



MISSOULA COUNTY ZONING BOARD OF ADJUSTMENT

Meeting Minutes

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

Date:	September 17, 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
Members Absent:	N/A

I. CALL TO ORDER [Time stamp – 00:05:28]

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

II. ROLL CALL [Time stamp – 00:05:40]

Jill Johnson called roll. Five regular members were present at the time of roll call. A quorum was met.

III. APPROVAL OF MINUTES [Time stamp – 00:06:07]

Andy Mefford (Andy) moved, and Rick Hall (Rick) seconded the approval of the August 20, 2025, meeting minutes as written. The motion passed unanimously.

IV. PUBLIC COMMENT ON NON-AGENDA ITEMS [Time stamp – 00:06:59]

There was no public comment on non-agenda items.

V. STAFF ANNOUNCEMENTS [Time stamp – 00:07:58]

There were no staff announcements.

VI. PUBLIC HEARINGS [Time stamp – 00:08:10]

a. Jennie Dixon, Planner IV, Missoula County – 5165 Highway 93 S. – Billboard Variance

STAFF PRESENTATION [Time stamp – 00:08:13]

Jennie Dixon (Jennie), Planner IV with Missoula County Planning, Development & Sustainability, presented a variance request from Lamar Advertising Company (Applicant). The Applicant desires to structurally alter an existing nonconforming billboard situated on property owned by Lynore and Wendell Baer located at 5165 Highway 93 S, Missoula, Montana (Baer Property). Jennie provided a map of the location and photos of the existing billboard on the Baer Property and a general description of the zoning associated with the surrounding area.

On July 1, 2022, Missoula County adopted new Zoning Regulations (2022 Zoning Regulations), which designated the Baer Property as Commercial Center (CC). Chapter 8 of the 2022 Zoning Regulations prohibits billboards in CC zoning districts. The existing billboard on the Baer Property was constructed in 1978, when the property was unzoned and prior to the adoption of the 2022 Zoning Regulations. Accordingly, the existing

billboard is considered a legal nonconforming billboard pursuant to Section 10.6 of the 2022 Zoning Regulations.

The Applicant is seeking approval of a variance to structurally alter the legally nonconforming billboard beyond what is required for normal maintenance and upkeep. The proposed structural alteration would enable conversion from static copy to digital messaging format as a physical expansion of the billboard. Jennie noted that such modifications are not compatible with the 2022 Zoning Regulations. The sign regulations aim to eliminate distracting and unsafe signage while enhancing and protecting the visual quality, integrity, character, and safety of gateways, corridors, and neighborhoods throughout Missoula County.

Jennie explained that a variance is a relaxation of specific provisions of zoning regulations, which can be granted by the Board of Adjustment (Board) if certain criteria are met. Jennie emphasized that relief by a variance is intended for hardships, only where the zoning code would otherwise make reasonable use of the property impossible. Jennie outlined the six criteria, *all* of which must be met, when evaluating a request for a variance:

1. The variance will not authorize a use that is not already allowed in the zoning district.
2. The variance will not authorize additional density beyond what is allowed in the zoning district.
3. Special conditions exist that are unique to the property, such as size, shape, topography or location, that do not apply to other lands in the same zoning classification.
4. Literal enforcement of the provisions of the regulations will result in unnecessary hardship that is not of the applicant's own making.
5. Granting the variance will be in harmony with the general purpose and intent of these regulations and the Missoula County Growth Policy and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
6. The request for the variance is not based on monetary factors.

Additionally, the Montana Department of Transportation (MDT) regulates electronic billboards along highway corridors in accordance with the Administrative Rules of Montana (ARM) 18.6-237. The ARM requires compliance with local regulations, which may be more stringent than the state regulations. The current posted speed limit along the section of highway corridor where the Baer Property is located is 65 mph. MDT noted that this section of highway is characterized by high traffic speeds in a suburban and commercial environment, where the majority of vehicle crashes are caused by wildlife encounters and distraction associated with fixed objects.

Jennie described the drawbacks of erecting billboards, including digital billboards, in the proposed project area, including public safety concerns related to driver distraction and visual and light pollution, as well as the potential for information overload. High-traffic areas and areas with sensitive ecosystems may be the most negatively impacted.

Staff recommended denial of the variance request. In making this recommendation, staff determined that none the applicable evaluation criteria were met. Approval of the variance would result in a change of use on the Baer Property that is not permitted in a CC zoning district, and there are no special conditions unique to the property. Literal enforcement of the 2022 Zoning Regulations will not result in unnecessary hardship that is not of the Applicant's own making. Furthermore, approval of the variance would give an economic advantage to a particular business which is not enjoyed by other businesses in the same zoning district.

Granting the variance would not be in harmony with the general purpose and intent of the 2022 Zoning Regulations, and the request appears to be motivated solely by monetary factors and potential economic gain. Lamar Advertising stated in its application that “not approving the variance represents a direct economic loss, meaning no conversion and loss of leased economic revenue” further noting that “application of the 2022 Zoning Regulations forbids the property from accessing the income potential that digital conversion would unlock. This will directly impact the local landowners’ income adversely.”

See PowerPoint presentation slides.

BOARD DISCUSSION [Time stamp – 00:18:18]

Following the presentation, Babak requested clarification regarding sign regulations in the zoning districts adjacent to the Baer Property. Jennie confirmed that there is no zoning district adjacent to the Baer Property which allows billboards under the 2022 Zoning Regulations. Jennie noted that while Missoula County has sign regulations for billboards on unzoned land, those regulations only allow billboards up to 32 square feet in area which is approximately 10% the area of a standard billboard. Illuminated or digital billboards are not permitted on unzoned land.

APPLICANT PRESENTATION [Time stamp – 00:20:40]

Eric Sweet (Eric), Senior Real Estate with Lamar Advertising and CCIM Commercial Real Estate Broker, appeared in person. Eric presented the benefits and challenges associated with the variance application submitted to Missoula County and highlighted the value the proposed project may bring to the community.

Applicant requested to combine the first and second hearings for billboards at two different Missoula locations (5165 Highway 93 South and 2030 River Road). The Board indicated combining hearings would not be appropriate and requested that the Applicant present each variance separately. Nonetheless, Eric presented information in this hearing about both this variance request and the next billboard variance request, creating confusion about the requests.

Eric presented the Applicant’s request to alter the existing billboards to allow them to be converted into digital billboards. Eric indicated that the proposed project would not increase the square footage of the sign nor the number of sign locations. The digital sign would not contain flashing, blinking, fading, scrolling or dissolving effects and would fully comply with Missoula County established 10-second static message requirement. The project also includes structural safety upgrades, removal of external lighting, and elimination of visual clutter from existing catwalks.

Combining both variances requests, the Applicant requested approval of two height variances which include (i) a three (3) foot variance to offset a grade depression below Highway 93 which is associated with the Baer Property and (ii) a 13-foot variance to convert a 28-foot ground level sign to 28-foot road grade along Reserve Street in connection with the 2030 River Road billboard variance request also being presented at this meeting. The 2030 River Road variance request is associated with a condition that was created by the MDT reconstruction of a nearby bridge in the year 2000.

Eric noted that highway aesthetics have evolved since the Highway Beautification Act of 1965. Eric stated that the Applicant is not proposing additional signage, but rather upgrades to existing signs using modern, visually appealing monopole structures, sustainable practices, and updated technology. As an example, Eric presented a diagram illustrating the use of louvers designed to shield viewing angles from residential areas. Eric expressed concern that limiting digital sign upgrades to less

desirable industrial zones, such as landfills, airports, or areas near homeless encampments, leaves aging structures untouched in more visible corridors, which undermines safety, aesthetics, and public trust.

A zoning map from Missoula County's Property Information System was also presented. Eric questioned whether any changes had been made to the zoning map since June 4, 2025, when Lamar Advertising submitted its building permit application. The Applicant believed that the Baer Property was unzoned at the time of submission and stated that only after submitting the building permit application was the Applicant informed by Missoula County staff that the property was zoned Commercial Center (CC). Jennie confirmed that, to her knowledge, there had been no changes made to the zoning map since the building permit application was filed.

Eric claimed that the zoning information for the River Road/Reserve Street property (which is the subject of the next public hearing, not the Baer Property billboard) was not available to the public at the time of filing the building permit application and claimed that Missoula County made changes to its mapping system. Although staff clarified that the zoning map was not altered for the 5165 Highway 93 South site, Babak reminded the Applicant that the Missoula County website is not a definitive source for determining whether a property is zoned or unzoned, and that many such websites include disclaimers about accuracy of the data. Eric stated that retroactively changing maps or ordinances after an applicant submits a complete and valid application undermines fairness, due process and public confidence. The Applicant also expressed concerns about the sequence of events related to the variance application and public notice process, specifically pointing out that an error was made in the initial public notice associated with the billboard at 5165 Highway 93 South. The Board acknowledged the inadvertent mistake and noted that the hearing originally scheduled for August 20, 2025, was postponed for purposes of correcting the notice and ensuring the project was in fact properly re-noticed.

Babak clarified that if there is uncertainty about how a property is zoned, such matters are addressed through a different process and fall outside the jurisdiction of the Board. Babak emphasized that the Board is limited to evaluating the variance request based on whether the application meets the criteria for granting a variance. The Board confirmed that, for the purpose of this hearing and based on the staff report, it would proceed on the assumption that the Baer Property is zoned Commercial Center (CC).

The Applicant was given the opportunity to withdraw the variance request if the underlying issue was a challenge to the zoning designation of the Baer Property. The Applicant declined to withdraw its application and highlighted the public safety benefits of digital signs, such as the ability to support law enforcement and emergency management operations by displaying real-time alerts including AMBER Alerts, wildfire evacuation notices and severe weather warnings. The Applicant also stated that digital signing provides environmental benefits, by eliminating repeated vinyl installations and ink usage, reducing plastics waste, truck trips and overall air emissions. The digital platform is vital for local businesses and nonprofit organizations.

Eric referenced a wildlife crossing study conducted for the U.S. Highway 93 corridor between Missoula and Florence and stated that digital signs could have provided a more cost-effective method for alerting the public with timely and attention-grabbing safety messages. Applicant desires to keep business local, stating that Lamar Advertising's signs will help businesses stand out in the place where they operate.

Eric concluded by stating that the variance request is narrow in scope, involving only the digital conversion of an existing sign. The Applicant asked the Board to: (i)

recognize the vested rights associated with the building permit application submitted on June 4, 2025; (ii) acknowledge that the requested sign height conforms with MDT and federally funded highway standards; and (iii) allow this tool to deliver public safety, environmental benefits, and community value. Eric emphasized that digital conversion would not involve the addition of new structures and would actually reduce the overall square footage of signage.

BOARD DISCUSSION [Time stamp – 00:55:17]

Following Applicant's presentation, Babak asked for clarification regarding the structural changes requested in the application and whether those changes also included a request for a height variance, as mentioned during the presentation. Eric confirmed that the variance request includes both a request for structural changes and a request to increase the allowable height.

Jennie indicated that the application did not include a request for a height variance. Because the Baer Property is located in a zoned area where billboards are not permitted, there is no height standard from which to request a variance. Staff made several attempts to clarify with the Applicant whether height was an issue for the existing billboard but were unsuccessful in obtaining a definitive response. Staff noted that the application, as submitted, did not include a height variance request.

If the Board is considering approval of the requested variance, Jennie recommended continuing the hearing to allow staff time to propose additional conditions that would establish lighting and dimensional parameters, such as sign height, area, and distance from the road. Jennie confirmed that the engineering drawing submitted with the application shows the sign as 30 feet tall, but no comparison was provided between the dimensions of the existing sign and the proposed modifications to determine if the sign height was proposed for height increase. She also noted that, under the 2022 Zoning Regulations, sign height is measured from the base of the pole at grade to the top of the sign. Despite multiple attempts, staff did not receive sufficient information from the Applicant to support a height variance request.

Andy noted there may be confusion between this application and the billboard sign on River Road/Reserve Street, which is part of the next hearing item for 2030 River Road. Andy expressed uncertainty as to whether the Applicant is confusing height requirements between the two applications. Andy's primary concern was with structural alterations, not the digital conversion itself. In Andy's interpretation, Section 10.6 of the 2022 Zoning Regulations does not prohibit conversion to digital signage so long as the sign is not structurally altered.

Andy pointed out that the engineering drawing shows an extension to the column. Eric responded by stating that the Applicant is not structurally altering the sign and is instead proposing to place a sleeve over the existing footer, with changes limited to the face of the sign. Andy did not believe a sleeve is a structural alteration, but if an extension is being made and additional elements are being added, it could be considered a structural alteration. Andy referenced the comments received from Missoula County Public Works, which state that the proposed modifications appear to involve structural alterations and concluded that the exact scope of the variance request remained unclear.

Rick asked staff whether the proposed changes and variance request go beyond normal maintenance and upkeep, as outlined in the regulations, or if they involve structural alterations. Jennie confirmed that Section 10.6 of the 2022 Zoning Regulations state, that a nonconforming billboard shall not be: (i) changed to another type of sign or shape, but that the copy content or message may be changed so long

as the shape and size of billboard is not altered; (ii) structurally altered, except for normal maintenance or (iii) physically expanded, enlarged or extended in any manner. Staff focused its review on item (ii); however, any physical expansion of the billboard would also require a variance per item (iii). Given the small scale of the engineering drawing provided by Applicant, staff consulted with Kevin Heisler, Missoula County's Chief Building Official, who stated that, to the best of their abilities, the engineering drawing appeared to show structural alterations, specifically the addition of LED cabinets to the sign and the alteration of the post with a sleeve. The addition of LED cabinets is also considered a physical expansion of the billboard.

Following this explanation the Board moved to public comment.

PUBLIC COMMENT [Time stamp – 1:08:14]

Jesse Hyatt (Jesse), a sales representative with Lamar Advertising for the Missoula and greater western Montana region, appeared in person and expressed support for the proposed project. Jesse stated that digital billboards provide an affordable media outlet for local business owners and that the proposed project does not contemplate new structures, but rather the conversion of an existing structure to display digital messages that rotate every 10 seconds. Jesse explained that digital signs offer increased advertising inventory, helping businesses reach local customers more effectively. She emphasized that digital advertising is an ideal platform for disseminating important messages such as weather alerts, air quality updates, emergency notifications, and AMBER Alerts. Jesse also noted that Lamar Advertising uses digital signs to support nonprofit organizations in raising funds. She clarified that she was not only speaking on behalf of Lamar Advertising, but also as a resident of Missoula County.

Ali Carley (Ali), a representative of Lamar Advertising, also appeared in person and commented on the importance of using digital billboards for AMBER Alerts. Ali provided examples of how Lamar Advertising has used digital billboards to alert the community about several missing persons in the area over the last year, specifically referencing Ava Prather and Jermain Charlo. Ali also highlighted Lamar Advertising's partnership with FEMA and the use of digital billboards for public safety communications during natural disasters in other parts of the country.

BOARD DISCUSSION [Time stamp – 01:15:10]

Following Eric's presentation, Babak confirmed with Applicant that they wished to proceed with their request for a variance. Babak noted that the Board would not take action if the Applicant does not believe a variance is required. Eric confirmed that, based on their understanding of the process, the Applicant wished to move forward with the variance request and asked the Board to proceed with a vote.

Ben Yawakie (Ben) expressed concern that the proposed project may detract from the character of Missoula. Jennifer Schultz (Jennifer) inquired about how digital messaging would be managed outside of business hours. While Jennifer supports the use of digital billboards to alert members of the community to catastrophic events, she inquired about the timing of emergency messages and how instantaneous the messages are. Eric indicated that the alerts go out through the same systems that issue AMBER Alerts and weather alerts, so the timing is outside of Lamar Advertising control.

Jennie informed the Board that, although it was not directly related to the proposed structural alterations of the billboard, Brian Frost (Brian) with the Montana Department of Justice was contacted regarding the use of digital messaging for missing persons alerts on billboards along Montana's highways. Brian indicated that the nexus between the Lamar Advertising signs and the AMBER Alert system is very limited. Brian

confirmed that Lamar Advertising has a relationship with the National Center for Missing and Exploited Children (NCMEC), which serves as a secondary distributor of AMBER Alerts. Jennie confirmed that Missoula County supports the productive use of billboards in areas where such signage is permitted by zoning regulations. The Applicant did not provide Missoula County with a plan as to how AMBER Alerts, weather alerts, fire alerts and wildlife alerts would be implemented. Jennie reiterated that staff is recommending denial of the variance request because the zoning designation of the proposed project prohibits the use of billboards. Missoula County would support the implementation of billboards, digital or otherwise, in locations where such use is authorized, such as in industrial zoning districts.

Andy reiterated that billboards are not permitted in CC zoning districts. However, he questioned the difference between a billboard, which *is not* permitted in a CC zoning district with a single and double-sided post sign, which *is* permitted in a CC zoning district. Andy also asked staff for clarification regarding the digital sign currently in use at the Peak Athletic Center, located near the Baer Property. Although not fully familiar with that specific signage, Jennie explained that the Peak Athletic Center is located in a different zoning district – a Part One district which follows different zoning regulations that were not updated at the time the 2022 Zoning Regulations were adopted. Jennie added that post signs are subject to much more stringent size limits and are much smaller in height and square footage than a billboard.

Andy stated he was unable to clearly identify the structural changes, such as the posts or LED cabinets, on the engineering drawing submitted with the application. He questioned the height of the proposed sign, asking whether the Applicant was requesting a 28-foot height limit established and measured by MDT or the limit established by Missoula County, as the two are measured differently. Applicant confirmed they would agree to maintain the existing height of the billboard.

Babak acknowledged that there are several digital signs in the vicinity on Brooks Street but clarified that those signs are located within the limits of the City of Missoula. However, the location of the proposed project is in a CC zoning district that does not allow billboards and that he did not see unique conditions to the Baer Property which would meet the criteria needed to grant the variance request. Babak indicated that he would be inclined to deny the request.

Rick requested to review the 1998 variance request, which was included in the meeting packet. Jennie explained that in 1998, the request involved relocating the billboard from one spot to another on the same property. At that time, staff recommended denial, but the Board approved the request for safety reasons, on the condition that the size of the billboard would not increase. Rick stated that while he supports advertising, he believes the current proposal constitutes an alteration to a legally existing nonconforming sign that would not be considered regular maintenance. Rick indicated that he would be inclined to deny the variance request.

RECOMMENDED MOTION [Time stamp – 1:37:00]

Ben made the following motion to deny the variance request that has been provided to the Board, and Rick seconded the motion:

THAT the variance request to modify the existing billboard at 5165 Highway 93 South **be denied**.

BOARD DELIBERATION

There was no additional deliberation 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, Rick Hall, Jennifer Schultz, Ben Yawakie

NAYS - (1): Andy Mefford

b. Patrick Swart, Planner II, Missoula County – 2030 River Road – Billboard Variance

STAFF PRESENTATION [Time stamp – 01:38:42]

Patrick Swart (Patrick), Planner II with Missoula County Planning, Development & Sustainability, presented a variance request also from Lamar Advertising Company (Applicant). The Applicant desires to remove two existing billboards and install a new digital billboard measuring 41 feet tall from the adjacent ground on property owned by the Myrna L. Saulter Trust located at 2030 River Road, Missoula, Montana (Saulter Property). Patrick provided a map and photos of the location, a general description the zoning designation and current conditions of the Saulter Property and existing billboards.

Pursuant to the Missoula County Zoning Regulations adopted on April 11, 2017 (2017 Zoning Regulations), the Saulter Property is zoned C-I2 (Heavy Industrial). When the 2022 Zoning Regulations were adopted, the Saulter Property was excluded from the zoning map, likely due to property tax reassessment. Accordingly, the 2017 Zoning Regulations continue to apply to the Saulter Property.

Section 3.04.E.1.b of the 2017 Zoning Regulations permits pole mounted billboards with a maximum height of 28 feet above the ground upon which they are erected. The Applicant is requesting a variance from this section of the 2017 Zoning Regulations to allow a billboard that is 13 feet taller than the permitted maximum height.

Patrick explained that for a variance to be approved, a variance must meet *all* of the review criteria set forth Section 11.6.C.1 subparts a. through f. of the 2022 Zoning Regulations. Additionally, and in accordance with Section 11.6.C.2, “in making its decision, the Board of Adjustment shall demonstrate that the variance granted is the minimum variance that will make possible a reasonable use of the land, building or structure.”

In context of the Applicant’s request for additional height, any consideration or a motion to approve the Applicant’s request would require that the Applicant demonstrate that the additional 13 feet is the minimum necessary to make possible a reasonable use on the Saulter Property.

Patrick described the review criteria which must be met to approve the variance request as follows:

- 1. The variance will not authorize a use that is not already allowed in the zoning district.**
The C-I2 Heavy Industrial zoning district permits the proposed use and allows billboards with a maximum height of 28 feet. Digital billboards are also permitted in this zoning district. Staff found that the variance request will not authorize a use that is not already allowed in the zoning district.
- 2. The variance will not authorize additional density beyond what is allowed in the zoning district.**
This is not applicable to the proposed project.

3. **Special conditions exist that are unique to the property, such as size, shape, topography or location, that do not apply to other lands in the same zoning classification.**

This is the only property in Missoula County that is zoned C-12 Heavy Industrial, which allows billboards. The existing billboards and proposed billboard are located 13 feet below the adjacent road grade, with the existing signs only measuring 24 feet tall and visible from the northbound lane of traffic. Staff did not find that there were special conditions unique to the Saulter Property that do not apply to other lands in the same zoning district.

4. **Literal enforcement of the provisions of the regulations will result in unnecessary hardship that is not of the Applicant's own making.**

The Applicant stated that the hardship is related to Missoula County's more stringent height requirements compared to those of MDT, where MDT allows billboards to be 28 feet above road grade, while Missoula County measures height from the ground surface where the sign is being erected. Patrick noted that MDT provided comments on the proposed project, stating that it is subject to local regulations in accordance with ARM 18.6.237. Literal enforcement of the 2017 Zoning Regulations would still allow an additional four feet in height above the existing billboard and would not result in an unnecessary hardship for the Applicant.

5. **Granting the variance will be in harmony with the general purpose and intent of these regulations and the Missoula County Growth Policy and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.**

Patrick summarized the purpose and intent of the County's zoning regulations and Growth Policy where sign regulations are intended to (i) assure reasonably efficient and safe transfer of information and to protect the visual quality, integrity, character and safety of gateways, corridors, and neighborhoods, (ii) to promote the public health, safety, morals, and general welfare, (iii) to preserve community aesthetics and the natural environment, and (iv) to follow the guiding principles of public health and safety of the 2016 Missoula County Growth Policy.

In evaluating safety, the proposed project site is located between to two high risk intersections identified by the Missoula Police Department in its 2024 Annual Report, namely the Reserve Street – Mullan Road intersection and the Reserve Street – River Road intersection. Comments from the Missoula Metropolitan Planning Organization strongly encouraged the Board to consider the safety implications of the proposed project given its proximity to two of the top ten most dangerous intersections in Missoula County. Patrick also provided crash rate statistics along the Reserve Street corridor and found that increased height beyond the regulatory 28 feet may translate to additional driver distractions. As a result, staff concluded that the proposed project is not in harmony with Missoula County Zoning Regulations or the Missoula County Growth Policy.

6. **The request for the variance is not based on monetary factors.**

Staff found that the variance request appears to be based on monetary factor as Lamar Advertising indicated in its application that it has significantly invested in the land lease associated with the proposed billboard infrastructure on the Saulter Property and not approving the variance would create a direct economic loss to Applicant.

Planning staff concluded the variance request did not meet the requirements in Section 11.6.C.2 of the 2022 Zoning Regulations because the application materials did not

provide evidence supporting a claim that the requested additional 13 feet in height is necessary to make possible a reasonable use of the land.

Patrick confirmed that public notice was provided to adjacent property owners as well as to relevant agencies and the project information was posted on the Missoula County Voice. Staff received comments from the Missoula County Floodplain Administrator, Public Works and MDT all of which stated that all other local and state permits specific to those departments would be required.

Additionally, the Missoula Metropolitan Planning Organization noted that the U.S. Department of Transportation found a correlation of increased sideswipe and rear-end crashes associated with digital billboards, and stated a digital billboard could further exacerbate serious and fatal injury crashes along this stretch of Reserve Street, due to the high speed of travel and low visibility in the area.

Patrick recommended denial of the variance request. In making this recommendation, staff concluded that only two of the six evaluation criteria listed above were met and the approval of a variance could not be supported.

See PowerPoint presentation slides.

BOARD DISCUSSION [Time stamp – 01:53:18]

Following the presentation, Babak confirmed that the existing billboards may be converted to digital under the 2017 Zoning Regulations and that the variance request is specifically associated with a request to increase the height of the billboard. Patrick also noted that the proposal involves removing the existing billboard structures and replacing them with monopole structures.

Babak inquired about both state and local regulations regarding the required distance between the billboard location and the roadway. Patrick confirmed that the billboard must be located outside the road right-of-way boundaries, on the property itself, without overhanging or encroaching onto neighboring properties.

As a follow up, Andy requested clarification on MDTs height requirements versus Missoula County's height requirements. Patrick clarified that MDT measures the maximum allowable 28 feet from the right-of-way road grade and Missoula County measures from the maximum height from the grade of the ground. Rick pointed out that that the letter from the MDT representative states the maximum height of a sign is 30 feet, measured from the crown of the road right-of-way.

The Board discussed the need to evaluate traffic data in its decision. Babak noted that the traffic data relates to the fifth element of review criteria, which broadly requires that the variance be in harmony with the general purpose of the Missoula County Growth Policy and not injurious to the neighborhood or detrimental to public welfare.

APPLICANT PRESENTATION [Time stamp – 02:01:28]

Eric Sweet (Eric) with Lamar Advertising appeared in person and indicated that the existing billboards are side by side structures with outdated wood poles, totaling 476 square feet. Eric stated that the Applicant's goal is to clean up and improve the aesthetic image of the community. The Applicant stated that they are experiencing a hardship due to a bridge constructed by MDT in 2000, which raised the road grade and ultimately put the existing signs inside of a 13-foot depression. The proposal is to replace the existing signs with new signs that measure 28 feet above road grade, a height that complies with MDT's 30-foot allowance from the crown of the road. Eric is not aware of any case in which Lamar Advertising has been sued in connection with a

safety issue resulting from a digital billboard. Eric also acknowledged that the benefits of the billboard projects were previously presented.

PUBLIC COMMENT [Time stamp – 02:04:35]

Ali Carley (Ali) with Lamar Advertising, stated that Applicant's overall goal is to upgrade its signs to be above road grade, consistent with other communities in Montana. The Applicant sees this as a valuable channel of communication for businesses and non-profit organizations in local area. Ali reiterated that Lamar Advertising works at a national level, specifically with FEMA, and would like to collaborate at the state and local levels to accommodate the needs of Missoula County.

BOARD DISCUSSION [Time stamp – 02:06:38]

Following Applicant's presentation, Babak expressed his understanding of the Applicant's reasons for requesting the variance, specifically regarding the differences between MDT's height requirements and those of Missoula County. Babak noted that the Board does not have the authority to re-write zoning code.

Andy believed the issue presented is a code issue and said he was unable to identify any harm caused by the proposed project. It appears that platforms, pillars and columns are being removed from the floodplain, and the square footage is decreasing. The height follows the MDT standards, so it is not atypical. Andy is of the opinion that the existing signs are too low and does not see the proposed project as a safety concern. Andy indicated he is in support of Applicant's proposed project.

Rick noted that although there is no evidence that digital billboards cause auto accidents, his role in this Board is to apply the law, which for the Sautter Property measures sign height from the ground. Rick believes that the local laws should be updated to coincide with the state laws, but at this juncture, the state defers to local laws for compliance. It appeared the request is motivated by monetary factors and potential for economic gain, and that literal enforcement of the regulations would not result in an unnecessary hardship to the Applicant, because the law allows for the existing signs to be replaced with digital signs at the exact same height. In this case, none of the variance review criteria are met.

Following Rick's comments, Andy pointed out in the Board's history, more times than not, variance requests for projects not in compliance with zoning regulations have been approved. Babak questioned whether approving this variance would set a precedent for variance requests for all other billboards along major highway corridors, or if this was an isolated situation. Andy noted that the alternative is for signs to be built on the top of hillsides that are in compliance, but much taller and more pronounced.

Patrick directed the Board to the criteria which staff was required to evaluate, specifically the special conditions relative to other lands in the same zoning classification. It is not a county-wide evaluation, rather it is a site-specific requirement. The Sautter Property is the only parcel with this zoning designation. Patrick also pointed out that both the 2017 and 2022 Zoning Regulations both measure sign height from the adjacent ground and do not take road grade into consideration.

Board members questioned the rationale behind the adoption of Missoula County's Zoning Regulations. Jennie indicated the adoption of zoning regulations and provisions which relate to sign height were deliberate and purposeful.

RECOMMENDED MOTION [Time stamp – 02:21:34]

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

THAT the Board **deny** the request for a variance from Section 3.04.E.1.b of the 2017 Missoula County Zoning Regulations for property located at 2030 River Road based on the findings of fact in the staff report and testimony heard before the Board of Adjustment meeting on September 17, 2025.

BOARD DELIBERATION

There was no additional deliberation 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, Rick Hall, Jennifer Schultz, Ben Yawakie

NAYS - (1): Andy Mefford

VII. COMMUNICATIONS & SPECIAL PRESENTATIONS [Time stamp – 02:23:43]

There were no communications or special presentations.

VIII. OLD BUSINESS [Time stamp – 02:23:54]

There was no old business.

IX. NEW BUSINESS [Time stamp – 02:23:54]

There was no new business.

X. COMMITTEE REPORTS [Time stamp – 02:23:59]

There were no committee reports.

XI. COMMENTS FROM BOARD MEMBERS [Time stamp – 02:24:01]

There we no additional comments from Board members.

XII. ADJOURNMENT [Time stamp – 02:24:07]

The meeting was adjourned at 8:19 p.m.

Missoula County Zoning Board of Adjustment September 17, 2025 – Transcription
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Missoula County Zoning Board of Adjustment September 17, 2025 – Meeting Recording

JJ **Jill Johnson** 40:21

2025 and this is the Missoula County Board of Adjustment meeting.
And we calling the meeting to order and can we have a roll call please?
Roll call Rick Hall.

RH **Richard Hall** 40:33

Present.

JJ **Jill Johnson** 40:35

Beniwacki.

BY **Benjamin Yawakie** 40:38

Present.

JJ **Jill Johnson** 40:40

Jennifer Schulz.

JS **Jennifer Schultz** 40:42

Present.

JJ **Jill Johnson** 40:44

Andy Mefford here babak raskefard.
Mr. Chair, there are five regular members present and quorum has been met.
Thank you.
The next item on the agenda is the approval of minutes from the August 20th, 2025.
Board of adjustment meeting. Does anyone have any?
Comments, corrections or move. Wanna move that they be adopted as submitted?
I didn't have any corrections.
I would move to approve the Minutes of August 20th 2025 as presented.

RH **Richard Hall** 41:23
I'll second it.

JJ **Jill Johnson** 41:24
Thank you.
All those in favor of approving the Minutes say I.

BY **Benjamin Yawakie** 41:31
Aye.

RH **Richard Hall** 41:31
Aye.

JS **Jennifer Schultz** 41:32
Aye.

JJ **Jill Johnson** 41:33
Any opposed?
OK, hearing none the minutes from August 20th, 2025 have been approved as submitted.
The next item on the agenda is sorry, microphone and a little feedback.
The next item on the agenda is public comment on any non agenda items. So if there's any member of the public here in person or participating virtually.
And you'd like to comment on something other than the two public hearings that we have scheduled for tonight.
So as a reminder, the two public hearings are 2030 River Rd. billboard variance and 5165 Highway 93 S Billboard variance.
So if anyone here is here today and would like to comment on something other than those two hearing items, this is your opportunity to do so.
Doesn't look like anyone in the room has any public comments.
Anyone online wish to comment on non agenda items non hearing items.
Oops.
OK. The next item on the agenda is staff announcements.
Do we have any staff announcements?
There are no staff announcements, OK, and then we'll move to our first public

hearing, which is 5165 Highway 93 S billboard variance.

We have a staff report.

OK.

Thank you, Baba.

For the record, my name is Jenny Dixon.

I'm a planner with the planning, Development, Sustainability department, Missoula County.

This is a hearing for a billboard sign variance from Lamar's advertising sign company on property owned by Wendell and Lenore Bayer at 5165 Highway 93 S.

The property is located on the southwest side of the Missoula Valley along Highway 93. As you head toward Lolo, just past the Blue Mountain intersection with Highway 93 and that stretch of Hwy. Is used primarily for commercial businesses and some storage.

There are some vacant properties and the Bitterroot River is across the highway approximately 400 feet to the South.

And you can see the the subject property is highlighted with a yellow dot orange arrow pointing to it.

And what you see to the West of that and a little bit north are is an older residential neighborhood, some subdivisions approved.

In the 90s, as well as the 60s, so some established residential neighborhoods there. Excuse me.

The request is to structurally alter the existing billboard on the site beyond the normal maintenance, which is normally allowed for non conforming billboards.

This billboard is non conforming because it was installed in 1978 when the property was unzoned and the property has since been zoned commercial center in 2002.

The Board of County Commissioners adopted new zoning regulations for Missoula County.

Including.

Changing the zoning designations and and zoning and rezoning property. That's when this property was zoned commercial center. And that is also when the county commissioners disallowed billboards and all zoning districts except for industrial zoning districts.

That is what makes this a legal, non conforming billboard.

Modifications to make billboard signage more visible at this location is not compatible with the sign.

County sign regulations adopted in 2022 by the County Commissioners, which seeks to eliminate distracting and unsafe signs while ensuring enhancement and protection of the visual quality, integrity, character and safety of gateways, corridors and neighborhoods throughout Missoula County.

The applicant has stated that the area and the height of this billboard will not change through the variance request.

Rather, the applicant is proposing to structurally alter a nonconforming billboard, which in this case happens to include conversion to electronic messaging. Doing so increases the billboard's nonconformity and prolongs the useful life of this billboard. When the zoning regulations are attempting to amortize this use.

In this district.

I guess I do want to just make sure it's very clear that regular maintenance.

Can can occur for this billboard.

It can continue with normal maintenance.

The request is to allow for expansion of that use by structurally altering it.

So the Board of adjustment must find favorably for all six of these criteria to approve a variance where applicable.

There is one here for example, that is not applicable in this situation or in the next one with the River Rd. variance which is allowing additional density.

Neither of these variances address residential density, but the other five are applicable.

And.

A few slides down in this show.

Is a slideshow. I'll discuss the compliance with these criteria.

But what I do? I guess I want to say at this point is that the concept or the whole idea of a zoning variance is not it is not as intended to provide relief from basic zoning principles in the regulations they're meant to be the exceptions to.

The rule, not blanket permissions to undermine the foundations of the zoning code in this case.

Just allowing billboards where they're just not allowed.

Variances are more we want to the next one.

In fact, the next project you have for hearing is appropriate as a variance request doesn't mean you'd recommend approval necessarily, but that is a specific request to take a little higher.

This is something where the the variance is not narrowly tailored to a land based hardship.

So relief Bivariance is intended for.

Hardships only where the zoning code would otherwise make reasonable use of the property impossible, and that is not the case here.

You can see again the property highlighted with the black and green outline, and that's showing the commercial district in bright red. The residential districts in the Purple brown color and then across the highway is the river.

Open and resource zoning, zoning district, the Department of Transportation regulates billboards along these highway corridors. According to administrative rules of Montana 18.6237.

These rules require compliance with the local zoning regulations, which in some cases are more stringent than their administrative rules, but in other cases are less restrictive and in that situation the more restrictive rules apply. The current posted speed limit at this location, the segment which is between the.

Highway identifies segments of Hwy. so this segment is between Buckhouse Bridge and Hayes Creek Rd. And that segment is 60. Posted 65 mph.

The Department of Transportation noted that this segment is characterized by high traffic traffic speeds within a suburban and commercial context, and the majority of crashes in this segment are caused by wildlife encounters, particularly due to the river being so close, you know, so close.

And also with fixed objects which indicate that distraction can play a role in what's going on in this.

Court in this segment of the corridor.

Drawbacks to erecting billboards on the landscape include public safety concerns related to driver distraction, as well as visual pollution and the potential for information overload.

Further digital billboards.

Are a factor to the increased light pollution that can occur when they are erected.

These downsides can be significant, particularly in areas with high traffic or sensitive ecosystems that we've noted in this area.

This is my last slide and as I said, I wanted to just talk with you a little bit about the evaluation of those review criteria. You do need to find favorably for all of the relevant criteria. Staff is recommending denial of this variance because we did not find.

Any of the the in our evaluation of these variance criteria to be favorable for the request?

In that the approval of the variance will amount to a change of use on the property. Property that is not permitted in the zoning district.

I'm going to skip number two, number three special conditions unique to the property do not exist here that do not also apply to other lands within that zoning classification of CC.

The literal enforcement of the zoning code will not result in hardship and will not create a necessary hardship that is not, oh, sorry will not result in an unnecessary hardship that is not of the applicant's own making.

Looks like there's a typo in there. Sorry about that.

Approval of this variance will give an advantage to a particular business, the applicant's business, which is not enjoyed by other businesses in the same zoning district.

Granting the variance will not be in harmony with a purpose and intent of the zoning regulations that I noted earlier. And finally, the variance request appears to be driven by monetary factors and potential economic gain.

Lamar has stated that in their application that not approving the variance.

Represents a direct economic loss, meaning no conversion, no increased lease revenue the applicant identified.

Loss of revenue as an immediate measurable reduction in property value.

Further noting that the application of the zoning regulation forbids the property owner, which are Wendell and Lenore bear, from accessing the income potential that digital conversion would unlock.

This will directly impact the land owners.

Local land owners.

Income adversely.

So with the information that we had available to us in the application materials, we could not find that the review criteria have been met and therefore staff is recommending denial of the variance to modify the existing billboard at this location.

Thank you.

Thank you. At this point, what I only like to do is ask any members of the board if they have questions for staff and then after that we'll hear from the applicant or the applicant's representative if they wish to add anything or provide any additional.

Background or comments and then they'll be time for additional questions and obviously public comment as well.

So again, at this juncture, do members of the board have any questions?

Questions for staff?

I had one.

I think I know the answer to this, but I just want to confirm if you could go back to the slide that showed.

The zoning that the various.

I'd like the green, the yellow, the the color-coded zoning.

Yeah, that one it.

It's my understanding that none of these adjacent areas.

The A.

A GR R5 or the RM? Or there's no zoning district in this picture that would allow that.

That's what I was going with.

Yeah. So wouldn't wouldn't allow.

It's not like so. For instance, if it was a few 100 yards this way or that way, it would still be unallowed.

OK.

And something else, that of interest that I guess I would mention kind of related to that question Babak, is Missoula County also has regulations related to billboards on unzoned land and.

So even though it's unzoned land, it has regulations that apply to, in particular to billboards, which does allow billboards, not illuminated or not illuminated, nor digital, and may only be 32 square feet, which is about 10% the size of a normal billboard.

Thanks for that additional background.

Do members of the board have any other questions for staff?

At this point.

Is the applicant or applicant representative here?

And if you can just please introduce your state, your name for the record.

Thank you.

Can you hear me now?

Hey, my name is Eric Sweet with Lamar advertising just in the interest of saving everybody's time tonight. Since both are both are so similar in a request to so narrow, would it be OK if you proceeded with your presentation for the next one and then we could?

Speak following.

I think they're different issues presented with each application.

So.

I.

I'll see if the board other members of the board have any other thoughts, but I my inclination is to keep the two separate.

Because I think this is a.

Yeah, just cause of the different the different factors involved. For instance, this is a structural alter alteration to a billboard where no billboards where the zoning would not allow for billboards and thus no structural changes or new uses.

And the other is in an area that's zoned for that allows for billboard. I believe. If I remember correctly, and the applicant or you know your your company's looking to. Seek some relief from the the sideboards on.

You know how those billboards can be erected?

Within a zone zone, an area zone that allows for billboards.

I didn't say that very well, but hopefully that makes sense.

But bottom line is I would prefer to keep them separate, but I I will happily.

Be convinced otherwise by members of the board if they feel like that would be more appropriate. I would definitely think we should keep them separate and stay in the lane and then go to the second one.

I appreciate the efficiency, but I I really think it will be cleaner if we keep them separate.

Myself.

OK, if you didn't have anything, so I guess we're gonna keep them separate.

I I like Andy said, appreciate the offer to, you know, kind of streamline things. But give me one second, then let me grab mine.

Oh yeah, jade. OK.

Thank you.

It's OK if I stay in here rather.

Yeah, I want to make sure that the.

Yes, that would be.

And just so since we have, I don't we we definitely have some board members participating virtually and I don't know if any members of the public, it looks like maybe there might be.

I'm not sure, but just so folks who are on teams can see.

I don't know if that's a question for MCAT.
We just want to see if the camera can be directed at the sign that you will sign.
Flip sign that you have.
Do you have that sign electronically that you can share? And I can post to? OK, great.
Can we just pause for a second and get our alarm shut off?
We got an alarm here, so I'm just gonna take a two or three minute break.
I apologize.
There's an alarm in the building so folks participating via teams will be back in two or three minutes.
Let me just sit down.
Should I sit down and then?
Do you guys want to take pictures of it and then take a photo?
We're just gonna pause if we can just hit hit pause on the whole meeting for a second.
We need to get our cameras up and running as well so.
Folks who are online need another minute or two.
And by the way, the alarm was an entry alarm, not a fire alarm or anything like that.
But we're.
And we're also having some technical issues with the video feed, so.

BY Benjamin Yawakie 1:03:09
OK.

JJ Jill Johnson 1:03:15
Staff and MCAT are working on that right now, so please sit tight.

BY Benjamin Yawakie 1:03:20
Thanks for the heads up.

JJ Jill Johnson 1:03:23
Probably. What do we think, Jill?
Oh man. OK.
Thank you for your patience. We just had some technical difficulties and alarms going off, but I think we're back up and running.
So, Eric, I think you can take it from here.

Appreciate that.

Good evening. Members of the board.

My name is Eric. Sweet senior real estate manager with Lamar Advertising and also a Ccim commercial real estate broker. Now in the sweet household, we have a little tradition that we call the sandwich method.

It's how we deal with both good and the not so good. If my son does something questionable, I'll say. Hey buddy, I really like how creative you were, but maybe coloring the dog wasn't the best idea. And by the way, I love that you share your permanent mark.

With your younger sister.

Positive. Constructive.

Positive. It's the sandwich.

So tonight I'm going to use the same approach with you.

Don't worry, I didn't bring the bread, but I do have a few layers. Positives of our application, the challenges and how this process has unfolded.

And then the real value this project brings to the community.

Hopefully by the end you'll feel like you've had a fair meal.

Gnome to calories.

Just factual substance.

Now, if you would flip the the first page here please.

The scope of our request is narrowly tailored.

Forgive me, 'cause, there's a lot of overlap with both sites that I'm going to address through this presentation.

Our request is very narrowly tailored.

We made it in good faith.

I apologize for interrupting you.

I was trying to make sure that the slides that we're looking at here are the same as what on the they're in different order, OK.

Yeah, just leave it at this if he can.

And that one and that one would be in the second e-mail.

There we go. There we go.

Thank you. Alright, apologies.

So our scope is nearly tailored and made in good faith to work conditionally within the framework of the county's ordinances.

Very Simply put, conversion of an existing static sign to digital and removal of two

static signs to be replaced with a single digital. Overall, there's gonna be no increase in sign area or the number of locations.

No flashing, no blinking.

No fading.

No scrolling, no dissolving effects.

We'll fully comply with the county's established 10 second static message requirement.

Safety related structural upgrades, removal of external lighting and reduced visual clutter of existing catwalks are included in the scope of the project.

Approval of a three foot and a 13 foot height variance from 28 foot ground level to 28 Rd. grade as prescribed by the MDT and federally funded highways.

This is the offset a three foot grade depression below Highway 93 and a 13 foot grade depression below reserve St. A condition that was created by the MDT reconstruction of the bridge in the year 2000.

Nearly 60 years ago, First Lady Lady Bird Johnson led the charge for the Highway Beautification Act of 1965, which placed major restrictions on billboards nationwide. Her mission was largely accomplished at the time.

Thousands of signs were removed, spacing and size requirements were introduced, and the and the nation's highways took a new aesthetic character.

What's important to note, and recognize that our times have changed.

And billboards that remain today are not going away.

Our efforts here in Missoula is not about adding more signs, but about cleaning up what exists through aesthetically pleasing upgrades.

Slick monopole structures, environmentally friendly practices, and modern technology that is far safer than what was possible 60 years ago today.

Technology itself has has changed dramatically.

We no longer travel by horse and buggy.

We drive cars.

We no longer pace billboards with chemicals. We use recyclable vinyls and regulated digital displays. And even the last 10 years, digital science feature automatic dimming controls lumbers to shield light from residential districts.

10 second regulated hold times and strict compliance for both county and state standards.

The the second presentation before you.

Gives an example of the louvers that are on the technology that shield the viewing

angles away from residential districts.

Members of the board, to your credit, Missoula County has already done an excellent job of establishing digital sign regulations that pair well with these technologies. In fact, during this process, M's Dixon inadvertently highlighted just how strong those regulations are when the when the first Public Notice Inc.

Stated that our sign may flash may blink, may fade, may scroll or dissolve.

It created significant public outcry.

But when?

That when that statement was retracted.

And republished, the opposition disappeared.

That is a testament to the strength and fairness of Missoula County's digital sign ordinances.

Now to suggest that those same 10 second static messages are no longer safe is an attempt to move the goal posts away from your own established ordinances.

Worst restricting upgrades to only the most undesirable areas of industrial zoning, such as landfills, airports, and homeless encampments.

This pushes science into less suitable locations while leaving deteriorating structures in more visible corridors untouched.

That approach undermines safety aesthetics and public trust. Now, if you could flip, please.

If I could ask on the screen, could you please open the zoning map for Missoula County?

Would you be able to go to the like the public website just when the public opens the zoning map?

Without clicking the.

The zoning map is a layer on.

So if you could leave it right here at this screen without hitting me, except if you go back, please, sorry.

Question I don't believe Kevin Dantic is available tonight, but is anybody else here or Jenny, are you able to speak on behalf of staff for these maps?

Just have there been any changes made to this map since our application was submitted?

As far as I know, no changes to that map have been made. Thank you.

On June 4th, Lamar submitted a complete permit application to convert an existing, legally established billboard from static to digital. At the time of the filing, the

publicly available GIS mapping identified both parcels as unzoned.

The county accepted our application fee and transmitted our application into the building Department for processing.

Only a week later, on June 11th, county staff informed us that the Highway 93 parcel should be treated as commercial center CC zoning.

And that the reserve seat property did not exist in the county, but that determination was based on a zoning map that was not available to the public at the time of filing the application. On that same day, we were provided with the private web links to an Ord.

Materials that had not been part of the GIS map system.

Then by June 17th, we observed multiple alterations to the county's GIS maps, which appeared to have been made in direct response to our application.

If you would, Patrick, be kind, could you click on the second tab that says what's new?

I want to point out here the dates of the updates that were made to the Missoula County zoning maps. And let me remind you again, the date of our application was June 4th.

A week later, we were notified by Kevin Dantic that there was zoning on the property, which still is not available online.

And you can read those dates that are present. You can see the changes.

Jenny, could you read to me the going to interrupt you for for one second? Sure, because.

Now this is outside my wheelhouse, but my general understanding is that the public facing website is not a definitive source for whether a zone partial is.

Zoned or unzoned, and if it's zoned one way or another that that again, that's outside of my wheelhouse.

But I guess it sounds like.

You're stating that this is the official repository of all county zoning, and that the county.

Can I ask why that's not available to the public?

Like I said, that's outside of my wheelhouse.

I don't know what the official source is, but I know a lot of websites that you go to.

Have you know, various disclaimers.

This one has a tab about disclaimer.

You know, we're not here today.

To.

If there's an error with the zoning, that's that's not a variance.

Request that to me seems like a totally different matter.

And again, that's that's outside of my wheelhouse outside of this board's jurisdiction.

I think in terms of, you know, what is the official repository of the zoning?

So I mean, I'll, I'll let you continue, but I I don't know if this is gonna be relevant to the variance request the way it's presented to the board is that this area is zoned if if you believe the area is unzoned then.

Then we wouldn't be hearing a variance request, so I'm not sure you know and that's that's that's not.

Our jurisdiction to say yes, this parcel is zoned or yes or no, this parcel is unzoned so. For purposes of today's meeting.

We're going to assume that it's zoned because that's what staff has said. If that's an error, then.

I.

I don't think this board is the the form for addressing that error.

I invite you to read the comments on on here, which are also provided in the.

The packet along with timeline, but understand and appreciate your comment.

Legally, is obviously isn't for this audience. Based on your comments.

This sequence raises, however, raises fundamental concern.

Under the doctrine of vested rights, once a complete and valid application is submitted in good faith, the applicant acquires the rights to have that application reviewed under the regulations in place at the time of submission.

Retroactively changing maps or ordinances after the fact undermines fairness, due process, and public confidence in the permitting process. I apologize.

I normally don't interrupt folks, but when they're presenting especially the applicant or applicants representative, but I guess.

I'm starting to get confused now. Is your argument that the area is unzoned and needs to be treated as unzone or the issue before us is whether a variance request should be granted?

And.

In order to grant a variance request, there has to be some zoning, and so I guess I would ask if you could address the variance there.

6 criteria only five of which are relevant here, because that's those are the factors that were required to tantalize. Now, if you think that's not something that should be

before us and you want to withdraw the request for a variance request, that's that's within your.

You know that's that's something.

You know you have the discretion to do that but and make this other argument about, you know.

Due process and changes to the zoning map after your application was submitted.

That's that's not a request for a variance. So I guess I would just ask if you could clarify what your position is and what your ask of the board is tonight.

Yes, Sir.

Yes, Sir, I can do that.

Our position is that we're conditionally applying based on what was told to us was the zoning, and I can explain that here in a moment.

I just want to give you a few of these comments. Just to paint the full picture of what we what we went through.

And I will get to that and I will explain in answer any those questions. All right, well. Give you some more time, but if you can bring us back to the the variance request in in short order, I would appreciate it if you can continue three more sentences will be right there in obvious attempt was made by Missoula County staff to move the goal post.

And our permit applications were immediately canceled, a term that I've never heard of by 15 years in this business, a permit can either be approved or denied.

I don't believe Mr. Hart is here, but again, these statements I would like to have him comment on when he's available.

Related to the variance public notice misrepresentations, the public notice issued on July 24th contains significant inaccuracies that mischaracterized our request, misleading both public and this board.

One, it stated that the digital sign may flash may blink, may fade, may scroll or dissolve.

This is false.

Two, it omitted our comments to compliance, sustainability and safety, such as removing catwalks, eliminating external lighting, reducing waste and using energy efficient LED technology.

3rd it implied that a request erodes conformity, when in fact we are maintaining the same footprint.

And permitted use while upgrading to meet today's safety and technology standards.

These misstatements were not minor.

Clerical error oversights. They created false public perception of our application and undermine the fairness of this process.

The record shows that our commitments were clear, consistent and documented in advance.

We are deeply concerned that this matter, in which this notice was prepared, fostered unnecessary public outcry and confusion.

And I apologize.

I just want to be clear because we were here a month ago and we.

I don't what the.

What exact words we used in our motion last week, but we, my understanding is the county pulled that notice.

They corrected it.

We provided a new not we the board, but the county provided the new public notice and we in this forum went on record and acknowledged that error. Took, Mr. Hart acknowledge that inadvertent error and I think it was just a omission of not instead of all those other.

Things that you said.

So I just want to be clear that.

We've acknowledged that there was an error that was made and that's why we're.

We're doing this today and not a month ago to correct the record.

We appreciate that and same for us too.

I mean, if if we determine that the outcome of this variance has been influenced by these misrepresentations, you know our intent is we will, we will issue a formal public records request just to identify the culprit.

You know, where did this come from?

So we that's all we want to know.

Just make sure that everybody on this board understands the the process that we went through. Again, this is the sandwich method I got to get the good I got to give the.

The bad and criteria issue, can you?

Can you, if you can please address those criteria so we could evaluate the variance request. If you don't think you need a variance because it's unzoned, then there's nothing for us to do.

Those are other issues.

I understand what you're saying, but it's not.

It's not within the jurisdiction of this board to say, you know, yes, you were deprived of some rights that you believe existed and that the, you know, there's some malfeasance or something like that. That's not. I'm not saying there was malfeasance or there wasn't. I'm just saying.

That that's not something we're charged with.

We're just, you know, understood.

Digital signs are not just advertising tools.

There's also a lot of public safety benefits.

They are a public safety platform. They provide immediate emergency communication through amber alerts, wildfire evacuation notices and severe weather warnings.

They operate brightness limits using photocell, dimming technology.

Nighttime illumination that shall not exceed 0.3 foot candles over ambient lighting conditions and 10 second dwell times.

All consistent with county and state standards.

They support law enforcement and Emergency Management with I/Os messaging capabilities.

Just a few on the board here.

The FBI.

We help find missing children.

State of Montana had, I believe, 77 missing children that were found through the I/O systems, including the use of digital billboards, as well as some missing people.

One letter that we had received in the community.

Either Eva Prather was on is on there as well.

And then just an example of what could be used as far as public alerts, evacuations, things of that nature.

At the time when public safety messaging is critical, a variance to let us have this digital enables modern tool for for the Community without adding new signs or expansion.

Digital signing also has significant environmental benefits, eliminates repeated vinyls, inks and plastic disposal, reduces the number of truck trips for copy changes, cutting fuel and emissions.

Improves aesthetics by removing catwalks and external lighting, creating a cleaner, safe design among this corridor.

This is a smarter, more sustainable way to operate.

A sign that is already existing.

Could you flip please alley?

Just want to point out probably everybody in this room is familiar with this study.

The US 93 Missoula to Florence study.

RPA is a consultant for the MDT that did the study. I was able to pull from online. The MBT had some statistical data that presented the number of traffic collisions with animals that quarter, just like you had said, they have the river down there and all the animals.

They had proposed.

If you could enlarge the bottom two photos.

Probably the most important part of that presentation that's relevant to this variance application is the items that they had proposed at the bottom.

You've got the the tacky looking construction sign that nobody wants to look at. If you tell me a billboard's ugly that I wouldn't want to look at that. You've got the animal wildlife crossing, which is incredibly expensive, and they've got the standard deer with the flashing lights.

That just get lost in everyday.

Signage. So our proposal was to, hey, if we had a digital sign, let us help.

Let us find a cost effective way to find messages that are current that are attention grabbing and that work to.

Provide the public with the safety that they need and knowledge that they need of this of the danger in this corridor.

Alex, could you flip please?

Billboards are a channel for the community.

I'd also like to briefly address wire platform remains vital for local businesses and nonprofits.

Cost, we consistently rank as one of the lowest cost per impression media. We allow small businesses with local such as local clinics, restaurants and non profits to gain visibility that they could never afford and or compliment their use of TV radio.

Or digital campaigns.

For organizations without national ad budgets, we level the playing field.

Let's keep business local resilience to provide a voice for businesses that are not

Amazon proof or Walmart proof to create a narrative.

Imagine driving down Reserve St. headed to one of the two Walmart's in your town.

In this corridor, shopping for new tires, you see an ad for a local tire shop.

Let's keep business local.

I'm going to let you continue.

It's your application, so you sure.

The issue.

There's essentially 1 issue before us as I understand it is whether to allow structural changes to an existing billboard. You know, those structural changes happen to include, you know, converting the sign from a static sign, whatever the proper terminology is to a digital sign.

And in order to evaluate whether or not to grant that request.

We have to look at these five criteria and I guess I would just urge you, if you want to make your case.

Those are the criteria.

They're six, but one is not applicable.

So happy to address those and we'll, we'll get there.

I know you got. You'll have a lot of questions for me when this is finished.

3rd driver safety. You can't Google search while driving.

We reach an audience on the road at the decision point and turn their heads to keep business local.

Online platforms and phones aren't neutral either.

They push ads based on private data, with algorithms favored for big corporations.

And your devices are listening to your conversations.

Let's keep business local.

We are a channel that cuts through the noise, giving charities and local businesses a voice that algorithms can't suppress.

Local shops, boutiques, service providers and restaurants depend on visibility to survive.

We help them stand out.

In the real space where the customers live, drive and shop, let's keep business local.

The page you're looking at right now is the nonprofit organizations that we feature on the Billboard.

Many of these nonprofits again find Bill find the use of use of our signs as the lowest cost per impression media.

The second page is many of the local businesses that we use.

That use the low cost.

Per impression media on our signs to help find their business when they're trying to compete against Amazon and Walmart.

So our ask tonight is simple.

You currently allow digital billboards in the county.

Our request is a very narrow variance for digital conversion of an existing sign.

Second, recognize the vested rights established with our complete application on June 4th.

3rd conform to the standard height requirements prescribed by the MDT and federally funded highways.

4th allow this tool to deliver safety, environmental benefits and community value.

Without adding any new structures and while reducing the overall square footage of the existing signs in the community, and with that board members, you've had the full sandwich.

The good, the tough and the good again.

I hope you'll agree it's a recipe worth approving.

Thank you for your time and attention.

I welcome your questions.

Because your application that involves a structural change to the sign, does that also include.

A height variance from the. Let me rephrase that.

So you the application before us, as I understand it, is to make structural changes to an existing nonconforming sign. You you've mentioned the sign height requirements a couple times during your presentation.

Is that part of your application to make? Structural changes would be to change the existing height or the allowable height if this were. If this were zoned to allow for billboards.

There's a, you know.

Yes, only be so high. So it sounds like you're asking for to to exceed the.

Allowable billboard height in those areas where billboards are allowed.

Is that that part of your application?

I just want to, yes.

What we're asking is for Missoula County, which is one of the only municipalities that I'm aware of the state, not the country, that has a 28 foot height above ground.

Federally funded highways and the MDT both allow 28 square foot measurement to be made above grade. And so with both of these build, both of these structures, we wish to have the overall height met at those standards.

OK.

I'm gonna ask staff if that was part of the the request before us because I it seems like a different, but I'm not sure that part of the application and I could direct them to our to our drawing that.

Does provide the overall height.

Thank you.

This is Jenny Dixon with planning, development, sustainability.

The application did not include a request for a height variance and there are a couple of, I think a couple reasons for that.

One is that this is in a zone that does not allow billboards.

Therefore, you can't ask for a variance to a non existent regulation.

The application I sought to seek clarification several times with the applicant on whether height was being there was any height issue with the existing billboard and the packet included information text from in the applicants presentation.

That there were no changes to the area or the height of the sign.

However, I was quite confused and had an inkling that there was some desire to alter height and could never get clarification about what that was.

There is no variance request for height, and in fact if you do think you might want to approve this variance to allow.

The structural alteration I'm gonna.

Ask that we bring this back to another meeting to give me a chance to draft conditions that will set parameters for height and area and distance and and and all of those things.

So there's nothing.

There was no findings in the staff report, nor anything in the application about a height variance.

Jenny, could I have you pull up the in the file? The stamp engineering drawing. Of course, please.

The stamped engineer drawing does show the sign to be 30 feet tall, which would be again the the difference.

I don't know because I did not get information from you about the existing sign dimensions 30 foot tall.

The existing sign, and that's what the that's what we're asking.

That's what the depression is.

The existing sign what's the height of the existing versus if with the structural changes?

Is there a difference or is it gonna?

Maintain the same height as what's currently there.

What's currently there, I believe, is 30 foot tall.

Then you're not asking for additional height, so we're not.

I don't.

That's a question.

I know there's a three foot foot depression, so if we what I'm asking for to clarify is if we follow the standards of the MDT and the federally funded Hwy. At 30 foot with a three foot depression, we would be 1 foot beneath.

So we measure height from the hole at grade to the top of the sign and and in my work with you, when many of your application on July 16 of this year.

I tried to clarify and ask you for information about what are the dimension of the existing sign and you would not provide that.

Can you pull it for me? Can you just show?

Everyone, could you please pull the engineering drawing that I provided?

Staff report, could you show it on the board? We have a copy of it. We have. We have a copy of it.

I it's in the staff report.

It's right here.

Got a copy. Thank you.

It's it's, well, was submitted. OK. I I just wanted to seek clarification on that because.

Height was was mentioned a couple of times. I guess at this point I'll ask Members of the board if they have any questions for the applicant concerning the the variance request.

I guess I'll start.

I have lots of questions, so thanks Andy.

I guess the fundamental thing I'm gonna look at and I'm looking at it is I've looked at this packet and I think there may be some confusion about the sign on reserve.

Possibly. Maybe.

And the sign on 93.

Because there's kind of this overlapping application and I'm not sure if we're mixing heights between those two now in existing grade.

So I'm a little lost in that.

But the thing I I guess I'm most confused about the public hearing we're having now is the discussion of the Highway 93 sign. So everything.

Then I'm gonna talk about related to that sign only.

Yes, Sir.

That's one of the reasons I think we want to keep these discussions separate.

So we don't confuse things.

The first thing I struggle with fundamentally in this whole process, and we seems like a lot of the discussion we're having is about the digital conversion.

My focus is strictly on structural alteration.

Because when I read section.

10.6 in non conforming signs in the zoning I can't.

Reason you can't convert that sign to digital if you don't structurally alter it.

I looked at the engineering drawings and it appears there was an extension to the column was being changed.

The definition of structural alteration was any change in the supporting members of a structure such as load bearing walls or partitions, which I don't think apply.

Columns, beams or girders.

So if you're not modifying any of those things on the sign, then it doesn't seem like you're structurally altering the sign, and you could put that billboard to digital and be compliant with the existing variance that stood from the 80s, correct?

We're we're using the existing footer and we're changing the face on there.

That's the digital face. And as the code allows in the county, that face would change every 10 seconds.

Again, the existing footer and that.

So you're you believe you are changing structural elements of that sign?

No, Sir. We're putting a sleeve over the existing footer, OK.

So I don't.

I don't think sleeve is a structural alteration myself.

It is not so if we're not. But there's an extension on that and I'll talk to that in a second because I I I struggled with this.

I spent some time this afternoon looking in that.

There looked to be an extension of that column, and maybe that's just the sleeve

going up further to the base, but whenever you hang jewelry on the sign, if that's not, if that's not the girder, the.

The.

Column beam their girder.

I'm not sure I see a comment here from public works.

Not sure this is some individual. Obviously a public works. I'm not sure what their exact role is, but they say it appears to sign the proposed changes of the Billboard sign appear to be structurally alternate.

Well, that's not 100% confident to me.

There's an appearance, but is that structural alteration or not?

I need the structural alteration in my mind answer.

Because if there's not a structural alteration going on, I'm not sure why we're here.

I agree.

It's the same poll.

It's the same footer, so it's the face. We've got a lot of this dialogue about the digital conversion and the benefits and you know those are things to and like everything in life there's pros and cons. So you can say the digital has cons and it has pros.

And we've been having a lot of dialogue about that. But if there's not a reason for a variance, then we don't have a dialogue to talk about to begin with.

I.

I I agree.

I feel like this is a very narrow variance.

When I read nonconforming signs, which is what this is, there are five criteria about a nonconforming shall not be.

And there's five things, and the only thing I can identify on there that is a question is structural alteration, which it's not.

Someone pointed out to me and I had this same struggle.

Part One says change to another type.

I don't think you're changing type.

A billboard sign is there.

A bill worth sign is still there.

I looked up the types of signs in the sign ordinance.

Nowhere does it talk about there's a billboard sign.

I don't see how we're calling this a billboard sign.

That billboard sign is irrelevant to digital paper metal.

It's it's a billboard.

So I'm having a hard time understanding what this variance is about.

You hit the nail on the head.

Andy Billboard's a billboard.

It's all about the use.

I've got some other. I'm sorry I got some other questions, but that that's my I've got a fundamentally get through that to go down the rest please ask away.

I'm here for questions.

I don't have any more questions.

That's just my comment and it will create some discussion I'm assuming yes. Thank you.

Rick.

RH **Richard Hall** 1:40:35

I guess I guess my question is for staff, because I'm reading in the project description.

It says changes to the Billboard beyond normal maintenance and upkeep are not permitted because it's located in a commercial center zoning district which does not authorize billboards.

If that's the case, then we're not talking about a structural alteration. We're talking about a change beyond normal maintenance and upkeep.

So which is IT staff?

JJ **Jill Johnson** 1:41:12

The section about non conforming signs talks about several ways you can alter a non conforming billboard or sign in ways that you cannot.

So you can change or. I'm sorry shall not be changed to another type of type of sign or a shape.

The copy content or message may be changed so long as the shape and size of the sign is not altered.

That's the first one.

The second one is structurally altered, except for normal maintenance, which is where we were focusing this variance.

The third one, however, is physically expanded, enlarged, or extended in any manner. And yes, we were given one very small hard to read engineering drawing which I sent

to the Chief building official because to the best of my ability, it appeared to be structural alterations with a new sleeve, adding of Cap Kelly.

Cabinets and other features that I didn't want to make the final call and send it to the Chief building official. Who said yeah, these are hard to read and the best I can tell is it appears to be a structural alteration, even if it is not a struct.

Alteration the best I can tell from these engineering drawings is that they are adding LED cabinets to the face of.

This I I don't know.

They're adding LED cabinets, which is expansion.

Which again cannot occur.

Thank you.

There's several. I think questions that I know Andy had some questions, maybe other board members do as well.

I want to see if there's any public comment, and since that's a requirement as part required, part of our hearing process. So I don't know if there's any individual here in attendance.

Wishes to provide any public comment and then we can see if there's anyone online. And.

Ask the individual coming to the podium to introduce themselves for the record, and then also thank you board members.

Just note that this is a a comment period. If you have questions you could you could raise questions and the board can consider those questions.

But it's not an opportunity to ask questions of staff or board members.

You can present questions and we can consider them and maybe someone will ask them on their own. But again public comment.

So go ahead.

Hello, my name is Jesse Hyatt.

I am the local sales representative for Lamar advertising here in Missoula and Western Montana.

I wanted to speak today in support of billboard advertising and specifically digital billboard advertising as an affordable media outlet for local business owners. While I'm not from Missoula originally, I've made it my home and I've fallen in love with the people and of course, the landscape.

I walk my dogs on the Milwaukee Trail every day.

I hold business meetings at all of the local coffee shops.

I go to the farmers market every Saturday and I volunteer with local organizations. I also listen to my community and I've heard their concerns and would like to dispel a few of those concerns. Now, to echo my colleague Eric Sweet.

We are not adding new structures to Missoula, but instead we're hoping to convert existing structures. Digital billboards do not play moving images or videos they. Rotate through still images every 10 seconds.

Which is the average amount of time it takes for someone to drive by a structure.

The lights on the boards have automatic sensors that dim them at night.

Digitals are a way for us to offer more inventory to help local businesses and advertisers in town that take advantage of this media reaching local customers directly and in real time.

Digital's are an ideal media for getting important messages out to the public quickly, such as weather alerts, air quality alerts, emergency and amber alerts, and more.

We also use them in partnership with many nonprofit organizations and causes, like Montana Casa, the Zoo Town Challenge, the missing and murdered indigenous women, and this year, Lamar has partnered with Dolly Parton's Imagination Library to run a digital campaign across Montana and the US to help Pro.

Book donations for young children while Lamar is a large company, our office operates independently.

Yes, I'm speaking as an employee of Lamar, but I'm also speaking as a Missoula resident and an advocate for my advertisers.

I'm a person who benefits from receiving messaging.

About what's happening in my city.

Billboards are simply a way for local businesses and community members to communicate with each other.

We are working to offer a way to do so using one of the most trusted and unintrusive forms of messaging there is. Thank you.

Thank you.

Is there any other public comment tonight?

Hi, thank you.

My name is Ali Carley, and I'm with Lamar advertising.

I Eric obviously covered a big chunk of the the submission and Jesse touched a little bit on the local side of things.

I wanted to touch a little bit on Amber alerts a little bit more.

I'm a mother.

I have two daughters. If anything happened to them, I would hope that their faces were blasted all across every screen in the entire country. As I'm sure all of you would for any of your family or friends.

You know, we we do a lot with the Amber Alert system.

And we do a lot with missing persons.

Ava Prather went missing, unfortunately.

A year and a year ago and we, we worked as hard as we could to get her face out there as quick as possible with her family and we would love to be able to do that more here in the Missoula market as well. If you have a.

Daughter who's going off to college if you have kids. Anybody. Your, your cousin, your uncle? Your grandma goes missing. We'd love to be able to put that up their face and their information out there as quickly as humanly possible to make a difference in them getting found much.

Faster if we can.

We've obviously, as Jesse mentioned, worked with the missing and indigenous women's missing and Indigenous people's project as well.

Specifically in regards to Jermaine Charlo's case, we've worked very closely with tavana photography as well as her Aunt Belinda, and certainly want to continue to help spread awareness there for not only her, but also any other case that is out there. We will continue to help fight.

With that mission.

Eric also touched on Jesse on natural disasters.

We partner with FEMA and so heaven forbid there's a flood like there was in Texas here or a tornado that comes through or anything that may happen.

In a horrible storm, I mean, heaven forbid, that's happening.

This is a really great way for your community to be engaged and receive that message on our channel and we would love to be able to offer that.

Jesse mentioned Dolly Parton.

We've worked with the governor, the First Lady of Montana, on a big partnership there as well, not only on the national level but on the Montana level to really increase.

The Imagination Library subscriptions here for Montana and and get more communities engaged. We we love to partner with nonprofits all the time.

In cases like this.

I'm gonna. You know, we've even a couple years ago we put up a story about the OR

not a story. I shouldn't say that a piece of creative about somebody who needed a kidney here in Missoula.

We were happy to do it. Get it up as quick as possible.

We've done that in so many other markets.

One from Atlanta comes to light where she actually found a kidney because of a billboard that went up.

You know, we we work as hard as we can to partner with in as many nonprofits as we as possible.

I get calls every day from local organizations, businesses as well a local organizations who really just want a way to spread awareness and I don't have anything available to give them. So I would love the opportunity to be able to leave this community better than we found it.

And upgrade the structure so that way we have the ability for you to have a channel to communicate with your community, your constituents, yourselves if anything were to happen. Thank you.

Thank you.

Any additional public comment?

Anyone participating online member of the public wishes to provide any comment on the application.

All right, before I turn it over to the other members of the board to see if they have any questions for the applicant or staff or wish to just deliberate on this, I do want to ask the applicant.

It sounded like a few minutes earlier.

That you were suggesting that perhaps a variance is not required and so.

I just want confirmation from you.

I'm not.

The intent here is not to to put you in a box or a corner and say yes, you know under Missoula County.

But I guess if if your position is you don't need a variance. I don't want to take action on something that would then undermine.

I hope that makes sense.

If your position is, we could proceed without a variance and you know pursue that through the normal process. Then I guess I'd wanna. I wanna be clear here.

Yes, Sir.

So again, our our application that was initially made on June 4th was cancelled and

then we were informed trying to work with the county to the process to say, well, what are the next steps because obviously we believe the same things that Andy had mentioned that this.

Should not require variance.

However, that we were informed that the process that it was, the process that we needed to go forward to make this happen.

To show.

To show everybody that.

What? What what we're proposing.

Would you prefer and I I.

To move for us to move forward on this application as is or it sounded like there were questions that were asked earlier that never that staff never received a satisfactory answer to regarding whether there is or is not a structural change or that's not. That's not the only.

Provision I think staff mentioned other provisions that would trigger the need for variance, but I I guess I'm just looking for direction from you. Should this board proceed and?

And vote to approve or deny this? Yes. Please vote to approve, OK.

All right.

Thank you.

All right.

Like I said, I'll I'll turn it over to other members of the board if they have any questions for staff or the applicant or any other comments for the.

The board to consider.

BY Benjamin Yawakie 1:52:14

This is Ben here.

Yeah, I think.

JJ Jill Johnson 1:52:18

Go ahead, Ben.

BY Benjamin Yawakie 1:52:19

I think we've gotten all the information that we need, not only from my personal. Investigation, but then also what's been provided by staff and then what's been

provided by the proposers and.

Although I do appreciate some of the.

Although I do appreciate some of the information that was provided with respect to how it could be used.

I think it takes away from what?

You know the character of Missoula.

That's what I keep going back to and not that conversation with some people so.

Those are the only comments I have.

JJ **Jill Johnson** 1:53:09

Thank you, Ben.

OK.

Jennifer, did you have any?

I was told that you had your hand up earlier and then I don't know if you still.

JS **Jennifer Schultz** 1:53:23

Yeah. Thank you very much, Mr. Chairman.

I my question was lightly related about how the digital messaging would be managed.

I love the idea of.

You know, putting out a weather alert. If there was something catastrophic headed our way.

Are these managed after hours? Who does?

So will it actually make a difference?

In that type of a situation.

JJ **Jill Johnson** 1:53:54

Is that a rhetorical question, Jennifer, or one you'd like the applicant to to?

JS **Jennifer Schultz** 1:53:56

Umm.

I just would.

I guess the question is, would you? How does that digital message in the event of an emergency, you know major Rd. closure type of situation needs to go up right now.

It doesn't go up right right now. Does that message go up instantaneously?

JJ Jill Johnson 1:54:23

Mr.

Mr. St.

Do you have any information regarding?

Yeah. Hey, Jennifer. Appreciate the question. In the packet that it does provide a little bit more deeper detail as well about the IPOs system. But as those alerts go out just as we get weather alerts, Amber alerts on other other networks and channels of communication, it goes out.

Through those same systems, they're completely outside of Lamar, but as a good partner to the community, we participate in those and we want to make sure that those messages are provided.

Given back to the community on our side.

JS Jennifer Schultz 1:54:56

OK.

So it's it, but it's not necessarily instant or super fast.

JJ Jill Johnson 1:54:59

And and I'll mention too that those can only be done obviously on on digital signs that they're not. They're not capable to do that on anything, just static.

JS Jennifer Schultz 1:55:05

Right.

Right.

OK.

That's all. Thanks.

JJ Jill Johnson 1:55:13

Thank you.

Any OK? Yeah.

I would also like to excuse me. Follow up, we we.

Contacted someone at the Department of Justice who who deals with the Billboard advertising along the highways relative to missing persons and and while we did not feel that this was entirely relevant to the request for structurally altering the Billboard, the applicant you know, comes back to the import.

Of it being digital and being able to get these messages out.

The next what?

The Department of Justice Staff person Brian Frost said.

Is that the Nexus between the Lamar signs and the Amber Alert system is very limited.

And he said we do not have direct contact.

With Lamar indicating.

And that's the Amber Alert system instead.

The Lamar has a partnership with NCMEC National Center for Missing and Exploited Children, which is a secondary distributor of Amber Alerts.

Which we support.

We support billboards being used in a productive way in locations where they're allowed, and this this this billboard is not.

So you have that opportunity.

In industrial zones for billboards to do, weather alerts, fire alerts, wildlife alerts, Amber alerts, all the alerts.

The applicant did not again.

Provide information to us.

About a plan for how they would actually implement this, there was nothing for us to evaluate and secure that commitment from the applicant to do that.

That became less important.

When the staff recommendation was for denial because it's not appropriate at this location, but doing so at another location where billboards are allowed, we would support.

I just would not be sure.

That we will see that there's no contractual agreement for that to happen. If I may comment as well, Jenny, thank you for bringing up those points for clarification. First from Mr. Brian Frost. But second, I think you raise a point that digital billboards need to be in app.

Locations putting a digital billboard in a landfill, putting a digital billboard in the homeless encampment Industrial Park is not going to be seen by the public.

The public the the resident neighborhoods off of 93 that are coming into town are the ones that are gonna see the public messages.

Thank you.

Board members have any other comments? I have a couple comments or clarifications.

I think we've had this dialogue or some discussion clearly in the CC Community commercial. I think that zoning district is yes, billboards are not a type of sign permitted, correct.

I don't know.

I'm not a sign expert.

I see a post sign with a double side is include, is it?

Is a type of sign. Again, as a layperson, the post sign with a double side versus a billboard, they look very similar to the layperson to me, so there is some parallel to me that while a billboard is the type explicitly excluded in CC, a post signed double-sided is permitted.

I also had a follow up a secondary question.

I think a question was raised. Babbitt raised it earlier of anywhere on this picture.

Could you see a sign being permitted?

So I guess I need some more education about the type of sign that Blue Mountain Athletic Center, the picas.

It's a sign that is digital to me.

It's not being swept with vinyl or paper.

It's got a changing message.

It is not in CC, it's in Type 1 zoning or some sort of zoning district that is a nine iron down the road.

So I I don't sure I understand.

Is that a different type or what?

And I'm not real familiar with the Blue Mountains signage, but if what you're and I, I don't, I don't want to fool around with pulling up different web websites.

But what you're saying is that the Blue Mountain sports facility?

Is in a part it sounds like is in a part one zoning district that uses an entirely different zoning regulations that the Commissioners in and of themselves are not able and have not altered in a very long, you know, in a long time they made this policy state. Through the land use element in 2016 or sorry 2019, and then adopted zoning to reflect that in 2022 that.

Zoned this property and the area that was not in the part one zone.

As Community commercial with standards for signs applicable throughout the entire valley so that it's a it's apples and oranges. And I do understand that. But I think the

question that we had a discussion about it was anywhere on this map, could a similar sign be there and I?

Think there is a very similar sign, at least to a lay person, the peak that it is right there.

Yeah, I think what you're saying is that the similarities is the digital.

You cannot do a billboard at the peak.

And the post signs.

Maximum height in in this commercial zone where we're at right now is 8 feet tall, 24 square feet in area.

So it's it's not, I mean, yeah, it's it's it's a 10% version of a billboard.

So that a post sign is much more stringent.

Size requirements OK.

All right. Well, that helps understand 'cause. Fundamentally they look the same.

I also there was AI.

Believe it was in the applicants packets. There was a proposed picture.

And I guess I'm still on 100% clear.

On this. But when I look at this proposed sign, it says left hand read existing sign and it says left hand read proposed sign.

They look the same height.

And I'm comparing it to the roof line on this building. Behind it, I don't think this the signs getting larger.

The post looks the same.

There was discussion about this cabinets again.

I I can't tell where these cabinets and things are on this this drawing.

I right?

The most subjective thing to me that makes me think.

At the sign and I heard this discussion about the height and looking for the 28 feet because that follows MDT is if this sign is not that tall, I think it is a brazen issue. If the sign height is being raised, then I think that's another issue.

In the nonconforming sign, if this elevation is changing, if that sign were to get taller than it currently is, then I think that there's definitely a structural alteration and would need.

You know, would have fail one of these other litmus tests.

If you will about a non conforming sign, but I can't exactly and I even put my readers on and it still wasn't clear to me and the best I've got is this little small drawing.

So I I don't know I it.

But if I if the sign is not getting larger, it's not getting taller.

Catwalks are coming off.

And again, there's got to be some kind of a support structure or, you know, like for, you know you you put studs up as the structure, the drywall.

Their shear walls.

And other things you can get into, but I just don't know if that led face or that background is a structural change. I I'm not clear on that to me.

So I don't know.

That's all I got.

We're gonna. I'm gonna try to bring up the engineer drawing. It was part of your packet, and that is the the extent to which I was given information to then discern whether this was a structural change or not.

And Jenny, while you're looking for that, see, Rick's got his hand up and.

Rick, did you have any?

RH **Richard Hall** 2:03:20

No, I'm, I'm OK.

Let's deal with this issue 1st and then I'll ask my question.

JJ **Jill Johnson** 2:03:25

So what I'm seeing here is an existing sign is kind of shown.

I don't is my cursor.

Yeah, it is showing up.

Sorry to interrupt, but if I may.

Andy to to your let's just settle your questions.

We'll leave it the existing height of what's there currently, and if it's beneath what we're asking the 28, we'll keep it.

You know where it's at currently, whether it where it, whether it's below that 28, if we lose a few feet.

We're OK with that.

So to be clear, the sign on Hwy. 93 on the Bauer property, this proposal is not to elevate.

The sign the height of the sign, anything other than what it exists today, whether it's 19 feet, 30 feet, 42 feet, 16 feet, 3 inches, and 3/8 it's the same 100% the same, OK.

So again, going back to the changes that we were able to discern on the face of the sign it, it appears to me that this dashed area in here is the well, it's a support for, I think these existing sign faces that are right here and they're held.

Apart or structurally supported by spreaders and.

This column is then the support that goes into the ground these.

Dash.

Lines here are being added to expand physically expand the sign in a way that's not permitted by the non conformities non conforming signs section.

In addition, and we're talking with Kevin Heisler, chief building official.

We both concluded that this is an expansion in in. By putting this sleeve around or inside of an existing pool.

Was again another alteration. I don't.

I could not tell.

From these drawings, if there were other alterations, that's why I relied on Kevin Heisler.

When I, when I look at this variance request, it's in an area.

And I agree with with Andy, I mean you drive down some of these you know.

Used to be the holiday.

What is it there by? I know it's in the city, not the county, but.

Circle K You know, they've got those little signs telling you to come in and buy a.

You know, they're very small signs, but they're they're digital signs that that change.

And I don't know what regulations apply to them and.

You know there, there certainly are various different.

Uh.

Signage throughout the city and county.

But this area is zoned.

No billboards in this, you know.

There's an existing billboard.

The way I look at it, you know still has commercial value, can still be used.

It just the applicant appears to me to be asking for.

A bigger, better, fancier billboard. And if this was an area that allowed for billboards, and there was some, for instance, like the next application, some tweak to what's allowed, I think that would be a different situation than what's being.

Requested here. I don't see any.

Unique conditions to this property or anything like that I you know, I there are 6

criteria, 1 is not applicable.

I I just don't see any of those criteria being established or met here.

So I'm I'm inclined to vote against this variance request.

There's also the question about whether variance is even needed.

So if if that's an angle that the applicant has, then it it it further pushes me towards the.

Non approval side, but those are just my thoughts.

Just wanted to share those for the board, Rick.

RH **Richard Hall** 2:07:38

I know, I think I know the answer to this, but is there any chance we've got a copy of the variance that was approved in 1998?

Because it says it was approved, removed but not enlarged or altered in any other way.

JJ **Jill Johnson** 2:07:53

It's in the meeting packet.

RH **Richard Hall** 2:07:56

Is it in there?

JJ **Jill Johnson** 2:07:57

Yeah, I'll forget which page.

Give me a second.

RH **Richard Hall** 2:08:11

I'm locking down.

JJ **Jill Johnson** 2:08:15

Like I said maybe on page 100.

This was the the that the right one or is that the wrong one?

I'm looking at. Oh, I'm not on that.

I'm not in the Civic Park packet, so I'm sorry I'm not on page 100, but this is the permit that was issued as a result of that variance being approved. County Board of Adjustment file number 97013.

I also have a staff report from that time, or actually I no, I'm sorry.

It's the minutes. I didn't. I don't.

I don't think I attached.

The Minutes from the 1998 I tried to just summarize what what happened, but essentially yes, the Billboard was requested to be moved from one location to another on the property.

Staff recommended denial.

The board felt that it was appropriate to move it without enlarging it or in any way just move it as is to another location so people would stop hitting it with their cars.

RH **Richard Hall** 2:09:21

Umm.

You know, I think I'm. I'm also.

Feeling that it is a change, it is not maintenance.

It I'm just looking at whether it meets the variance criteria because I think it is a variance.

Yeah, we heard a lot of testimony about how that I would agree.

Advertising is great, but.

That's not working.

What we're here for, really, we're trying to decide whether you know it was a, it's a nonconforming use of the way that it is.

Zoned right now.

And.

It was grandfathered in if it wasn't altered, and I think it's an alteration. I think it's AI think it's more than maintenance, though I'm inclined to vote against it as well.

JJ **Jill Johnson** 2:10:29

Would the board like to deliberate further, or would anyone like to move?

That the application be either approved or denied.

BY **Benjamin Yawakie** 2:10:42

I would like to make a motion that we move forward to deny the approval of this.

Alteration variants.

JJ Jill Johnson 2:10:51

Do we have?

Does staff have recommended textures that sufficient motion?

Yes, I will bring that up for you.

RH Richard Hall 2:11:01

That's a big findings of facts and conclusions.

JJ Jill Johnson 2:11:04

Yeah, exactly.

Uh.

You have the one in the report.

That that is the one in the report the there's a sentence after it that says that the recommended motion is based on the findings of fact and the conclusions in the staff report and testimony provided to the Board of adjustment. OK.

But that's not part of the motion.

That's OK.

That's just a statement, OK.

Ben, if you could make that motion again, that would be great.

BY Benjamin Yawakie 2:11:42

OK, apologize. I'd like to make a motion to move forward and.

Deny the variance request that's been provided in front of our board.

I don't know if you need specifics regarding.

Not specific list.

JJ Jill Johnson 2:12:02

OK.

I think that's fine.

Yeah, I don't know if you can see the screen. I was just.

I just wanted to follow the recommended text, but that's fine.

BY Benjamin Yawakie 2:12:10

OK.



Jill Johnson 2:12:14

Is there so we have a motion on the floor. Is there any discussion on the motion to?
This would be a motion.



Richard Hall 2:12:14

I will second.



Jill Johnson 2:12:26

That the variance request for the existing Billboard 5165 Hwy. S 93 be be denied. So
any any further discussion on this motion?

And just to be clear, before we go to the vote, a vote in the affirmative would be to
deny the application.

So I guess hearing no further deliberation to ask for A roll call vote.

Roll call vote Rick Hall.



Richard Hall 2:12:57

Yes.



Jill Johnson 2:12:59

Beniwa key.



Benjamin Yawakie 2:13:01

Yes.



Jill Johnson 2:13:02

Jennifer Schulz.



Jennifer Schultz 2:13:04

Yes.



Jill Johnson 2:13:05

Andy mefford.

No babak raskefard.

Mr. Chair, the motion to deny the variance request passes with a four to one vote.

Thank you.

So your request has been denied. The next item on the agenda for tonight is a billboard variance for 2030 River Rd.

Think we have another staff report on that.

Good evening. For the record, my name is Patrick Swart.

I'm a planner with Missoula County planning, development and sustainability, and tonight I'll be presenting the staff report for the 2030 River Rd. Billboard Variance request.

This also is brought to us by Lamar advertising, and it's for a billboard or a pardon me on property located at 2030 River Rd. and owned by the Myrna L Salter Trust. So up on the screen here we can see the property location outlined in black and green.

We're just to the West of Reserve St. which is shown in red here and we're at the Clark Fork River crossing, kind of between this river Rd. intersection and Mullen Rd. intersection.

Here's a little bit more of an up close look at the property in question.

As you can see, it's mostly undeveloped here, with the exception of in this red line indicating the approximate property boundaries covers it up, but there's two existing billboards currently on the site, and that northeast corner.

The property is zoned CI 2 heavy industrial.

And that's per the 2017 Missoula County Zoning regulations.

And it's also subject to the 2016 Missoula County Growth Policy and the 1998 Urban Comprehensive Plan.

And the applicants are requesting a variance specifically from section 3.04 point E, .1, point B, of those 2017 Missoula County Zoning regulations, which state no pole mounted billboard shall exceed 28 feet in height.

Above the ground upon which it is erected.

So within the packet, the proposal shows the two existing billboards that are on site now being removed, and one new 41 foot tall billboard 13 feet above that maximum height being installed in its place.

On the screen here I pulled up a side by side of the existing and proposed conditions.

These two images are both pulled directly from the application packet and appear to be taken from the southbound traveling lanes on reserve St. on the left side we can see those existing 2 billboards.

Their traditional style, not digital billboards, according to the application packet they

currently measure 24 feet tall from the adjacent ground and the sign face area disclosed in the application.

Was 478 square feet.

It was unclear if that's the square footage of the two combined, or if each has a 478 square foot sign face and then on the right we can see a digital representation of the proposed tier. I will note there is this disclaimer on the.

Bottom that this is the the depiction is for illustrative purposes only.

So it's unclear if that's a visual representation of what, 41 feet in a 300 square foot billboard face wouldn't look like on.

Scape. I'm not sure if that's to scale or not, but that is the image of the proposed that was submitted with the application packet.

Before I get into the specific review, criterion evaluation for this, I just wanted to go over the two sections of the regulations that come into play for us as planners and you as the board. As we're evaluating these requests.

The first is 11.6 Point C .1, which requires the variance to meet all of the review criteria in those subparts a through F.

So those are the six criteria we have been speaking about tonight.

And then in addition to that, what also comes into play is 11.6 Point C, .2.

Which requires in making its decision, the Board of Adjustment shall demonstrate that the variance granted is the minimum variance that will make possible a reasonable use of the land building or structure.

So in the context of this request for additional height.

Consideration or a motion to approve or approve with conditions would require demonstrating that that 13 feet is the minimum additional height. That would make possible a reasonable use on this particular piece of property.

Moving into this first variance criteria, we ask is the proposed variance or check to see that it will not authorize A use that is not already authorized in the zoning district.

As mentioned, we're zoned CI 2 heavy industrial here.

This is a zone that does allow billboards.

In digital, billboards are outright permitted here as well, so that's not coming into play, though the packet does mention they are proposing a digital billboard.

And those signs are subject to the specific standards.

In section 3.04, which include that maximum height requirement, Staffs evaluation was that the proposed variance will not authorize A use that is not already permitted.

Since this sign type is allowed here.

So we did feel that that particular criteria has been met.

The next variance criteria is related to additional density in a zoning district.

That's not applicable here, so we can skip past that one.

Next, we'll look at special conditions exist that are unique to this particular property, such as size, shape, topography, or location, which do not apply to other lands in the same zoning classification.

This is the only property in Missoula County that's currently zoned CI 2 heavy industrial.

Again, site specific evaluation here. The adjacent ground where the current signs and proposed signs would be located is approximately 13 feet below the adjacent Rd.

Grade the existing signs.

As reported in the application are 24 feet tall, as measured from that adjacent ground.

The current regulations would allow those billboards or a new billboard replacing them to be installed up to 28 feet tall and then, based upon images seen in the application here, we can see from the northbound lane of traffic and then staff also conducted a site visit the.

Signs at their current height appear to be visible to traffic traveling both northbound and southbound on reserve St.

So staff did not find that there were conditions unique to the property which did not apply to other lands in the same zoning district.

The next criteria looks at literal enforcement of the provision of these regulations will result in unnecessary hardship that is not of the applicant's own making in evaluating the application materials. The stated hardship was related to, and I believe this was mentioned in the applicant's discussion on.

The prior.

Agenda item as well that MDT approves digital billboards 28 feet above Rd. grade statewide.

We did receive comments from MDT on this proposal.

Which in essence stated.

This request is subject to administrative rules 18 point 6.237, which does require, in addition to MDT approval compliance with local regulations, which would apply statewide. So outside of Missoula County, any other jurisdiction that does have sign regulations that regulate billboard heights, that would also.

Apply it wouldn't be an exemption statewide as far as the MDT.

Rules are concerned and then again in evaluating literal enforcement.

The current regulations, a literal enforcement of that, would still allow an additional 4 feet in height above the existing billboards that are located on the site.

So the conclusion here is that literal enforcement of the zoning will not result in an unnecessary hardship.

Excuse me.

From there, we'll evaluate compliance with the purpose intent of the zoning regulations and growth policy, and look to see that this request will not be interest to the neighborhood or public welfare on the screen.

Here I've summarized some of the purpose and intent statements from the zoning regulations and relevant neighborhood plans and growth policy, which includes sign regulations, are intended to assure a reasonably efficient and safe transfer of information and to protect the visual quality, integrity character.

And safety of gateways, corridors and neighborhoods to promote the public health, safety, morals and general welfare, preserve community aesthetics and the natural environment, and that public health and safety are guiding principles of our 2016 Missoula County Growth policy.

So some.

Specifically, some concerns around safety with this particular request.

Given some context for the site in this location here, adjacent to reserve St. Sandwich between Molin Road and River Rd. we looked at data from the Missoula Police Department Annual report, which included both of those adjacent intersections on their list of high risk intersections for vehicle accidents, both.

Making that top ten list under their jurisdiction.

We also received comments from the Missoula Metropolitan Planning Organization, which strongly encouraged the board to consider potential safety concerns in evaluating this request and specifically citing to the reserve St. Safety Action plan that they're currently in the planning process for. They noted that the reserve St. between Mo.

And River Rd. IU that Clark Fork River crossing has the highest amount of non intersection fatal or serious injury crashes on the corridor.

Highest crash rate in general on the corridor with 33% of all crashes and 33% of all segments suspected serious injury crashes and 34.9% of those crashes on the reserve St. corridor are rear end crashes.

Staff findings under this review criteria are that that increased height beyond the regulatory 28 feet may increase visibility of that proposed digital billboard to motorists on the section of reserve St. and that increased visibility could translate to potentially additional distracted driver.

Is on a segment that has been identified as one of the most dangerous on the reserve St. Corridor.

So the conclusion here is that the proposal is not in harmony with the general purpose and intent of the Missoula County Zoning Regulations and the Missoula County Growth Policy.

And then the last of those six review criteria is that the request for the variance is not based on monetary factors or the potential for economic gain. Much of the language here is was echoed in in the last hearing item as well. But I've included some of the. Comments from the application, which include Lamar, has invested significantly in the land lease and existing billboard infrastructure and not approving the variance represents a direct economic loss.

No height allowance, no increased lease revenue.

They noted that denial of the variance is an immediate, measurable reduction in property value, and again noted that it would directly impact the the local landowner's income.

So with that, the request does appear to be based on monetary factors and potential for economic gain.

Of those six review criteria, four of the six we did not find to be met in this case.

And then moving into the 11.6 Point C .2, the demonstrating that it's the minimum variance necessary to allow reasonable use of the land.

Staff did not find that the application materials provided evidence supporting a claim that 13 feet above the permitted 28 foot maximum sign height regulations is the minimum to make possible a reasonable use of that piece of land.

We to date have not received any public comments on this.

This was posted on Missoula County Voice and we did send out those adjacent property let owner notification letters per the regulations, but we did also send this out as required to relevant agencies for comment and received the following.

The first is from the Missoula County Floodplain administrator, who noted that the property is located in the regulated Flood Hazard area.

And would require a floodplain development permit.

The original comment, which is included in the.

Packet stated that they had not submitted a topographical site layout. This is in regard not to the variance evaluation, but they have. It sounds like have begun conversations on the floodplain permitting process. But has noted that since that original comment, that site layout has come in, and then he also commented that approval of a variance. Should you make that motion tonight wouldn't serve as a variance from any of the floodplain regulation requirements. They'd still have to go through and receive approval. In that process. The public Works Building division just noted that. It would require the appropriate building and or trade permits. I won't go into too much detail again on MDT. We talked about their comments earlier, but noted that this is subject to that administrative rules of Montana 18 point 6.237. And then I also won't go back through and read these statistics from MPO again. But I did wanna echo a couple other elements of their comment that I haven't spoken to yet. Again, this is the Missoula Metropolitan Planning Organization noted that the US Department of Transportation found a correlation of increased sideswipe and rear end crashes associated with digital billboards, and stated a digital billboard could further exacerbate or hinder efforts to reduce serious and fatal injury crashes along the stretch. Of reserve St. given the high speed of travel and low visibility. And then noted that their safety strategies memo for the reserve St. Safety Action Plan aims to improve safety through creating and protecting turning movements at the River Rd. intersection as well as improving driver visibility and awareness, while also reducing distracted driving along the reserve St. along reserve St. And the Clark Fork River bridge. That's all I have for my presentation. We are recommending denial on this request and I can pull this motion back up later if needed. I'm available for questions. Thank you. As with the prior hearing. Uses time to ask if board members have any initial questions. For staff, they'll be opportunities for additional questions should there be additional questions.

I'm. I'm gonna start.

I had.

I had two questions.

The first I think I know the answer to.

I think you already said I just wanna confirm that.

The existing billboards that are on the property if the owner or the applicant wishes to change those to a digital billboard or maybe even billboards, I'm not sure. But that does not require a variance.

The only issue before us is whether to static billboard or digital billboard. Whether they can increase the height. Is that correct?

They could do digital billboard outright.

The proposal does show the existing.

Billboard structures being removed and then new single monopole structure going in, but that potentially could be an option to convert the existing structures to digital under the regulations without going through the variance process.

And and the other question I had is, is there anything in the county zoning or any other state requirements? I'm not sure that.

Speak to the distance between.

Where billboard can be erected and the roadway itself.

And the reason why I ask that?

The reason why?

I ask that question is because.

The way the zoning provision is worded, it speaks specifically to the height, and I highlighted this, the height above the ground upon which it is erected.

And oftentimes, especially busy roadways, there's some minor grade separation.

I don't mean the type of grade separation that you'd have with an Interstate or something like that, but.

Even you know that's a prime example.

So I'm curious if there's anything.

That that specifies the distance between, you know, obviously you're not going to put a billboard, right? You know, in the middle of the shoulder.

But is there anything that kind of specifies that or is that unsaid and it just has to be outside of the right of way maybe.

It does have to be outside of the right away, so it would need to be contained within their property.

The 2017 regulations, I know there's under our current regulations and the 2022 regulations, there's a required 5 foot set back.

But in this case I believed.

If you don't have the answer immediately, it's not really critical.

And maybe if you find it later on, but so I can confirm it has to be outside of the right of way.

Yeah, but I don't know that it has to be any setbacks beyond that.

I don't believe it can overhang or encroach into neighboring properties, so there's gonna be limitations there.

That makes sense.

Do members of the board have any initial other members of the board have any initial questions for staff?

I.

I guess I want to follow that question up babik you just asked 'cause, we started talking about horizontal separations, but I thought your question started with vertical discussion about the 28 feet and if that was a standard and I've seen an illustration and I don't recall now.

If it was in the applicant's packet comparing MDT.

But there's this reference to 28 feet above Rd. grade versus existing.

Grade is that 28 foot.

Adot requirement or suggestion?

Are you asking what information regulations or, well, the zoning regulations is clear?

It's 28 feet from the existing grade.

That's why they're here tonight.

Because they're proposing 41 feet from the existing grade.

My question was this. This discussion of elevating it to 41 feet?

There's a graphic in there that shows a 28 feet above the road grade, which is why they've got to 41 feet.

Is that MDT guidance?

I believe they're they're stating that MDT regulations allow MDT to approve 28 feet. Above their MDT right of way grade, OK.

It's it's based on the applicant was stating. I believe that was in in their presentation, OK.

And that's where I was going with my question as well is that it seems like there was.

I have to trust that that whoever wrote the county zoning did that deliberately and

didn't follow the state.

But I don't know.

That's that's sort of that, whether it was delivered or didn't know or I, I don't know the answer I, but I just wanted to clarify there. There's 28 feet.

Is presented as ADOT sort of Max question mark.

Don't know but.

It is at least a number, verified again, and I say it's it's in an applicant's application.

I don't know.

I I'm I'm not the expert on that, so I I don't know how it's presented.

BY Benjamin Yawakie 2:33:01

Can we ask staff to look back?

JJ Jill Johnson 2:33:02

Maybe we'll hear from the applicant more about that, but I that 28 feet is the number.

That's how they're getting to 41 is taking it from the existing Rd. grade nearby and saying the hardship here is this road is elevated is crossing a river a flood plain?

Are signs in a hole right?

Elevate it and they pick this number. That's a presumably in compliance with the dot guideline, I'm guessing.

Right. And I think that's where they were getting again citing the MDT regulations, where they're saying MDT permits 28 feet above Rd. grade statewide. And the reply that we received from MDT was subject to compliance with local regulations. And I understand and that's here tonight trying to.

Comply by getting the variance.

They don't outright comply or they wouldn't be here tonight, so they're looking for the variants to comply locally so they can continue with their permitting. Thanks.

Thanks, Andy. Rick.

RH Richard Hall 2:34:01

I just wanted to clarify that as well because the letter from Aldo Vidaya in the file says MDT rules are 30 feet from the crown of the roadway, whereas ours is from the the the ground correct? Is that correct?

JJ **Jill Johnson** 2:34:22

Correct. Missoula County is 28 from the ground, and it sounds like the comment from Aldo Vida Martinez with MDT States 30.

From the crown of the right of way.

RH **Richard Hall** 2:34:37

Can I get another question?

I think this is the first time I've seen where where.

I'm planning so I'm I'm new at zoning Board of adjustment where we're asked to take traffic data into consideration.

Are we required to do that?

I mean, I know they've got a they're working on a reserve plan and it is not good as it stands, but I'm just curious about that.

JJ **Jill Johnson** 2:35:10

I think that's part of the 5th factor, Rick. Granting variance will be in harmony with the general purpose and intent of these regulations in the Missoula County Growth policy and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Covers a lot.

RH **Richard Hall** 2:35:29

It covers a lot I guess, but I I'm not used to it covering traffic but.

JJ **Jill Johnson** 2:35:31

Yeah.

RH **Richard Hall** 2:35:35

I guess it does so thanks.

JJ **Jill Johnson** 2:35:39

I think in other situations that's come up with.

Building in the floodplain and then we start talking about animal migration and things like that, which admittedly seems.

A little bit tangential, but it you know that that phrasing there is is somewhat broad.

Any other initial again emphasize initial questions from the board for staff.

OK, this point if the applicant or applicant representative wishes to provide any comment for the board. This is your opportunity to do so.

Thank you board members, for having me back.

Yes, I think you're absolutely understanding is.

Sorry again. My name's Eric. Sweet with Lamar advertising.

So yes, I think you're, you know everything you've mentioned here is accurate. You know we're we want to be reasonable too with what we're asking, what's there? And to clarify the 476 square foot is the existing square footage including both signs.

It's a side by side structure. They've got the outdated wood poles on that structure, so as everything we stated earlier tonight, we want to clean it up to improve the aesthetically the image of the community. With this, the zoning as it stands does allow billboards, does allow digital.

Billboards. I could put up a billboard to that same square footage that's there. But I want to be reasonable.

I know you know kind of Missoula County and as a whole.

The places where.

The other places that do allow billboards is 300 square foot, which is kind of where we landed at to as a compromise. Like, let's work with you and do with that 300 square foot size. The height requirement was not.

It was not in a hardship of our making in the year 2000, the MDT did put the bridge in there, which raised it and our sign sits down inside of a 13 foot hole.

So what we'd like what we're proposing is to remove the two outdated existing signs. Put the new signs there at the overall height measured above Rd. grade 28 foot, which is inside of the 30 foot allowance from the MDT.

I know there are a lot of comments mentioned about safety.

You know, digital billboards have been around the country for a number of decades.

In no case that I'm aware of as an attorney ever sued Lamar for a related Traffic Safety damage.

Believe me, if there was an attorney out there who could spine a case, he would do it. And he would use it.

Also want to comment Matt Heimel with the floodplain? I sent him this morning a updated survey.

He commented that he was satisfactory with the changes to the survey and that so I'll just finalize that and then send that to him.

So he can give us the stamp of approval on our floodplain permit.

I think I've really addressed a lot of the meat of all the questions, and again, to respect everybody's time here tonight, I think you have a good understanding of who we are, what we're doing, the benefits of billboards. Just want to ask for any, any questions related.

To this one specific.

Do the Members board members have any questions for the applicant?

BY Benjamin Yawakie 2:39:19

I do not.

JJ Jill Johnson 2:39:22

Thank you, Mr. Sweet.

Any members of the public here who wish to provide any public comment on the proposal.

And if you don't mind stating your name for the record, once again be appreciated.

No problem.

I'm Ali Carley, with Lamar advertising.

As Eric mentioned, basically the the the meat and bones of all of this is to go above Rd. grade at this point where everybody along all of Montana measures at Rd. grade. To move and that's why we chose the 28 feet to stick with what you guys have just on the road grade level versus below grade.

And that's honestly all we're asking for here and to upgrade our signs. So that way we can be that Channel to communicate with everybody.

I mean again, I I understand what you're saying, but this is a way for you to communicate with your community as well and and have that opportunity to not only do that with your businesses, you're not local nonprofits.

Again, the emergency alerts we do.

I wanted to touch on that a little bit as well.

We work with FEMA, I mean directly. And the gentleman, I I can't recall his name that you mentioned regarding the Amber alerts, I apologize.

It's been a long day, but we have Bruce.

We have spoken with Bruce in the past, so I mean, that's certainly not something we're not more opposed to get more locally involved with Montana on, we just go through the national system.

That's what we have connected right now, but getting more involved with Bruce is absolutely something we'd like to do for the state of Montana.

So that when those are those local emergencies, we can make those updates.

And if there's something locally, you guys have an interest in as a county, I mean, that's a conversation to have with us and we can certainly look if we have space available, we're happy to help in any way we can for you to be able to use that.

Channel to communicate with your community. Thank you.

Thank you.

Any other members of the public here who wish to comment?

Are there any members of the public participating online or virtually who wish to comment on the proposal?

OK, at this point, I'll turn it over to the board for any deliberations or any additional questions for staff or the applicant.

I guess I'll start off by saying that I fully understand where the applicant is coming from.

Trying to utilize what might.

Be.

Part one of the state state requirement.

Looks like state has two requirements, a height requirement and then Part 2 is the compliance with local laws and ordinances.

Where I struggle here is that for whatever reason, good or bad, or inadvertent, the county in their zoning regulations didn't follow the state standard in measuring from the road surface.

'Cause. Instead, they said it's you measure from the ground upon which.

The structure sits.

And so, well, I think there's compelling reasons to measure it from the road surface, it seems like.

The what? Might you know? It seems like this application is is getting towards more of a rewrite of the way the the county's zoning is structured as opposed to.

Relief.

Because I think and I and that was my question earlier about.

You know, oftentimes.

If it's just a residential neighborhood, you're not going to have a billboard in that instance. But you know any any type of thoroughfare, there's often times some type of grade separation, whether for safety or for drainage or anything like that.

I'm not saying I'm against the proposal or for the proposal, I'm just saying that I sort of struggle with the fact that it looks like it's it, it's more.

Along the lines of a zoning code rewrite as opposed to a variance.

But that's just my own personal opinion this juncture, and we'll turn it over to the other members of the board for any deliberations or comments or questions.

I guess I'll take my stab at this.

I I agree that it is.

A code issue, and that's like, obviously again why they're here tonight.

I look at the variance criteria and the overall project.

And I can't identify the harm. I think we're taking 2 to one. The square footage is going down.

We're removing platforms, pillars, columns from the floodplain.

There's more debris to be caught up and things of that nature with more poles in the ground.

The the height is following a standard.

They haven't asked for something that is not atypical.

I do not see that it makes anything unsafe for there's gonna be a sign there.

There may be two signs there. The whole digital discussion is really irrelevant.

There may be two digital signs that are 476 square feet or one.

That's 300 square feet.

So I I do not have personally, when I'm driven by that sign, my first thought has always been that signs too low.

I've always felt like that sign sets in a hole.

It's too low.

There's a sign just north of the bridge that I would be curious what that is for the one sets up on Daley's bacon site.

That sign is significantly higher, I think.

And again, you know back to character.

I don't see the 41 feet as harming any neighborhood. Any light?

It's it's shielded.

It's in an area that is outside of it, so I we can spout statistics all day about crashes on reserve.

There's gonna be crashes on reserve. Whether the signs there or not.

You could cut the sign down and throw it away.

And there's gonna be crashes on reserve that isn't changing.

And I don't think whether it's 41 feet above the road.
Or 24 feet above the road.
I don't think that changes that.
You know, you look at those representations.
It's not something that causes the driver to significantly deviate their eye from the road level as it is.
I think it's keeping their eye in a similar fashion, whether it's at that current level or that proposed height.
So I I don't have a problem with it.
Supporting the the height which would be. I understand an opposite of staff's recommendations in this case.
Thank you, Andy.
Any other deliberation from members of the board?
Go ahead, Rick.



Richard Hall 2:46:22

You know, I'm kind of having a tough time with this one.
I mean, there's no evidence that digital billboards.
Are causing auto accidents.
I think probably the blind corner on the bridge is causing more accidents.
But at the same time, though, you know I'm I'm kind of a stickler towards applying the law.
And the.
For this jurisdiction is from the ground height.
And you know it.
Maybe it should be changed?
Probably should be because it should. I think it should be in line and comply with state law.
But if the state law defers to local law, then so be it.
So I don't even know which way I'm going at this point, so.
That's my comment.

JJ Jill Johnson 2:47:25

Thank you, Rick.

Andy I.

I guess I would like to add on to. I think babak's point about comply change the code Rick just made the comment of I'm stickler.

I want to follow the rules.

The issue I have with that is this board sets here once a month, once every three months. When we set here and if you look back at our history more times than not, we're approving variances which are non compliance with the rule.

A strict reading of the rule is a non compliance and this board and those applications approves those things.

So just the basis of I don't like the code.

Or it doesn't comply and I'm voting no.

So I have a hard time with that because there is evidence here that there's no in my belief, no detriment to public health and safety.

It's something that's permitted in the district. I don't have all those criteria rattled off here at my fingertips.

You know their hardship is the floodplain, the river crossing, the signs in a hole.

And so, you know, I I have a hard time with the logic of I want to follow the rules and approve it.

If we did that, we would have no reason for a board of adjustment.

It would just be black and white, asked and answered.

And we wouldn't approve variances ever.

So that's, that's my thought to that or that rhetorical question or I guess feedback to that comment.

Thanks, Andy and I, I definitely appreciate what you're saying and and that's part of my struggle is because a lot of times when we grant these variance requests.

The applicant comes forward with.

Some unusual situation or hardship where.

For instance, uh triangle parcel and set back literal enforcement of set back requirements would mean nothing can be built there.

Or other situations like that.

And and this seems to have some of those elements. You know that it a sign sits in a ditch?

But I struggle with.

Wondering whether virtually every billboard you know along a major corridor is going to be.

Have some great separation between where the pole sits and where the roadway is.

How how anomalous is this situation? And I and that's where I was going with the comments that you know it seems like.

The the drafters of the code again, I don't know if that was deliberate or just, you know, inadvertent, poor drafting said from the ground where you know.

The state says we measured from the road surface, and so it seems like to me that it was a deliberate choice there, but I don't.

And maybe they they never envisioned this situation. I'll add one thing to that.

And I know Jenny's itching over there too.

So my my rhetorical or my?

Reverse to that is, many of these situations could be actually much worse than just the opposite.

You take a through Rd. cut and you go right outside the right of way and you build that sign up on a hilltop like the why those signs are on the top and you stick those and they're going to be far more pronounced than what they're asking for.

So it you know, the next time this sign could come back and you could have a situation where they build a sign in the compliance to the existing grade.

And it is built on a hilltop at the top of a cut slope.

And then it's gonna be far in excess of what this is.

So I think it's it's a 5050 proposition in my opinion.

Just do you mind if I cut in real quick?

Just with kind of tying this back specifically to the review criteria and I know we've kind of looked at this broadly as kind of what's permitted statewide by MDT.

I mean, when we look at the regulations that were required to evaluate this on the specific special conditions are evaluated.

Based upon other lands in the same zoning classification.

So it's not even county wide here.

I mean, it's looking at in this.

It happens to be that unique situation where this is the only parcel subject to the zoning, though if we did look at it on a county wide scale, it pretty universally the county regulations.

Are one, two 20/17/2022 measure all signs from the adjacent ground. It doesn't take

adjacent.

Road grade into consideration.

So potentially again, we're getting into a scenario where we're through variance granting an advantage to a particular property that is potentially not afforded to another.

OK.

So since I'm older than dirt and I've been doing this for some time here from Missoula County, I thought I would give you a little bit of the historical perspective on the issue that you've come back to a couple times, which is what was intended as one of.

The key drafters of the 2022 regulations and having been around.

Not not old enough to be around when the 76 regs were drafted, but the 95 off premise signs and I can give you kind of a little bit of a timeline there.

So 76 the billboards were allowed to be.

I believe it's 28.

28 feet above the ground as measured from the grade right.

And that's how it's been.

That's how it what? How it was up until we revised our regulations in 2022.

Then we determined a height.

Actually, is it still 28 feet in both of the ICL and ICH?

So we stuck with that same measurement.

We did that intentionally because in 1995 what we did was in areas that are not zoned.

And someone wants to do.

Billboard. We actually took it shorter.

An absolute height of a billboard is 2020 is 22 feet.

Or I believe it's 10.

10 feet above the elevation, no more than 10 feet above the elevation of a Rd.

So we recognized in 2022, you know maybe in industrial zones, we want to go higher than that.

This is a different rule, so it it was a deliberate choice.

There was no accident about it.

Appreciate that perspective and historical.

History there, Rick.

RH Richard Hall 2:54:10

Jennifer, wanna say something I didn't, OK.

JJ Jill Johnson 2:54:12

Yeah.

I don't know.

Your hand was up.

Maybe Jennifer's hand was up and I missed it.

RH Richard Hall 2:54:16

OK, my hands up, OK.

Yeah, I mean, I would.

You know, I agree that variances are variances, you know, but there are variance review criteria.

I think the request for the variance is based on monetary factors or potential economic gain.

I don't believe that literal enforcement of the provision of the regulations will result in unnecessary hardship.

That is not of the applicant's own making, because the signs are already there at the height that the law requires, and they are welcome to put in digital signs that are the exact same height that we wouldn't even be involved in so.

Really, this variance is of their making.

So you know, I I I would agree that that the, the harmony and purpose of the antenna, the regulations, growth policy being injurious to the neighborhood that may not be one that it may have a special condition because it's in a hole, but it still doesn't meet all.

Of the variance review criteria so.

That's just fine my opinion.

JJ Jill Johnson 2:55:34

Bender. Jennifer. Did you either? Do you want to add anything to the?

Conversation or have any questions for.

Staff or the applicant.

BY Benjamin Yawakie 2:55:45

I mean, right now I'm listening.
I've already done my peer review so I understand where I'm at.
So I'll just continue listening.

JS Jennifer Schultz 2:55:57

Yeah. Thank you very much.
I I don't think I have any questions.

JJ Jill Johnson 2:56:04

Any further deliberation from members of the board?
If not, then someone will need to make a motion either to approve or deny.

RH Richard Hall 2:56:21

Well, I'll give it a shot on the denying. If that doesn't work, then we'll go the other way, I guess, right?

JJ Jill Johnson 2:56:27

Yeah, there's some proposed text for you.

RH Richard Hall 2:56:30

OK.
Thank you.
I move that we deny the request for a variance from section 3.04 point 8.1, point B, of the 2017 Missoula County Regulation for property located at 2030 River Rd. Based on the findings of fact in the staff report and the.
Testimony heard before the Board of Adjustment meeting on September 17, 2025.

JJ Jill Johnson 2:56:58

Thank you. Rick. Is there a second?
Jennifer, were you gonna second? You took yourself off of mute.

JS Jennifer Schultz 2:57:15

Sorry about that. Me, I'm having a issue. I would second.

JJ Jill Johnson 2:57:21

OK.

Thank you.

So we have a motion.

On the floor, any further deliberation or?

Are we ready for a vote?

So again, as with the prior vote, a vote in the affirmative would be to deny the variance request.

So can we have a roll call vote please?

Roll call vote Rick Hall.

RH Richard Hall 2:57:50

Yes.

JJ Jill Johnson 2:57:51

Then you walkie.

And you're on mute.

BY Benjamin Yawakie 2:58:04

Yes.

JJ Jill Johnson 2:58:08

Jennifer Schultz.

JS Jennifer Schultz 2:58:10

Yes.

JJ Jill Johnson 2:58:12

Andy mefford.

No babe raskefard.

Mr. Chair, the motion passes the motion to deny the variance. Request passes with a four to one vote.

Thank you. Variance request has been denied.

The next item on the agenda is, I guess I'll just take all.

The next several items, any communications and special presentations.

Or older new business.

We don't have any committee, so there are no committee reports any any comments from board members.

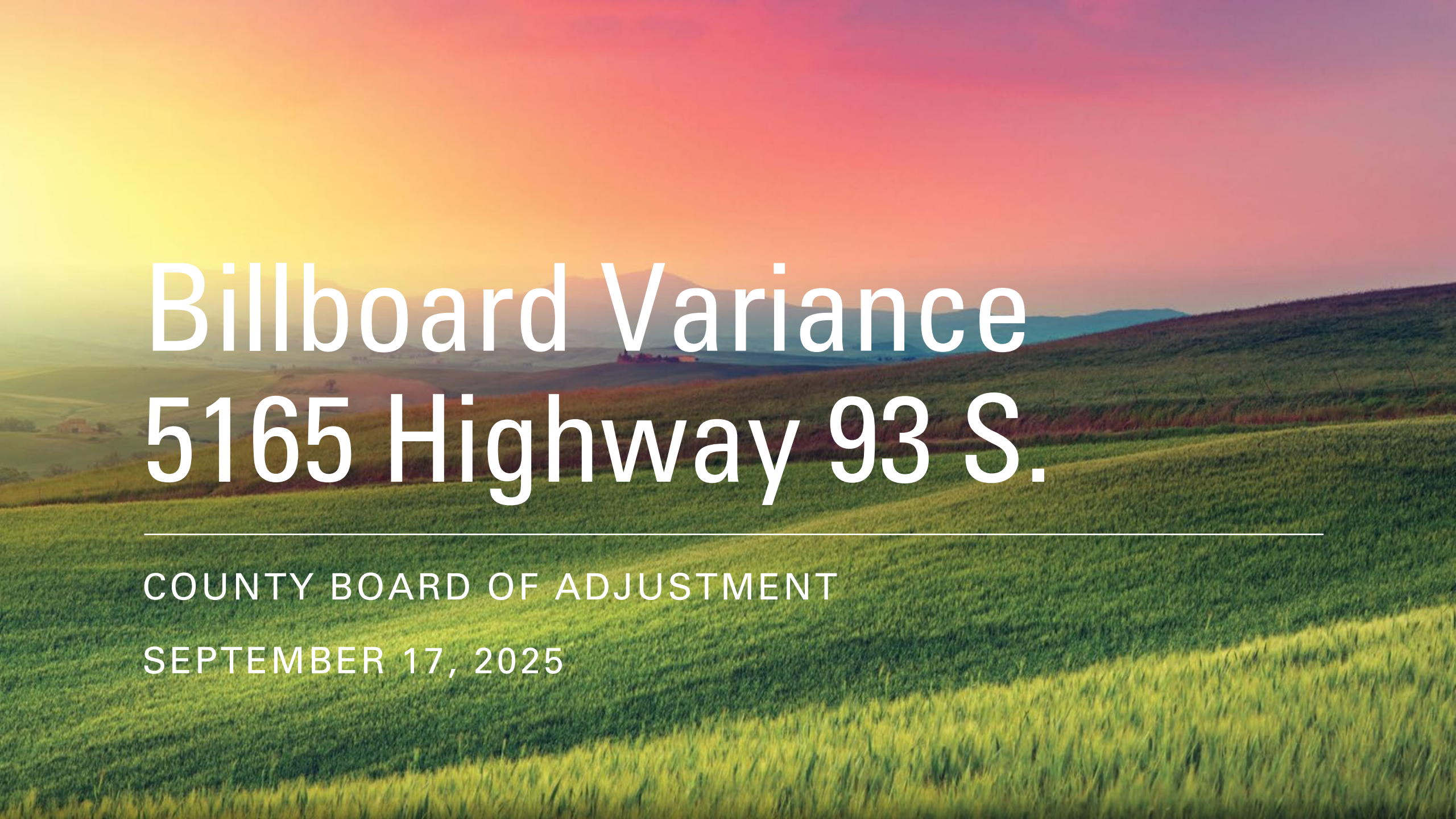
OK, hearing none, we can adjourn.

It is 8:19 PM.

Thank you very much everyone.

Thank you everyone.

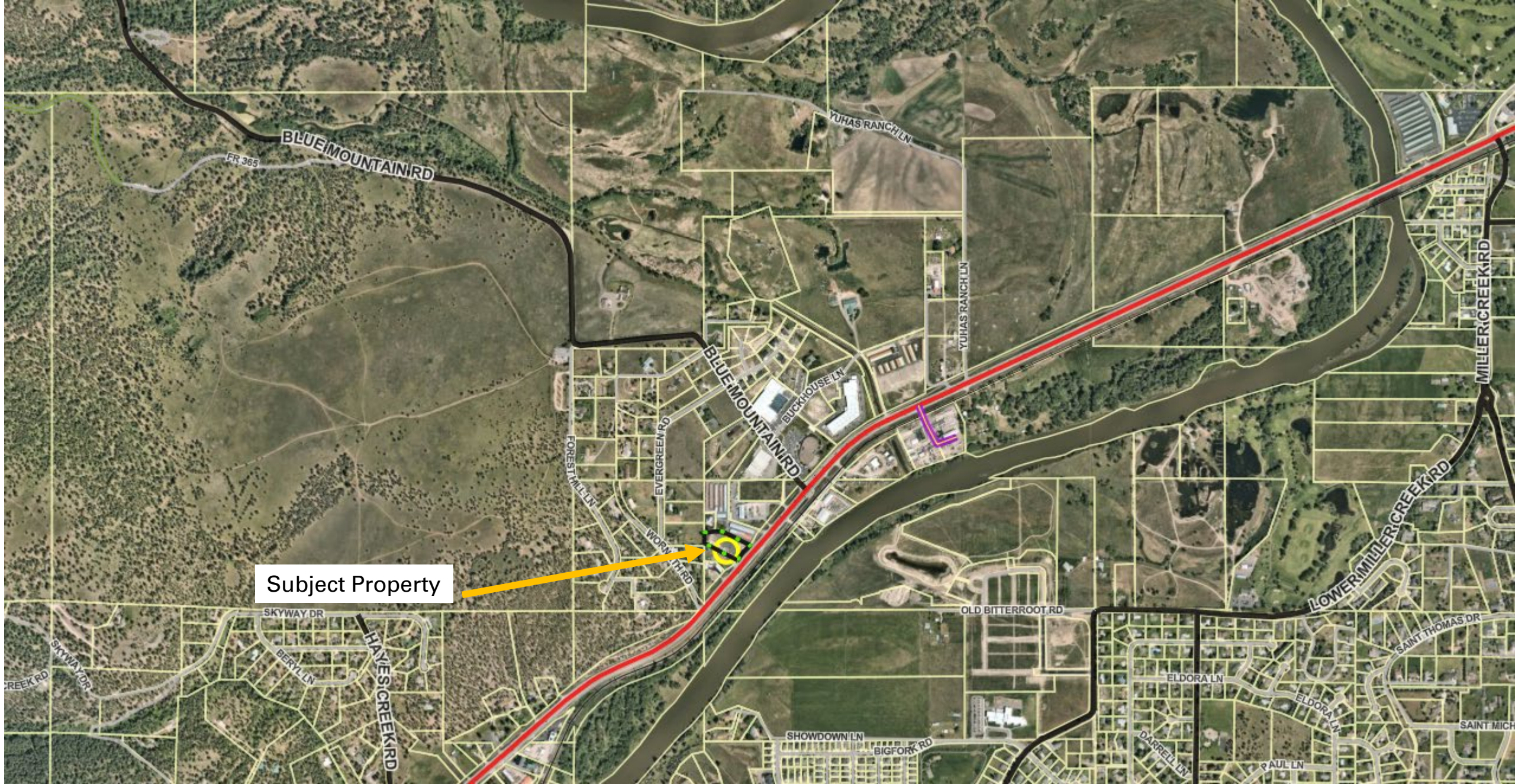
 **Jennifer Schultz** 2:59:02
Thanks.



Billboard Variance 5165 Highway 93 S.

COUNTY BOARD OF ADJUSTMENT

SEPTEMBER 17, 2025



Subject Property

Vicinity Map



Variance Request from Lamar Sign Co. - 5165 Hwy 93 S.

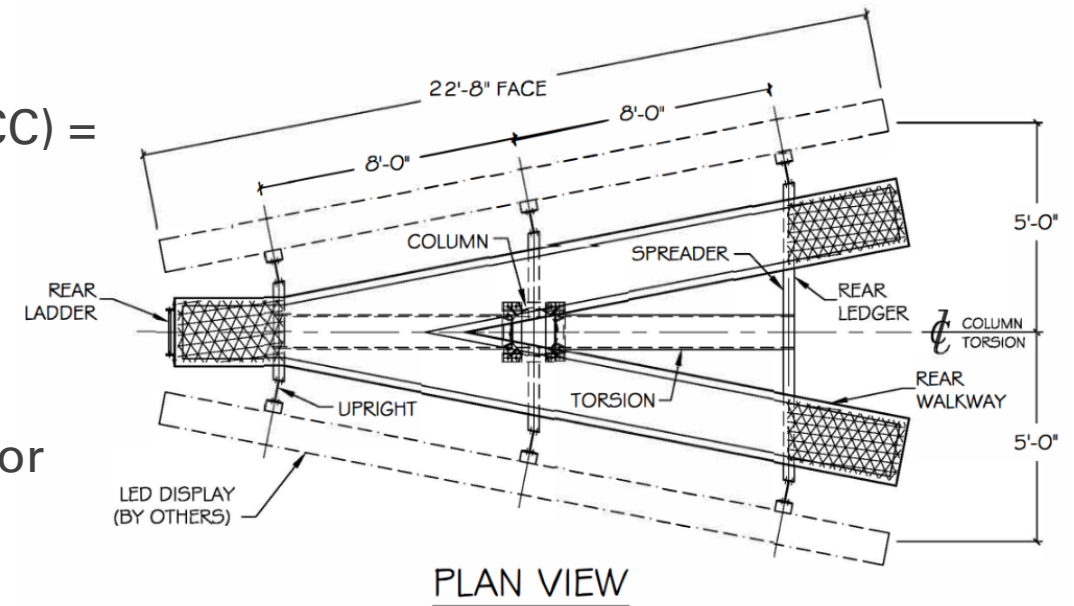
Nonconforming Billboard

Variance Request: To not comply with the Zoning Code provisions by structurally altering a billboard in a zone where billboards are not permitted. (Section 10.6)



Proposal

- ❖ Structural Alterations to Existing Billboard
- ❖ Structural Alteration will enable conversion from static copy to digital messaging
- ❖ Billboards not permitted in Commercial Center (CC) = Nonconforming
- ❖ Nonconforming Billboards may remain and be maintained
- ❖ Nonconforming Billboards may not be expanded or structurally altered



Variance Review Criteria

The Board must find favorably for all six criteria to approve a variance

The variance will not authorize a use that is not already allowed in the zoning district.

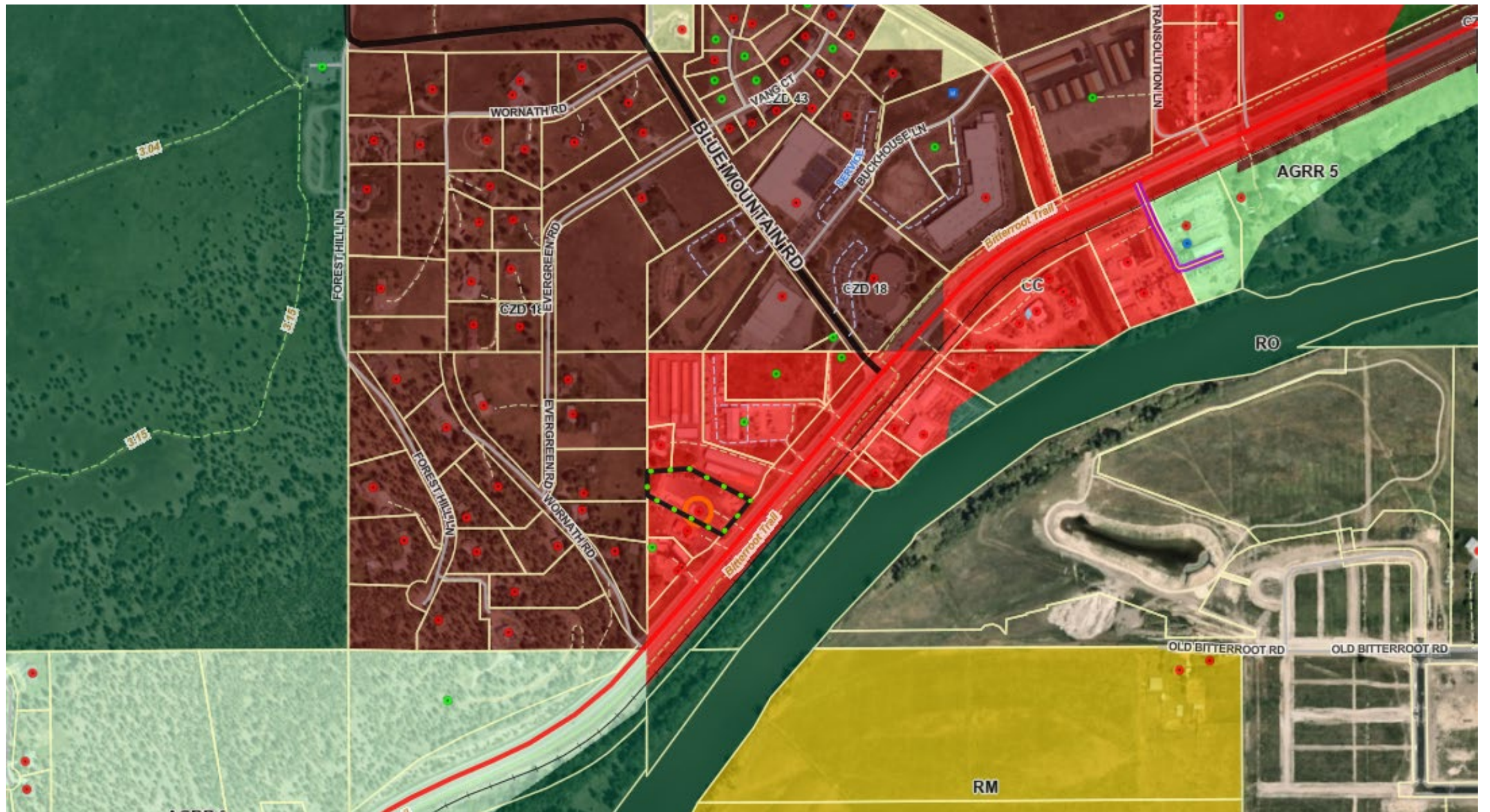
The variance will not authorize additional density beyond what is allowed in the zoning district.

Special conditions exist that are unique to the property, such as size, shape, topography or location, that do not apply to other lands in the same zoning classification.

Literal enforcement of the provisions of the regulations will result in unnecessary hardship that is not of the applicant's own making.

Granting the variance will be in harmony with the general purpose and intent of these regulations and the Missoula County Growth Policy and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The request for the variance is not based on monetary factors.



Zoning Map

Billboard Visibility

“The billboard is sited in a way that allows for clear visibility without visual obstruction, minimizing potential adverse visual impacts allowing clear readability for Missoula residents and travelers.”

Excerpt from
Variance Application



Evaluation of Variance Review Criteria



1. Approval of the variance will amount to a change of use on the property to a use that is not permitted in the zoning district.
2. The proposed variance will not authorize additional residential density beyond what is allowed in the zoning district.
3. Special conditions unique to the property do not exist which do not apply to other lands in the same zoning classification.
4. Literal enforcement of the zoning will not result in unnecessary hardship and will not result in unnecessary hardship that is not of the applicant's own making. Approval of this variance will give an advantage to a particular business which is not enjoyed by other businesses in the same zoning district.
5. Granting the variance will not be in harmony with the general purpose and intent of the Missoula County Zoning Regulations and the Missoula County Growth Policy. Approval of the variance will be injurious to the neighborhood or otherwise detrimental to the public welfare.
6. The variance request appears to be driven by monetary factors and potential economic gain.

Staff Recommendation

THAT the Variance Request to modify the existing billboard at 5165 Highway 93 South **be denied.**





2030 River Road Billboard Variance Request

Date: September 17, 2025

Applicant: Lamar Advertising Co.

Owner: Myrna L. Saulter Trust

Planner: Patrick Swart



2030 River Road

SERVICE

CLARK FORK WAY

CONCRETE WAY

MULLAN RD

MULLAN RD

RIVER RD

RIVER RD

N DAVIS ST

RIVER PL

SKYLARK CT

KRYSTY DR

PARKER CT

LUELLA LN

LAFFRAY LN

KEYSTONE CT

SAULTER MYRNA L TRUST

Owner

2030 RIVER

Address

04220017302070000

Parcel ID



N Reserve St

93



Background

- **Property is currently undeveloped**
 - 2 existing billboards in the northeast corner
- **Zoned C-I2 (Heavy Industrial)**
 - 2017 Missoula County Zoning Regulations
- **Growth policy**
 - 2016 Missoula County Growth Policy
 - 1998 Missoula Urban Comprehensive Plan

Variance Request

The applicants request a variance from Section 3.04.E.1.b of the 2017 Missoula County Zoning Regulations

- 3.04.E.1.b – “No pole mounted billboard shall exceed twenty-eight (28) feet in height above the ground upon which it is erected.”

Proposal

- Remove two existing billboards from the property
- Install one forty-one (41) foot tall billboard
 - 13 feet taller than the maximum height permitted

Existing Conditions

- 2 traditional billboards
- 24 feet tall
- 478 SF

Proposed Conditions

- 1 Digital Billboard
- 41 feet tall
- No greater than 300 SF



Requirements for Granting a Variance

11.6.C.1

The variance must meet all the review criteria in 11.6.C.1.a-f.



11.6.C.2

“In making its decision, the Board of Adjustment shall demonstrate that the variance granted is the minimum variance that will make possible a reasonable use of the land, building, or structure.”

The proposed variance will not authorize a use that is not already authorized in the zoning district

- **C-I2 (Heavy Industrial) zoning district**
 - Billboards permitted
 - Section 3.04 standards
 - Maximum Height 28 ft
- **Conclusion**
 - The proposed variance will not authorize a use that is not already authorized in the zoning district



**The proposed variance will
not authorize additional
density beyond what is
allowed in the zoning district**

Not applicable

Special Conditions exist that are unique to the property such as size, shape, topography, or location, which do not apply to other lands in the same zoning classification.

- **Findings**

- No other property zoned C-I2
- Approx. 13 feet below road grade
- 24' Existing billboards
- 28' Permitted
- Visible from roadway

- **Conclusion**

- Special conditions unique to the property which do not apply to other lands in the same zoning district do not exist.



Literal enforcement of the provisions of these regulations will result in unnecessary hardship that is not of the applicant's own making.

- Applicant's stated hardship
 - MDT approves digital billboards 28 feet above road grade statewide
- MDT Comments 8/25/25
 - ARM 18.6.237
 - Requires compliance with local regulations
- Literal enforcement
 - 4' taller than existing billboards
- Conclusion
 - Literal enforcement of the zoning will not result in unnecessary hardship.

Compliance with the purpose and intent of the regulations and growth policy and will not be injurious to the neighborhood or public welfare.

- **Zoning and Growth Policy Goals and Intent**
 - Sign regulations are intended to assure reasonably efficient and **safe** transfer of information and to protect the visual quality, integrity, character and **safety** of gateways, corridors, and neighborhoods (Section 8.1 MCZR)
 - Promote the public health, **safety**, morals, and general welfare (2017 MCZR)
 - Preserve community aesthetics and the natural environment (1998 Urban Comp Plan)
 - Public health and **safety** are guiding principles of the 2016 Growth Policy

High Risk Intersections

	Number of Accidents
N Reserve St / Mullan Rd	41
Brooks St / Reserve St	27
N Reserve St / England Blvd	26
Reserve St / S 3rd St W	24
W Broadway / N Russell St	22
Union Pacific St / N Reserve St	20
W Broadway / Mullan Rd	19
Reserve St / Mount Ave	18
River Rd / N Reserve St	17
South Ave W / Reserve St	17

Compliance with the purpose and intent of the regulations and growth policy and will not be injurious to the neighborhood or public welfare.
(Continued)

- **Safety concerns**
 - MPD Annual Report 2024
 - Reserve and River Road included on list of High-Risk Intersections for vehicle accidents.

Compliance with the purpose and intent of the regulations and growth policy and will not be injurious to the neighborhood or public welfare. (Continued)

- **Safety concerns**

- Reserve Street Safety Action Plan (MPO Comments 8/27/25)
 - Reserve Street between Mullan and River Road (Clark Fork Crossing)
 - Highest amount of non-intersection fatal or serious injury crashes on the corridor
 - Highest crash rate on the corridor
 - 33% of all crashes and 33% of all segment suspected serious injury crashes
 - 34.9% of crashes on the Reserve Street corridor are rear end crashes.

**Compliance with the purpose and intent of the regulations and growth policy and will not be injurious to the neighborhood or public welfare.
(Continued)**

- **Staff findings**

- Increasing the height beyond the regulatory 28-feet may increase visibility of the proposed digital billboard to motorists on this section of reserve street.
- Increased visibility may result in an increase in the number of potentially distracted drivers on what is considered the most dangerous segment of the Reserve Street Corridor.

- **Conclusion**

- The proposal is not in harmony with the general purpose and intent of the Missoula County Zoning Regulations and the Missoula County Growth Policy

The request for the variance is not based on monetary factors or potential economic gain.

- **Applicant's response**

- “Lamar has invested significantly in the land lease and existing billboard infrastructure,” and not approving the variance represents “a direct economic loss: no height allowance, no increased lease revenue.”
- Denial of the variance is an “immediate, measurable reduction in property value.”
- The zoning regulations “will directly impact the local landowners’ income from adversely [sic].”

- **Conclusion**

- The request for the variance appears to be based on monetary factors and potential for economic gain.

Variance Review Criteria (11.6.C.1.a-f)

- The proposed variance will not authorize a use that is not already authorized in the zoning district.
- The proposed variance will not authorize additional density beyond what is allowed in the zoning district.
- Special Conditions exist that are unique to the property such as size, shape, topography, or location, which do not apply to other lands in the same zoning classification.
- Literal enforcement of the provisions of these regulations will result in unnecessary hardship that is not of the applicant's own making.
- Granting the variance will be in harmony with the purpose and intent of the regulations and growth policy and will not be injurious to the neighborhood or otherwise detrimental to public welfare.
- The request for the variance is not based on monetary factors or potential economic gain.

11.6.C.2 Minimum Variance Necessary

- Staff findings

- The application materials did not provide evidence supporting a claim that an additional 13 feet above the permitted 28-foot maximum sign height regulations is the minimum additional height required to “make possible a reasonable use of the land.”

Agency Comment

- Floodplain Administrator

- Located in the regulated flood hazard area
- Would require a floodplain development permit
- Topographic site layout.

- PW Building

- Requires appropriate buildings and/or trade permits

- MDT

- The proposed billboard is subject to ARM 18.6.237

Agency Comment

- **MPO**

- Carefully consider safety on the Reserve Street corridor
- Findings from the Reserve Street Safety Action Plan
 - The segment of Reserve Street from Mullan Road to River Road (i.e., the Clark Fork river crossing) has the highest amount of non-intersection fatal or serious injury crashes on the corridor (pg. 41).
 - The Mullan Road to River Road segment has the highest crash rate on the corridor (pg. 18).
 - The Mullan Road to River Road segment represents 33% of all crashes and 33% of all segment suspected serious injury crashes (pg. 18).
 - 34.9 percent of crashes on the Reserve Street corridor are rear end crashes (pg. 10).

Agency Comment

- **MPO Continued**

- US Dept. of Transportation found a correlation of increased side-swipe and rear-end crashes associated with digital billboards
- A digital billboard could further exacerbate or hinder efforts to reduce serious and fatal crashes along this stretch of Reserve St given the high speed of travel and low visibility.
- Safety strategies memo for the Reserve Street Safety Action Plan aims to (Planning in process not yet adopted)
 - Improve safety through creating a protected turning movements at the River Road intersection as well as improve driver visibility and awareness while also reducing distracted driving along Reserve Street and the Clark Fork River Bridge

Recommended Motion

I move to **deny** the request for a variance from Section 3.04.E.1.b of the 2017 Missoula County Zoning Regulation for property located at 2030 River Road based on the findings of fact in the staff report and testimony heard at the Board of Adjustment meeting on September 17, 2025.