

MISSOULA COUNTY ZONING BOARD OF ADJUSTMENT MINUTES

August 16th, 2023 – 6:00 p.m. MST

Hybrid Meeting held in the Sophie Moiese Rm of the Missoula County Courthouse
and virtually over Microsoft Teams

MEMBERS PRESENT	ALTERNATES PRESENT	STAFF PRESENT	APPLICANTS PRESENT
Swarna Reddy Ryan Schumacher Andy Mefford Babak Rastgoufard Jonathan Haber	ALTERNATES RESIGNING Connor McMahon Vanessa Gardner <i>3rd alternate seat vacant</i>	Tim Worley Glenn Ingram Heather Powers Rachel Manning	Sarah O’Neil, American Tower Company

Application materials, staff reports, written comment, and meeting video are available for review at Missoula County Planning, Development & Sustainability (PDS). An administrative fee is required for photocopies. Digital agendas and corresponding documents may be found on the main board page: [Zoning Board of Adjustment](#)

I. CALL TO ORDER

Mr. Rastgoufard, Chair, called the meeting to order at 6:05 p.m.

II. ROLL CALL

Ms. Powers called the roll. Five regular members were present. Mr. Haber accepted a voting seat.

III. APPROVAL OF MINUTES

MOTION: Mr. Haber moved and Ms. Reddy seconded approval of the July 19, 2023, minutes, as written. The motion passed unanimously.

IV. PUBLIC COMMENT ON NON-AGENDA ITEMS

There were no public comments; 2 members of the public were present virtually.

V. STAFF ANNOUNCEMENTS

Ms. Vanessa Gardner & Mr. Connor McMahon have resigned. Mr. Jonathan Haber accepted the vacated member seat. 5 regular members were in attendance. 3 open alternative seats are available. Forms are found on the county website to apply.

The agenda listed 2 public hearing notices. 6521 Lower Miller Creek Road special exception had withdrawn early morning 8/16/23. Mr. Ingram stated if the applicant pursues the special exception there would be a future meeting.

VI. PUBLIC HEARINGS

4490 OLD MARSHALL GRADE ROAD

Tower Replacement

Special Exception

Case Planner: Glenn Ingram, Planner II, Department of Planning, Development and Sustainability

Representative: Sarah O’Neil, American Tower Company

STAFF PRESENTATION

Glenn Ingram, Planner II, Department of Planning, Development and Sustainability

Property Overview

- 4490 Old Marshall Grade Road
- 27 Acres
- Site of an existing 98-foot wooden telecommunications tower and equipment.
- No other structures on the property.

Zoning

- Agriculture, Working 40 (AGW 40)

Surrounding Zoning

- North: City of Missoula Open Space
- East, South and West: Agriculture, Working 40 (AGW 40)

Special Exception

- The property is zoned as Agriculture, Working 40 (AGW 40).
- Section 2.4.G of Missoula County Zoning Regulations allows utility services (major) in AGW zoning districts by Special Exception.

Proposal

- The applicant proposes to install a new 125-foot steel telecommunications monopole and remove the existing 98-foot wooden pole and related equipment when the new tower is installed and functional.
- The proposal will meet all other zoning requirements of the AGW district.
- None of the reviewing agencies raised concerns regarding the proposal.

Proposed Conditions

- Exhibit showed location of tower.

Findings

- Impacts resulting from the installation of the proposed telecommunications tower are anticipated to be limited but include increased visibility of the tower from local residences and Highway 200.
- The proposed project will not include the development of any new roads or right-of-way.
- Aside from the replacement of the existing tower, the property will remain primarily undeveloped and open.
- The telecommunications tower pad is fenced, and any proposed work will occur within the fenced area.

Review

- The subject property is private and is not open to the public. The property is adjacent to City of Missoula open space but does not provide access to it and will not impact it.
- The subject property is 27 acres and the footprint of the compound of the telecommunications tower is approximately 500 sq ft.
- The proposed project will increase the height of infrastructure that existed before the July 1, 2022, adoption of Missoula County Zoning Regulations. Prior to 2022, cell towers would have been permitted at this location without a special exception.

Zoning

At the time of permitting, the proposed project must meet the design and landscaping requirements of Missoula County Zoning, which include compatible design, identification signage, limiting illumination, and screening for ground-mounted utility equipment.

Agriculture, Working

The agriculture, working (AGW) districts are intended to “conserve the integrity and quality of the rural character. This district provides opportunities for a rural residential lifestyle that may include income generation from agriculture and natural resource-based industries. There is limited infrastructure and few services as the emphasis in this zone remains focused on protecting the functionality of the natural environment as well as promoting public health and safety through site design and conservation development measures.”

Proposed Conditions

- Additional Exhibit showed existing and proposed tower.

Public Comment

- Seven mailings were sent to adjacent property owners with zero response.

Special Exception Review Criteria

- The proposed use or development will be compatible with and will not substantially injure the value of adjoining property.
- The proposed use preserves the character of the district, and the property is suitable for the use proposed (e.g., can meet the bulk and dimensional standards without requiring a variance).
- The proposed use promotes the purpose and intent of the TIF Special District, where applicable.
- Substitute or additional design standards will preserve and protect the area’s architectural and aesthetic qualities.
- Review Criteria Listed in Section 11.6.D.1.a-m of the Missoula County Zoning Regulations.

Staff’s Recommended Motion:

That the Board of Adjustment approve the Special Exception Request to install a new 125-foot steel telecommunications monopole on a 27-acre property zoned AGW-40, addressed as 4490 Old Marshall Grade Road.

Recommended Conditions:

1. All other necessary permits administered by agencies other than Planning, Development, and Sustainability shall be obtained by the property owner or designated representative. These permits may include, but are not limited to, building, zoning compliance, electrical, mechanical, approach, and sanitation permits.

This concluded the staff report.

INITIAL BOARD QUESTIONS

Ms. O’Neil stated she agreed with the staff’s approval of conditions.

Mr. Haber asked to clear up confusion on reasoning behind exception and scope of outcome.

Mr. Ingram explained with implementation of 2022 zoning code utilities in that district require special exceptions for use. He went on to state by removal of non-conforming and replacement there needs to be a reacquired permission.

Mr. Haber asked if whole structure being replaced.

Mr. Ingram confirmed and clarified use of tower.

Mr. Rastgoufard asked if there was a height restriction in that district.

Mr. Ingram stated correct distinction. Specifically, what is being looked at is a implementation of a utility.

Ms. Reddy asked for clarity on usage.

Mr. Ingram stated cell tower pre-dated implementation of zoning and the process simply changed. He again confirmed same use, ending the use of old structure. He reiterated replacement triggered the special exception.

Mr. Schumacher asked if the applicant could explain why there was a need for replacement and why a taller tower.

Ms. O'Neil stated wood deterioration of pole and typically the height increase is to add another carrier and keep impact of telecommunication poles to a minimum.

Mr. Rastgoufard clarified on materials provided stating the antennae placement may vary. He asked why the extra 30' on pole height.

Ms. O'Neil stated when towers built there is opportunity for co-location for array of antennae. She confirmed the antennae on pole will be same height to maintain same coverage for cell phone service.

Mr. Rastgoufard asked after anticipated carrier(s) how many and who they are, or if it was speculative.

Ms. O'Neil stated she could find out and pass along the information to staff.

Mr. Rastgoufard stated decisions are usually made within the hearing. He posed the idea to board members about continuance in next meeting. He stated he would appreciate visualization on additional height.

Ms. O'Neil stated unsure if the plan to currently add another carrier, towers usually built with option for co-location. She also stressed importance and reasoning with zoning compliance from the beginning.

Ms. Reddy asked if 125' was the minimum height for cell towers.

Ms. O'Neil confirmed.

Mr. Mefford clarified no height restrictions and standard zoning process.

Mr. Ingram reiterated special exception with tower is for use, zoning review could capture what is or isn't allowed or appropriate.

PUBLIC COMMENT

There was no public comment.

BOARD DISCUSSION

Mr. Rastgoufard confirmed screening is done at ground level. He voiced disapproval with visual of obtrusive structure in nature. He stated zoning review process if special exception is approved.

Mr. Ingram confirmed screening with zoning for ground.

MOTION: Mr. Schumacher moved & Ms. Reddy seconded staff's recommended motion of approval, as written.

A roll call vote was taken, and the motion passed unanimously.

VII. COMMUNICATIONS & SPECIAL PRESENTATIONS

There were no communications or special presentations.

VIII. COMMITTEE REPORTS

There were no committee reports.

IX. OLD BUSINESS

There was no old business.

X. NEW BUSINESS

There was no new business.

XI. COMMENTS FROM BOARD MEMBERS

There were no comments from Board members.

XII. ADJOURNMENT

The meeting adjourned at 6:37 p.m.

*Respectfully submitted,
Rachel Manning, Administrative Assistant, PDS
Please send any document requests to pds@missoulacounty.us*