie Moiese Room

Nope.

0:27:15.100 --> 0:27:15.560

Sophie Moiese Room

Uh-huh.

0:27:15.570 --> 0:27:16.340

Sophie Moiese Room

I moved to OHP.

0:27:16.660 --> 0:27:17.840

Sophie Moiese Room

So sorry, that's alright.

0:27:18.130 --> 0:27:19.220

Sophie Moiese Room

This is a public hearing.

0:27:19.230 --> 0:27:23.670

Sophie Moiese Room

So is there any public comment on this proposed family transfer?

0:27:26.450 --> 0:27:28.980

Sophie Moiese Room

Seeing none, we are ready for that motion.

0:27:29.70 --> 0:27:29.720

Sophie Moiese Room

OK.

0:27:30.30 --> 0:27:39.200

Sophie Moiese Room

I move to approve the request by Lisa Maguire to utilize a family transfer exemption to create and transfer one parcel as presented in the subdivision exemption affidavit.

0:27:39.290 --> 0:27:42.460

Sophie Moiese Room

Second, any further discussion see none.

0:27:42.470 --> 0:27:43.10

Sophie Moiese Room

All in favor?

0:27:43.250 --> 0:27:43.690

Sophie Moiese Room

Aye, aye.

0:27:44.730 --> 0:27:45.10

Sophie Moiese Room

OK.

0:27:46.460 --> 0:27:56.350

Sophie Moiese Room

Thank you all for joining us and believe it or not, that is all the business that we have today, unless there's anything else anyone wants to bring forward.

0:27:57.410 --> 0:27:58.140

Sophie Moiese Room

See none.

0:27:58.150 --> 0:27:58.930

Sophie Moiese Room

We will be adjourned.

0:27:58.940 --> 0:27:59.710

Sophie Moiese Room

Thank you, Thursday.