



MISSOULA COUNTY ZONING BOARD OF ADJUSTMENT

Meeting Minutes

Missoula County
Planning, Development & Sustainability
(406) 258-4657

Date:	August 20, 2025, 6:00 pm
Location:	Missoula County Courthouse, Sophie Moiese Room (in person) or TEAMS (virtually)
Members in Attendance:	Babak Rastgoufard, Andy Mefford, Rick Hall, Jennifer Schultz, Ben Yawakie

I. CALL TO ORDER [Time stamp – 00:21]

Chair, Babak Rastgoufard (Babak) called the meeting to order at 6:00 p.m.

II. ROLL CALL [Time stamp – 00:22]

Jill Johnson called the roll. Four regular members were present at the time of roll call. A quorum was met. Regular member, Ben Yawakie (Ben) joined the meeting following the approval of the minutes and attendance was noted for the record.

III. APPROVAL OF MINUTES [Time stamp – 00:52]

Rick Hall (Rick) moved, and Andy Mefford (Andy) seconded the approval of the July 16, 2025, meeting minutes as written. The motion passed unanimously.

IV. STAFF ANNOUNCEMENTS [Time stamp – 01:45]

As Chair of the Board, Babak moved the staff announcements to agenda item IV.

John Hart (John), Deputy County Attorney for Missoula County (County) informed the Board that the County received a letter from Wendy Loup, Senior Legal Counsel for Applicant, Lamar Advertising, on Monday, August 18th. The letter pointed out errors in the public record associated with this meeting of the Board. The letter requested that the County provide an accurate public record.

Based on the request from Lamar Advertising and for purposes of providing an accurate public record, John recommended that the Board postpone the hearing on the variance request for the billboard located at 5165 Highway 93 S. to the next regularly scheduled meeting on September 17, 2025. The Board noted that the Applicant requesting the variance for the billboard at 5165 Highway 93 S is also scheduled for a separate hearing item at the September 17, 2025, Board of Adjustment (BOA) meeting.

RECOMMENDED MOTION

Following the staff announcement, Rick made the following motion, and Jennifer Schultz (Jennifer) seconded the motion:

THAT the Board table the public hearing for 5165 Highway 93 S. billboard variance to the next regularly scheduled meeting on September 17, 2025.

BOARD DISCUSSION

There was no additional discussion by the Board.

PUBLIC COMMENT

The Board invited public comment on the recommendation to postpone the hearing regarding the billboard variance request for 5165 Highway 93 S. Allie Carley, with Lamar Advertising, appeared remotely and confirmed the Applicant will reserve its comment to the next meeting.

VOTE

With no further discussion, the Board voted by roll call, and the motion passed unanimously.

AYES - (5): Babak Rastgoufard, Andy Mefford, Rick Hall, Jennifer Schultz, Ben Yawakie

NAYS - (0): None

V. PUBLIC COMMENT ON NON-AGENDA ITEMS [Time stamp – 11:15]

There were no public comments on non-agenda items.

VI. PUBLIC HEARINGS [Time stamp – N/A]

There were no public hearings. The hearing scheduled for the billboard variance request at 5165 Highway 93 S. was postponed to September 17, 2025.

VII. COMMUNICATIONS & SPECIAL PRESENTATIONS [Time stamp – 11:46]

There were no communications or special presentations.

VIII. COMMITTEE REPORTS [Time stamp – 11:52]

There were no committee reports.

IX. OLD BUSINESS [Time stamp – 11:56]

A. Feedback on Possible Consolidated Land Use Board – Board Discussion with Karen Hughes, Planning, Development & Sustainability Director, Missoula County

Karen Hughes (Karen), Director of Missoula County Planning, Development & Sustainability continued the discussion about the potential formation of a consolidated land use board. On June 18, 2025, Karen presented to the Board information about the next steps and potential options for the County in response to the City of Missoula's (City) transition to a municipal planning commission and its withdrawal from the Missoula Consolidated Planning Board. It was noted that this transition is contingent upon the City completing its code reform.

Karen explained that the County has two options: (i) establish a new county planning board and retain the BOA or (ii) establish a county consolidated land use board, authorized by state statute, merging the functions of a county planning board and a county BOA.

The Board of County Commissioners (Commissioners) have requested feedback from the Board members. The Board previously discussed this at the June 18, 2025 meeting, but delayed making final comments until all Board members could be present.

Staff are recommending the formation of a consolidated land use board. Karen noted that for fiscal years 2023 through 2025, the Missoula Consolidated Planning Board (Planning Board) and the BOA, combined, heard less than two items a month.

Karen reiterated the rationale for a consolidated land use board is to streamline board management and logistics, provide the public with better access by having a single point of contact with one board dealing with almost all land use matters, increase potential for recruiting and retaining board members that reflect geographic area and expertise, and create a more consistent and reasonable workload. An additional benefit of a consolidated land use board is that their experience reviewing specific proposals can help inform their role in the development of land use policy and regulations

A consolidated land use board serves two roles which include a governing role that has the capacity to make final decisions and the role of an advisory committee for purposes of making recommendations to the Commissioners. Karen acknowledged that the roles need to be clearly recognized during hearings. Since the Planning Board and the BOA currently have similar agenda formats, defining the roles during a meeting could be easily accomplished using the agenda.

Karen clarified that the Board's feedback to the Commissioners can be provided in whatever form the Board wishes, it can be informal comments as was done by the planning board or through a more formal recommendation such as a motion or a letter.

BOARD DISCUSSION

Andy expressed opposition to a consolidated land use board, questioning the projected board size and raising concerns that shifting between advisory and decision-making roles during hearings could confuse the public. Andy indicated that a smaller board is more effective and worries about member burnout with a consolidated board. Additionally, Andy does not agree that the staff workload will be reduced. Karen indicated that the consolidated land use board must consist of at least five members, but due to the geographical size of the County, staff had recommended a larger board to provide a broad spectrum of representation and retain the depth of knowledge that currently exists on the Planning Board and the BOA. Board members would be appointed by the Commissioners, except for one Conservation District member, appointed by its supervisors. Karen noted that the Planning Board generally supports consolidation, provided there is adequate training and clarity on the board's dual roles.

Rick supports a consolidated land use board. As a member of both the Planning Board and the BOA, and with prior experience on a combined board in Canyon County, Idaho, he noted that such boards can function effectively in both judicial and advisory roles. Rick noted that the board in Idaho heard variance requests in a judicial capacity and zoning changes and conditional use permits in an advisory capacity. That board clarified its role within each motion, and staff guided applicants on appeal procedures or opportunities to be heard by County Commissioners. Rick added that under the new Montana Land Use and Planning Act, uses allowed by zoning will not go through additional review and will ultimately reduce the workload of the BOA moving forward.

Babak is opposed to a consolidated land use board. Babak acknowledged that he initially supported a consolidated land use board, but over the last few months, when thinking about the size of type of board and the functions of it, he appreciates maintaining two separate boards, a Planning Board and the BOA. Babak believes two separate boards provide a fresh set of eyes on the projects that come before the Planning Board and the BOA.

Jennifer does not support a consolidated land use board and mirrors the sentiments presented by Andy and Babak regarding the size of the board and potential time commitment. Although Jennifer was previously neutral on the consolidation, she is no longer in support.

Ben does not support a consolidated land use board. After hearing concerns presented by the other Board members, Ben would like to see the Planning Board and BOA as separate boards.

Babak asked the Board whether they were satisfied with documenting the discussion in the meeting minutes or preferred to make a formal presentation to the County Commissioners. The Board decided to proceed with a formal motion and vote in addition to recording the discussion in the minutes.

RECOMMENDED MOTION

Andy made the following motion, and Jennifer seconded the motion:

Recommend to the Board of County Commissioners to NOT consolidate the Missoula City-County Planning Board with the Board of Adjustment into a consolidated board, but rather to keep the two boards separate.

BOARD DISCUSSION

There was no additional discussion by the Board.

VOTE

With no further discussion, the Board voted by roll call, and the motion passed with 4 to 1 vote.

AYES - (4): Babak Rastgoufard, Andy Mefford, Jennifer Schultz, Ben Yawakie

NAYS - (1): Rick Hall

Following the vote, Karen noted that the decision will ultimately be the decision of the Commissioners. Karen asked the Board members for specific feedback regarding the potential size of a consolidated land use board, if the Commissioners move forward with consolidation.

Rick emphasized the importance of geographic representation and recommended a minimum of seven board members, noting that a larger group could prolong meetings. Andy preferred a five-member board, citing efficiency and comparing it to the three Commissioners. Andy recommended maintaining three alternates. Babak supported a board of five to seven members, cautioning that a larger size could hinder recruitment and lead to repetitive discussions. For a BOA specific board, Babak recommended five members, consistent with the current membership. Jennifer agreed with Babak and favored a five-member board. Ben was unable to comment due to technical issues. Karen noted that additional feedback can be emailed to her for submission to the County Commissioners.

X. NEW BUSINESS [Time stamp – 0:48:01]

There was no new business.

XI. COMMENTS FROM BOARD MEMBERS [Time stamp – 0:48:05]

There were no additional comments from Board members.

XII. ADJOURNMENT [Time stamp – 0:48:24]

The meeting was adjourned at 6:48 p.m.

Missoula County Zoning Board of Adjustment August 20, 2025 – 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 at this link: <https://missoulacomt.portal.civicclerk.com/event/9745/media>.

Missoula County Zoning Board of Adjustment August 20, 2025 – Meeting Recording



Jill Johnson 33:54

All right, all right.

It is 6:00 PM.

This is the Missoula County Board of Adjustment meeting for Wednesday, August 20th, 2025.

I'd like to call this meeting to order and the first item for tonight is roll call.

Roll call.

Jennifer Schultz.



Jennifer Schultz 34:14

Here.



Jill Johnson 34:16

Beniwa key.

Ben is absent. Rick Hall.

Andy mefford.

Here thabec raskefard.

Mr. Chair, there are four regular members present and we do have quorum.

Wonderful. Thank you.

The next item on the agenda is the approval of minutes from the July 16th, 2025 meeting.

Do any members of the board have any comments, corrections or wish to move that they be adopted as submitted?



Richard Hall 34:51

I'm we adopted them, sorry.



Jill Johnson 34:51

I would move.

Go ahead.



Richard Hall 34:55

I moved that we adopt them as written.

JJ

Jill Johnson 34:59

I'll second OK, any discussion.

All right. All those in favor of approving the Minutes as adopted say aye.

JS

Jennifer Schultz 35:08

Aye.

JJ

Jill Johnson 35:09

Any opposed?

OK, the meeting minutes have been adopted.

As a chair, I'm gonna alter the next two agenda items.

And instead of 1234, instead of the staff announcements being the 5th item, I'm gonna move to staff announcements now because I understand we have at least one staff announcement from the county.

Mean. I'm John Hart.

I'm a deputy Missoula County attorney.

And to the board of adjustments, it may come as a surprise to you, but I am actually your lawyer.

I'm rarely if ever seen or heard, but tonight, unfortunately, you have to listen to me.

On Monday, we received a letter from Wendy Loop, who is a senior.

Council for Lamar advertising.

Pointing out some errors that were in the public record for this meeting and asking that we provide an accurate public record.

And based on that request from Lamar, advertising and.

And other considerations.

It's my recommendation to the board tonight that you postpone hearing the variance request.

For.

For the Billboard on Hwy. 93.

I'm happy to answer any questions you have, but that that would be my recommendation to the board and postpone it until the September 17th meeting, which I think is the next regularly scheduled meeting of the board and that will give the county the opportunity to provide this board.

An accurate public record and then also have an accurate.

A more accurate public record on which to take.

Public comment.

Thank you, John.

And it's my understanding that the applicant for the Billboard Variance 5165 Highway 93 S also has an agenda item or potential agenda item for the September meeting.

So if we were to postpone and follow your recommendation, they would. The

applicant's gonna be here next month anyway.
Is that correct?
I believe that's correct.
Thanks.
To members of the board have any questions for John?

 **+16*****97** 37:57
N.

 **Jill Johnson** 38:05
Thanks.
Well, as as the board, I guess we need to decide whether to postpone the hearing for 5165 Hwy. S excuse me. Highway 93 S, this is the Billboard variance. Lamar advertising.
Any members of the board have any thoughts or items they want to discuss in response to John's comments or make a motion that we postpone that agenda. Item two or that hearing really technically I guess.
To September.

 **Richard Hall** 38:45
I'm I'm happy to make a motion if you're ready.

 **Jill Johnson** 38:50
Yeah.
Thank you.
Is there a second?

 **Richard Hall** 38:58
I haven't made it yet.
I move that we that we postpone the hearing on the application at 5165 Highway 93 S billboard variance until our next scheduled meeting.

 **Jill Johnson** 39:15
Thanks for the motion.

 **Jennifer Schultz** 39:16
I would second.

 **Jill Johnson** 39:20
All right, before we go to a vote, is there any discussion from the board members?

 **+16*****97** 39:28
Not here.

 **Jill Johnson** 39:28
Could I just clarify that motion so that it's in the Minutes and announced that that meeting the next scheduled meeting will be September 17?

 **+16*****97** 39:40
September 17th.

 **Jill Johnson** 39:43
So just so it's clear. Thank you.
No, that that's good that.

 **Richard Hall** 39:46
Did you want me to modify the motion?

 **Jill Johnson** 39:50
Sure. Let's let's redo the motion.

 **Richard Hall** 39:52
OK, I'll I'll redo the motion that we.
Table a public hearing for 5165 Highway 93 S.
Billboard variance was that the 17th?
I didn't write it down.

 **Jill Johnson** 40:10
Correct.

 **Richard Hall** 40:11
Yeah. To our next regularly scheduled meeting on September 17th, 2025.

 **Jill Johnson** 40:21
Thank you.
Is there a second?

 **Jennifer Schultz** 40:23
I'll second that.

 **+16*****97** 40:24
I'll second that motion.

 **Jill Johnson** 40:30
Any.
Motions now before the board.
Any discussion, item or the board member members ready to vote.
I do have one clarification procedurally and I don't know the answer to this. Does that need public comment?

 **+16*****97** 40:40
You should procedural and I don't know the answer to those.
Comment.

 **Jill Johnson** 40:50
Yeah. I was gonna ask the 612 phone number is the 612 phone number that's online.

 **+16*****97** 40:50
Bye.

 **Jill Johnson** 40:55
I'm just gonna mute you.

 **+16*****97** 40:55
This is a Benue octop.

 **Jill Johnson** 41:01
Ben, is that you, beniwaki?

 **+16*****97** 41:01
I don't know if you hear me about this.
Yeah, this is me.
I'm calling in.
I tried using the Microsoft Teams link but it was not working so I just ended up having to call in.

 **Jill Johnson** 41:12
Great. And for the record, regular member Ben Yawaki is present.

 **+16*****97** 41:14
Great. And for the record?

 **Jill Johnson** 41:18
Ben, do you want to mute your phone?
I think we're just getting some feedback.

 **+16*****97** 41:24
Yeah, I can do that.

 **Jill Johnson** 41:27
And then can we hear that second on the on Rick's motion one more time?
I think it was Jennifer who had second it, but there was some feedback.

 **Jennifer Schultz** 41:35
Sure, sure. I will second Rick's motion.

 **Jill Johnson** 41:42
Thank you everyone.
Andy had asked if we need to take public comment.
On on such emotion, and I think John's gonna educate on this on the educate us on this. But I think that's within our prerogative. But good John, you certainly could take public comment on that motion, but it's not necessary.
Since we have that option and it looks like there might be a couple folks here who. May have an interest in this variance request. I guess I'll open it up to any public comment if anyone.
There's no one in the room. If any of the individuals on the teams virtual meeting wish to comment on the motion before the board, please use the raise your hand feature and we can call on you.
I guess if if you want to comment and you can't use the raise your hand feature, I guess just take yourself off mute.
Give anyone an opportunity right now for public comment. Introduce yourself.

 **Allie Carley** 43:04
Hi, I'm Allie, Carly with Lamar advertising.
I appreciate the opportunity and I don't have a public comment at this time since we'll be meeting again next month on September 17th.

- JJ** **Jill Johnson** 43:18
Thank you.
Any other comment from members of the public on the motion before the board?
- AC** **Allie Carley** 43:20
You bet.
- JJ** **Jill Johnson** 43:29
OK, hearing none.
Let's just do a voice vote.
I think we'll try that first.
All those in favor of postponing or tabling the hearing for 5165 Highway 93 S to our next meeting, which is September 17th, 3rd Wednesday next month. All those in favor say aye.
- RH** **Richard Hall** 43:51
I.
- JJ** **Jill Johnson** 43:51
Aye, aye.
Any opposed?
- +16*****97** 43:55
Aye.
- JJ** **Jill Johnson** 44:00
Just for clarification, can we do a quick roll call vote?
I was just gonna ask for that.
Yes, let's do that please.
There was some feedback.
Roll call vote on the motion to delay the hearing item for tonight. Jennifer Schultz.
- JS** **Jennifer Schultz** 44:16
Hi.
- JJ** **Jill Johnson** 44:18
Beniwaki.
- +16*****97** 44:20
Aye.

JJ **Jill Johnson** 44:21
Recall.

RH **Richard Hall** 44:23
Hi.

JJ **Jill Johnson** 44:24
Andy mefford.
Babek rastafar.
The motion passes with the unanimous vote.
Thank you.
The next item then on the agenda is public.
Excuse me, before we go to the next item is are there any other staff announcements?
OK.
As I started to say, then the next item on the agenda is public comment on any non agenda items.
We don't have any agenda items tonight, so if there's any member of the public here tonight who wishes to comment on anything.
This would be your opportunity to do so.
OK, again.
There's no one in the room who seeks to present any public comment any any of the individuals participating via teams wish to comment on anything at this point in time.
OK.
Well, then we'll move on to.
Communications and special presentations.
I don't believe we have any.
And I don't we don't have any committee reports because we don't have any committees.
We do have one item, old business.
That is, I'll turn it over to Karen for that.
Hi, Karen Hughes, Missoula County Planning development sustainability.
So this is a continuation of a previous discussion that we had when we didn't have the full board membership present. And so the board had asked to revisit it. I previously provided a presentation about the possibility of.
Well, looking at what happens after the city of Missoula no longer participates in the Missoula Consolidated Planning Board.
At that time, we can transition that board to County Planning Board and continue to have a county board of adjustment. Montana Law also allows us to look at board consolidation and so another alternative is to combine the planning board and the

Board of adjustment into a consolidated land.
Use board or Consolidated Development Board whatever we want to call it.
The Commissioners asked that I.
Bring this idea to both the planning board.
And the Board of Adjustment early on last fall, when I initially emailed board members about this, I did receive some initial feedback from Andy and he was unable to be at the last meeting.
I think it was in June when we talked about this.
So I wanted.
We wanted to bring it back when there were more members of the board present and when Andy was present.
Staff's recommendation is to consolidate the board.
Words for a number of reasons which I went through in my presentation previously. It has to do with the amount of workload. I actually did update full three years of. Project work for the Planning Board and the Board of Adjustment, and between hearings and presentations and trainings.
For 20/20.
Three through 2025, essentially through the fiscal years.
We have had less than two item on average less than two items a month for both those boards together.
So that's one of the reasons.
It also provides a single point of contact for members of the public to be able to address any land use issues.
It combines the experience of setting policy and creating regulations and the maps that go with those.
Along with kind of the consideration of site specific development proposals, including variances and special exceptions from zoning and subdivisions in the case of the planning board.
It it it does.
And I think this is one of the possible areas of confusion.
It does put the board potentially into two roles.
One is a governing board or decision making board, which is what the Board of adjustment has functioned as where this board.
Makes the final decision on on appeals and special exceptions and variances compared to the Planning Board, which is an Advisory Board and provides recommendations that go on to the Commissioners for decisions.
So that is definitely a distinction and would definitely have to be something that Members would have to be trained and we would have to make sure that in presentations the different roles were noted during the process.
At this point.

I'm happy to go over or and answer questions.

Hopefully people.

The members had a chance to look back at the previous presentation and the the conversation that occurred at the June. I think it was board meeting I did.

I do have the slide deck queued up if if there's something you want me to go back to or if you have just wanna ask questions we.

Don't the Commissioners just ask for feedback you can provide?

That in the form of just conversation and discussion, you can provide that in the form of a formal recommendation from this board that would be considered by the Commissioners, or you could go so far as to write a letter if you wanted to.

It's it's kind of in your hands.

The Commissioners just ask that we since you're this board and the planning board are the ones that have been doing this work.

They wanted to seek your input on it.

Thanks Karen.

I remember the presentation.

I do also remember that Andy wasn't here that day.

I guess I'll just open it up to members of the board for any discussion or questions that they might have.

And then I think I last time we talked about this, I shared some initial views.

I think my views have have evolved a little bit since then, but.

Anyway, I guess I'll open it up to any members of the board who want to.

Opine on the possible consolidation and then also I'm also fine, just having it be a discussion, but if anyone on the board wishes.

Wishes that the board make a formal recommendation or write a letter to the county commissioners.

We can.

We can consider that as well, but Jennifer?

JS

Jennifer Schultz 51:05

Just wanted a point of clarification from Karen if possible.

Are you saying, Karen, that we would, you would sort of be in a meeting and you'd say, OK, now we're going to act as board of adjustment to hear these these items.

And make a decision and then you would in the same meeting just say now we're going to function as the other type of board or how how would that?

Designation happen.

OK.

3.

RH **Richard Hall** 51:45
We can't hear.

JJ **Jill Johnson** 51:47
Sorry, Karen Hughes, Missoula County Planning development sustainability.
There's a couple different ways we could do it. The Planning Board and the Board of Adjustment have a really simple similar agenda format.
And on those hearings, it would be easy to designate, you know, whether it's a decision or an advisory, you know, a recommendation.
That's one way to do it.
It also it could just be the the IT it's in the staff report and in the staff presentation.
Probably especially to get things rolling.
Came until everyone was comfortable with it.
We'd probably identify where the board is making a final decision on an item versus a recommendation.

JS **Jennifer Schultz** 52:28
Thank you.

JJ **Jill Johnson** 52:33
Did you have any follow up, Jennifer?

JS **Jennifer Schultz** 52:35
Nope, that's that's good. Thank you.

JJ **Jill Johnson** 52:36
OK.
Guess we'll go to wreck. And then for those not in the room, seems like Andy has some comments as well. But Rick and then Andy.

RH **Richard Hall** 52:47
You know, I've already had a chance to say my piece, so I'd like to hear Andy first.
So how's that?

JJ **Jill Johnson** 52:53
Long as Andy doesn't object, that's fine by me.
Well, I I did speak to Karen some time ago.
Andy Medford some time ago about this idea, and I expressed some just kind of off the cuff concerns.
I unfortunately did miss the presentation and I did not see it, but I think you've given

a quick overview of some of the the benefits and I did a little bit of research. Looks like the legislature in 23 adopted this Ave. or portal.

There was a few groups that supported.

I see.

Missoula County was one of those groups that did support this consolidation idea.

I do have a couple questions.

One is I did not understand. I assume it's part of the code reform. Maybe the city's working on that.

There's an intention to split the city County Planning Board.

Yes.

As part of the city's code reform project, they will they will shift to using a Planning Commission, which is what's required under the Montana Land Use Planning Act, which they will move to as they finish their code reform process.

They could continue to use the consolidated Planning Board as their Planning Commission, but they have decided to change and have a city only Commission so they will withdraw.

Is there a date set for that?

DVD.

Soon.

Well, when code reform's done when code reform's done, yeah, I mean right now it's been a moving issue.

It's it's code reform, it's moving target.

S to some of these questions, but is there a number for this board 'cause? The Planning Board has 12 and we have 5.

So what's the size of this targeted board?

So the that would be something that if the if board members have an opinion, I'd be interested in hearing it. It has to be at least 5.

It can be larger.

We've suggested that because of the unique kind of geographic area of the county, we'd suggest a little larger board, so more in the nine to 11 range and.

For the initial.

Board composition using, you know, inviting members who are county residents of the Planning Board and the Board of Adjustment to to be invited as kind of the first set of applicants for that board. So that we would not lose all the depth of knowledge that you and the.

Planning board members bring to the table. I assume there would be some alternates like everything you need some alternate positions.

I assume the Commissioners would be selecting the Members.

Solely then, that's correct for the city, with the exception that we recommend contain continuing to have a conservation district member which is appointed by the Board of

Supervisors of the Conservation District, and when they choose not to, then it becomes a recommendation of the Planning Board and Dec.

By the commissioners, we'd recommend keeping that OK because the planning board has that role right now.

Conservation member I think that's correct, but not this board.

That's correct.

What was the planning board's position?

Generally they supported the idea.

They definitely pointed out the need to, since they've not been in decision making position before that they would want to make sure that there was adequate training and that we were very clear when different kinds of decision making were coming before the board. Whether it's a recommendation or.

Decision.

I it's OK.

Well, that helps me.

Kind of lay some of that foundation, I guess my number one concern is that separation or that appearance of separation, if I were a member of the public to come into a meeting, yeah, it's easy to separate it on a piece of paper and say you're wearing this.

Hat or you're wearing that hat.

But if I was a member of the public, I could see a real concern from their perception that people.

May be making the rule and then judging in the same.

It's the same body. It's the same person and them thinking they get a fair shake or a unbiased opinion or someone with a fresh perspective could be very confusing to the public.

I think so.

That's my #1 issue and I guess just for the record, I am against the idea.

I don't think it makes sense. I think it's just doesn't make sense.

Number one, for that reason and that potential bias, I think it also has issues that.

Potentially. Well, it has been light loads.

There is times in history that it has not been light loads and so I worry about board member burnout where you have those same members coming time and time again, because while that may be the case, there was a not too long ago we had a fairly long.

Rash of board meetings after the county zoning was adopted and there were these nuances and kind of things being sorted out, so I worry about.

Workload and burnout on the members. I certainly don't think a bigger board is better.

I think that's less effective.

That's why I was asking about the size of said board.

It seems like to me from staff there's a lot of the workload is the same whether you're doing staff reports for the BLA or whether it's being done for planning boards and things. It seems like a lot of that workload remains the same board. Training can be Comm.

It seems like whether you're a BOA member or a planning board member, a lot of that training and that stuff I think can overlap. I think, you know these invites to the meetings and things.

I think are open to planning board and you know.

People on community councils in a number of boards, so you know keeping I I just don't see that great of efficiency from a staff perspective.

I there is some definitely.

If you have to schedule one meeting, that's easier than two. I I get that, you know, maybe maintaining membership, you know, keeping track there.

There is some separation, no doubt by two boards requiring more work, but I think the bulk of the workload largely remains the same.

Presentation and you know, research and putting the staff reports and the due diligence necessary to review.

Code work to you know, interpretation I think is going to require the staff to do the same work so.

Without just rambling on and reiterating, I think that's my main thing is I don't see the efficiency making much sense, and to me the greater loss is that that separation where I see the BOA as judicial and I see the binding board as recommendation and legislative, if you.

Will and blending those.

2.

I.

I don't think is a good idea.

That's probably my number one cornerstone of my concern.

So that's all I got.

Thanks, Andy. Rick.

RH

Richard Hall 1:00:10

Yeah, I know.

I'm the new guy on the board.

I am on the Missoula Consolidated Planning Board as a county member and so I've heard this presentation from Karen a couple times.

I've also served for seven years on a combined board.

That did both.

The quasi judicial part, which was variances and.

Conditional use permits and.
Advisory, which was.
Zoning changes and things like that.
What the way we handled that? First off, it's in.
It's in the motion, one says.
We recommend to the board.
Of county commissioners and the other is a final decision where there's no recommendation and we always made sure. We told applicants that if we're making a recommendation that we're making a recommendation, that the next step will be going to the county Commissioners and that they will have an.
Opportunity to be heard again.
At the hearing before the Commissioners.
Staff generally let them know what they needed to do.
If they wish to appeal a final decision, which of course is the right of everybody.
So and I was in a county with about 100,000 people, unincorporated Canyon County, Idaho.
And every city had its own planning board, and this is brought about by the Montana Land Use Planning Act.
That requires, I think, Karen can correct me, but any city with population of greater than 5000 or 7000 to have their own planning board so.
You know, I really did like the consolidated planning board. I like the fact that it included county and city.
The county had some say on city items and the city.
Members had a say on county items and I think that worked out well, but the legislature has deemed that we will do things differently. Amongst the things we'll do differently is if a property is zoned for the use.
It generally will not go through review, which will really lighten the load.
Because we don't get to hear things if a subdivision wants to be on a parcel that is zoned for that density.
Then it's going to be approved as my understanding based on the Montana land Use Planning Act, not an attorney, but.
Yeah. So.
So I I it it can make for long evenings.

JS

Jennifer Schultz 1:03:14

Thank.

RH

Richard Hall 1:03:14

When I was in Canyon County, we'd stay till midnight sometimes, but we we can always set a hard, fast time to leave and table matters for future dates.

But I can tell you that being on the planning board, we haven't even had we meet twice a month. We haven't even had applications. I think maybe one in the last three months.

So it really depends on the level of growth and what developers are doing out there. That depends on workload.

So that's just my two cents and having had some experience in that area, I just thought I'd share with the group.

JJ

Jill Johnson 1:03:59

Thanks, Rick. And one of the last things you said touches upon.

Something I had said that I however many months ago which is, you know, the the number of Members and the the frequency of meetings. And I initially thought maybe there'd be some some value to consolidating those functions. But in the last couple of months.

I've kind of swung the other way and appreciate the separate functions.

Even though I recognize that.

Might be hard to recruit folks for infrequent meetings.

You know, I mean it's one thing if you schedule.

I mean, I guess there's arguments either way. You know, if it's a huge burden, then maybe fewer people are interested.

But you know when the meetings are regular? I know that sometimes causes tone issues, but in any event I I've just come to appreciate the separateness and the and ultimately the fresh set of eyes when things.

Come before our board.

That issue is, I think it was last month or the month before.

And it where, where things transition from one stage in the process to this to this board.

Is just a fresh set of eyes and and other things come to light and you know, like Andy said, if if the meetings are that infrequent, some of these different roles that might become.

Confusing not just for the members of the public, but for the.

For the Members of this.

Potential board as well because you know.

If you meet frequently and you do things frequently, you kind of get a Weld oiled machine a very.

You know, people are accustomed to how things work in the separation because they're doing it every month and but if it's very infrequent, you know the the likelihood of confusion perhaps increases. But.

So.

I just wanted to go on record as saying I'm was initially thought it had some appeal, but I'm.

Not as enthusiastic am I.

I don't know if I'm fully against, but I'm. I'm certainly neutral, maybe leaning against I guess would be my, my, my thought, but I'm I'm certainly open to persuasion and I see Jennifer has her hand up. And then after Jennifer, I don't know if Ben, if you wanted.

To comment as well, you certainly don't have to, but just wanted to give you that opportunity. Since you're on the phone and.

When you call in by phone, you can't do the little press the button to raise your hand. So Jennifer.

JS

Jennifer Schultz 1:06:37

Thank you, chairman.

I think that I mirror you and Andy. I think a lot of this.

I worry about the size. I worry about the.

The time commitment that Rick was talking about that's not attractive at all to think about having to be in a meeting till midnight so.

I was a little bit neutral and I think I'm pretty against it about the the combination.

So I just wanted to chime in with that.

Thanks.

JJ

Jill Johnson 1:07:14

Thanks, Jennifer.

Ben, again, you don't.

You don't have to weigh in, but just wanted to give you the opportunity. If you had anything you wanted to add.

You still there, Ben?

Looks like you're not on mute. If you want to try speaking.

+16***97** 1:07:45

Yeah, I apologize.

In fact, could you all hear me?

JJ

Jill Johnson 1:07:47

Oh, there you are.

+16***97** 1:07:49

OK.

Yeah, just to keep it brief.

I did appreciate that delineate from the legislative aspect of the Planning Commission, and this is more judicial oversight and.

I would always like to see government be more efficient combining.

Committees and commissions. But after hearing everyone's input.

I do think it's appropriate to keep us.

Separate.

JJ

Jill Johnson 1:08:25

Thanks Ben.

Do members of the board have anything else they want to add and or additionally?

Are the board members satisfied with the discussion that we've had and I'd Karen.

Andy and I can see that Karen has been taking notes.

Ben, Rick and Jennifer probably can't see that, but Karen's been taking notes and obviously we have the meeting minutes.

Are.

So 2 totally separate questions.

One does anyone want to add anything to this? The discussion and then the second question is, are folks satisfied with just having the discussion or would you like us to the board as a board to do something more formal? I think Karen outlined our options would be to.

Make a a recommendation.

I guess it would be like a a motion or essentially we would, you know instead of move to grant a variance or so forth, we would move to recommend to the county board of County Commissioners.

Or we could.

Even the next level would be for us to put pen to paper and and.

And and write a formal letter, but I will. I'll defer to the board members as to how folks wanna proceed. And again, if if folks have any other comments or thoughts, please share those now too.

I guess I can start it off.

I don't really have anything to add. I think I'd just be repeating my main concerns to add anything, but it does seem like I think four of the five, which is actually good to have that full of a board here today. I I think I heard four of.

The five I'm not sure about Rick's position 100%, but four of the five I think were at least leaning to not.

To maybe I would be a strong knot but.

To the position of not consolidating. So my recommendation would be is the Minutes are obviously available, but I would sort of I think it's easy to make a motion which I'd be happy to propose and see if there's a second and at least or have a recommendation to.

The Board of Commissioners, and it would be down the line of not consolidating the planning Board and the Board of adjustment would be the tone of it in general just for the reasons kind of in the record that we've stated.

That makes sense to me, and certainly any member of the board could always make a motion and have it be second so.

Does anyone else have any any thoughts on that?

I guess we can let Andy make the motion and see if there's a second and then we could have a discussion if it need be or act on the motion.

I don't see anyone raising their hand or adding anything, so I would move to make a recommendation to the board of County Commissioners to not consolidate the Missoula City County Planning Board with the Board of adjustment into a consolidated board, but rather to keep the two board separ.

 **Jennifer Schultz** 1:11:25
I would second that motion, Andy.

 **Jill Johnson** 1:11:29
Thank you, Andy.
Thank you, Jennifer.
Board members have anything they want to add or discuss with regard to the motion on the floor.
All right.
Why don't we do roll call?

 **+16*****97** 1:11:46
No now.

 **Jill Johnson** 1:11:47
Please roll call vote Jennifer Schultz.

 **+16*****97** 1:11:48
Thank you.

 **Jill Johnson** 1:11:54
Actually, before we do that, so to to confirm Jennifer's face.

 **+16*****97** 1:11:55
Thank you.

JJ **Jill Johnson** 1:11:58
So an affirmative vote would be we would affirm. An affirmative vote would be to recommend.

JS **Jennifer Schultz** 1:11:58
Thank you.

JJ **Jill Johnson** 1:12:08
Not it's it's kind of backwards, in other words.
It would be in support of Andy's recommendation to not consolidate the boards.
Thank you.
Thank you, Jill. That is so.
It's a little counterintuitive, but yes.
A vote in the affirmative would be.
To back Andy's position, the motion, I should say which would be to recommend that the two boards not be consolidated so.
Can we do the roll call vote?
Is that clear for everyone or?

JS **Jennifer Schultz** 1:12:38
I think so.

+16***97** 1:12:40
Yeah, that's good.

JJ **Jill Johnson** 1:12:42
Ben, did you have a question?
Are you good?

+16***97** 1:12:44
No, that was clear. That was clear.

JJ **Jill Johnson** 1:12:45
OK, all right. Now can we do the roll call vote?
Roll call vote Jennifer Schultz.

+16***97** 1:12:51
OK.

JS Jennifer Schultz 1:12:52
Yes, that's agreeing with Andy. Great.

JJ Jill Johnson 1:12:56
Correct.

JS Jennifer Schultz 1:12:56
OK.
Thank you.

JJ Jill Johnson 1:12:58
Beniwa key.
Rick Hall.

RH Richard Hall 1:13:06
No.

JJ Jill Johnson 1:13:08
Andy mefford.
Yes, Babek raskeffard, yes.
There are four votes supporting Andy's motion and one vote against Angie's motion, and the motion does pass 4:00 to 1:00.
Thank. Thank you, Jill.
Thank you, Andy. And and board members of the discussion, Karen has a follow up. Yeah. So ultimately the Commissioners will make the decision.
I wanted to ask a follow up question about the size of board and do you think that this size board, the five members plus a couple alternates is that I you know for your work for even say if it was consolidated, is that what you think would be?
A more functional board size or?

+16***97** 1:14:00
And.

JJ Jill Johnson 1:14:01
What, knowing that that they make a decision?
I just want to make sure we've you had some opinions about board size. So I want to pull that out.
A little bit and why?
And I say Rick, end up and I know Andy was gonna chime in.
So are you asking for our thoughts on?

It seems like there's two separate questions, but I don't wanna. One would be if the county Commissioners board of County commissioners decides to keep this board. The Board of Zoning Adjustment intact, should the board size remain the same or should it change?

And then I think your other question was if what should the planning board be or only are you only I guess the only question would this question only arise if if there's a new consolidated?

Consolidated board, OK.

What? What would you recommend?

In terms of board size or anything else, let's just say that, OK, I just wanna make sure we don't lose.

You have good thoughts and I wanna make sure we don't lose any of that.

Rick and then Andy.

RH **Richard Hall** 1:15:02

You know, I think that's important that the county have good representation of the county geographically.

You know, like have a Seeley Lake member.

You know I'm in the Bonner Milltown area.

I think that's kind of how the consolidated planning board chose county people, but I think numerically if it were together, you'd have to have at least seven people.

I don't know.

Know that having more than seven does much except extend meetings longer.

And you know, they're all county members. So I think you can get a pretty good cross section of of the county, including the, the Bitterroot and Seeley Lake. And, you know, other areas with seven members.

So that's my opinion at least.

JJ **Jill Johnson** 1:16:00

Said on the planning board for a number of years, a long standing member on planning board and the city Board of Adjustment as well. Before I moved out of the city and.

I appreciate this board's eyes. I think this is about perfect.

We came to the conclusion 3 Commissioners represent the county, I think 5

Commissioner or five board members is an adequate size with some alternatives.

I think it also makes it easier to fill boards and the more people you bring into it, just the more opinions.

And there's nothing wrong with opinion.

Don't get me wrong, but you can go poll all the people all day long and you just keep doing it and dragging out.

So I I don't think board size. To me the bigger the board is not better.
So I would I would target for five myself with two or three alternates.
I would agree that five to seven would probably be the range that you know. Once
you get larger than that, it becomes a challenge with recruitment and then also, as
others have said, it just kind of.
It it tends to duplicate the discussion instead of adding to the discussion once you've
once you've gone beyond that, a larger group, Jennifer.

JS **Jennifer Schultz** 1:17:18

Yeah, similar. I would say no larger than 75 is nice five seems.
Really nice but.
That's all.

JJ **Jill Johnson** 1:17:35

An agreed to be to be clear, if I know you're asking just in general, especially if
there's a consolidated board. But if if someone were ever to ask As for the Board of
zoning adjustment, I would keep it at five. I think this functions well, so.

That's sort of my thought on that.

Ben, I think you maybe came off mute, but I don't know if you had anything you
wanted to add.

You aren't muted right now, so we can't hear you.

OK. You're you're still on mute. Ben, if you could hear us.

Give you a minute to.

All right.

I don't know if Ben has nothing yet, or if he's just having trouble taking himself off
mute.

I don't want to cut him off if he did want to add to the conversation.

Umm.

I guess I'll ask Ben.

Can you?

Is it?

Are you able to take yourself off mute and just let us know that you have nothing
GAD or have something GAD?

OK.

And hopefully you're able to hear us, Ben.

Jill is sending you another link via e-mail.

So hopefully that link will work.

I can also e-mail.

And blank copy all the board members and then if you individually have any further
things to add you can do that and I'll pass those along.

Thank you, Karen.

□ All right, the e-mail has been sent.

Give it about 60 seconds and then.

I'd have to move on.

30 seconds I think.

All right.

Well, I appreciate everyone.

Just sitting tight while we work through that.

Ben, if you hopefully you heard earlier, if you did have something you want to add, there'll be an e-mail. Karen will be sending out an e-mail, but hopefully we didn't exclude you from anything here.

Is there any new business?

Any comments from board members?

And I guess the last item is for me to say that it sounds like we will have at least one agenda item in September, but I think we'll have two.

So we will meet again in September, a month from now. Otherwise it is 6:48 PM and we can adjourn the meeting. Thank you, everyone.