



MISSOULA COUNTY CONSOLIDATED LAND USE BOARD

Meeting Minutes

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

Date: April 1, 2026, 6:00 p.m.

Location: Missoula County Courthouse, Sophie Moiese Room (in person) or TEAMS (virtually)

Members in Attendance: Chris Saale, Michael Settevendemie, Barbara Raible, Josh Schroeder (Conservation District), Andy Mefford, and Rick Hall

Members Absent: Bing Matt (CSKT Representative), Jennifer Schultz, and Danny Oberweiser

1. CALL TO ORDER [Time stamp – 0:12]

Rick Hall called the meeting to order at 6:01 p.m.

2. LAND ACKNOWLEDGMENT [Time stamp – 0:27]

Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.

3. ROLL CALL [Time stamp – 0:36]

Analeshia Rodriguez called the roll. Four regular members and two alternates were present. First Alternate, Michael Settevendemie, and Second Alternate, Chris Saale, were promoted as voting members for the meeting. A quorum was met.

4. APPROVAL OF MINUTES [Time stamp – 2:34]

Andy Mefford moved, and Michael Settevendemie seconded approval of the March 4, 2026 minutes. The motion passed unanimously.

5. PUBLIC COMMENT ON NON-AGENDA ITEMS [Time stamp – 3:16]

There were no public comments on non-agenda items.

6. STAFF ANNOUNCEMENTS [Time stamp – 4:31]

Karen Hughes with Missoula County Planning, Development and Sustainability reminded the Board that when acting as the Board of Adjustment, it serves in a quasi-judicial role. She emphasized the need for clear, supportable findings, particularly for variances and special exceptions. She noted that while staff provide draft findings, the Board may reach different conclusions but should clearly state its reasoning, especially when it differs from staff. Karen concluded by offering additional training and support to the Board.

7. PUBLIC HEARING [Time stamp – 3:59]

A. 7985 Highway 200 East— Sign Variance — Patrick Swart, Planner II, Missoula County Planning Development & Sustainability [Time stamp – 11:01]

STAFF PRESENTATION

Patrick Swart (Patrick), Planner II with Missoula County Planning, Development & Sustainability presented the staff report for 7985 Highway 200 East. He stated this was the second public hearing on this request, following the March 4, 2026 meeting. He described the subject property as the Bonner Town Pump Travel Plaza, located between Interstate 90 and Highway 200. Patrick explained the proposal was to remove five existing nonconforming wall signs and install five new wall signs on the Travel Plaza building, which is currently undergoing an approved addition. He noted that the original application included a sign plan with specific sign dimensions, and that the applicant submitted an amended sign plan at the first hearing for this project. He stated the amended plan was included in the Board packet and public notice materials.

Patrick stated the amended sign plan continues to remove and replace the same five wall signs but reduces the total collective sign face area to 236.66 square feet. He explained that under the amended plan, only two of the five wall signs would exceed the 50 square foot maximum allowed per sign in the Commercial Center zoning district.

Patrick reminded the Board that two variances were reviewed at the prior hearing. He stated the Board approved the variance from Section 8.8.O.1, Table 17, related to the two wall signs per parcel and a maximum sign face area of 50 square feet. He explained the remaining request was for a variance from Section 8.7.B, Table 2, which limits the total number of signs per project site to four. He reviewed the variance criteria outlined in Section 11.6.C.1(a) through (f), stating that all review criteria must be met for approval. He added that the Board must also find that the requested variance represents the minimum necessary to allow reasonable use of the property. It was clarified that, in this case, the request is for five wall signs, which exceeds the number allowed in the zoning district. He stated that the Board would need to provide rationale that five signs represent the minimum necessary to support reasonable use of the property, if the Board first finds that all variance criteria are satisfied.

Staff provided a memo with the meeting packet explaining that the amended sign plan was reevaluated and did not substantially change the original staff findings. Patrick stated that staff continued to recommend denial, as the proposal did not meet four of the six variance criteria. He concluded the presentation by noting that during the previous meeting, the Board indicated it may be leaning toward approval. He stated that this meeting would provide an opportunity for the Board to discuss the criteria not supported by staff and clearly state their rationale if they chose to move toward approval.

See PowerPoint presentation slides.

BOARD QUESTIONS [Time stamp – 16:24]

Board members discussed the variance criterion related to whether the request was based on monetary factors or potential economic gain. Patrick summarized staff's findings, stating that staff determined the criterion was not met. He explained that the proposed wall signs functioned as advertising for specific businesses rather than purely directional signage, and therefore were tied to potential economic gain.

Discussion focused on the five proposed wall signs on the building. It was noted that, to support approval, the Board would need to adopt findings that the request was not based on monetary factors and that the signs were necessary. The Board referenced the applicant's statement that the signage was intended to direct customers to the correct entrances. Staff confirmed the building included five entrances, including two along the main frontage, entrances on each side, and one at the rear.

The Board addressed findings for each criterion, beginning with whether the variance request was based on monetary factors or potential economic gain. Some Board members noted that, given the building size and entrance layout, the proposed signage functioned as directional signage rather than advertising.

Board members discussed whether strict enforcement of the zoning regulations would result in an unnecessary hardship not of the applicant's own making. One member questioned whether expanding the building size could create hardship if current sign regulations were applied. Staff explained that the applicant initiated the building expansion and associated design plans, and therefore any resulting hardship was considered self-created. Staff also noted that no hardship would occur if the variance were denied because the existing approved signs could remain under nonconforming provisions, including maintenance and copy changes in their same current locations.

Staff clarified that the proposal required variances from two separate sections of the zoning code. At the prior meeting, the Board approved a variance from Section 8.8.O.1, Table 17, allowing increased sign face area beyond the 50 square foot limit and the maximum of two wall signs. Staff clarified that this motion did not grant a variance from Section 8.7.B, Table 2, which would allow more than four signs per project site in the Commercial Center zoning district. They stated that the Board only made a motion to approve one of the two sections of the code which was required for the project to obtain a zoning compliance permit, and because only one variance was approved, the Board was required to consider the second variance at the current meeting.

Board members questioned how the previously approved motion related to the current request, noting that the Board had already approved elements of the proposed sign package, including wall signs exceeding 50 square feet and more than two wall signs. Staff confirmed that the variance under consideration at this hearing was from Section 8.7.B, Table 2 of the Missoula County Zoning Regulations, which limits parcels in the Commercial Center zoning district to a maximum of four signs. The current request was to allow a total of five signs on the parcel, exceeding the permitted number. It was acknowledged that approval of this variance, in combination with the prior approval, would be necessary for the applicant to obtain a permit for the proposed sign package.

Michael asked whether there was a compliant pathway for the signage to be shown as directional, given the building's size and multiple access points. It was clarified that the main question was whether the need for the number of proposed signs was self-created and whether strict enforcement of the regulations would result in a hardship not of the applicant's own making. It was emphasized that all variance criteria must be met for approval. Andy stated that exceeding the maximum of four signs should be considered regardless of whether the request was for one or multiple additional signs. He expressed that the hardship was not self-created, citing the property's existing signage history and prior variances.

The Board discussed the variance criterion related to special conditions unique to the property. It was stated that the site's size and multiple frontage on two highways distinguish it from other properties within the same zoning district. It was noted that this multiple highway frontage may necessitate the five additional wall signs tied to the property's specific location constraints and could justify a variance. Izzie Varley (Izzie), Long Range Planning Manager with Missoula County Planning, Development and Sustainability clarified that the Board is required to provide a rationale for their decision, but a unanimous agreement in their reasoning is not needed. Rick further discussed whether the existing sidewalk-level signs on the building constitute a special condition.

The Board then considered the criterion related to harmony with the intent of the regulations and impacts to the neighborhood. Rick stated that the signage has existed on the property without demonstrating harm to the surrounding area or public welfare. It was noted that lighting from the signs is minimal compared to other lighting sources on-site. Andy added that relocating the signs from the sidewalk to the building would be beneficial to the property.

Patrick noted that if the Board moves toward approval, two standard conditions should be included: that the applicant obtain all necessary permits from other agencies and that the project comply with all applicable zoning regulations at the time of permitting.

PUBLIC COMMENT [Time stamp – 49:39]

- Mike Cash of Town Pump stated that the request was to keep the existing signs and relocate them onto the building as part of the remodel, rather than keeping them on the sidewalk. He noted that if the variance were not approved, the signs would remain in their current locations. He explained that the intent was to modernize the building and signage, not to increase the amount of signage, and emphasized that the revised sign package reduced the total sign square footage from 247 square feet to a lower square footage. He acknowledged discussion regarding whether the signage relates to monetary gain, stating that the signs are a standard part of the business's overall design.

RECOMMENDED MOTION [Time stamp – 51:09]

Andy Mefford made the following motion to approve the request, and Michael Settevendemie seconded the motion:

I move to **approve** the variance request as amended by sign plan Drawing# 250174-11 from Section 8.7.B. Table 2, of the Missoula County Zoning Regulations for property located at 7985 Hwy 200 E. This motion for approval is based on public testimony, board deliberation and the findings of fact and conclusions of law found in the staff report and is subject to two conditions of approval.

BOARD DISCUSSION [Time stamp – 52:04]

Rick asked staff to restate the conditions of approval. Staff added that any substantial changes to the development plan are subject to review and approval by the Board of Adjustment.

Josh stated that he intended to vote to deny the variance, consistent with his vote at the prior meeting. He explained that he did not find special conditions unique to the property and noted that other nearby parcels have similar visibility from multiple highways. He stated that the record did not demonstrate physical characteristics that uniquely prevent compliance with the sign regulations. He acknowledged the applicant's intent to improve wayfinding and visibility but

stated that he could not find that the hardship was not self-imposed. He concluded that he could not make the required findings to approve the variance.

Michael asked whether the Board had identified a way to meet the criterion that the hardship was not self-imposed. Rick stated he would not change his previous vote and reiterated that signage serves a business purpose. He found that the number of signs requested was not necessary to maintain visibility of the site and that compliance with the code would not result in a substantial hardship. He added that while the proposal may improve aesthetics, the request did not meet the variance criteria, including the requirement that the hardship not be self-imposed.

VOTE [Time stamp – 57:23]

With no further discussion, the board voted by roll call, and the motion failed 4 to 2.

AYES: (2): Chris Saale, Andy Mefford

NAYS: (4): Josh Schroeder, Barbara Raible, Michael Settevendemie, Rick Hall

BOARD DISCUSSION [Time stamp – 58:25]

Rick clarified that the motion failed. Patrick explained that because one motion was approved and the other was not, the overall effect was a denial of the sign plan. He noted that the previously approved motion was contingent on the full sign package and required substantial compliance with what the Board approved. As a result, the proposal could not move forward as submitted. It was confirmed that the applicant could keep the existing signs in their current locations based on prior approvals.

- B. Buckhouse Shoptown: Missoula County Growth Policy Amendment (Map 18) and Missoula County Zoning Amendment - Kathleen Arthur, Planner II, Missoula County Planning Development & Sustainability [Time stamp – 1:00:21]**

STAFF PRESENTATION

Kathleen Arthur (Kathleen), Planner II, with Missoula County Planning, Development & Sustainability presented the application for a Growth Policy Amendment and Zoning Amendment for the property located at 4285 Highway 93 South. She stated the 83-acre property is bordered by the Bitterroot River, Highway 93 South, and adjacent vacant land. She described past historical uses including gravel mining, landfill activity, equipment storage, and a temporary safe outdoor space during COVID-19. Kathleen noted the site is used informally for river access and includes a Class III landfill, floodplain, wetlands, and high groundwater, which limits development and requires state and federal approvals. She noted public water and sewer are not available.

Kathleen explained that the property is currently designated as Agriculture and Working Lands under the Growth Policy. The proposal would retain 52.3 acres as Agriculture within the 100-year floodplain, designate 9.4 acres as Working Lands, establish new designations including Open Resource and Recreation along the Bitterroot River and Highway 93, and Commercial Center on approximately 8.6 acres.

It was stated that the Open Resource and Recreation designation is intended for public ownership and natural resource protection, though no agency has committed to ownership or management at this time. She explained that the Commercial Center designation would allow

for commercial uses and higher density residential development, contingent on future availability of public infrastructure.

Kathleen described the current zoning as Part 1 Citizen-Initiated Zoning District No. 39. She explained the proposal would rezone the property to Agriculture Reserve, Agriculture Working Lands (AGW-40), Resource and Open Lands, and Commercial Center to better align with environmental conditions and intended land uses.

Kathleen explained that Chapter 8 of the Missoula County Growth Policy outlines criteria for amendments and provides the basis for determining consistency with the Growth Policy and the 2019 Missoula Land Use Element. She stated the proposal was evaluated against these criteria and the detailed analysis was included in the staff report. Kathleen summarized an overview of the proposed land use designations and their consistency with Growth Policy goals and objectives.

Izzie continued the presentation and outlined four focus areas: transportation and safety, land use concerns, environmental constraints, and infrastructure limitations. They stated the site is located along a high-speed segment of Highway 93 and summarized Montana Department of Transportation (MDT) studies. It was noted that existing speed limits were determined to be appropriate, with any future changes subject to MDT review. Izzie referenced the 2025 Missoula to Florence Corridor Study, identifying the area as a high-speed transition zone with increased potential for traffic conflicts, and stated that no funding has been secured for the identified improvements.

Izzie discussed land use concerns with the proposal and explained that the Commercial Center designation allows a wide range of high-intensity uses. It was stated that residential development would be required at a minimum density of eight units per acre for this particular site. A travel plaza would not be permitted, but a gas station could be developed. Izzie compared the proposal to existing Commercial Center areas in Missoula County and explained that these locations are typically at major highway junctions and are supported by water, sewer, or large-scale septic systems, and generally do not have groundwater limitations.

Izzie described the applicant's proposal, noting it includes a combination of dry shop and heated storage unit development that would occupy a limited portion of the site, with development proposed outside of the 100-year floodplain. Staff stated that the applicant has also proposed river access parking, but no public agency has stepped forward to owning, developing, or managing that site. It was explained that the proposed use is not permitted by right under the Commercial Center designation and would require approval of a special exception permit by the Board of Adjustment. It was emphasized that the proposal could not proceed without that approval.

Staff stated that the Board must evaluate the full range of land uses allowed at the site rather than focusing solely on the proposed Buckhouse Shoptown development. It was emphasized that plans can change, so consideration must be given to all potential uses permitted under the designation. The sequence of decisions for the proposed development, including the Growth Policy Amendment and rezoning, followed by a required Special Exception was outlined. Izzie described possible outcomes if approvals were granted or denied. It was also noted that the applicant could pursue alternative amendments in the future. Staff added that development could occur under existing zoning, allowing low-density residential uses by right.

Izzie discussed wastewater and stormwater challenges and stated that, despite a reduction in the 500-year floodplain on preliminary maps, portions of the proposed Commercial Center would remain within it. It was noted that seasonal high groundwater levels ranged from 30 to 65 inches below the surface based on test wells.

Infrastructure limitations were addressed and Izzie referenced the Blackfoot Crossing proposal, where a Commercial Center designation had been supported due to proposed water, sewer, and signalized access, but was ultimately reduced to a Neighborhood Center by the Board of County Commissioners following community feedback. Izzie stated that the Growth Policy and Land Use Element indicate most Commercial Center uses require water and sewer, and explained that extending City of Missoula sewer service to the site is not currently feasible. It was noted that alternative septic systems for high groundwater conditions may be possible but would require significant investment.

Kathleen presented the Land Use Element analysis and stated that the Agriculture, Working Lands, and Open Space designations align with Growth Policy goals to protect open space, habitat, recreation, and natural systems. She stated the Commercial Center designation does not align due to infrastructure limitations, public health and safety concerns, and site constraints. She stated that staff found the Agriculture and Open Space zoning met the criteria, while the Commercial Center zoning did not, citing lack of infrastructure and failure to meet transportation and site suitability criteria.

Kathleen summarized agency comments, noting concerns from Missoula County Water Quality District and Missoula Public Health regarding shallow groundwater and wastewater feasibility, and stated that the City of Missoula Parks and Open Space supported low-impact uses and the riparian buffer while raising concerns with commercial development. She stated public outreach included a survey, community meetings and legal noticing. She summarized public comment as supportive of open space and resource protection, with concerns about development impacts, floodplain, and loss of habitat.

Kathleen concluded by outlining the next steps of the process, stating the Board would provide a recommendation to the Board of County Commissioners. She stated staff recommended denial and noted that supporting the request would require findings.

See PowerPoint presentation slides.

REPRESENTATIVE PRESENTATION [Time stamp – 1:32:11]

Joe Dehnert (Joe) with IMEG and representative of the landowner and applicant stated that his presentation would focus on four areas: providing site history, explaining how site constraints and opportunities informed the requested Growth Policy designations, summarizing public engagement and comments received, and outlining why the requested designations are consistent with the Growth Policy.

Joe presented the site history and stated the property has not functioned as agricultural or residential land. He summarized the property's subsurface testing analysis and indicated portions of the site are more suitable for development than others and stated this analysis informed the landowner's proposal and requested land use designations.

Joe stated that the existing Growth Policy designations and zoning do not reflect the site's history or current conditions. He noted the location of a nearby Commercial Center designation and described the Agricultural and Working Lands designations on the property as arbitrary

given the lack of agricultural use. He stated that development is further constrained by a Montana Department of Environmental Quality (DEQ) deed restriction tied to the former Class 3 landfill and by the U.S. Army Corps of Engineers. Joe stated that the mismatch between designations, zoning, and existing site conditions supported the applicant's proposal to better align land use by clustering development in less constrained areas and preserving open space, habitat, and recreation.

Joe summarized the proposed designations for the site, stating the proposal concentrates limited development on the most suitable portion while preserving the majority as open land. He explained that the Open Space/Resource designation would protect riparian areas, limit development near Highway 93, and allow for future public access and parking, while the Commercial Center area was identified based on site conditions, floodplain mapping, and agency coordination, including support from Montana Fish, Wildlife & Parks (FWP). Joe noted the County previously supported consideration of a commercial designation due to site constraints. He emphasized that development would remain limited and require a special exception, and stated the proposal reduces safety concerns for roadside parking and maintains open space.

The public engagement process for the proposal was highlighted. Joe stated that public input generally supported open space and resource-based zoning, riparian buffers, river access, and limiting development to a smaller footprint, while concerns focused on environmental protection, traffic safety, and overdevelopment. He explained that additional coordination occurred with FWP and MDT, including a site visit. He stated that FWP supported commercial use over residential and stated MDT did not oppose development in terms of traffic safety and confirmed that access and safety would be evaluated at a later, use-specific stage. Joe highlighted that public and agency input emphasized careful planning, and stated the proposal aims to concentrate development while maximizing open space and environmental protection.

Joe addressed public concerns related to floodplain, traffic, and safety along Highway 93. He stated that the proposed Commercial Center area is outside the 100-year floodplain and largely outside the 500-year floodplain based on preliminary maps expected later this year. He referenced public concerns about highway safety and presented video and study findings showing ongoing roadside parking and trespassing issues along the corridor. Joe stated that the proposal included open space and resource designations along the frontage to reduce unsafe parking and support a managed access point. He summarized coordination with MDT, stating the corridor study identified expected traffic growth and acknowledged potential for future development, including public river access, and that MDT expressed support for development in the area. Joe stated that site access would be designed in compliance with MDT standards, potentially including deceleration lanes and signage, and emphasized that safety concerns should not be assumed prior to a formal site plan. He also noted that speed limits are based on existing conditions and could be reevaluated if development occurs. Joe concluded that the proposal could improve existing safety issues by formalizing access for parking.

Joe stated that the proposed designations align with the Growth Policy when considering site history, agency input, and public comment. He explained that while some high-intensity uses are not feasible, a range of lower-intensity commercial uses could be supported, and that land use designations should not be based on whether all permitted uses are achievable. He emphasized that the Commercial Center designation is flexible, can accommodate onsite constraints such as floodplain and groundwater conditions, and does not require residential density or sewer extension. Joe concluded that the amendment corrects a mismatch between

current designations and site conditions, limits development, incorporates public input, and plans for future growth.

See PowerPoint presentation slides.

APPLICANT PRESENTATION [Time stamp – 2:13:04]

Jason Rice (Jason), representative of the property owner Shop Town at Buckhouse LLC, explained that the ownership group acquired the property unintentionally through a previous failed deal and was seeking a way to recover losses rather than move forward with large-scale development. He stated that their intent has been to improve conditions, specifically focusing on the western side of the property. Jason explained that the applicants met extensively with County staff to evaluate whether the project was feasible and expressed that public input included more support than was reflected in staff summaries.

Jason stated that a nearby property to the west was previously amended to a Commercial designation by the Board of County Commissioners following additional coordination, despite initial concerns from FWP. He noted that a subsequent rezoning and special exception for storage uses were approved under similar site conditions, including highway access, floodplain adjacency, and limited infrastructure, with supporting traffic analysis and findings by staff and the Board of Adjustment. He stated that it was inconsistent to now find those same factors insufficient for the current proposal and emphasized the need for a consistent application of standards. He added that FWP later acknowledged the proposal would improve existing conditions and noted that this supporting documentation was included in the record.

Jason discussed wastewater feasibility and stated that evapotranspiration septic systems could work for some lower-intensity uses on the site, though they are costly and not suitable for high-strength waste uses. He explained that future development could range from limited density residential under current conditions to higher-density development if City services are extended. Jason emphasized the intent to preserve the wildlife corridor and allow for potential future public access. He noted that MDT indicated access may be achievable with mitigation, with final determinations to happen during the later design and subdivision review process.

BOARD QUESTIONS [Time stamp – 2:26:40]

Josh asked how site constraints, including landfill history and DEQ restrictions, supported the applicant's selection of a Commercial Center designation rather than a more limited zoning district. Jason explained the designation resulted from an effort to identify uses with minimal on site personal due to DEQ-related limitations, noting that while both light industrial and commercial zoning were considered, Commercial Center was selected because site constraints, including setbacks and limited buildable area, would limit higher-intensity uses.

Izzie clarified for the Board that early scoping discussions did not include any verbal approval of the proposed Commercial Center zoning and were intended only to gather information, noting that further technical review led to the current recommendation for denial. Barbara expressed concern that a Commercial Center designation could allow a wide range of future uses if the property were sold. Staff clarified that the Board was acting in a recommending capacity for this project and the Growth Policy and zoning review criteria would be a helpful reference to help guide the discussion.

PUBLIC COMMENT [Time stamp – 2:33:58]

There was no public comment.

RECOMMENDED MOTION [Time stamp – 2:36:49]

Josh Schroder made the following motion to approve the request, and Barbara Raible seconded the motion:

I move to recommend denial of the proposal to amend the Missoula County Land Use Map to show the properties legally described in the Quitclaim Deed recorded in Book 1116 of Micro Records Page 220 as Commercial center, Agriculture, Open Resource and Recreation, and Working Lands, based on the findings of fact, public testimony and conclusions contained in the staff report.

BOARD DISCUSSION [Time stamp – 2:38:06]

Andy stated that growth policy and zoning maps are living documents that may be revised as projects emerge. He questioned whether the Commercial Center designation was appropriate given the need for a special exception but noted similar commercial areas have developed through private infrastructure investment. He stated that traffic, environmental constraints, and site conditions would be addressed through future permitting, and that issues such as floodplain changes and contamination could be mitigated depending on the use. Andy noted that commercial development may require less strict cleanup standards than residential uses. He referenced the existing commercial character along the Highway 93 corridor and the lack of public opposition, and stated he was inclined to be in opposition of the motion. He also raised a question about split zoning but indicated he did not have a fundamental concern with dividing the zoning designations on the parcel.

Josh asked whether there are permitted uses within the Commercial Center designation that the applicant believes are not appropriate for the site. Joe explained that while site constraints limit certain uses on the property, there are still other uses that could be appropriate beyond the proposed project. Jason added that similar limitations apply to other nearby Commercial Center areas and noted that not all allowed uses are appropriate in every location. He stated that zoning cannot perfectly align with every use and that some uses, such as casinos or truck stops, may be unsuitable despite being allowed within the designation. He confirmed to the Board that the current proposal is for a storage facility and stated it is the most feasible use identified for the property. He also described the site conditions, including past landfill and salvage yard activity, stating that environmental testing was completed and met health standards.

Barbara supported the Agriculture, Working Lands, and Open Space Resource and Recreation designations but expressed concern with the Commercial Center designation, noting it could allow future development beyond what is proposed and stated a preference for a conservation easement. Josh acknowledged the potential with improving transportation safety in the area but still questioned whether Commercial Center is appropriate. Rick stated that he understood the need to consider all allowed uses, not just the proposal, and was uncertain whether Commercial Center was appropriate, acknowledging the proposed use may be less intensive but that the land use designation would remain in place long term.

Staff displayed their analysis on how the Commercial Center component of the proposal did not align with the 2016 Missoula County Growth Policy. Josh stated he was leaning toward denial, noting that while no zoning designation perfectly fits every site, the gap between what a Commercial Center allows and what the site can support was significant. He cited the landfill history, floodplain, and infrastructure constraints, and stated the zoning should reflect those limitations rather than relying on future regulations. Rick stated he shared similar concerns and questioned whether a Commercial Center designation was appropriate, stating he was leaning

toward denial. Andy stated he did not fully disagree but noted the proposal had gone through a lengthy process, suggesting that was some basis for selecting the designation. He added that other potential developments, such as residential, could raise similar concerns under the same criteria.

VOTE [Time stamp – 2:59:30]

With no further discussion, the board voted by roll call, and the motion passed 4 to 2.

AYES: (4): Josh Schroeder, Barbara Raible, Michael Settevendemie, Rick Hall,

NAYS: (2): Chris Saale, Andy Mefford

RECOMMENDED MOTION [Time stamp – 3:00:51]

Michael Settevendemie made the following motion to approve the request, and Barbara Raible seconded the motion:

I move to recommend denial of the proposal to amend the Missoula County zoning map to show the properties legally described in the Quitclaim Deed recorded in Book 1116 of Micro Records Page 220 as Commercial Center, Agriculture Working Lands (AGW40), Agriculture, and Resource and Open Space, based on the findings of fact, public testimony and conclusions contained in the staff report.

VOTE [Time stamp – 2:59:30]

With no further discussion, the board voted by roll call, and the motion passed 4 to 2.

AYES: (4): Josh Schroeder, Barbara Raible, Michael Settevendemie, Rick Hall,

NAYS: (2): Chris Saale, Andy Mefford

8. COMMUNICATIONS & SPECIAL PRESENTATIONS [Time stamp – 3:04:22]

Aaron Wilson (Aaron), Planning Manager of the Missoula Metropolitan Planning Organization (MPO), provided an overview of the Missoula MPO, its structure, and its role in regional transportation planning. He explained that the MPO coordinates transportation planning across the urban area, including collaboration between the City, County, MDT, and other agencies, and oversees federal transportation funding decisions within the region.

Aaron described the Transportation Policy Coordinating Committee (TPCC), noting that MCCLUB has representation on the committee to help integrate land use and transportation planning decisions. He outlined key MPO functions, including long-range transportation planning, the Transportation Improvement Program, annual work planning, and data collection related to traffic, safety, and multimodal use.

He emphasized the relationship between land use decisions and transportation infrastructure, stating that development patterns directly influence system needs and future planning priorities. Board members noted the importance of coordination and the role of the Board in advocating for transportation studies and improvements.

9. COMMITTEE REPORTS [Time stamp – 3:18:51]

There were no committee reports.

10. OLD BUSINESS [Time stamp – 3:18:52]

No old business was reported.

11. NEW BUSINESS [Time stamp – 3:18:58]

No new business was reported.

12. COMMENTS FROM BOARD MEMBERS [Time stamp – 3:19:01]

Rick referenced a quick guide to Robert's Rules of Order that had been distributed to Board members to help ensure orderly meetings and allow all members to be heard.

13. ADJOURNMENT [Time stamp – 3:21:01]

The meeting was adjourned at 9:20 p.m.

Missoula Consolidated Land Use Board April 1, 2026 – Transcription

This transcription was produced by transcription software. There may be discrepancies between this transcription and meeting dialogue. You can view the recording of the meeting at this link:

<https://missoulacomt.portal.civicclerk.com/event/9965/media>

Missoula County Consolidated Land Use Board April 1, 2026 - Meeting Recording

AR **Analeshia Rodriguez** 26:33

It is 601 on Wednesday, April first for the meeting of the Missoula County Consolidated Land use Board.

We will call this meeting to order, starting with our land acknowledgement with Missoula County acknowledges that this event takes place in the Aboriginal territories of the Salish and Kalispell people.

Now for A roll call.

Roll call Danny oberweiser.

Danny is absent. Josh Schrader.

JS **Joshua Schroeder** 27:08

Here here.

Did you hear me? OK, analicia.

AR **Analeshia Rodriguez** 27:27

Can you hear us online, Josh?

JS **Joshua Schroeder** 27:30

Yeah, I I can hear you.

AR **Analeshia Rodriguez** 27:33

I think it looks like you're unmuted.

We can't hear you, unfortunately, but we can't see you online.

JS **Joshua Schroeder** 27:38

OK.

KH **Karen Hughes** 27:39

Alicia, can you hear me?

AR **Analeshia Rodriguez** 27:43

Jennifer Schultz.

Jennifer is absent Barbara Rabel.

JS **Joshua Schroeder** 27:57

Is that better?

BR **Barbara Raible** 27:57

Do you hear me?

AR **Analeshia Rodriguez** 28:05

Can you speak again, Barbara?

BR **Barbara Raible** 28:09

Present.

AR **Analeshia Rodriguez** 28:13

And then Josh, are you able to speak one?

JS **Joshua Schroeder** 28:16

Yeah, can.

Can you hear me now?

AR **Analeshia Rodriguez** 28:18

Oh, perfect.

Yep, we can hear you. Thank you.

Bing, Matt.

Being as absent, Andy meffern.

Michael served.

And me?

Here, Chris Soleil.

Here, Rick. Call Mr. chair.

We have four regular Members present and two alternates present.

Would you like to appoint first alternate Michael set of INDEMNI and 2nd alternate Chris Soleil as voting members for the evening?

And we have metcor.

All right.

First item on the agenda is the approval of minutes from March 4th of 2026.

Did everybody get a chance to see those fairly lengthy minutes?

Any additions or corrections?

Can we have a motion to accept?

I would move to accept the Minutes of March 4th, 2026 OK and a second.

Motions been made to approve the Minutes and seconded all in favor, say aye, aye.

JS **Joshua Schroeder** 29:31
I.

BR **Barbara Raible** 29:33
Aye.

AR **Analeshia Rodriguez** 29:34
Minutes are accepted.

Next item will be public comment on non agenda items.

Those would be items that we're not meeting on tonight.

For anyone who may be watching the meeting and attending virtually the meeting link and the call in number were included in the posted meeting agenda.

And they're on the screen right now.

If you remember the public attending the meeting using a teams app, please use their hand raising function during the public comment period to indicate that you wish to speak. If you're attending my phone, use *5 to raise your hand and speak and *6 to mute and.

Unmute when in the meeting we ask that you remain muted until called upon.

This helps to reduce feedback and echo the chair or meeting administrator will call on you. Ask that you identify yourself with a record and then you can make your

comments.

I'll be observing a speaking limit of three minutes so we can hear from everyone and we'll give some people time if there's anyone online.

Or in the room.

It seems to be a no.

Then we will close public comment. This public comment period and proceed to staff announcements.

KH **Karen Hughes** 31:06

Hi, this is Karen.

Can you hear me?

AR **Analeshia Rodriguez** 31:09

Yes.

KH **Karen Hughes** 31:11

Great.

So good evening board members.

I know this board's still settling in and we're really pleased with the attention and diligence that you've all shown.

I just want to take a moment to do a gentle reminder about one of the unique roles this board has compared with lots of other boards in the county and that is that you when you serve as a board of adjustment, you're serving in.

A quasi judicial capacity.

We talked about this a little bit in the training, but I just wanted to touch on it again because it's so unique.

Quasi judicial means you sit in a partly judicial role, like a hearings officer or court, and in that case the board makes a final decision on a project.

An appeal of the decision doesn't go to the Commissioners. It goes straight to a court of law and so that it's really important for the board to make really clear, supportable findings.

Or provide maybe a better way to say it is provide really strong rationale for your decisions when you're sitting in those.

Sitting in that role, so particularly variances and special exceptions, those are situations where.

They require an additional review by this board and they they require positive findings on every single criterion.

So you can't meet majority of the criteria and not a couple of them.

You have to be able to say and provide a rationale for why each one you've made a positive finding or or provided a rationale for it.

So staff, when they are presenting to you, they're providing draft findings and conclusions. We don't have all the information you have and we may see things differently and that's OK.

It's it's legitimate that the board might make a different decision than staff.

All we're asking is that in your discussion and in your.

When you're supporting.

Your decision that you make sure that where you've differed from staff, that you provide your argument or your rationale that supports it.

That sometimes may mean going through the criteria and actually.

Touching on those ones where there's some differences.

And we don't expect you to make findings the way we do, just plain language.

The argument that provides the support for why you're why you, how you made your decision is really what we need.

We, we turn it into findings that go with the go with the decision that's made.

And really, although I'm talking about board of adjustment role, making good findings when you vary from the ones that the staff has provided for you, that's a that's a best practice across the board. But it's especially important when you're the last point of decision in the counties process.

I've asked the Andy and Rick to and staff to help make sure that when you're going through your decisions that.

That if, if, where there's differences that you try and get through those in the in the review process.

And if you're getting stuck having a hard time with that, just going criterion by criterion is probably the way to do it, and the staff can help you along with that.

I know this is new.

And if it would be helpful to have training if it would be helpful to have additional

discussion time with staff outside of a hearing.

If it would be helpful to go through a scenario and practice making findings, or if you have other ideas, we're happy to provide support.

And you know, feel free when you get later in the in the meeting, in your board comments section, maybe to have some discussion about what, what if anything might be helpful.

And like I said, you're doing great and we know the board settling in.

We just wanted.

I just wanted to kind of touch on this since it's such an important role.

And so unique to this board.

So that's all I had.

You're going to be talking about special exception, so you can practice tonight and see how it goes and think about what would be helpful or if you're feeling like you're getting the hang of it, then that's fine too.

And I guess if you have any questions, let me know. Or if you if if you guys have recommendations either now or at the end of the meeting or if you think of them later, don't hesitate to let me know.

AR **Analeshia Rodriguez** 35:54

Thank you, Karen.

And you know, when you said scenarios, I think we've got one coming real soon like tonight.

So that will be our practice, I guess.

Thank you for your time and I'm gonna at the end of the meeting talk a little bit about some board guidelines.

And establishing some, we've got a pretty good sized board here, bigger than the zoning Board of adjustment was. And I think when we're all here.

Bigger than the planning board as well.

So my job as a chair is to make sure that everyone gets heard and to make sure that we can make good decisions and hopefully get home at a reasonable hour.

That's the other thing, too. So we'll talk about that when we're done with our agenda, so.

Let's go on to the next item on the agenda. If there are no more staff

announcements.

No. OK.

The next item on the agenda would be.

A decision item as a board of adjustment 7985 highway.

200 E sine variance Patrick will be presenting and this is the one of the two parts of.

The motions that we had last time, correct.

Correct. Thank you.

For the record, my name is Patrick Swart.

I'm a planner for the Missoula County Office of Planning, Development and Sustainability.

And as you mentioned, Mr. Chair, this is the second hearing we're having on this proposed project for 7985 Highway 200 E the first hearing was at last month's meeting on March 4th.

The subject property as a reminder here is the it's the Bonner Town pump location. We're right between Interstate 90 and Hwy. 200 at that interchange also right at the confluence of the Clark Fork and Blackfoot River.

This proposal is to remove 5 existing nonconforming wall signs from the Travel Plaza building out there, and to install 5 new wall signs on that Travel Plaza building, which is currently undergoing an approved addition.

The original application included a proposed sign plan that had specific sign dimensions. During the first hearing, the applicants proposed an amended sign plan, which should have been included in the.

The packet that was available for your review and has been made available to the public and included in in the last round of public notice as well.

The only change it's still removing the five same wall signs and proposing 5 new wall signs, but the collective sign face area under the amended sign plan is less than what was originally proposed.

So that total cumulative sign face area would be 236.66 square feet and as a result of of that amendment as well, only two of the five signs would exceed the 50 square foot sign face area maximum for wall signs in this.

Commercial Center Zoning District that we're working in.

So as I mentioned, there were two variances that were discussed at the last meeting.

The board did vote to approve one of the variance requests that was from section 8.8

point 0.1, table 17.

This specifically is the section of code that states you're allowed a maximum of two wall signs per parcel in the commercial Center zoning district and the maximum sign face area allowed per wall sign is 50 square feet.

So that's not being discussed tonight. That was resolved at the last meeting, the second section of code that this signed proposal would require a variance from is section 8.7, point B, Table 2, which states that the maximum number of overall signs regardless of sign type per.

Project site in the Commercial Center zone is 4 signs, so the proposal is again for five wall signs replacing existing nonconforming wall signs.

But there is a total 9 signs in support of this travel Plaza use on site currently.

Just as a little bit of a refresher from last meeting, when we're evaluating a variance, the specific review criteria that we evaluate are laid out in section 11.6 Point C, .1, subpart A through F.

So that's six review criteria that we must evaluate and in order to grant approval of a variance, we need to find that they have complied with all of those criteria.

The second part of that is the regulations require that in making a decision for approval, it must be demonstrated that the variance being granted.

Is the minimum variance that will make possible a reasonable use of that land building or structure.

So just to provide some context there, in in the case of this variance, they're asking for five signs, which is five more than what's allowed in the zoning district.

And we'd have to come up with rationale that five is the minimum number of signs necessary to allow for a reasonable use of the land and granting that variance.

That's if we get to the point that we can find compliance with all of the review criteria.

I sent out a memo with the packet.

That you had for review in that memo, we kind of explained that we reevaluated the amended sign plans and really felt that the original staff findings.

Weren't substantially altered or changed based upon the the sign package that was submitted, so staff's recommendation continues to be for denial because we did not find that the proposal complied with four of the six criteria that we can see on the screen.

Here highlighted in red.

But during the last meeting, the board had indicated that they may be leaning towards.

The other direction potentially looking to approve this variance, so kind of as Karen mentioned tonight would be a good opportunity to during board discussion go through the criteria that weren't supported necessarily by the staff findings, but to discuss the board's rationale and.

For why they may be moving towards approval, if that's the direction the board goes tonight.

And I'm not because I presented these last time.

I wasn't planning on going through line by line the staff findings again.

I'm happy to answer questions if any come up, but that concludes the presentation for now. Thank you.

So what we need to do as a board, if you could put those back up there, I apologize. Is discuss why we feel as bored that the variance that we're granting meets all of these criteria, correct?

Correct. So let's start with that. The request for the variances based on monetary factors or potential economic gain.

Umm.

So we the the county's position is.

That.

Staff found that they did not meet this criteria. Just a brief summary of the findings. There were that signs themselves have an inherent kind of purpose of advertising, a specific right business use as opposed to these being strictly directional signs, like if they were proposing entrance as opposed to advertising for a specific business. But because of that element of the signs staff found.

That.

Signs are a form of advertising which directly.

Ties them to these monetary factors and and a potential for economic gain.

So we're talking about the five signs on the building, correct, correct.

And what we would have to have is findings of fact that say that it is not based on monetary factors, that the signs are necessary.

I mean, the claim of the applicant was that.

So people don't walk in the casino or in the wrong door.

How many dual entrances are there?

The sign plan show 5 entrances, 2 on that main building frontage, and then one on either side and one on the rear. OK.

So we have to show that that is not for advertising purposes, but rather for directional purposes.

Correct. That could be one way to OK come to that conclusion.

Well, I, you know, the way I voted, which was.

That I didn't support it, but that wasn't the decision of the board. So in order to back up our decision, we have to come up with the reasons why.

Josh, I see you have your hand up.

I'll go ahead. Go ahead and speak.

JS **Joshua Schroeder** 45:12

Is that OK?

Thank you, Mr. Chairman.

AR **Analessia Rodriguez** 45:13

Yeah, absolutely.

JS **Joshua Schroeder** 45:13

Yeah, that was my question.

I thought that this was plowed ground.

My recollection and notes say that this this past I was just kind of curious if maybe staff could say why we're revisiting it.

AR **Analessia Rodriguez** 45:29

Yes. So we didn't justify.

The right that's not necessarily the reason, OK.

It required 2 variances.

At the end of the meeting, it was the understanding of folks in the room that emotion was made to approve this variance.

Staff reviewed the video of the last meeting and emotion was not placed on the table

for this particular. It required 2 variances.

One was put on the table and voted in to approve and pass the variance.

For this one to allow them to exceed the maximum sign allocation of four signs per parcel, emotion was put on the table to deny the variance request and that was voted down. But a motion to pass the variance request was never approved or or actually never placed on.

The table OK.

So the first thing would be to either.

Put a motion on the table and then discuss the reasons why.

We should grant that motion.

We should approve that motion, OK?

Anyone.

I do have when we see the motion recommended motion language to use. If you're moving towards approval.

Well, should we go through each item first or let's go through each item first. Let's go back to them.

So I did break them out on slides as well if that was easier. If I separated out.

So for those that were in the majority, we need to know why the request with variances not based on monetary factors or potential economic gain.

Anyone.

I.

I guess when I thought about the signs we were talking about, they did seem directional to me, right?

I mean, this is a 300 foot long building multiple entrances providing different services.

And it did make sense to me that they would want to label the different entrances.

Yeah. So to me they seem directional rather than.

Advertising.

Do we have?

The applic.

Ants showing what signs are on what location so we can get a get visualize that.

And whether they're directional or.

So here we can see this is the proposed N elevation we have.

Two entrances on that N elevation, one with a lucky Lille casino and liquor store, proposed sign face area and one with just a town pump logo over it.

OK. And then?

The east and West elevations are shown here on the top. The east there's a second entrance with a lucky Lille casino.

And the West has another town pump sign, and then the South elevation.

There's a town pump sign.

Can I see the West again?

Is that a public entrance?

It appears so and it looks to be that way on the.

Separate from this variance, as I mentioned, they have plans approving a remodel and addition. This entrance is part of that remodel on the existing building space.

Yeah.

So.

Sorry.

Yeah. Thank you for clarifying that.

OK.

So your reasoning repeat for me please.

Well, when I was the the building is so large and with multiple entrances performing different tasks. To me the signs seem more directional than advertising. I mean, I drive by this not daily, but multiple times a week and at night particularly.

There is so much light pollution.

From the gas pumps, there's so much clutter everywhere that even the signs on the ground are not visible.

And they seem to me inconsequential compared to the overwhelming amount of light coming out of the pump station thing.

So for me they were directional but.

That may suffice.

If I could ask you to then tie that back into that second part just so we can as we're substantiating this in the below is the conditions again. Yup, the.

The the second part being the rationale that it's not monetary factors and the minimum necessary, and maybe we can take that minimum necessary independent after we go through all of the criteria, I might give that up to you.

So this one we've dealt with, OK.

That based on the location of the signs, they do not appear to be for advertising, but rather for directional.

Yes. So the note there are entrances for each of the signs.

Yeah, that was the notes to take down based on the size of the building, the signs are serving a directional purpose by identifying the building entrances and the services associated with those entrances.

OK.

So we can go on from this, correct?

Correct. Let's go to the next one.

Literal enforcement of the provisions of these regulations will result in unnecessary hardship that is not of the applicant's own making.

Anyone.

I guess.

I guess I'll play devil's advocate somewhat.

I mean, they had that many signs originally and I know that's not a good reason.

Um.

But is implementing the regulations when the buildings increase in size?

Does it create unnecessary hardship to enforce?

The requirements now.

Does that make any sense?

So staff's findings in this the staff report tried to get at that question.

And I took some just brief notes so I wouldn't have to thumb through the entire.

I mean the the easy the flip side of it is does enforcing the regulations create a hardship correct?

Right. Hardship and then the big caveat in this is that not of the applicants, not of the applicants I'm making.

They build increasing the size of the building as of the applicant's own making so.

That that was ultimately the conclusion in the original staff report was that staff didn't identify a hardship that the applicants weren't responsible for the size and scale, the Travel Plaza building and number of entrances entrances.

Were the result of the applicants initiating that addition project and submitting those design plans and building plans?

Umm.

And then the other element of the hardship that the staff report addressed was specifically that under the current regulations, if variance isn't granted that we didn't feel a hardship was created because of the nonconformity section, which allows them to keep their existing approved signs to do continued main.

On those signs and to do copy change updates on them in their current locations as previously approved.

So if we didn't approve the variance, they would have their original signage from. When it was originally approved.

When the variance was originally approved, correct? Correct.

They can keep the existing signs they have to apply for a new variance because they're proposing to remove signs which would bring them into conformance with the number of signs on site. They would go down to four, but then they want to put five new ones up. So.

They would need a new variance because it is different signage in different locations than what the board approved back in the believe it was the late 90s.

90S or mid 1990s.

So it's both both the sign and the location of the sign.

So the the variance is what would require them to get a new variance. Was that the assignment have to be both the same sign and the same location, right?

They wouldn't need a variance if they keep the existing signage in the same location, OK.

Well, I have nothing.

So I believe it is the applicants on making so.

Who on the board has testification?

Why that would not apply?

I struggle with this whole conversation. We're in right now. 'cause. I don't understand it, I guess.

So finding the justifications and going through these criteria, I'm not sure I understand what variants were really here talking about.

So oh, go ahead.

And so I've sat here and listened this whole time.

And what I'm still confused by is what variants we're talking about, because it's my

understanding.

Your slide the motion in the Minutes approved 5 wall signs on the building.

There was.

We we, I believe, voted on, approving the sign package, which was 5 wall signs for 236 square feet hanging on the building.

I believe that was approved at the last meeting.

There are 9 signs at play. We understood that.

Five. All of them were approved.

And so if we approve the five on the building at the last meeting, the only four we would be talking about would be 4 would be in compliance with zoning. Not to mention they already had variances for those.

So those would be the poll signs and the other signs.

So I'm very confused in the whole conversation we're having here today.

Unfortunately, we did not approve the five on the building, correct?

So the proposal is for five new wall signs.

On the building to based on their proposal, it required variances from 2 separate sections of code.

The board voted and approved on one section of code.

The motion specifically cited the section allowing them to exceed minimum wall sign, maximum sign face area, 50 square feet for wall signs, and a maximum wall sign allowance of two wall signs.

But that didn't grant them a variance from the underlying. I mean, it kind of was.

It was taken out of order. The board thought they had voted and approved the first one that just allowed them to exceed the maximum number of signs per project site.

So they still don't have a variance that says you can have more than 4 signs per project site. So for the projects to get a zoning compliance permit in hand, the board needs to grant a variance from every section of the code that it doesn't comply with.

And the board only made a motion to approve.

One of the two sections.

It doesn't comply with at the last meeting, so that's why we're back here tonight.

Can you show me what the two motions were last time?

It's only one motion was made last time.

Just you can show me the one that was was.

It'll take me a second to to dig it up, but please.

It may be in the meeting minutes, I might ask.

If the staff could share that.

And suppose we have the agenda from last time.

You do? Yeah.

OK.

So this is the minutes of the meeting.

This was when we did it.

We moved to approve the request for variances amended during the Missoula County consolidated Land use Board meeting.

I apologize.

That's the incorrect motion included in the minutes I have the presentation that was given last time that Scott.

There are more, OK.

I think we're looking for the one that actually passed at the last meeting.

Yeah, I have it here annalisha.

I can just share again.

Thank you.

So this is the motion that was made and voted on at the last meeting.

Specifically called out the amended sign plan drawing #75O174-11 and then from section 8.8 point 0.1 Table 17, which as I was discussing earlier is the section of code that says you can have a maximum of two.

Wall signs and the maximum sign face area for each wall sign is 50 square feet, but this motion didn't address.

The other section of code that we're talking about tonight that they also need to just exceed the overall.

Parcel sign allocation of four for commercial center.

OK.

You understand?

I I think I understand.

So there are two separate sections of code and, and unfortunately I think we had that break and staff prepared a draft and I think maybe we inherently and missed that other section of code that probably should have been included. And I believe it was

the intent of that.

Board to include that, but it's almost at this point now if now we're asking for a variance to exceed 4 for the site, which I think is the variance we're considering. This board has already approved 5, and there's four existing.

So the signs that we would, I mean which ones would they not get?

'Cause, we've already approved the ones on the wall and hang in more than 50 square feet.

So I mean, it's sort of this pick and choose of which two wouldn't be approved. It's two. It's not.

We're not approving specific signs. We're approving the number of signs, right? That's what I'm saying.

So right now we approve them at the last meeting for five.

Which is already in exceedance of the code that we're asking for.

Variance for right?

So they could bring in that sign package for a permit tomorrow with the variance approval from last month and we couldn't approve it because it still doesn't comply with the other section of code. So for them to do what they want to do, they need 2 variances appro.

It's all or nothing.

It's not like they can get some of it approved.

They would have to come back with a completely separate package because the board approved half of the package last night, but it's not something that we can permit. So we need to approve the use of four more signs tonight.

Right.

It's yes, I mean that's one way to look at it sort of.

It's it's I guess my simple mind.

That's the only way I see it's one side.

They're only allowed four.

They have nine right now.

We approved 50 / 50 square feet or right and.

And.

The number over two wall sign. Is that right?

Correct. OK. And five signs. But no, no, we do not approve 5 signs.

That signed package had five signs in it, right?

And it we were trying to make two motions last meeting and the board was under the impression that they made two motions, but things got a little bit messy in the discussion there. And the second motion wasn't made so that it it requires both.

They're asking us to.

Evaluate a signed package and for that package to get to the point where we can issue a permit on it, we would need.

Variance approval from both sections of code.

Yeah, right.

Well then this variance would be based on approving one more than per permitted.

So the variance that we're evaluating tonight is to allow them five signs beyond what's permitted per project site, right?

4 signs are allowed per site, correct, correct. OK.

So in order to meet the requirements for them to get a permit, they have to meet both sections of code.

We've only voted on one section of code. We're now talking about another section of code, and I understand how confusing it is.

I think we all went home thinking that we had dealt with the entire application and that's on me and it was confusing.

We did not. So that's what we're here for now.

So what is specifically the code we're talking about now?

It's a deviation from 4 science denying correct.

Yes, correct. I was. I the citation I can. That'd be great.

I can see the code.

So this shows the top one was approved last time.

What we're considering tonight is section 8.7, point B, table two. OK, over 4 signs per parcel in a commercial in the commercial Center Zoning Commercial Center zoning. OK.

OK.

So do we all.

All on the same page quasi.

I I have a question. So if signs giving direction are acceptable entrance exit.

Right. So is there some pathway for them to say entrance to the lucky Litt?

I'm. I'm lost.

On a building of this size, with that many entrances, trying to direct people how?

They might do that in compliance with Missoula County.

Have any thoughts about that?

So.

Yeah. I mean, I think this is a little beyond the variance review criteria.

I can, yeah.

I mean, give some we we thought on it that really what we have to decide.

I mean, so you we've already talked about the direction part of the sign.

Now we're at the I mean, you made a point that.

They now we're at the part is, is the need to have that many signs on that many entrances of their own making.

Correct, right.

Is OK.

With literal enforcement of the regulations, results in a hardship that's not of the applicants on making is the the criteria, and we have to meet all of the variance requirements for them to get the variance correct, correct? OK, so that so we've talked about the one.

Well, we're we're not in.

Are we opening for presentation again?

No, they've already made their presentation.

Yeah, yeah, we we're not at that point right now. So. So you want to focus on this question on the screen, I believe, correct.

Yes, yes, all right.

So I'm going to be on this logic of exceeding 4.

I guess I'm going to say simple and say we're exceeding 4, whether it's one more on the building or five more on the site, we're asking to exceed 4. I don't think it's of the applicant's own making.

They had prior variances in place, they.

By this remodel, the the number of these signs.

That are exceeding that were already existing signs. They are in public locations like on the sidewalk for public safety.

This property fronts 2 highway systems.

It's fronts I-90 and Hwy. 200. I think the size of the parcel is not their own making that requires more signage than standard.

So you feel that?

Still not understanding how increasing the size of the building is not of their own making.

You're saying that?

They already had signs.

We understand that, but that variance is gone.

Once they applied for a new variance.

And what I'm saying is they still front 2 highways.

They still front have a large parcel and they need more than that.

I think what you might be getting at there is the other criteria of special conditions unique to this property.

I'm I'm still having a tough time.

I mean, can you kind of get back to the literal enforcement, like addressing how the current regulations would result in a hardship?

That's they didn't make well, that business is established.

Those signs are in place.

So if we took a little enforcement, it would be removing something, a luxury of liberty.

They've had a use they.

Been enjoying for decades, if we took a literal enforcement, they would be going backwards in the number of signs they could have.

And just to clarify, if they're not required to remove any of the existing signs, correct so they can keep their signs without getting this variance, I think they also have things they have to do as a business and modernization and other things and moving forward.

They've outgrown that site.

They need things as a business.

I don't.

I don't see that meeting the criteria.

Let's go ahead to the next one.

We can come back to this move forward.

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

So in other words, there are special conditions for their location that is different from other commercial center.

And I don't know what that would be.

One thing I jotted down from Andy's last notes that I think could apply here, but I might.

It might be helpful to give some additional context.

Is that this property is large and it fronts 2 highways.

Just kind of tying back how that multiple highway frontage necessitates those five additional wall signs specific to this property like that, that constraints requires a variance to for those five specific wall signs was I think.

Could be helpful in addressing that justification using those those highway frontages K.

Trying to think of anything else.

Does does.

Yeah.

Hi everybody.

My name is.

Yeah, I am staff.

I'm not an interloper, right?

My name is Izzy Varley.

I'm a long range planner here at the Missoula County right.

I think regarding the last element, right and I think.

Andy, like you, you provided a rationale.

Right now we I don't think that rationale has to be like ironclad and agreed upon by everyone.

But at least it is provided, right?

Ultimately, you will have an opportunity to vote on this variance, right?

You're gonna vote again, you know? And that's ultimately where, like, you know.

Whether this whether the variance passes or it doesn't pass right, the point is that you provide a rationale not that like everyone has to agree on it. That helps.

Thank you. I appreciate that.

OK.

So we've got a rationale for this.

That is the location based on the highways and you might, I might add also that they have.

I don't know if it's a special condition, but they have those odd.

Sidewalk level signs on the building that are kind of unusual for buildings today.

So I don't know if that's a special condition or not. Moving it to the top would be.

Would be a a condition that would make things safer for people.

And.

We're just not done that way anymore.

So next 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 the public welfare.

Go ahead and say something about that.

They're already there, I mean.

It has not been injurious to the neighborhood and or detrimental to the public welfare yet.

As was pointed out earlier, the lights of the sign are minor compared to some of the other lights that are in this location being the many trucks that are serviced there and everything else. So.

Would you agree, Andy?

Yeah, I think the the injuries to the neighborhood and detrimental to public welfare, I think the findings that the signs exist as they are today and would continue to exist without granting this variance, removing them from the sidewalks and placing them on the building.

As I believe.

That'll work.

Let's go on to the next one.

We've made it through, but that's it.

I was the four, OK?

So.

Did we get the motion on the table for this or not? Not yet.

We have not, OK. Heard a motion. So let's get the motion on the table.

Then we'll have any further discussion and then we'll have a vote.

So we see the motion.

Annie, would you like to make it 1?

Should we have a public comment or a period from the proponents with the applicant, usually after staff?

One other element that I did want to include that I didn't include in the original part of the presentation, if I could so that it as well is if the board moves to approve, we do have two conditions that we would recommend. These were included on the. Other variance.

The board evaluated and approved the last time, essentially just requiring that all of the necessary permits administered by other agencies.

Will be required and that the projects comply with all of the zoning regulations.

To be reviewed at the time of permitting.

Well, I think that given that we have a motion in front of us that we thought we passed last time that we should have public comment from anyone and and or the applicant as well.

But let's get the motion on the table and then do that. How's that?

I'll take a stab at it, OK.

I think I have it.

I move to approve the request for a variance as amended during the Missoula County consolidated Land use Board meeting on March 4th, 2026.

The one on the screen is the one it got amended slightly just to streamline that language. OK, thank you.

OK.

That'd be fine.

OK, that is public comment time.

If there's anyone that would like to comment on the motion.

Approach. You have 3 minutes and give your name please.

I agree that.

Oh, I heard that earlier.

I didn't know who what that meant.

I didn't hear it echo.

Sorry, my name is Mike Cash. I live in, but I work for town pump.

I'm in charge of display marketing manager signs.

I guess so to speak and I just wanted to thank you, Mr. Chairman, and board members for your time, considering what we're asking. All we're really asking is to keep the signs we have and put them on the new modern building up on the up on the wall.

Instead of down on the sidewalk.

That's really all we're doing.

Fully understanding that if we don't get the variance.

We would just keep them as is, but we're just trying to modernize our building along with the remodel. And I do appreciate your time and we have reduced the the square footage from what it is today. I think it's a 247 and this new package is.

Actually bringing it down, they talk about if the sign is monetary or not.

It's really just our signs.

I guess you could argue both ways is does it create us money?

Does it not create us money?

It's just what we have in our building.

For sign as it goes.

So I don't really have anything other.

I think everybody understands what our purpose.

Says. I think I just wanted to stand up here and let you know that I do appreciate your time and we are really trying to make this this building's gonna look awesome.

It really is 'cause I drive by there. So thank you for your time. Thank you.

That wasn't an applicant's question presentation.

That was a public comments. We don't really have any questions. Are there any other public comment in the room or online?

All right.

Then we will close public comment and move forward with the motion again be good.

OK.

I got a thumbs up.

Back to you, Andy.

I move to approve the variance request as amended by sign plan drawing number

250174 DASH 11 from section 8.7, point B, table two of the Missoula County Zoning Regulations for property located at 7985 Highway 200 E.

This motion for approval is based on public testimony or deliberation, and the findings of facts and conclusions of law found in the staff report and is subject to two conditions of approval.

And we need a second.

Motion.

I'll second motion has been made and seconded to approve the variance request and can we see the two conditions of approval please?

That all other necessary permits administered by agencies have been planning and sustainability should be attained. Projects will comply with all applicable zoning regulations, be reviewed and approved, time permitting, substantial changes to development plan are subject to review and approval by the board of adjustments.

So those are the.

Two conditions.

Any comments?

Motion is on the table.

If not, we'll move for A roll.

Josh has his hand up.

JS Joshua Schroeder 1:19:07

Yeah, I'll go ahead and provide, you know, my justification for how I plan to vote, which is consistent with how I thought I voted the first time. And that's to deny. I'm. I'm sympathetic to the applicant. I I really AM.

And I'm trying honestly trying to find ways to meet the criteria, but I I I just can't get there and so you know the 1st, I just don't see.

Special conditions that are unique to the property, and I think Andy brought up some good points.

Points, but there's another 10 acre parcel that is just down the road that has.

Visibility from both highways and so I just don't think that it has uncommon visibility characteristics to parcels in the same zoning district.

And I just don't think the record demonstrates any physical characteristics of the land that uniquely prevent compliance with sign regulations.

I do believe that the signage request is primarily aimed at improving wayfinding. Visibility that it's not necessarily about trying to increase business, maybe even safety, but the fact is I can't get around that.

The hardship is not self-imposed.

And so there's two criteria.

That I just have really difficult time reconciling or or you know.

Meeting in order to grant the variance.

So in light of that, you know, I plan to vote how I how I did last time, even though I think it's, you know, it's a shame and I'm sympathetic and but I just think you need that. You know, given this is a quasi judicial decision we need.

To justify you know how we're voting and that it meets the criteria.

So that's, that's where I'm at, if that's helpful.

AR **Analeshia Rodriguez** 1:21:10

Thank you, Josh.

Anyone else?

Have we found?

Has anybody had a suggestion of how it would meet that criteria of not self-imposed?

I mean, if it has to be all or nothing on the criteria, have we overcome that barrier?

Umm.

I mean, I'll be happy to answer how I feel about it when it's my turn, but OK.

Yeah, I mean I'm stuck the same way.

Yeah. So.

I'm not changing my vote either.

A little different than Josh. I think that signs by their very nature are do try business to a location.

Question.

I'm not sure they needed nine signs when the they got their original variance.

I don't think it's a substantial hardship to meet the the the regulations and have the right number of signs.

I don't think it diminishes their visibility.

I don't think there's very many people that would miss the giant sign from the

highway that we all see.
When we come around the bend from the other darkness to that.
So I you know, I'm kind of a stickler for the law.
And.
I don't feel that it isn't self-imposed.
The growth is one of the requirements for them to to to want to modernize the signs.
I I can appreciate that it probably will be aesthetically better.
But I don't feel that it meets the criteria for variance.
To that for them to be able to meet the code.
Is not a substantial arch for them, and so I'm not really changing either so.
I guess the question is what you know we are here.
To put forth the reasons why we think.
And now it's time to make a vote. If no one else has any more comments, I'm certainly welcome you anyone online.
Any members?
If not, let's see how the vote goes.
Roll call vote Josh Ritter.

JS Joshua Schroeder 1:23:57
No.

AR Analeshia Rodriguez 1:23:59
Barbara rabel.
I believe you had to unmute yourself. Barbara can't hear you.

BR Barbara Raible 1:24:16
No.

AR Analeshia Rodriguez 1:24:18
We heard you.
Andy mifherd.
Michael served me no.

Chris Soleil, yes.

And the motion fails three to two. You didn't ask me for my vote.

My apologies. Recall, no.

And the motion fails.

I'm forwarded to you.

OK.

So the results of that are.

If we approved one denied the other, then we've effectively.

Denied all.

Correct the sign plan the the motion that was approved last time is contingent on that entire. It's related to that entire sign package. OK. So so that condition was on there that they have to bring that in for permitting.

It needs to be in substantial compliance with what the board approved, OK.

So yes.

It wouldn't.

And the applicant can keep the signs they have and the locations they have based upon the previous variance.

Correct. OK.

That's the result of all this. Correct. OK.

Alright, thank you.

This was a fun one.

We're gonna take a break.

5 minutes top of the hour.

So and move on to some other stuff.

And that's for me.

That was that was that was.

Help.

Back up.

OK. On to the next item on the agenda.

Which is the now a zoning Commission.

Buck House Shop Town is a little county growth policy amendment, map 18.

So we actually have two items on this.

And who is presenting Kathleen Arthur?

Yeah. Myself and Izzy Varley, my colleague.

We're both presenting. Thank you.

I will go ahead and start.

My name is.

My name's Kathleen Arthur.

I'm a planner with Missoula County planning, development and sustainability.

And I'm going to be presenting an application for a growth policy amendment and rezoning of a property at 4285 Highway 93 S.

The subject properties total about 83 acres, and they're bordered by the Bitterroot River to the E Highway, 93 S to the South, and vacant private land to the north and West. The property is currently accessed off Hwy. 93 by a private driveway to the Res. On site.

Historical uses on the property have included gravel mining, salvage landfill and most recently, equipment storage. During the 2020 COVID epidemic, the property owners allowed a temporary safe outdoor space serving people experiencing houselessness.

This was relocated in 2023. The property at the Buck House Bridge is also used by the public as an informal river access site.

Where people typically park on the highway and access the river using an informal trail, there's a class 3 landfill on site consisting of waste from past industrial use.

The presence of the landfill requires special approvals for the development for any development from the Montana Department of Environmental Quality and the US Army Corps of Engineers.

The properties were incorporated into a citizen initiated zoning district.

In 1975.

The site contains both floodplain and wetland areas.

FEMA has recently updated its floodplain maps, which should be adopted later this year.

My other map disappeared.

There we go. Thanks.

The top map shows the existing flood plain.

And the bottom map shows the floodplain maps.

That will be probably adopted later this year.

The pink is the 100 year floodplain and the yellow is moderate or 500 year floodplain. There's also high groundwater throughout the property.

Due to the combination of high groundwater landfill and flood plain development potential is severely limited on the property.

Public sewer and water is currently not available to the property. The nearest public sewer is across the bridge .3 miles to the east.

The applicant has recently submitted a boundary line relocation on the property. However, as I understand it, this has not yet been filed and would be contingent on the approval.

Of these amendments.

The applicant is requesting a growth policy amendment and rezone of the properties. The current land use designations are agriculture and working lands.

The agriculture shown here in the darker green.

Is generally following the floodplain contours. This designation encourages agriculture and suggests residential be at a very low density.

The Working Lands designation aims to achieve the protection of waterways and natural resources with very low density residential in areas with little infrastructure available. The applicants proposal would change the designations on the properties as follows.

S.

The proposal would designate 52.3 acres as agriculture, shown here on the map in green.

Note this area is entirely in the 100 year flood plain. The Working Lands designation would be 9.4 acres on the east side of the property, shown here in blue.

A new designation of open resource and recreation would be designated along the Bitterroot River and Hwy. 93.

And that's shown in yellow.

This designation is intended to be publicly owned and aims to protect natural landscapes and waterways.

The applicant has approached public entities regarding ownership and management of this area. However, at this time no agency has expressed intention of taking ownership or management.

A new designation of commercial center is being proposed on 8.6 acres of the

property.

Shown here in red.

This designation calls for a mix of primarily commercial and accessory higher density residential development served by public water and sewer.

The second part of the proposal is rezoning of the properties they are currently zoned.

The citizen initiated zoning district #39. The zoning district allows for the following uses.

Single family residences, accessory building, schools, churches, parks and playgrounds, libraries, community halls and residential planned unit development.

The current zoning would allow for one home per acre.

And this would be infeasible due to the environmental and infrastructure constraints on the property the applicant is proposing to rezone the properties to the following zones. Agriculture reserve, shown here in green, this zone would encompass most of the 100 year floodplain and would largely preserve the land.

As open space.

Shown here in blue would be the agriculture working lands, or AGW 40.

The zone would allow for one dwelling per 40 acres, recreational development and other uses similar to that of agriculture reserve are allowed.

Shown here in yellow would be resource and open lands. The purpose of this district is to protect natural landscapes, waterways and Fish and Wildlife habitat.

It aims to minimize risks to public health and safety from natural hazards and allows recreation.

Shonen Rad is the proposed commercial center zone. This district allows for a wide array of commercial uses and dense residential development.

Chapter 8 of the Missoula County's growth policy specifies criteria that must be met by private parties seeking to amend the growth policy.

The criteria provides a basis for the governing bodies determination that the proposal is consistent with the Missoula County Growth Policy and the 2019 Missoula Land Use Element.

The following slides will show an overview of each proposed land use designation and how they each comply.

Or do not comply with the goals and objectives of the growth policy.

In depth analysis for each goal can be found in the staff report.

Working lands and agriculture are the existing land use designations on the properties and therefore these designations align with the growth policy.

These designations were selected due to the large area of 100 year floodplain on the property, adjacency to the Bitterroot River wildlife habitat, lack of infrastructure and public values.

Another important component of maintaining these designations is congruency with neighboring properties.

He's in the preservation of open space.

Public comments strongly supports the preservation of open space and the protection of resources.

The Open space resource and recreation land use designation is also aligned with the growth policy.

It will enhance protections for the Bitterroot riparian environment, a 500 foot riparian buffer will limit additional development in perpetuity and enhance protections for wildlife. It would preserve the area for potential future recreational development and river access.

Public comments strongly supports river floodplain and riparian protection.

Actions.

The Commercial center designation at this location is not consistent with the growth policy for several reasons.

The location is on Hwy. 93 with a speed limit of 55 mph.

The Commercial Center designation allows for a broad range of uses, many of which would not be appropriate for this location as guided by the growth policy.

There is no existing or proposed infrastructure for wastewater management.

Which is necessary to support most uses allowed for this designation.

The environmental characteristics of this location remain important.

Constraints to consider when assigning land use designations.

The floodplain high Water Table River and riparian environment and water quality concerns should inform the designations for the site.

Commercial Center is not an appropriate designation.

Our key findings for this are as follows.

S.

Thank you, Kathleen.

I'm going to take over and take us through this next section here.

We're going to talk a little bit about more these these four kind of elements that we've called out here right for transportation and safety, land use concerns, environmental constraints and the infrastructure limitations. And I'll start first with transportation and safety.

So this is a high speed zone, right?

We can all kind of picture where we're at here. If you're driving South on Hwy. 93, right?

You kind of hit back the Buckhouse bridge, right?

And most people are accelerating rapidly at this point, right?

You're going from 45 to 55 to 65 miles an hour in a relatively short distance. The entrance to the property you can kind of see it, right?

Is that .74 miles?

And that's where you would turn in and that's about where the AC the proposed access will be for this the commercial center zoning as well.

And so that's where they're proposing to add, you know, this commercial center designation, which would add a significant number of trips. And that will be exiting and exiting this this particular section of highway.

Let's look at a few of the this is, of course, a very busy highway, right?

It's been extensively studied by NDT Wright.

There's been a number of different ones. We go all the way back to 2006 where we have an access control study. Certainly more recently 2023 MDT did a speed study from Lolo to Missoula and then most recently is the 2025 MDT miss.

To Florence Corridor study and I'll pick out some highlights from those studies to talk about next year.

The 2023 MDTP speed study Lowood Missoula, Wright said.

Basically found this right that based on the review of the roadway and environmental conditions, crash history, speed characteristics and the NCHRP 1776 speed limit setting tool, the existing speed limits for each of the study segments are appropriate and no changes to speed limit are recommended. So.

In short, the speed limit speed limit here is appropriate for.

This section, now the county can request that this speed study be.

Visited right, but there's no necessarily, there's no guarantee, right?

That NBT will change their findings.

They'll put it through their their system and their models, right?

And they will ultimately determine whether something is warranted or not.

The 2025 US 93 Missoula de Corridor, Missoula to Florence Corridor study.

They call this the segment a right. It begins at Buckhouse Bridge, ends at Heath Creek Rd. Characterized by high travel speeds in the suburban context.

Right. The transition zone into Missoula, Missoula's urban context can cause conflicts, especially at peak travel times, right?

And this kind of this did.

Tend to confirm what we had heard from our own public Works department, right?

Especially with relationship to the Highway 93 and Miller Creek intersection.

Right. It's a very dangerous intersection. There are multiple accidents there, right?

You have people entering the city at high speeds, right?

People turning on and off, right?

It helps illustrate that that this section is it's a very it has, you know, a potential for high number of conflicts, right with people turning on and off this section, one of the one of the elements of this, the corridor study was looking essentially at what improvements could.

Be made right?

But they're very clear about their ability to make improvements, right?

No funding has been identified.

For corridor projects, at the time of this report.

And multiple funding sources may be available to support development of future projects, but not at the current time, right?

This is kind of a giant wish list of things that we would like to happen, but there's no guarantee that this corridor will get safer or that there's money lined up essentially to improve that. The safety of this section here we actually have Aaron Wilson from the M.

Here and he can.

He can help confirm that, right?

That there's really not any money right now for that kind of stuff.

As he shakes his head. OK.

Thank you.

All right. So let's in transportation and safety concerns. Let's talk about land use concerns, right.

A commercial center will allow lots of different uses, right?

Very high intensity uses.

I'm just gonna call out a few different uses. In particular, right?

This does allow residential use, right?

But with an 8 homes per acre minimum, right?

This isn't a maximum area, right?

We look for an 8 homes per acre minimum on this particular site with regard to residential use, right?

But other than that, right there are lots.

There's a wide range of commercial and office uses that are allowed in this in terms of like gas stations and food and beverage sales.

Lodging, medical facilities and so forth.

Right. One of the things that I will bring up too is that travel plazas have been a big subject of interest right lately, right?

With proposals at Blackfoot crossing in Bonner W Riverside, right, as well as out in Frenchtown right, you couldn't do a travel Plaza here.

It doesn't meet the criteria of that, but you could do a gas station here.

Let's talk a little bit more about commercial center and where it is in Missoula County now, right.

I'm gonna call out three particular locations, right?

Hwy. 93 N.

The Y right?

This is you get off of Hwy. 93 N like you're going up to Flathead or something. That's that section.

There's also the Bonner town pump right?

Which is kind of the highway of Hwy. 200 and I-90 exit and then Blue Mountain Rd. is another one that's actually just down the road from where we're currently talking about.

We'll talk about some different characteristics of those sites right in the land use is currently in them to give us an idea of what's typically involved in commercial center.

So some of the enabling characteristics for the commercial center in these locations, right Highway 93 and the Y, right?

That's a major Interstate junction, right?

There is water and sewer there that helps facilitate the kind of dense development that you see there.

Bonner town pump.

It's a junction of Hwy. I-90 or junction of I-90 with Hwy. 200, right?

There isn't water and sewer available this location, but they do have an incredibly robust septic system in that place, right?

This is the same town pump that we were just talking about in the variance thing, right?

Blue Mountain Road, right, and the junction of Hwy. 93.

This is just a few 100 feet S down Hwy. 93, right?

Again, this is not a location that water and sewer is available, but this another place where there's an, you know, by and large, much much of the development is supported by a robust septic system in place, right?

And there are no groundwater limitations at that location.

These land uses right that we typically find in these locations Highway 93 at the Y right, we got travel plazas, we got casinos, we got liquor stores. We got fast food. We got cannabis dispensaries, we got hotels, we got the whole like highway oriented commercial development, right.

That's what we see in these locations. Bonner Town, pump again, a travel Plaza casino, a liquor store and a pretty good restaurant out there, as well as Blue Mountain Rd. Highway 93 S.

There's a health club, there's retail, there's a children's group home.

Wholesale lumber storage units.

There's a whole range of activities that occur in these locations.

OK.

So we've covered through like this is kind of what we see a lot of in these in the commercial center districts, right?

I'm going to talk very briefly about.

The shop count proposal itself, right?

Although this isn't going to be the focus of our presentation, I'm sure the applicants

here will do a fantastic job explaining what exactly they're proposing at this location. And it's basically it's a combination dry shop, heated storage unit development, right. That will only ultimately occupy a relatively small amount of the site.

50 of the proposed area will be developed under the applicant proposal and then will be entirely out of the 100 year floodplain.

They have envisioned this river access parking on a portion of the property right. While this could certainly enhance recreation access, I'm going to emphasize this next point. No public agency has stepped forward to own, develop, or manage this site.

And this use that they're proposing right? Shop town and storage unit development is not allowed by right in commercial center.

It requires what's called a special exception permit, right?

They would have to come back to you and your authority as the Board of Adjustment, right?

You would grant this permit or not in this particular case, right?

And then it's not what they're proposing isn't allowed without this special exception.

That's a really important point, and I'm gonna come back to that in a minute.

OK.

So while it's very tempting for us to focus on the shop town proposal specifically, right, what we're looking here as in the county, we have to evaluate the range of land use is possible at this site, not a single proposal, right?

This isn't especially important, right?

I'm gonna emphasize this.

Plans change, right?

Plans don't always work out, so we have to be able to consider the wide range of things that are possible at this site, not just what the applicant is proposing and specifically.

So this next slide is gonna help kind of illustrate that for us, right?

There are a number of decisions that have to be made right?

There's the decision that we're looking at today, the growth policy amendment and rezone decision. We can say yes, we can say no right then there's a special exception in order for them to proceed and do the buckthouse Buck house shop town proposal that they're gonna talk about, right.

And it could play out that way, right?

They could get a guess from a positive recommendation from you. A yes from the Board of County commissioners, right. And a yes. From a special exception from you. It's above my pay grade to say whether you would grant that special exception or not, right?

So it's also possible that you say no, right?

And then what happens?

What happens to this parcel, right?

It's got this entitlement in the sense that you can do a community commercial, right?

Well, they could look at other development now by right, right.

They could put a gas station there.

There could be a casino, a car dealership, any number of things that are allowed there by right, right. That could happen here.

There certainly are site limitations that make these difficult, right?

Well, we'll talk a little bit about ways that they.

Could potentially make these work right?

Another possible possibility is that the site limitations that here are so great right that they are now insurmountable, right?

You could not get a septic system that would work here, right?

And then you have a designation that no one can do anything with, right?

You can't put the development there.

That's thereby right.

And you can't put the what they're proposing to do. So it sits there and vacant.

It sort of becomes this weird orphan and we try to avoid these kind of situations whenever we can.

The applicant can resubmit a different growth policy amendment and rezoning right, proposing a different one so they have options that they could pursue. If you say if any one of these things fall.

But it's hard to say what they would do right.

And finally, they could also just development by right under the ZDE 39.

Right. They could develop essentially low density residential homes at this location, which is what's allowed by right.

So this just gives us a range of things that could occur here.

At this particular site, not just what they're proposing to do.

As we talked about right, wastewater and stormwater management are very challenging issues at this site, right?

There's seasonal high groundwater you can see in the little map.

At the right.

It's kind of small, but these are the location of monitoring test wells right at the site, and they've shown that the groundwater can be at high water can be between 30 and 65 inches beneath the surface, right. That's really shallow groundwater.

This This site is entirely surrounded by the 100 year floodplain, right?

And that's that.

You know, if there's a if there's a significant flood in this location.

Place basically come and comes an island, right? And so while the 500 year floodplain is being reduced in these preliminary maps, right portions of the Commercial center zoning remain inside the 500 year floodplain.

These are important considerations that we look at, right?

Is this a good place for development to occur?

The next I'm gonna talk a little about the infrastructure limitations, right?

So not too long ago, right?

Blackfoot crossing, right?

This is the W Riverside proposal that came through, I believe was actually the planning board that kind of looked at this, but it it went through the board of County Commissioners, right?

They proposed also commercial center right, and we found that staff found that that was supportable, right?

We supported the the Commercial Center designation in that location, right because the applicant had proposed sewer and water facilities, right.

That was a key infrastructure component that they were proposing that helped justify this decision.

Also, the transportation access there was was much better, right?

That's a signalized location, right?

Traffic's moving much slower.

It's much better equipped to handle the traffic coming in and out of that particular site.

Now, ultimately, now let's keep this all in mind, right?

Ultimately, the Commercial center designation was pulled by the board of County Commissioners, right?

They decided not to do that and it was replaced with a neighborhood center designation instead of the Commercial center designation, right?

Went for a lower intensity designation at that site based partly on feedback from the community, right.

So the growth policy in the lamell indicate that water and sewer are required to support most of the commercial center uses, right?

And we know that also extending the sewer from the city of Missoula is not an option, right?

They wouldn't.

Or not. At this point, the city would not pass the sewer over the Buck House bridge to this location, right?

However, this is where it gets interesting, right?

Alternative septic systems could be feasible this location, right?

They make septic systems that deal with exactly this kind of location, right?

You could propose an evaporative pond or raise.

Own septic system, right that are designed for areas with high groundwater up.

They do this in other places, right?

They do this in other places in Montana, right?

So it's not necessarily out of the realm of possibility that this could happen, right?

And finally, like a large investment in the right septic system could possibly overcome the site's limitations, right?

I was a private sector planner for 10 years and my boss at the time had a famous saying right that he would trot out in just these kind of just this kind of situation.

Situation right?

Which is that money can make a lot of problems go away, right?

If you have the right applicant, you know, let's say it's a town pump or it's a dino's, or it's an Ole's or whatever, like I. And this is a hell of a location for a gas station, right?

You're coming out of town. You know you can fill up your gas, you can pay 15 minutes of keno and you could, you know, pick up a six pack and go right a lot.

The right pocket book could do something here that may be very different than what

we than what is proposed here?

And so we have to keep that in mind, right?

And that's that's something that I hope I hope you kind of can keep in the back of your mind.

As you go through and consider this.

So with that, I'm gonna actually pass this back over to Kathleen and you can take a break from me talking about Kino and gas stations.

Alright, this is Kathleen again.

The Missoula County land use elements is a part of the growth policy it lays out actionable plans and strategies to implement the goals of the growth policy.

This proposal has components that meet the guidance of the land use element and components that do not.

The proposed agriculture working lands and open space designations fulfill the value to protect open space.

Protect wildlife habitat, enhance recreation and protect naturally functioning systems.

The proposed commercial center designation fails to support the values and objectives of the land use element in accommodating growth.

Where there is existing infrastructure protecting public health and safety and the site specific characteristics needed to support the commercial center designation.

Which have been discussed by Izzy.

The proposal includes rezoning the property, the review criteria for a zoning amendment focuses on alignment with the growth policy, public health and safety impacts on resources, impacts on the surrounding region and congruence with surrounding zoning districts.

A comprehensive review of these criteria can be found in the staff report.

I'll go over some of the findings.

Our findings concluded that the Agriculture reserve, agriculture, working and resource and open land zones met the criteria for rezoning.

However, the proposed commercial center zone did not meet all the criteria.

The proposed commercial center land use designation is not consistent with the growth policy.

And therefore the zoning request for commercial center is not made in accordance with the growth policy.

The proposed Commercial center zoning fails to promote public health, public safety and general welfare.

It fails to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

It also fails to meet the criteria on impacts to transportation systems and general suitability for the uses allowed in the district.

The county received agency comments on the applicants proposal from Missoula County Water Quality District Missoula Parks and Recreation, Missoula County floodplain administrator Matt Heimel, Missoula County Public Health, Missoula Rural Fire District, and the Confederated Salish and Kootenai tribes.

Missoula County Water quality and public health both shared concerns about the shallow water table throughout the property as well as the landfill health code requires toilet facilities for structures designed to be occupied by people. The infeasibility of wastewater management poses a very challenging hindrance to any develop.

On the site.

The city of Missoula Parks and Open Space had concerns about commercial development of the property and maintained a preference for development with the least amount of impact.

There is strong support for the 500 foot riparium buffer that would be in place if the proposed zoning would be applied.

There was also support for the Recreation access parking lot, however, questioning whether the lot would provide adequate spaces for the summer demand.

The applicant published a survey made available to the public on the Missoula County Voice page and on site at the property. They hosted 2 community engagement forums and presented at the Lolo Community Council meeting on September 9th.

Legal advertisement announcing public meetings for the proposal were published in the MISSOULAIAN on February 28th and March 7th.

Legal notices were posted in five public locations and adjacent property owners within 100 feet of the parcel or 1000 feet of the parcel were notified by mail on March 10th, 2026.

Public comment received can be summarized support for open lands and resource

protection, recreational trails and access, and the riparian protections.
Opposition and concerns included opposition to the development of storage units, development in the floodplain, loss of wildlife habitat and loss of open space.
Please.

We just kind of wanted to go over what happens next here.

We'll have presentations from the applicant and the representative, and then you, members of the Planning Board and Zoning Commission, will provide your recommendation for this. And then that recommendation will go to the Commissioners, who will ultimately make a decision.

And.

Staff is recommending denial of the growth policy and zoning map amendments. If you decide to support the amendments, we'll need to get your findings like we just did.

Outlining your support of the proposal.

And that's the end.

Thank you.

At this time.

We would be time for the applicants.

How much?

JD Joe M. Dehnert 2:04:07

Hey, Rick, can you hear me?

AR Analeshia Rodriguez 2:04:09

Online, there we go.

JD Joe M. Dehnert 2:04:14

Can everybody hear me in there?

AR Analeshia Rodriguez 2:04:16

Yes.

JD Joe M. Dehnert 2:04:17

OK.

Hopefully I'm given the opportunity to share my screen, might take awhile to give me those permissions.

OK.

I think I'm seeing it.

You guys will also have to let me know whenever you're able to see my screen.

AR **Analeshia Rodriguez** 2:04:55

We can see your screen.

JD **Joe M. Dehnert** 2:04:57

OK.

Excuse me, apologies in advance.

My children and my body didn't get the memo that I'd be speaking tonight, so I'm going to be taking some breaks and sipping some tea as I'm able.

Good evening. My name is Joe Dennert and I work for Imeg and I'm here representing the landowner and applicant this evening, actually Jason Rice. Kathleen and Izzy alluded to is is there in person.

And.

He will be speaking briefly once my presentation wraps up.

I'm I'm excited to be here as this is actually my first time presenting in front of the new formal MC club.

It still feels weird rolling off the tongue, but I'll get used to it.

My typical MO when I'm presenting is I try to be as brief and as pointed as I can, which is still the case here, but because of the long history and really some of the important context behind this application, I I do have to extend it.

Just a bit so you have to bear with me, especially after the thorough presentation that they just provided before diving in.

I do want to reiterate how grateful our office and the rest of the development team are, not just for county staff involvement in this project to date, but also the state agencies and and really the public writ large.

You know, like they alluded to, we had a lot of public engagement dating back, you know, all the way to really beginning of 2025.

I'll do my best. Like I said, to be concise and really I have 4 main goals with my presentation this evening.

The first is to detail some very important site history.

Kathleen and Izzy laid the groundwork in their staff report, so thank you both for that.

But the history of the site has to be fully understood to really accomplish some substantial discussion that I expect here this evening.

My second goal is to detail exactly how the unique constraints and opportunities. Provided by the site history played into the growth policy designations that we requested in our application.

My third goal with this presentation is to detail what I deem pretty significant public engagement that we took with this project and make sure that all the comments that we received from state agencies and the public get reflected on the record.

And then finally, my last goal is just to detail why the requested designations are not only fitting from our perspective, but do with the growth policy.

Did the slide change over there?

OK.

Think it did.

So starting out, like I said, I want to go over some site history. I think it's important to know here that this this property has never functioned.

Excuse me, as agriculture or residential land like Kathleen said in her her presentation, the historic uses include gravel mining, salvage equipment storage.

During COVID there was the, you know, safe space for the houseless population, and that's since been removed.

But these past uses did permanently change the site conditions.

There are concentrated areas of fill.

There's areas with shallow groundwater, there's areas which contain both the 100 year and the 500 year floodplain, and there's areas that have regulatory oversight from DEQ and the Army Corps.

The following slides that I'm going to briefly go over are just aerial overviews of this history.

They're generally separated by about a decade, but it helps tell the story on on how this property came to be.

So there was a suite of uses dating back all the way to the 1950s.
Here you can see the advent. This is the 1955 of some of the gravel mining beginning.
I do also want to point out that at 4285 on your screen there was an old house.
It was burned down by a visitor on the property.
It doesn't exist anymore.
But in between 1955 and 1964, you can see a pretty significant expansion of the mining operations and actually the beginning of some of the landfill.
Operations a little bit over to the east.
Then as we progress here in 1980, clearly a lot has occurred in terms of expansion of the landfill and that's because in 1977 the the Class 3 landfill or Class 3 landfill was established for the non household waste on this property.
You can see here that the eastern most access on 93 is still primarily used.
One thing I want to point out with this slide is is that expansion of not only the Class 3.
Landfill, but also that Western approach onto 93.
Now we're into 1997. Ultimately here in 2005, you actually had the formal closure of the norm close landfill in 2003.
So from this point on, really from 2005, we're going to have a couple more images, but really minimal change has occurred on the site here. You see in 2015 between 2005 not much of a big change.
And then ultimately, we're here.
In 2024, as mentioned in the beginning of my presentation, an in Kathleen's, there was the use of this property for the temporary safe outdoor space for the Unhoused folks. But that did close in 2023.
They're not here.
And I really have one last slide to to dedicate solely to property context and history.
I do think the slide is important.
This image on the left shows all of the subsurface profiling which was done by the landowner to try and identify.
The nature of the subsurface fill on the property the area outlined in the tan color shows the portion of the property where the nature of the cover soil. Some of those construction wastes and the native soil would actually be quite suitable to

development the area over in that.

That purplish color.

That was the area that was identified as being less suitable for development, given the nature of the subsurface fill and the native soil.

It's not showing up the best here, but basically there's a transect line running across that. That purple section, generally north to South, which essentially shows how they went about sampling on the property and the image on the top right shows the section of that sample just for ref.

It's a little tough to make out, but basically that orange portion on the cross section graph shows the commercial and the residential wastes or the non class 3 waste.

The light tan on that cross section.

Represents the actual Class 3 wastes and then the muted or darker tan represents the actual cover soil that was brought in as remediation with the closing of the landfill in 2003.

The large blue area in that cross section represents actually the native soils, and then that thin blue line in the cross section going all the way across is the the water table.

It sits about 10 foot below ground surface at this transect.

The last image on the slide is just showing some of the native education native vegetation 'cause it helps with context.

It's essentially obnoxious weeds, small shrubs.

The reason I wanted to point out this testing is because it's really paramount in nodding to the intentionality behind this request. You know, knowing what the land has been used for historically and the deed restrictions and the potential hurdles that any development would have to jump through made.

The landowner take a very scientific and sort of critical eye approach to the proposal. The reason for this is that they wanted to make sure that in light of all the constraints, that was not only the the potential for what they want to do, which is the mini storage, but also to make sure that the requested designations are fitting writ large.

So given the site history and before diving into our requested designations, I want to showcase the existing growth policy designations and the zoning on the property.

You know, I know the county covered this and their staff report, but there are some key pieces of information that I think need to be.

Stressed as they influence once again our requested designations on the property.
Excuse me.

So this slide shows the existing designations on the subject property.

First I want to draw attention to the fact that we have commercial center designation less than a half a mile down the highway to the West. And additionally you can see that seemingly arbitrary line that kind of separates the agriculture and agricultural working lands that are the design.

On the property as mentioned in my opening slide, this property has no history of agricultural use.

The placement of these designations were a result of of, you know, comments made one large comment being by fish, wildlife and parks back in 2019 that was based on some inaccurate information. And Jason is probably the best person to provide context on that during his present.

This slide shows the existing zoning District 39 present on the subject property and the purpose of the slide is to start transitioning a little bit into the real teeth behind the regulations for development on the property as it sits today.

From looking at the previous aerial slides, the Class 3 landfill ran from 77 to 2003 and when it closed, Kathleen alluded to it.

There was a deed restriction placed on the property by DEQ to regulate what can happen in the wetland and riparian areas.

And what can happen on the property's fill?

The DEQ deed restriction does not regulate what can happen on the banks of the river.

That is the Army Corps, and that's the separation outside of those two constraints, zoning, which is currently slaughtered for one dwelling unit per acre, is really the driving regulating force on the property.

But because this zoning predates our current zones, there's currently no 500 foot set back or additional river protections.

So before diving into our requested zoning designations, I want to get to kind of why all this context matters and just summarize that.

The existing designations and zoning on the property don't reflect the on the ground conditions and they don't reflect what the land has historically supported, nor what can it, nor what it can reasonably reasonably support today.

This mismatch creates a very real planning problem and from our perspective leaves the county with fewer, not more good outcomes.

That is actually the true driver behind our proposal to provide this site, residents, future residents and members of the public.

Like with land use designations that reflect that one community approach by clustering the developable land to the least detrimental location as possible and preserving and solidifying the open lands, wildlife protections, and recreation into the future.

With that, I do want to start diving into our requested designations and really how all the site history plays in.

So excuse me.

Just to summarize, Kathleen did a good job, but the requested designations across the 83 total acres are about 52 acres of AG.

99 acres of agricultural working lands, 11 acres of open and resource, and 8 1/2 acres of commercial center 8.6 acres of commercial center.

The reasoning behind the proposed designations and the acreages are tied to project history, with the vast majority of the site remaining unchanged, with the agriculture and working land designations, we definitely don't disagree with these designations being appropriate on the site.

They just aren't appropriate given the zoning, and given what portions of the property can support, given the subsurface investigation.

The reasoning behind the open resource and recreation designation is really twofold. We wanted to prohibit any development from occurring within 80 feet of the highway.

That's that yellow strip running along Highway 93 by running that RO designation along the property frontage. It provides protections far beyond what the county would be able to provide with zoning.

And then two, really this RO designation allocates all of the riparian area appropriately and slots a large area for future parking to get people off the highway. The reason behind the commercial center is rooted in the suburb of investigations, which outlined the that specific area, those 8.6 acres as being suitable for development. The updated floodplain mapping, which we will discuss a little bit further. This area is also out of both the one.

100 year and largely out of the 500 year designations.

And coordination with FWP on the most appropriate location and type of development on the property.

I will be stressing this point again, probably at the end of my presentation, but essentially upon request for agency comment and actually we did an on site visit with fish, wildlife and parks.

They're in support of the Commercial center designation and the associated acreage with it because it clusters the most appropriate development potential onto a small portion of the site. That way that they don't see wildlife currently using and it provides more commercially oriented.

They were happy to see a commercial use designated here compared to residential plan because of the reduction in expected wildlife conflict, and they were extremely happy, obviously to see the RO designation as well.

I do want to drill down on one other aspect of why we are requesting the commercial center designation and that is actually because of county coordination.

As stated, the landowner took a very deliberate and intentional approach to this proposal, and actually.

Reached out to the county about the most appropriate designations in late 2024, and the conversations continued into 2025 before this application was handed off to Kathleen and Izzy and eventually submitted what we heard from the county was that they preferred the commercial designation here.

The reason behind that recommendation was because of the unique constraints on the property and the associated deed restriction which would potentially prohibit most of the really undesirable uses from realistically being permitted at this time.

This is because anything like a travel Plaza or casino or high density residential development would invariably like, as he mentioned, require either acreage beyond what we're proposing in terms of the land area or infrastructure advancements.

The county guided us towards the CC designation because of the uses that could be permitted given the land area and the existing sewer capabilities. Sewer and water capabilities, and because it provided an opportunity for future growth.

Should the demand arise.

That was the initial reasoning behind this commercial center designation. But as we began to craft our own application and dive into the growth policy, we actually found

ourselves agreeing because the commercial center keeps development limited in scale given the restrictions on the property requires additional review for our. Project specifically via that special exception which would provide an additional step in oversight by the county, and it aligns with the highway adjacent commercial nodes nearby, both to the West and directly across.

River in the city jurisdiction for the mixed-use districts to the east.

Before transitioning to the public engagement aspect of my proposal on our project, I just want to revisit one more time. The RO designation, reasoning and justification.

By designating that resource in open space, it ensures that the Bitterroot Trail and any future non motorized trails associated with river access.

And even the envisioned parking area will remain undevelopable.

This is an aspect that was critical to the development team.

Because of their plans to get people off the highway.

I'm going to showcase this with a video later on, but as anyone who knows who's driven this section, a highway in the summer cars line this stretch of road and it's a real safety hazard, not to mention, those folks are actually currently trespassing on the subject property and.

I just want to showcase briefly what that looks like.

Excuse me.

O this slide shows the current access, which fortunately has not been prohibited by the current landowner.

This is not within an easement for the public, nor is it within a right of way, and you can see it goes right through the wetland and riparian areas down to the river. A key aspect of this proposal is to monument the RO designation and ultimately dedicate a.

Parking area for the use and benefit of the public. As Kathleen mentioned, there hasn't been an entity that has stepped up to manage this yet.

But the efforts and feedback that we've received to date all do.

All do point to this parking area being highly supported and we view future management of that parking area as an inevitability by clustering development and designating resource and open lands in the appropriate places. It provides public land owners or it provides the private land owners the incentive to.

Provide a significant public good.

In short, this proposal clusters the only development potential on the entire 83 acres on the most appropriate soil and land areas and into the smallest possible footprint. So.

Everything else can stay open, agricultural and protected.

So thank you for bearing with me so far.

This is the sort of third goal of my presentation, which is to spotlight the robust public engagement that we voluntarily embarked on as part of this proposal. This project has been shaped by nearly a year of public and agency input, not by a single engagement effort or a.

Single request for comment our public engagement.

Go ahead.

AR **Analeshia Rodriguez** 2:22:29

Can we take a short break?

JD **Joe M. Dehnert** 2:22:31

Absolutely you can.

AR **Analeshia Rodriguez** 2:22:32

I need another break so.

JD **Joe M. Dehnert** 2:22:35

This is a good time to do it, Rick, absolutely.

AR **Analeshia Rodriguez** 2:22:35

Give us 5 minutes.

Let's get back on the record.

JD **Joe M. Dehnert** 2:27:40

Hey, is everybody back in action?

AR **Analeshia Rodriguez** 2:27:44

We are.

JD Joe M. Dehnert 2:27:45

OK.

Oh, hopefully I sound a little better. Rick, you read my mind.

I needed that break as much as anybody. If I'm being honest with you.

OK.

That was a great spot to stop, was able to get some more tea in me.

Let me know when you can see my screen.

AR Analeshia Rodriguez 2:28:08

It's there.

JD Joe M. Dehnert 2:28:09

OK.

Thank you all for bearing with me.

Like I said, you know, from our perspective, this is very important information.

Picking right back up with public engagement.

Like I said it it was.

It was very robust in terms of, you know, what I've experienced on other projects.

We had multiple neighborhood meetings both in person and virtual. We like

Kathleen said, hosted those on site surveys along a bitter trail.

We posted those online.

There was also a low, low community Council presentation.

We did engagement through Missoula County voice.

We took out our own ad in the Missoula to notify people of all these meetings.

You know, and the reasoning behind this and and Jason's going to get to this a little bit in his proposal, but it's it's to it was to garner a sense of what we were stepping into before fully engaging. We wanted to make sure that the eyes were.

Dotted and T's were crossed as much as we could and that needed to be involvement and and feedback from the public.

And in general, the public supported the open and resourced zoning.

They supported the significant riparian buffers, the river access, and safer parking development being relegated to the most appropriate small footprint as possible,

and the economic growth associated with our proposal.

Their concerns did focus primarily on the environmental protections, Traffic Safety and over development, not necessarily with this proposal, but just generally.

People are afraid of over development.

So in an effort to make sure that the public concerns related to Environmental Protection, Traffic Safety over development were addressed, we had multiple meetings with both fish, wildlife and parks and MDT and actually held, like I said, that on site meeting with FWP to discuss this proposal their.

Comments after the site.

Visit explicitly stated that commercial use is preferable to residential here supported cluster development approach and the buffers and supported the RO zone along the highway.

As it provides a safer option for wildlife to move laterally in terms of MDT's comments, I will be discussing traffic more in depth here in a in a in a bit. But to summarize their comments, they did not oppose development in terms of Traffic Safety and they.

Confirmed access and safety are evaluated at the use specific stage, not at the growth policy amendment stage. As far as other comments received from agencies.

To summarize, the health department environmental comments.

Received that Kathleen brought up.

You know, they reinforce that high intensity residential or sewer dependent uses are impractical.

This supports the rationale behind our request for commercial and that the uses that are possible are appropriate and in the event municipal sewer or water do ever get extended. This is a very logical place along a highway between other commercial nodes to serve as a nerd of Commer.

In short, the key take away from our public engagement is that agencies and the public agree that this land must be planned carefully.

We agree with that and that our proposal is moving in the right direction by not sprawling development potential across the entire site, like the current zoning permits and appropriately designating development potential for its maximization of open space and Environmental Protection.

Now I do want to touch briefly on one of the primary points of concern that was

brought up by the public, both online and our meetings, which was the presence of floodplain on the project.

Kathleen did a great job showcasing these maps and.

Izzy also discussed it, but you know, to summarize, one of the key questions that were posed at the Lolo Community Council and on Missoula County Voice isn't this in the floodplain?

Isn't that a danger? As she alluded to, this is not within the 100 year floodplain.

And here is the snippet from the preliminary maps which should be effective later this year, showing that the commercial center designation is largely outside of that 500 year floodplain.

And here's that same exhibit that helpful exhibit that they had in their presentation. I won't belabor it too much. The next point I want to bring up that they touched on and that the staff report mentioned is traffic and public health and safety along the highway.

Hopefully this works.

It might take a while to load, but I am going to try to play a video from late July of last year.

OK.

Hopefully that worked. I can't really tell if it didn't, there was a 32nd video of cars lining basically the entire property frontage.

And if it did work, it probably looked like it was on a loop.

But it's the continuous shot of this section of Hwy. This is one of the key aspects related to the public health and safety that the requested designations aim to rectify. By Monumenting open and resource along the highway frontage and planning for a designation that would support a parking area on the property and prohibit any future development, it would significantly improve the ongoing Hwy. Parking and trespassing issue. We've had numerous conversations with MDT about this proposal and I.

Want to revisit how the Department of Transportation functions in terms of speed limits and proposed uses.

So this image on the left was taken last summer.

It just shows the speed limit across the property.

The second image on the right is from that corridor study that Izzy referred to during

their presentation and it it does cover the stretch of Hwy. Down to Florence. The study was kicked off at the behest of the county and there are a few key points that I. Want to bring up with my presentation which were showcased in the study?

The study explicitly referenced the fact that Missoula County has considered.

A potential frontage Rd. in the future.

Connecting in the future, connecting Blue Mountain to Uha's Ranch Rd. via Buck House Lane, which could spur on additional development.

They also directly note that they they have fielded proposals for commercial development along Highway 93, including plans for public river access, which would significantly improve public health and safety.

In this study, MDT directly states that the entire corridor is expected to experience moderate traffic growth due to planned and anticipated future development, and stated that development could be accommodated and considerations to wildlife should always play in. And that's the reason why I have the snippet from the.

Study is that the speed study specifically noted and identified a plan to enhance the existing bridge with adequate dry passage under US 93, which further aligns with our request for the resource and open land, which would actually create that buffer which currently doesn't exist with the.

ZD 39 zone.

Morning.

We brought this specific proposal and amendment to MDT and they stated verbatim that they are in support of development.

So I want to make it very clear that the presentation today is really just the first step. What we're discussing is the first step in a high level discussion.

It's not intended as the only or the last mechanism to look at the site's future traffic sites, future traffic issues.

One comment in the staff report says that the application has the addition of approaches and traffic on and off of US Hwy. 93 SA high speed zone. The term high speed zone is less applicable here. A site that really only fronts U 93 then it.

Could be for example on a corner lot.

It's worth noting that for this property, there is no option to access except onto US 93, and while it's premature to have a site plan, it's it's a realistic necessity for the site's access to be designed and situated in accordance with MDT policies.

Limited in number to abide by access management.

And with design elements to reduce safety concerns, these elements could include a number of options like a deceleration lane, advanced signage reflected plowable markers. Since we have the physical room for these elements, I believe it's unfounded to presume safety concerns before there's even a proposed development plan on. The topic of Rd. speed MDT did perform the speed limit study to establish this as a 55 mile an hour speed limit.

Without digressing too much, I want to know for the record and for the board. That, you know, nationally accepted traffic engineering methodology says to designate speed limits based on documented existing conditions, not on a hypothetical that may or may not materialize.

The idea is that speed limits are more likely to be followed and less likely to encourage wide ranges and driver speeds when the regulatory limit is in line with what drivers see, it would go against accepted standard traffic engineering practices to set speed limits that don't conform to.

Existing conditions.

More importantly, Please note that we would definitely support the county with the request to MDT to revisit its speed limit study here. Once the property has a formal development plan. At that point, if a lower speed limit is warranted or justified, you know MDT would be able to.

Establish that.

As one more safety item, it's worth noting again that this development could improve and address the issue that occurs every summer with parking. This application would seek to rectify this condition by creating a formal drive.

And a consolidated location for drivers leaving the road or merging onto traffic.

This goes back to the access management and safety benefits we would be able to pursue. We met with MDT.

They said that this section of Hwy. has capacity for additional growth and they saw no problem with the commercial center designation and zoning.

So now let's transition to the final goal of my presentation.

Thank you for bearing with me, which is to state why the proposed designations are not only fitting but aligned with the growth policy.

So in terms of compliance with the growth policy, we have to look at everything I just

covered in terms of prior site history, county Staff agency and public comments and weigh against the provisions, not just in the land use element, but in the growth policy as a whole.

Document which is responsible for guiding growth in the future.

One of the key findings in the staff report is that the commercial center is inappropriate because of infrastructure, that it's not available to support the commercial uses.

That's untrue. This slide is just a snippet of the uses which is broken down into the suitability of the acreage slotted for the commercial center to support commercial uses. With just a handful highlighted the red on this slide indicates the categories of sewer concern, acreage compatibility with pre.

Landfill use and access to the highway, meaning it would simply not work.

And yes, there are uses in the commercial center designation that would not be feasible at this time.

Those do include uses like a casino, a travel Plaza and even high density residential which do have very real constraints prohibiting development.

However, there are also a suite of uses, and even more beyond this table that are feasible given the constraints. The applicability of a land use designation and associated zoning cannot be determined by whether or not all of the uses can be realized.

One of the terms often thrown around in relation to land use designations and associated zoning.

Thing is that things are permitted by right and I completely get it from a planning concept.

But this is something as a private consultant that drives me nuts because.

I know very well that there are very few things that are permitted by right developments have to consider on site, on site constraints, project history and unique location to determine what is feasible, just as much as zoning the point of an appropriate land use designation is to plan.

For alignment with the goals of the growth policy, as we move into the future.

A core tenet of the growth policy is this one community approach, which takes into account the patterns across jurisdictional boundaries. To say that a commercial center designation is not appropriate here when there is mixed-use directly to the

east across the river in the city, and less than.

A half a mile to the West in the county doesn't make sense, especially when considering the property's capabilities support the designation.

I just want to reiterate here that the purpose of the slide is just to showcase a handful of uses and their feasibility.

Given the existing sewer concerns suitability, the area compatibility with landfill, the green colours represent low risk and feasibility with minimal expenses.

Yellow represents that this may be feasible with certain upgrades, and red represents a significant challenge given the site considerations as we see here, there are a suite of uses that have favorable or green colors for sewer concerns.

Acreage prior site use and access to the highway.

Another key tenant stated in the staff report is that the site cannot meet commercial center goals because utilities and densities are infeasible. But the land use element standards are far more flexible than that. The Commercial center designation is auto oriented, arterial based, transitional and often low intensity init.

And this proposal does not rely on residential it does not require sewer extension.

It's consistent with early stage community commercial development patterns seen county wide.

Treating the 8 units per acre as a requirement to approve. Whether or not this designation is appropriate is not a mandate in the growth policy.

The growth policy explicitly states that the ability to achieve higher densities may be limited by site considerations such as floodplain slope setbacks and other environmental constraints.

This site is defined by those constraints and the previous table still showcases that commercial uses work here, even with out a special exception.

The last point I want to make here is that undesirable uses.

Cannot be a land test.

That should be used for designations within a growth policy.

The growth policy never requires that every permitted use be desirable.

This logic, if applied consistently, would invalidate many existing commercial center zones countrywide.

Chapter 6 makes clear that infrastructure investment is planned in response to land use designations, not a prerequisite to them. The Commercial Center designation

explicitly allows constrained implementation where floodplain groundwater or site. Conditions limit density.

This proposal uses the smallest feasible commercial footprint to enable protections of the remaining land and approach repeatedly encouraged by both the growth policy and the land use element. Absent this designation, the growth policy objectives for infrastructure, public health and safety and recreation cannot be implemented on the site.

The Commercial center designation is not inconsistent with the growth policy when applied thoughtfully and at the right scale.

These last few slides just show a mock up of what commercial buildings would look like to give an idea of how far back these buildings really would be, including the 80 foot of resource and open designation. I just want to point out that the real reason I'm bring.

This back up is to nod to the intentionality that went into this development.

You know the the purpose behind the RO is to make sure that any unintended undesirable impacts as a result of the Community commercial are minimized as much as possible.

By people recreating in this area that was northbound.

Here's mid property, and here's the southbound viewscape.

So in closing, this growth policy amendment corrects a long standing mismatch between map and reality.

It's clear that we have fundamental disagreement between certain things, and we feel the growth policy, you know, requires, and there's clearly subjectivity to require the weight of intent.

However, from our perspective, this proposal limits development, protects resources, responds to public and agency input, and plans responsibly for the future.

We respectfully ask you to recommend approval and before I finish, I do want to say that if, depending on how conversations go this evening, if the board is interested at all in reviewing any alternate findings and.

Potentially even diving more into different chapters of the growth policy, I have a separate presentation prepared.

I do know that the landowner and applicant, Jason Rice, also wants to speak, but

thank you so much for listening to me.
I really appreciate it.

AR **Analeshia Rodriguez** 2:44:42

Thank you.

Helen, I think Joe's going to keep an image up on there that I'm going to refer to.
Can you guys hear me?

Yes, I'm Jason rice.

I represent the owner of the property shop town at Buck House LLC.

That's kind of a joint venture between myself and the prior owner, who is Spencer Properties managed by Nate Richmond.

They're the entity that was so kind to allow the TSO to be there.

I know some people didn't like it and some people did.

Were some of the comments we had is you know, we're just happy it's not going to be that again and some people were very appreciative of it. So I know it was mixed bag.

I am actually a civil engineer.

I actually I work at.

I work and worked at Imeg and my focus and I'm actually a licensed engineer and like many of the comments that have been considered as fact so far regarding sanitation, engineering and even in the transportation world.

My interest in this property is mainly on the West side.

And I kinda was trying to come up with a joke about the optimist and the pessimist, and this really is truly there's a light at the end of the tunnel. If you look to the West and there's the dark tunnel to the right when you are to the

East.

When you look at the junkyard, it's really, you know, an old junkyard. We are trying to make the best of it.

My partners kind of fell into this property, not as an investment, not for an intent to develop.

It was kind of a deal gone wrong with a prior person and they ended up in the property.

Unintentionally. And so I wanted to be able to buy the gem, which is to the West.

It's beautiful, it's natural, and I use it for training dogs and, you know, hunting and different things like that.

When I approach them about buying the 50 acres.

The the comment was well, we're kind of stuck with this piece of property and we really need to try to get out of it.

It's not looking to develop it to make a ton of money, and it was more to figure out how to re monetize it from, you know, the money that was lost and the deal gone wrong.

So I know we're not here to to say what was me, but on the other hand, it kind of gives you the intentionality behind why we're doing so much when we're at Lowell Community Council.

I think people actually didn't believe how generous we were being when we said we're giving this land, you know, it's because we want to do the right thing just much like what was done during the COVID, you know, problems and people needed a place to stay. So we.

Can say that there's not an intentionality or people to step up for the parking area and all those kinds of things.

But that's not really the case.

You know, I we did start this project.

Neither of us really wanted to swim upstream.

Nate and myself, you know, representing his his family.

We met with the county extensively.

Izzy was at many of those meetings.

I actually wish he had spoke as passionately then as he does tonight.

Our goal was to find out if this project had legs or not.

We went through many meetings talking about the problems and whether we should go with commercial or light industrial.

And we got through a lot.

We actually presented our draft.

Them and they said, you know what, we're just down to the part about public input.

So it's not as much that we volunteered the public input.

It was that that was the last piece that, you know, said. Hey, if the public's really against this, we're not going to want to proceed.

I don't think that the summaries of the public input have been properly classified. I mean, there was actually a lot more in support. Our written documentation shows all of that, and we can go into it if there's more questions. But I wanted to go in through some history from the engineering perspective. To support Joe, couple different things. First of all, thank you for your service on this board. I was on the planning board for a long time. I can't believe Andy's still here. I think we overlapped back in 2016. You you must live here. Thank you for your service and everybody's services. I was here when the growth policy was adopted. I was on the planning board. I actually had to recuse myself because I represented that little piece of red that's directly to the West of us. It's about 11 acres. I actually came in and advocated that that become commercial. Planning board didn't agree with me at that time. My cohorts, and partly because of the fish, wildlife and parks, had issued a letter saying that this was an important wildlife travel corridor that I didn't have time to kind of, you know, go back and meet with them and talk about the distances. So we were somewhat deflated. However, we were able to talk to them a little bit more, talk to the Commissioners. And come back in and make a presentation at the Commissioner hearing for the growth policy and have them. They were agreed to amend it to include that area's commercial. Now, that wasn't the end of the story, though, because when the county came in to do the zoning, they left that area alone because it was legacy zoning, much like this property. And so the goal at that point was only zoning properties that were unzoned for the most part, unless they matched more consistently. So we represented that same landowner for a rezoning and that property we had the same discussions about traffic.

Same there's, you know, as much as Joe said they had talked about goals for a you know.

Uh, frontage Rd. There's no easements.

There's no right of ways.

We talked to the land owners and the county still approve the rezoning.

That access is off of uh lane in the middle of the 65 mile, an hour speed limit versus a 55 mile an hour speed limit.

And so that zoning got approved with very similar circumstances. You know, it's abutted by floodplain.

We specifically designed the line around the floodplain, much like this proposal.

It's not as much as it looks, congruent with everything else.

Else that's out there.

It's really not.

It's not connected by any utility services, any accesses or anything like that.

Granted, I know that this wasn't the same board that heard all of that and went through that process, but it's the county's past practices following the same growth policy and the same growth policy and zoning standards.

All right.

Recently and I know you, I don't.

You guys got to hear it because you just sounds like you just had a big shake up and it was a different board of adjustments back in the summer, but that property went through a staff report prepared by the county planning for a special exception for storage UN.

Warehouses and in that special exception consideration, they had to consider the. Capacity or access and traffic and parking demands created by or impacted by the use and the capacity to handle the use.

The board of adjustments and the I believe the county Planning Staff Staff report supported that.

So it's somewhat, I guess, disingenuous to say that now.

All of a sudden, on 8.6 acres, it's not applicable. When it was 11 acres with the same exact use, they had an option to not recommend approval.

I get there was different staff.

But that doesn't matter. Facts matter.

And the the the fact that, you know, planning staff should be, you know, shouldn't matter who's representing the project.

It should be the same outcomes.

Do do do. OK, so that fish, wildlife and park stuff.

I gotta tell you, you know, I I also, you know, been up land use planner and I've never seen fish, wildlife and parks support anything.

And when they were faced with the fact that you heard from Joe tonight, it was kind of like, yeah, this is way better than what's here.

You know, we don't have a 500 foot buffer. We don't have any of that stuff.

That was the main primary reason why that property to the West was not considered commercial was that one.

Letter before.

To have that reversal is is huge.

I met with Jamie Jonkel, Liz Bradley and, you know, sent them my summary e-mail.

It's in your packet. They both responded in the affirmative, so that was amazing.

You know, there's a couple different things I also want to get into.

You know when it talks. When you looked at that chart that Joe showed, I looked at that from.

An evapotranspiration type sewer system.

I mean, there's over 9 acres of area that's, you know within that 500 foot buffer, they do allow septic systems. If Apple transferred systems.

Despite what was said are very very expensive.

They're normally 2 land consumptive in western Montana. To really even consider because they're so expensive and they take so much.

Land, but because of our situation where we don't want water to go down into the Class 3 landfill and we have land that we can't develop that's outside of the 8.6 acres. When we're looking to only develop 10 acres, the land part of it is not.

Part of the equation in the cost anymore. However, there's still substantial cost in rock and gravel, and you know plantings and maintenance and everything else that goes with it. I've designed systems for truck stops and casinos, and it's high strength waste and it's not going to function for.

That type of A use.

And, but there's many many other uses on that chart that they would work.

Technically speaking, I'll kind of come down to the eventualities of the property and kind of what Nate has been thinking.

I want to make sure I got all my talking points.

You know, Nate is a affordable housing developer, Blue line construction.

And his point was when we started negotiations was, you know, we can wait, you know the the the current density.

Locations we don't wanna lose. You know, if we don't get this rezoning, you know, 83 units, you know, with the current zoning, with the city. If if the city were to extend, you know, if it's ten years, 20 years, you know we're talking land long range plan. Is what we're trying to do.

The the the the implications would mean that when I met with DEQ, you have to remove the waste and bring it to a suitable landfill site underneath your site. When you're when you start getting into the other side that we talked about, it's.

Very costly, but maybe not so much as though you know we've all seen the prices of land going up and we if we were to go into the city, I think we can achieve a much higher density on this property. You know if if we got to that.

Point where it made sense.

And I mean, I don't know that I could see it in my lifetime, but that was kind of the the inclination there conversely.

Most likely what would be the easiest way for them to get out of it would be to develop.

Costly evapotranspiration systems excavate out some soil and build houses.

And probably wouldn't be many.

You know, it'd be a couple, but most likely they may be ultra rich million.

Yeah, like the one on the corner, Blue Mountain Rd. You know, million million dollar type houses because that's the only thing that you know anybody that can afford to do there, they're gonna be on the river. You know that no one's gonna build that kind of house.

And do that kind of work if they're not gonna have a view of the river overlooking the golf course across the river.

That's not what we want for this property. You know, we want this that corridor to be preserved for the wildlife we want.

An ability for parking. We're actually approached by Fred Thomas and you know we

we definitely have some political constraints.

The governor's office and the Director of Fish, Wildlife and Parks are in favor of a parking lot here.

There are some financial constraints and management constraints with the the the region.

We backed away from pushing for final approval of that because we don't feel like that's the exchange we need to do. We need to say it's feasible to be here and if they're not going to be looking long range.

Like 20 years.

30 years down the line, we felt that it was our obligation and responsibility to set that land aside and be available when they are ready for it.

We we believe it'll happen sooner.

Based on what Fred Thomas has done in the Stevensville area with the Boat River access, we're just not pushing the envelope on it.

Right now, it's extremely important for the safety on that highway.

We think it's a huge offset and and and and.

There's some other options that we've actually heard that would probably work there anyway.

Yes, the acquisition that was the challenge and many of the people on the fish, wildlife and Parks Commission are pushing more for land access easements.

Like what's on the Rafada property, down the Bitterroot? And so more likely that would happen sooner than later if we were to go that route.

That being said, whenever we get to the point of if we could get through approval at this level and we have, we'd have to go through subdivision again.

There would be another crack at agency review comment.

We'd be at the much more design level. We start coming down from the 30,000 foot where we are now.

On the zoning and growth policy and actually got started getting into nuts and bolts and we can talk about mitigation for the highway and and the Highway department. I would did want to hit on that. I was in the meeting and the biggest debate that we had with.

That we were really trying to get them to move the axis down to where the 45 mile an hour was and that was when we were trying to get commitment for that parking

area so that we wouldn't have to have the frontage Rd. as soon as I.
Said we're fine. We'll do the frontage Rd. If we and and access at the corner that's in alignment with their access control plan that checked the box for them.
That's what brought them over the hump.
So then they said, yeah, we have access, whatever, you know, we can probably mitigate this down.
I thought we would only end up with write in write out.
I still think that's probably where we'd be.
But they said with the proper mitigation.
Maybe full access, which really really surprised me, but that's they said we don't know where you're at until we get into the final designs, you know and that's where where that all comes down to.
That's why there's other processes that kind of control development.
Development is in an overnight thing.
It takes time.
It takes commitment from a lot of people looking at stuff.
So you know, I think with all that said, I'm here with to answer questions.
And I think that's it.
Thank you for your time.
Appreciate it.
Thank you.
Are there any questions from board members?
Of either a student or a applicant.
All right.
Oh, Josh says. Hand up.
I missed you again.
Sorry about that, Josh.

JS

Joshua Schroeder 2:58:59

Yeah, they may.
They may be able to wait.
I mean, we've heard a couple of long presentations.
I was hoping maybe just for a bit of a summary right of their of their main points and

I guess one of the things for me is the historical constraint and historical context that they talked about and I'd like to understand how the landfill history and the D. Restrictions that significantly constrain what can be built on the site. If they could explain how those constraints led to the Commercial center zoning being the most appropriate designation rather than a more limited zoning district that more directly reflects not only those constraints, but also what appears to be the proposed project. Which would require a special exception.

AR **Analeshia Rodriguez** 2:59:55

Who wants to take that?
Well, I was in those meetings.

JD **Joe M. Dehnert** 3:00:00

It.

AR **Analeshia Rodriguez** 3:00:01

I was in those meet.
Sorry Joe, I was in those meetings more and then you can probably add in a couple things, but.
The the reason those are important is that when we looked at the uses and, unfortunately you know we did find a A use case that made sense based on a client's project and Billings and then we worked it backwards.
I'm not gonna lie, but the the concept was that with DQ generally speaking, we kind of wanted to have uses that had less full time people.
Involvement, you know, and so something that was not there all the time and people were there all the time.
And so the question and debate was whether we went with the industrial light.
Icl, I believe or the commercial and there's a lot of back and forth and we ended up at the commercial because the planners who were working with us at that time felt that the other constraints of the property, this is where the DEQ restraints come in limited those.
Scary items. You know, the fact that we can't do some of the pieces by without D QS

approval.

And I did go to DEQ and get approval for this type of project to at least know that this was feasible.

And those are the type and I actually asked them about the parking lot and maybe putting a vaulted toilet and that's how I learned that they'd have to excavate out all the way down below the vaulted toilet and fill it up with structural fill. If we went V. There. And so that's that's how we ended up at it.

It's a different philosophy than what was presented in the staff report.

For the discussions that we had, which were more about the, hey, if you limit the size and the setbacks like we did with the 80 feet and we're at 8.6 well now you know you don't have enough land for a truck stop.

You don't have enough land for a Cabela's or a, you know, big huge shopping center. You know, it really started to limit the uses that are in the CC to more applicable. And it's not just one use, but there were other ones as well that just became less.

Volatile and scary.

And so that was why and it's just a different philosophy.

See, then what we're hearing now in the staff report.

Quite frankly so.

Thank you, Rick.

Can I make a quick question here or I got a quick observation here just in response to that question.

I think there's a there's.

We're having very different opinions about what happened during a series of like early sort of scoping meetings on this project. I think the applicant has maintained that like they sort of received like sort of an approval like a verbal approval like, yeah, this on the county's totally.

On board with this right, I've talked to Karen Hughes. Right, the director of planning development and sustainability.

Jeannie Dixon, who was not a planner that was there early on, Lauren Ryan, who was on the staff at the time, right.

And that was no one's recollection. Was that the case?

Right. We didn't informatively like verbally affirm that this was going to work right.

The the the point of an early scoping phase is kind of layout.

You know the case, right? And and kind of has more information as you know as application is provided, right? More information is given we go through a technical evaluation and that's ultimately like kind of what led us to this, the position the what the staff is in now.

Right where we were making the.

The recommended denial of the proposal, right?

So I just wanted to to kind of from our perspective assert what our you know our our recollection of those early meetings whether.

Did that answer your question, Josh?

JS Joshua Schroeder 3:03:20

I guess what I'm hearing is that the staff doesn't feel that the commercial that this is the appropriate zoning for the location.

And the applicant does, and I'm just trying to understand really clearly the the why of both of those points of view.

And yeah, that was helpful.

So yeah, thank you.

AR Analeshia Rodriguez 3:03:46

Any other questions?

From board members.

Barbara.

BR Barbara Raible 3:03:54

Yeah.

AR Analeshia Rodriguez 3:03:54

I do see your hand.

BR Barbara Raible 3:03:57

Yeah, I just have a kind of AI.

Guess it's a comment I can see.

I think it's important to change some of the zoning on there, so it's not a bunch of

houses I can definitely go along with that. It's just that you're saying it's gonna be.

A commercial thing?

But that land could be sold tomorrow and the next person who buys it.

It's commercial land.

And so then there's there's limitations about what they can do. Yes, but they can.

AR **Analeshia Rodriguez** 3:04:29

Is is that a question for them or is that a comment on how you're going to go? OK.

BR **Barbara Raible** 3:04:31

Well, it's just a comment.

AR **Analeshia Rodriguez** 3:04:35

We'll get to that too.

So any questions for the applicant or?

Any of the staff.

Or jodeter I have a question for staff go ahead.

Do we have a set of criteria that we have to meet, like the last decision that we made?

BR **Barbara Raible** 3:04:58

Mobile.

AR **Analeshia Rodriguez** 3:05:00

This is a little bit different, right?

Like we can I can.

We can certainly bring up a few the the growth policy criteria, for example, to look through a number of those, right, because you're a recommending body in this. You know we're not.

It's not as kind of.

Detailed as right as like what you went through with Patrick, right?

Right, Patrick, you kind of went through each criteria, right? And and so this is more important, but we certainly could bring up like the zoning map review criteria, right?

Or the Growth Policy review criteria if you'd like to look through that.
And if that would help you make your decision, we can definitely bring that up.
You had a slide with that on there earlier, so we could go back to that, but.
If there aren't any other questions for staff, do you?
Then we'll move to public comment and see if there's any there.
And that's how to join the meeting.
I don't see any hands and I don't know that there's anyone in the room.
Right. I guess we can close.
Move on from that.
Be the time to either make a motion and discuss it.
You don't have to be resting any public comments.
It's a feeling on a motion 1st and then discussion.
Would you like us to bring up the recommended motion?
Yes, the recommended motion.
So the recommendation is for denial and we have two different motions.
Let's get one of those on the table and then we can talk about.
Someone would like to make the motion.
Anyone. There's only four of us. Five of us. Josh. Thank you.

JS Joshua Schroeder 3:08:36

I'll go ahead and do it.

I move to recommend denial of the proposal to amend the Missoula County Land use MAP to show the properties legally described in the quick claim deed recorded in book 1116 of Micro Records, page 220 as Commercial Center Agriculture, Open Resource and recreation and working.

Lands based on the findings of fact, public testimony and conclusions contained in the staff report.

Work.

AR Analeshia Rodriguez 3:09:07

Is there a second?

JS Joshua Schroeder 3:09:07

Is there?

Is there additional text that I need to read?

AR **Analeshia Rodriguez** 3:09:11

I don't see any.

JS **Joshua Schroeder** 3:09:11

Says recommended motion one of two.

AR **Analeshia Rodriguez** 3:09:14

Yeah, there's a second motion right for the zoning.

This is just for the. Yeah, I'm kind of.

JS **Joshua Schroeder** 3:09:17

OK.

AR **Analeshia Rodriguez** 3:09:18

Let's do this one first, and then then we'll do a a second motion. After you do that discussion and everything here.

Yeah. So this is on the.

Amending land use map, so we'll stop at this one. Is there a second?

JS **Joshua Schroeder** 3:09:28

Got it.

AR **Analeshia Rodriguez** 3:09:36

Anyone.

BR **Barbara Raible** 3:09:38

I'll 2nd.

AR **Analeshia Rodriguez** 3:09:38

If not OK.

Motion been made and seconded that we deny the amendment of the Missoula County zoning map.

BR **Barbara Raible** 3:09:41

Napa.

AR **Analeshia Rodriguez** 3:09:52

Now we'd have any discussion on that.

Andy. Sure. I'll kick it off.

Obviously we've got two parties with two different views, staff and the applicant in this situation.

I've seen in the process of the rulemaking via zoning or adoption of growth policies, it's very common that as these documents are in that public process, I've seen said on the board and watch applicants come in who were maybe broad brushed a zoning designation or a line use.

Designation that maybe didn't fit a project that they had in their eye at that given time.

I mean, there was consideration given at that Planning Commission or that.

Zoning board to accommodate those.

And there was really just kind of, you know, instant changes made to those maps at those times based on projects that maybe staff was not aware of.

And so those documents certainly are a living document at that time, and they're always a living document. And that's what we're seeing here today.

I I do question sort of the thing Josh brought up about the appropriateness of that designation and I don't have the list of all of them in front of me.

Is that the most appropriate when it seems like the proposal comes out the gate following it with a special exception, but nonetheless, you know, I wasn't in those conversations.

I.

I guess to sort of add some context to some of these things, I'm just gonna bring my position to it or my point.

One of them is one of that, one of the slides presented by staff showed these commercial centers and how they've thrived.

By having infrastructure.

Water system sewer systems. One of the things that's not pointed out to that is most of those systems are not municipally owned.

They were generated by private sector generated those.

The Y was brought up.

There's not a public water system at the Y. There's private water systems at the Y, there's more. There is public sewer there, the monorail bill site.

There was development there because people put infrastructure in.

Same with the Blue Mountain Center that was brought up. So some of those cores are started by projects just like these.

They create synergy to create stuff.

There is protection here of the riverfront and improves 93 safety.

Today, there's speculation that 93 traffic is going to be worse, or this is somehow going to be super threatening.

That's a project that would be reviewed at that time, would have to get permitting.

You know, I sit on this Board of adjustment not long ago and approved variances to a U-Haul center going A9 iron from this project.

So to me it's commercial from Blue Mountain and you could even drag it further than that to probably Hayes Creek.

That's a heavily pretty commercial corridor in general.

Definitely mixed-use so I see improvements to this proposal if it was to go forward to its full extent, actually improving 93 safety.

Speed studies.

Well, there was one done.

Those are commonly revisited.

And they would be. That would create warrants to revisit a speed study. I can't imagine in my lifetime and most of the people say in this room.

Assume that there isn't going to be a revision on speed from Buckhouse Bridge till at least Blue Mountain in our foreseeable futures.

Another thing that's changed about this project when it was created is the floodplain is proposed to be changed, so it was labeled AG and resource or working lands, but that was with a different floodplain map that is subsequently apparently on the heels of changing sites can be clean.

There is some contamination I I worked on another project that had a landfill site. Had some deed restrictions, there was mitigation to mitigate those things, so those things could be done.

But again, they would have to be evaluated in their own merits.

Commercial properties tend to require lower cleanup standards than residential. If you go forward with residential, there's going to be likely to have a higher level of cleanup standard.

There's a lot of commercial activities along this corridor.

I mentioned I I'm not seeing any public opposition to this which you know, I I can't imagine this project being.

On The Voice, it doesn't take much of A project to hit the voice and all this outreach. It's been done. If there was much public opposition, someone wouldn't have showed up against that tonight.

So that's the summary I guess of my bullets. Thank you.

So is your bullet that you tend to be opposed to denying it? That sound was one, and I'm taking this one specifically. I have another comment about the zoning 1.

But yeah, on the growth policy amendment to.

Something I guess the only thing I would add and it is a, it is a little bit of a question tied to my one about zoning is having a parcel that's split zoned. I sort of thought was not what one desires and that zoning split, zoning it and.

That's kind of weird, I thought.

You try to avoid split zoning and then I don't know how that same overlays to.

Growth policy have a split growth policy on a parcel, but based on its size and stuff.

Particularly, I guess at the growth policy element, I guess I don't.

I don't have a fundamental problem dividing it up for some lines on a piece of paper and splitting it.

So yes, short answer is, I'm inclined to be in opposition to that motion.

Got it.

Any other board members?

Josh.



Joshua Schroeder 3:15:26

I just have another question.

For the applicant, are there any permitted uses in?
Commercial center that they believe are not appropriate for this site.
And I guess it doesn't really matter if they're constrained or not by external factors.
But are there any uses that they believe are not appropriate?

AR **Analeshia Rodriguez** 3:16:04
Joe, anybody?

JD **Joe M. Dehnert** 3:16:05
I'm happy.
I'm I'm happy to answer this.
It's hard to tell if Jason's stepping up to the podium.

AR **Analeshia Rodriguez** 3:16:07
OK.
He's not.

JD **Joe M. Dehnert** 3:16:11
And OK.
And then.

AR **Analeshia Rodriguez** 3:16:12
He's he's sitting comfortably in his chair. I think that means you.

JD **Joe M. Dehnert** 3:16:14
All right.
And then and then I'm OK to respond to the question here even during deliberations.
OK.
Josh, absolutely, there are a number of uses that are inappropriate and like I said in my presentation, the inappropriateness, inappropriateness of A use doesn't bar the appropriateness of the designation.
From our perspective, right?
So there's a whole suite, not just because of the constraints we talked about and the

area that we're designating, but there's things that just fundamentally shouldn't go here. Just like there's things that fundamentally shouldn't go in commercial center designations countrywide that slide that I had up, you know. Showcase a number of them that were read throughout, not just the travel Plaza, not just the casino. You know, there's there's a whole suite of things that. Really don't belong on this property, but there's also a suite of things that would be applicable. You know, beyond just what we are presenting with our proposal. If that doesn't answer your question, I'm happy to get into more specifics.

AR **Analeshia Rodriguez** 3:17:22
That work for you, Josh?

JS **Joshua Schroeder** 3:17:22
It yeah, it does. It does.

AR **Analeshia Rodriguez** 3:17:28
Yeah. Please go to the podium and turn on the MIC.
Jason Rice again. For the record, I think what Joe was also trying to say is I'm I'm actually very uniquely aware of the other commercial center just down the road between not just the 11 acres that we talked about, but there's also very many uses in the red.
That are not appropriate at that whole intersection as well.
I mean, a casino, a truck stop all of these same uses were talking about are not appropriate at that intersection either.
The intersection, you know doesn't function properly for a truck stop.
It doesn't, even with a light.
And.
It would take significant work, so I think Joe was mentioning earlier that this happens all over the place there.
You know, there's never a perfect zoning.
You can get 100% of the uses in each one of them.

You know there's different setbacks to schools for casinos and different things like that as well. And and I've seen commercial zones right next to a school doesn't mean that you shouldn't have had the commercial zone there just because one of those uses wasn't allowed, but.

Anyway, that's all I wanted to add.

While you're up there.

What you're proposing right now is a storage facility.

Is that correct?

You know, that's the project that we we we found to be most feasible.

And the county is continuously asked us not to look at the design level during this process, which has been a struggle. And so we brought that forward as this is what we think the best use case is for this property. And so yes, it is what's what we.

Will end up proposing.

And I mean, I understand that we can't hold your feet to the fire on that, but that is what we're talking about right now.

Yeah, it's when we look at the that and that one point of clarity as well and that fill why we kept it on that. You know brown side is when you looked at that Class 3 landfill was established I think in 1970.

Something there was some unpermitted fill that happened from the late 50s up until then that was underneath that Class 3 and that's closer to the river.

And D QS aware of that.

But it's called.

I can't remember. It's not.

It's not a permitted, but it's not illegal either.

It was just there and we did a lot of testing.

We didn't.

Nate did.

And they actually had all of it cleared, actually already from a health standpoint, they actually had to do second level of testing and the second level passed the standards because there was it was more actually not the landfill, but the salvage yard on top of it and whether.

Oils had been leaked into the groundwater and things like that.

And so I wouldn't have bought it if it hadn't had that testing or been bought into it

'cause, I would have been, you know, buying into a liability.
And so that's all been cleared because they're, you know, they're worried about that.
It's more of the physical presence of it that is the problem.
You know, like whether you'd want to build on top of it or not and so on this side, it was like in the late 90s and the it's only, it's shallower in nature.
It's it's, you know was. I think they cheated a little bit more on the in the the original stuff they were doing for the Class 3 landfill, 70s and 80s when they by time they got to the 90s I think they had a little bit more control on.
That and you know that's also.
Clear by looking at the profiles that were done there.
They're cleaner and you know more structurally sound and that's why we said this is where we should put this project and why we should center it there.
In addition to the other reasons, like you know I I always looked at as the big huge gravel pit pond kind of diverted that wildlife around the pond and therefore it was kind of created a shadow of wildlife movement.
So we should hide the, you know, the development we do behind the pond. And that was my thinking and it wasn't quite 100% accurate. Once I met with Jamie, he just said that's just not where wildlife go unless I get scared in there, they just go.
On the corridors, on the outer sides. So.
But that's why we picked that is and I get it. We we were asked to look at the full. Suite and what the implications of those were and we were able to ignore some of those other scary ones the way we were originally processing this and no one ever promised us approvals or anything.
It was steered us in a direction that, you know, that we didn't want to pay the \$12,000 for the review fee if we were going to, you know, we're told no.
So we weren't, you know, told that explicitly as passionately as what we heard today.
So my question was what was proposed and you went way, way beyond that. So thank you.
The question was answered.
You did OK and then so.
Anyone else?
I'll make a comment.

Barbara, did you want to say anything?
And you had made a comment earlier you.

BR **Barbara Raible** 3:21:56

Well, just yeah.
Just that comment I it's just that commercial I can.
I can go along with all the other options, agriculture, the open resource and recreation working lands.
I think those are great.
It's just the commercial center that gives me heartburn because it could be sold the next day and then somebody else comes in and does something different and goes for broke.
I'd like to see a conservation easement put on it.
Actually.
I'm in favor of those.

AR **Analeshia Rodriguez** 3:22:35

Thank you.

BR **Barbara Raible** 3:22:37

I I really like their presentations. I think everyone did a great job and I thank everybody for that.

AR **Analeshia Rodriguez** 3:22:43

Thank you, Barbara.
Anyone else on the board?
Josh, your hand is up again.

JS **Joshua Schroeder** 3:22:51

Yeah, sorry, I I just got.
I just want to share where I'm at thinking about it.
I'm I'm unsure how I'm gonna vote.
Like Barbara, I think you know three of the four zoning designations or two of the

three are are great.

I actually think that.

It could improve safety in terms of transportation and getting people, you know, eventually off of parking right along the road.

And using that informal trail down to the river.

I'm just struggling with whether or not commercial center is the most appropriate zoning designation for the site.

So I'm still thinking about that.

AR

Analeshia Rodriguez 3:23:42

OK. Thanks.

And I'll say that I I understand where the county's come from, and that is that you do.

I mean I I.

Don't. Joe doesn't feel we should look at that.

But you do have to look at what the uses can be there.

You know, I was involved with Blackfoot crossing.

You know they had.

There was.

They could have gone to a density with.

The infrastructure they were proposing that they agreed to stay under, but.

That did not follow the land. They did actually agree on a deed restriction that would follow the land, but.

You know what's proposed?

What's envisioned in front of us isn't necessarily what's gonna happen.

And that's, I think what the county is saying and I understand that.

I'm not sure commercial Center is right either.

I mean, I I understand why the split zoning is for a couple reasons.

One is is sort of a little bit of quid pro quo, you know, we'll, we'll get things off the street and give you.

Some dedicated.

Recreational land.

And I think that they're the use that's being proposed is probably one of the less intensive commercial center uses, maybe the least but.

I'm on the fence as well, you know.

It may end up not being that, but what will remain is the land use map change and that'll stay for for a while if we approve it.

And.

Some I don't know.

I'm I'm kind of thinking I'm ready for another break unless someone else has a comment and then we can Mull it over a little more.

Could you get on the screen what your those?

The reasoning for the county is the reasons for denial.

And then we'll take a look at that when we come back.

How's that sound?

5 minutes.

You've been on hold.

OK.

Oh, they have the read off the file, right?

I think they're trying to tell us something.

I was supposed to read here.

Line back and.

Let's get this show back on the road.

You're gonna put on.

The screen with uh.

So these are, if we are going to.

Against a denial.

Then we have to decide that the commercial center is consistent with these things.

Yeah. Essentially what you'll be doing here is like you'd say, like oh, you know, like I, you know, these concerns are not like, you know, like transparency, you know, you have to make these a brief rationale, right.

Like at least you know. I mean, it's not a legal requirement.

I understand that 'cause planning and zoning.

So exactly.

But these these were our like, this is essentially for at least for the growth policy is concerned, right this is the.

The most distinct distillation of like why?

Why we're recommending denial K.
Josh.

JS Joshua Schroeder 3:31:56

All right, I'll go ahead and go on the record.
I I'm leaning towards a denial, so that would be a in favor of the motion.
I mean, I guess I agree that no zoning designation is perfectly compatible with every site.
I I get that, but in this case it just seems to me that the gap between what commercial center allows and what the site can reasonably support.
Feels significant, right?
It's material.
It's not incidental.
In my mind, you got the landfill, you got the floodplain, you have the infrastructure constraints.
And so I I guess I'm landing in the camp where it's more appropriate that the zoning itself reflect those limitations rather than relying on.
Future.
Or downstream regulation or constraints to to limit what can be developed here.
So that's, that's where I'm at.

AR Analessia Rodriguez 3:33:10

Thank you.
Yeah, I think I'm kind of in the same boat.
I don't think it's in either or.
You know either.
Residence is based on the density that's allowed or this.
It can be static quo.
And I just have concerns about commercial weather commercial centers appropriate so.
I think I'm leaning.
I'm not leaning on the side of denial.
Anyone else wanna make a comment or shall we?

See what the vote is.

Go ahead, Andy.

I guess I would add one final comment to I I don't disagree with that, but I guess I have to go back and assume through this long process.

Through some iterations and I I was obviously not Privy to any of those discussions or conversations between these two parties.

I.

I suppose.

You know, I just don't know the answer to that, I guess.

But it doesn't seem like to me you go this far down a proposal pursuing a certain designation without.

Some.

Building blocks being laid to go there.

I granted they're not approvals.

They're not guarantees, but I think whenever this was being considered there had to be consideration of all of the potential options and that was the one that was selected.

That being said, when I look at these four elements on the screen, I could make an argument that 85 single family homes pose these same concerns.

Well, if we've heard all the comments, let's have a roll call vote.

Find out where we're at.

Roll call vote so.

A yes is in favor of denial.

A NO is approval basically OK.

Roll call vote Josh Schrader.

JS **Joshua Schroeder** 3:35:25
Yes.

AR **Analeshia Rodriguez** 3:35:29
Barbara rabel.

BR **Barbara Raible** 3:35:30

Yes.

AR **Analeshia Rodriguez** 3:35:34

Andy meffern.

No.

Michael said of Endemi yes.

Rick call.

Yes.

And the motion passes 4:00 to 2:00.

So the motion to deny has passed.

We have another motion.

Does that rendered moot?

No, I'm going to go ahead and make it.

You're going to make a motion to.

There's two pieces of business, right?

You're operating with two slightly different hats, right?

One is planning board on the growth policy and the other is zoning Commission, OK.

That sounds good.

And so I'll bring up the second motion here.

For this one here.

OK.

Would someone like to make a motion?

On our second motion.

Bryan, OK.

OK, I move to recommend denial of the proposal to amend the Missoula County zoning map to show the properties the legally described in the quitclaim deed recommended in book 1116 of Micro Records, page 220 as Commercial Center agricultural working lands, Agwa 40 agriculture.

And resource and open space based on the findings of fact.

Public testimony at conclusions contained in the staff report.

Is there a second?

Anyone.

BR **Barbara Raible** 3:37:32

I'll second it.

AR **Analeshia Rodriguez** 3:37:34

There we go.

A motion's been made and seconded to deny.

And I the proposal to amend the Missoula County zoning map.

We've had quite a bit of discussion already. If anyone feels that they need to make a point on this.

Let me know.

Otherwise we will go to a roll call vote.

I just said how is this different from the one we just passed?

One was a one was a map amendment.

And there's something happened.

This is the actual zoning.

Umm.

So one was a map amendment. This is specific to the property, correct? Thank you.

OK.

All right, roll call vote.

So in this case, yes, again as a denial, no.

Is the opposite.

Roll call vote Josh Schrader.

JS **Joshua Schroeder** 3:38:37

Yes.

AR **Analeshia Rodriguez** 3:38:41

Barbara rabel.

BR Barbara Raible 3:38:42

Yes.

AR Analeshia Rodriguez 3:38:45

Andy meford no.

Michael Cera. Vendemi. Yes.

Chris Soleil.

No Rick Hall, yes.

And the motion passes 4:00 to 2:00.

All right.

Thank you very much applicants.

It was a very good presentation. Thank you.

JD Joe M. Dehnert 3:39:12

Thank you very much for your time.

Enjoy the rest of your evening.

AR Analeshia Rodriguez 3:39:14

Hope you feel better, Joe.

JD Joe M. Dehnert 3:39:16

Likewise.

AR Analeshia Rodriguez 3:39:20

Alright, next item on the agenda is communications and special presentation. Karen Wilson.

Aaron Wilson promises this is going to be the most exciting thing.

You're here all night.

I was gonna join, Sir.

I just totally lost track of that.

Yeah, that'd be great.

I can get started Juan doing that too, just so we're not keeping here.

Even though it's bright and early in the evening right now, I'm sure you're all real excited to talk about transportation.

So I'll start with just a quick introduction.

Erin Wilson, I'm the the planning manager for the Missoula Metropolitan Planning Organization, which is responsible for transportation planning around the the Missoula region. I know some of you from previous presentations to the the plan consolidated Planning Board, but with the formation of this county land use board. And maybe having some new members wanted to come and give just a a quick overview of the MPO. And given the timing, maybe keep that as.

Short as possible, but then just make sure everyone here is aware of the what the MPO is and the role of this board in participating in that MPO planning transportation planning process.

Because I do think it's important interface and clearly as a lot of the discussion tonight around transportation.

And and and some of those infrastructure issues there, there is a clear overlap in the decisions you're making on land use and and what we're doing on the the transportation side of things.

So I will let me just connect to the meeting here real quick and then have a quick PowerPoint.

Oh yeah, I'll go fast.

Yeah, no worries.

Yeah. Thanks.

Right.

Yes, we.

Yes, you do have a TPCC member.

Yeah, it's Danny.

Oberweiser was Yep. So and. And he he was our victim.

Yeah. No, it's a. It's a great honor to be on TPC. I've been there.

Yeah, you've been there.

Quite a few times.

Well, as I mentioned, I just wanted to give a quick update on what the Missoula MPO is and and what we do to make sure everyone on this board is aware and and as.

Mr. Hall noted there is a representative from this board that serves on our our MPO Policy Board, which maybe leads me into the kind of first question or big piece of information.

What is the MPO and and what we do? And at the core, our role is to ensure coordination and planning around our transportation system throughout the urban area.

The the structure of of what?

The NPO is includes our policy board.

Which is the transportation Policy Coordinating Committee.

That is the the official NPO and the body that makes governing decisions and provides direction, and it is essentially the the role of I don't similar to county commissioners or.

Making decisions for the MPO, and then we have technical advisory committees formed of of staff that provide that technical input on on transportation from different agencies and and representatives who are involved, that include planning departments.

It's the Department of Transportation, Department of Health, Transit agencies, and then we have staff.

Including myself that are essentially there to implement the planning and do the work of of the MPO with all of that input.

So all of those kind of together forms what the NPO is and then we provide that planning expertise and some other decision making that I'll get to around transportation funding to both the city and the county and the state.

And others who are involved in transportation, like Mountain Lion.

On TPCC, as our governing board, as I mentioned this, this body does have representation on that.

So we have a nine voting Members now that include the the city, the mayor of the city of Missoula, two county commissioners, one City Council representative.

Our board member from the Urban Transportation District, our MDT District Administrator, Air Pollution Control Board.

Presentation. And then previously there was one planning board represented from the Consolidated Planning Board.

Now with the split we have, we wanted to make sure we had good, good land use

representation from both the county, this land use board and the city's Planning Commission.

And so those are two sort of new positions that are stemming out of that previous single seat from the the planning board.

So that gives all of you essentially a representation on our policy board to to help make decisions around infrastructure.

And also to really understand what's happening in the transportation realm and issues that we have with infrastructure, so that the decisions you're making are well informed by what we're doing at the MPO level and thinking about with transportation infrastructure.

The NPO in in terms of what we serve is larger than the city but smaller than the county.

So we have two main boundaries that we look at.

One is the planning boundary, which is this larger kind of blue blue boundary that extends South of Lolo out to essentially Clinton along Interstate 90.

North.

Almost to evarow or, you know, just past the the Y and then W kind of out through the target range?

Change through the Y and some of the areas West of the the city of Missoula.

The second boundary is our urbanized area.

This is where the MPO is actually making decisions about federal funding and programming projects.

So the work that we do planning kind of region wide then informs the decisions we make on on infrastructure in that smaller core urban area. But that still includes a number of areas in the county including.

Kind of West, along Mullen Rd. the Y Bonner, Milltown.

Down and then S kind of South Hills, out to just before Blue Mountain Rd.

So we include a number of areas of the county, including both of the projects that were being discussed tonight are within our planning boundary for sure and in some cases within that urban area.

The the work that we do, there's a number of key areas that we focus on. Obviously the most important is the transportation planning.

That includes documents like our long range transportation plan, corridor plans,

different types of safety studies, specific modal plans.

But we're also here to really ensure collaboration and coordination amongst all of the the different entities around the urban area.

Really, to make sure you know when someone's driving down a street.

The quality of the infrastructure or the design of the safety doesn't change as you get to a jurisdictional boundary and to make sure that we're all working together so that that transportation system works well regardless of whether you're in the county or the city or those transition areas.

We also have a role with federal funding.

So all federal transportation funding that gets programmed in the Missoula urban area has to have NPO approval.

So even state projects.

We are reviewing and and working with the state on.

How they're investing federal funds in the Missoula area.

So there's a really key role there on how we're spending federal transportation dollars on our infrastructure.

And then we do a lot of work on collecting data and doing analysis and supporting other projects like the city and county land use plans and.

Safety studies, et cetera.

So that's the core of our work.

I'll go through these slides really quick. Just 'cause they're a little bit repetitive and and we can come back to this later when you have more time.

But as I mentioned, the long range transportation plan is our core document.

This is what sets out the vision for our transportation system.

It includes lists of projects recommended for funding.

Don't worry too much about these tables.

These are just kind of illustrating sort of what's in there, but a key part of the long range plan is looking at what's our future need.

What are the projects we think we need to do over the next 20 to 30 years?

And then how are we gonna pay for those?

So it's a fiscally constrained plan.

It looks at revenue projections over that time period, project costs and then tries to come up with a plan for how we're gonna invest that money and and address the

transportation needs in the region.

The Transportation Improvement program is similar in that it is looking at how we're spending federal funds, but this is essentially like a five year CIP. So this is all the federal funding that's coming into the Missoula region and what projects those are going to over A5 year.

Period. So we look at the different revenue sources. This example on this slide is just the URBAN funds that the NPO actually gets the program.

But we look at other federal funding sources like national highways or highway safety.

Improvement that are really managed by the state dot, but that we're reviewing and approving those projects in the expenditures and what those are going to in the region. So the transportation improvement program is that five year look at how are we, what are the specific projects and the.

Dollar amounts that we're putting towards projects in the the urban area.

And then we have our unified work program, which is how we're spending our staff time and and the planning funds that come to the NPO.

So we do get federal funding to run and do the work of the NPO that goes towards staff work. It goes towards plans that we're doing.

We hire consultants to work on corridor studies, prep work on potential infrastructure projects and and the work program is really just what we're doing over the course of the year.

So we update this every year and and we often get input from different agencies or boards or others on, you know, where do we have needs for planning level work and then we can.

I'm at in our our work program and and bring some resources to assist in those efforts.

And finally, we have a lot of other plans that we do.

As I mentioned, we do corridor plans. We just currently wrapped up a safety study or safety action plan for the reserve St. corridor.

We worked on the East Missoula Hwy. 200 corridor that essentially led to getting a a successful grant that was then rescinded, but a lot of that work does, you know, sometimes.

Seems like we do a lot of planning, but what I've.

Found over the time I've worked for the NPO. As you do that work, you have a really clear vision for what you want to do.

That sets you up for funding, and then you can deliver those projects.

So a lot of these are built around that.

Like, where do we have needs?

Let's really look at that.

Get a clear vision of what we want to do and then use that to leverage to get grants or other funding to to get the work done.

And then finally, we do a lot of data collection analysis.

This includes traffic counts, bike PED counts.

We evaluate crash data and safety.

Evaluations. This is just an example of one of our permanent bike PED count stations not meant for anyone to draw any grand conclusions from this, but just looking at the level of data, this is an example of an automated counter that we're we're collecting bike PED counts 20.

47 along some of our our trail sections around Missoula.

Excuse me.

And so then we can use that for planning purposes, looking at what improvements that we might need, what are changes in counts of of.

Of bike and pedestrian.

Traffic, we do the same with vehicle traffic and can use that for modeling and and identifying what those trends are and and where the needs are for improvements.

Then I guess I'll just wrap up with kind of this idea where where I think it's really important that the work the MPO does and the work that all of you were doing around land use and and development and.

Growth in Missoula is that you transportate.

I I think of transportation as the system. You know, if you think of our community as a an organization.

And transportation is like the circulatory system.

It's sort of getting people and goods and things from one place to another and and the health of your transportation system is really determined by the decisions we're making on the land use side and and that interaction is really important. And you can't really separate the two so.

We're making improvements to try to support the growth that's being approved and and reviewed in this body, and likewise the decisions you're making then affect what we may need to focus on in terms of mitigating.

Transportation impact.

Hacks or or understanding what that might change in the system, and so we can plan for that in the future.

So I do think it's really important to to understand what each of us are doing and and be as coordinated as possible.

So the the role you have on the NPO is I I think it is being really important as that kind of connection between the two and always happy to come and do presentations or talk or you know address particular issues that you have coming up so.

Feel free to always reach out, but I'll leave it at that.

But as I mentioned, you do have Danny as your representative on TPCC.

I assume he'll give periodic updates to to all of you and and definitely feel likewise.

Feel free to use as a him as a conduit to provide you know, feedback to our our committee or bring up issues that you feel like are are really important to address on the transportation side. And I'm happy to answer any questions or.

If you also want to just go home for the night, that's also fine.

But I'm here. I'm awaiting.

Ready to do it? And also happy to come back anytime and and talk about specific issues you have or questions but wanted to make this initial introduction as you're kind of getting underway as a new board.

Thank you.

And you know, I'd like to point out that I'd like to think that the the planning Board, the consolidated Planning Board that existed.

Was very helpful in getting that low low to Missoula traffic study done because we.

Pushed pretty hard for that. So we do as a body have some pull.

You know, to hold some feet to the fire and and find out what you know, whether we should be growing in certain areas. What traffic's like, what the constraints should be so.

And it doesn't always get done unless we push for it.

So would you agree with that?

Yeah, absolutely.

Yeah, I think it's a, it's an important connection and certainly a really important perspective.

You know, it's just it's good for me to sit here tonight and hear the kind of conversations you're having and just that.

That context is really helpful.

So yeah, I would agree.

Well, thank you very much. Any questions?

Thank you. And I'll try to.

We're on to comments from board members.

I'll make this brief 'cause it's getting late and we'll adjourn.

I sent so I just went through training.

We're all required to do board training every once a year, correct?

We are too.

Yeah. And it's so much fun.

Three hours of just sheer joy.

But it's it's really helpful and to learn about what the legal requirements are for boards and things like that.

So I asked to be distributed to you, everybody.

A little kind of Quick guide to Robert's rules of order that I think it's really helpful for boards.

So that we we do have a fairly decent number of people here.

I want to make sure everybody feels comfortable getting heard.

They know what it takes to get to be heard, and we have some semblance of order, so take a look at that.

We don't have time to discuss it now.

We'll probably talk about it next time if we have some more time.

But I just want to make sure that our meetings can go smoothly and quickly and orderly.

And not not limit anybody's discussion at all, but just try to keep us heading down the road the right way.

So that's about it. We have a motion to adjourn.

Any other comments from anyone? No.

OK.

We need a motion, and by the way, I don't make motions.

I'm a as a chair, I generally don't make motions.

Or seconds.

So I need you all to do that so.

Motion to close.

I'll move to adjourn.

OK. Second second. All in favor? Aye.

Thank you.

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Missoula
C O U N T Y

7985 Hwy 200 E. Sign Variance Request

Date: April 1, 2026

Applicant: Mike Cash (Town Pump)

Owner: Bonner 1 RE LLC

Planner: Patrick Swart

7985 Hwy 200 E.



Proposal

- Remove 5 existing nonconforming wall signs
- Install 5 new wall signs
- Amended sign plan
 - Reduced sign face area to 236.66 sq. ft.
 - 2 signs to exceed 50 sq. ft. sign face area



Variance Request

Missoula County Zoning Regulation Section 8.8.O.1 Table 17

- 2 wall signs per parcel
- Maximum sign face area of 50 square feet

Approved on March 4, 2026

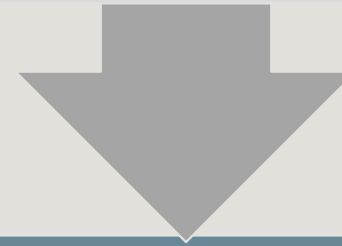
Missoula County Zoning Regulation Section 8.7.B Table 2

- A maximum of 4 signs per parcel in CC

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.”

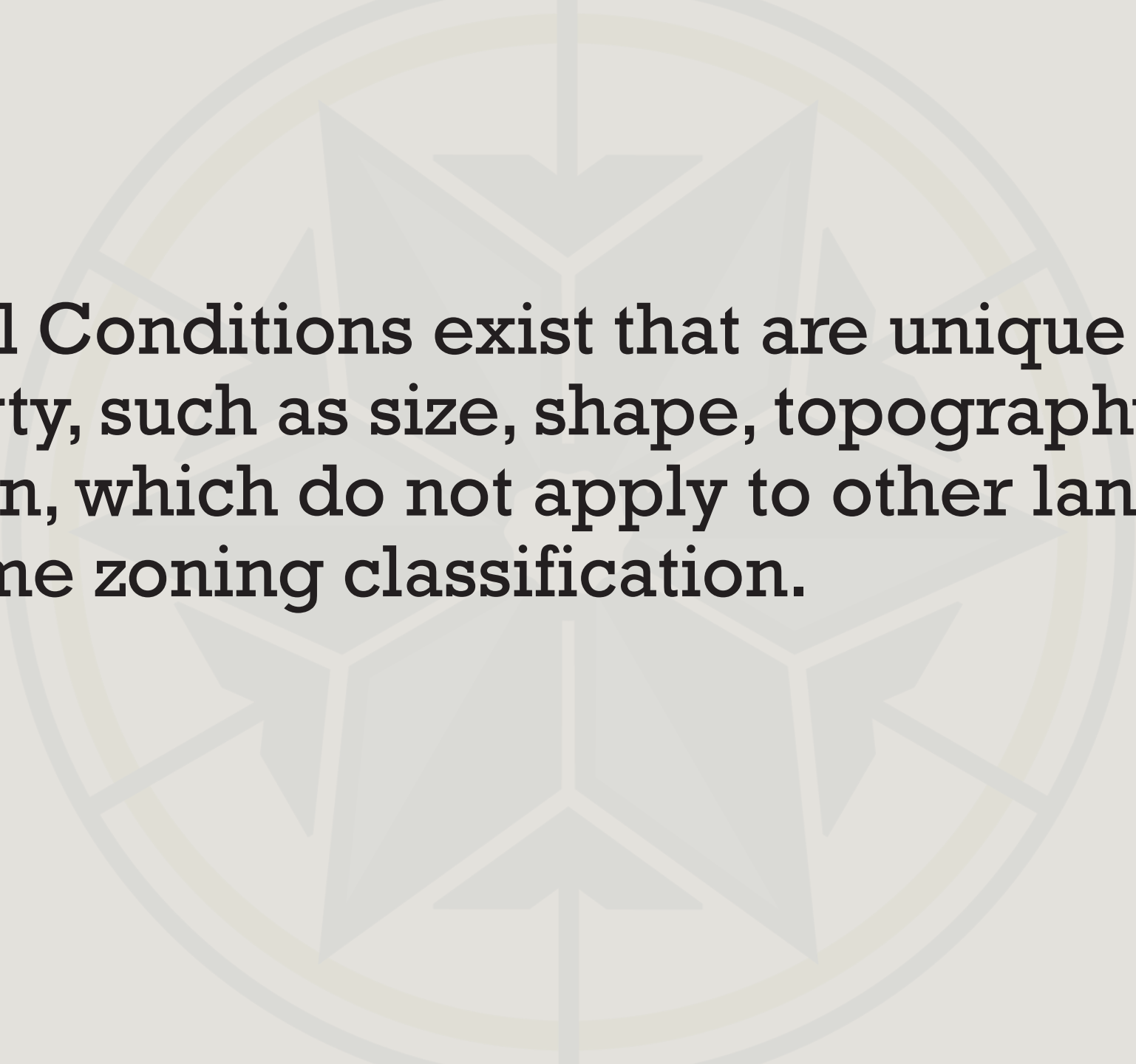
Variance Review Criteria

- 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 do not 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 not result in unnecessary hardship that is not of the applicant's own making.
- Granting the variance will not be in harmony with the purpose and intent of the regulations and growth policy and will be injurious to the neighborhood or otherwise detrimental to public welfare.
- The request for the variance is based on monetary factors or potential economic gain.

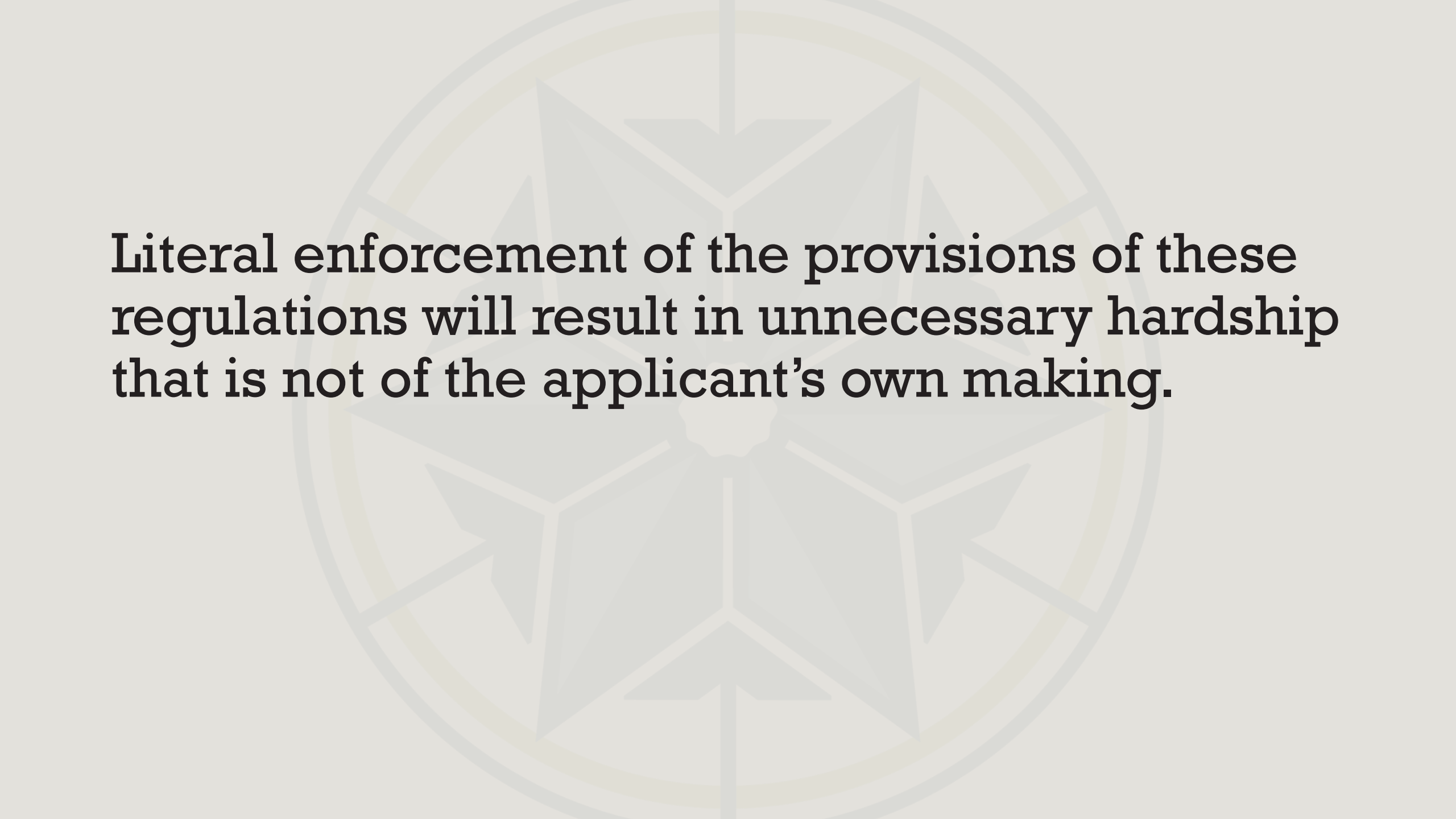
Staff recommendation – Deny the Variance Request

Conditions of Approval

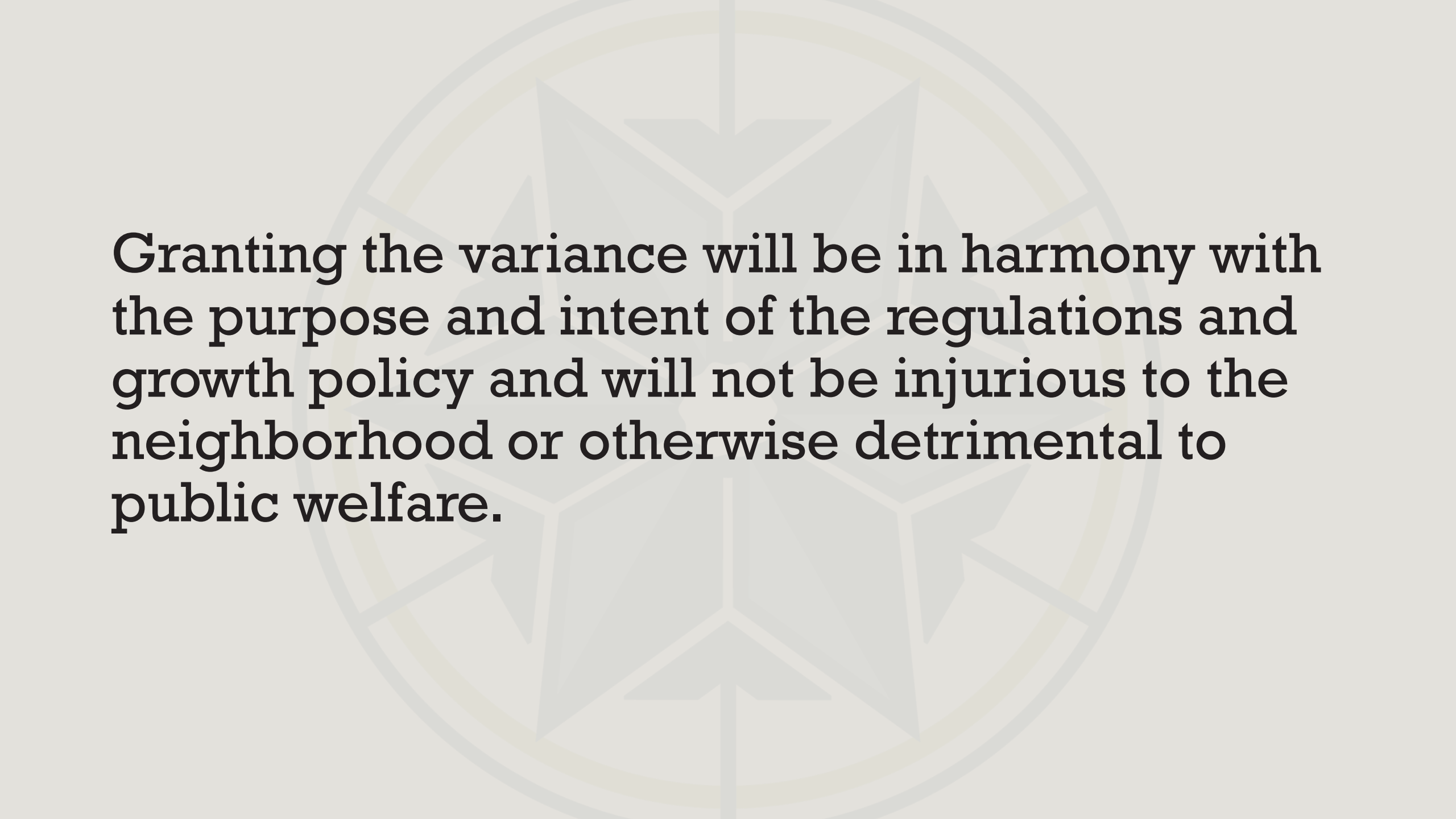
- All other necessary permits administered by agencies other than Planning, Development, and Sustainability shall be obtained by the property owner or designated representative
- The project shall comply with all applicable zoning regulations to be reviewed and approved at the time of permitting. Substantial changes to the development plan are subject to review and approval by the Board of Adjustment.



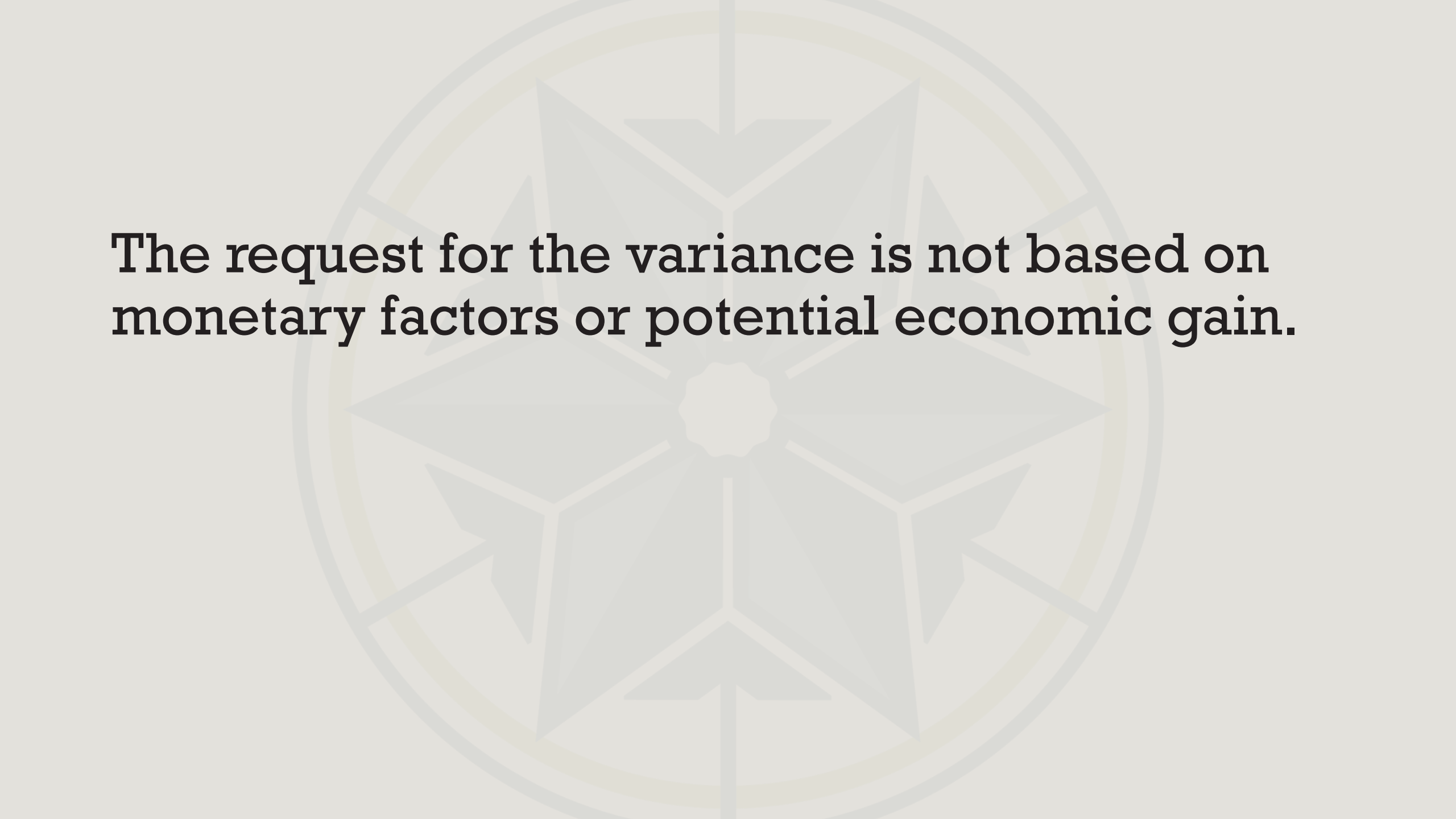
Special Conditions exist that are unique to the property, such as size, shape, topography, or location, which do not apply to other lands in the same zoning classification.



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.

Recommended Motion

- I move to **approve** the variance request as amended by sign plan Drawing# 250174-11 from Section 8.7.B. Table 2, of the Missoula County Zoning Regulations for property located at 7985 Hwy 200 E. This motion for approval is based on public testimony, board deliberation and the findings of fact and conclusions of law found in the staff report and is subject to two conditions of approval.



Growth Policy Amendment and Rezoning Request: Shoptown at Buckhouse

Date: April 1, 2026

Property Location: 4285 HWY 93S

Applicant: Jason Rice, Shoptown at Buckhouse LLC

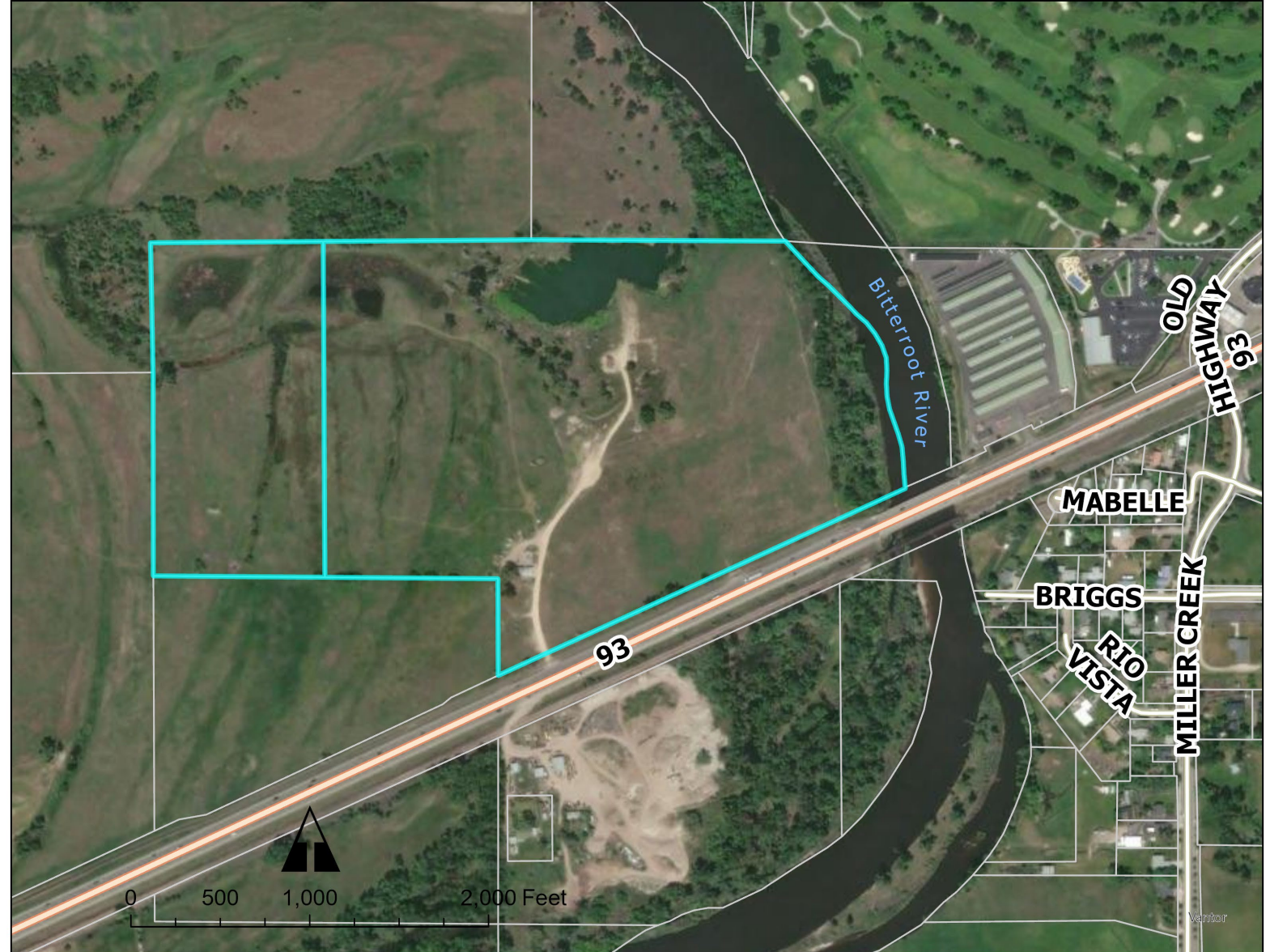
Technical Representative: IMEG

Planner: Kathleen Arthur

Location

4285 HWY 93S

2 parcels = 83 acres



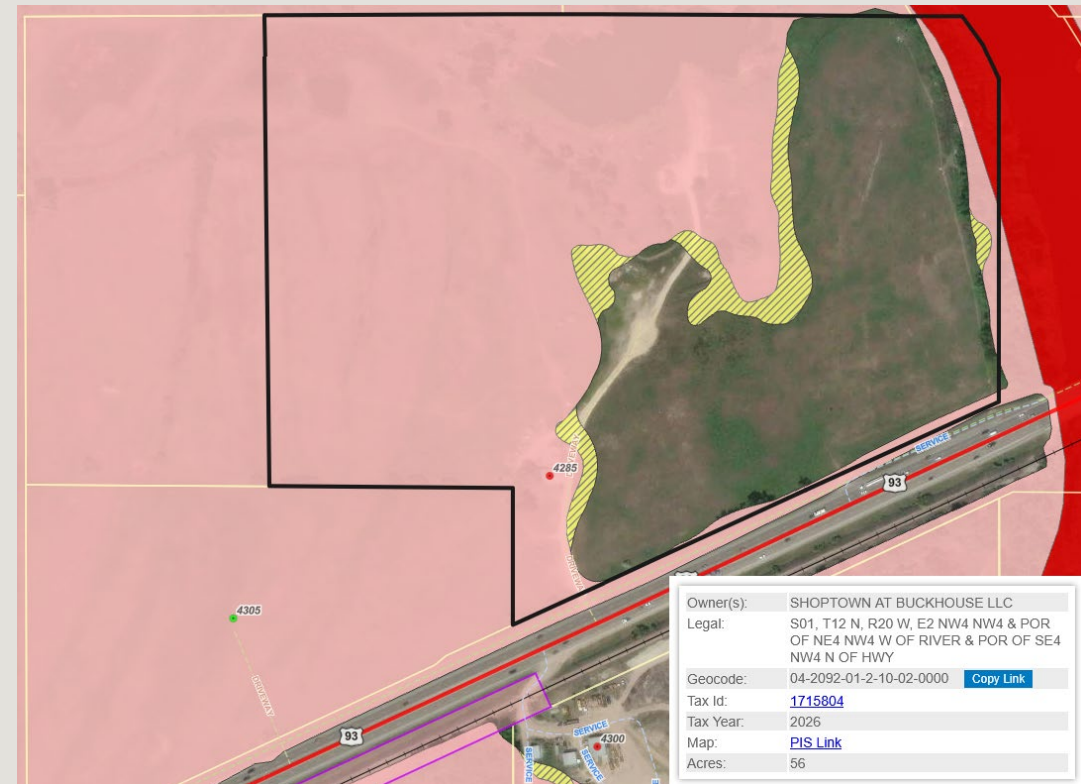
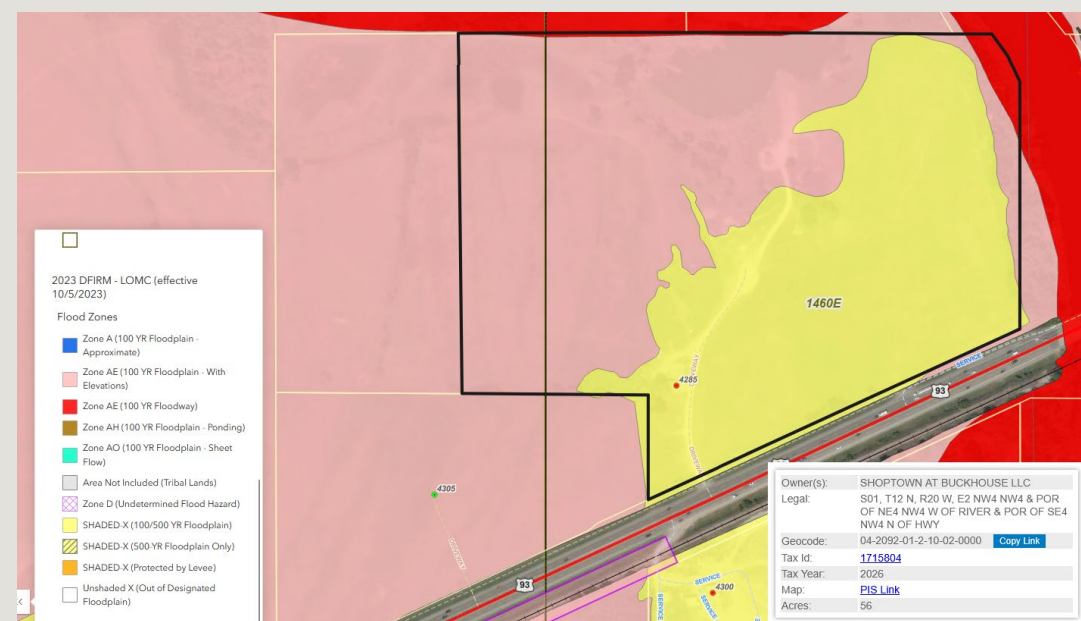
Background

- Historical uses: gravel mining, salvage, equipment storage
- Temporary safe space
- Informal river access
- Class III landfill
- 1975 incorporated into CZD #39 zoning district



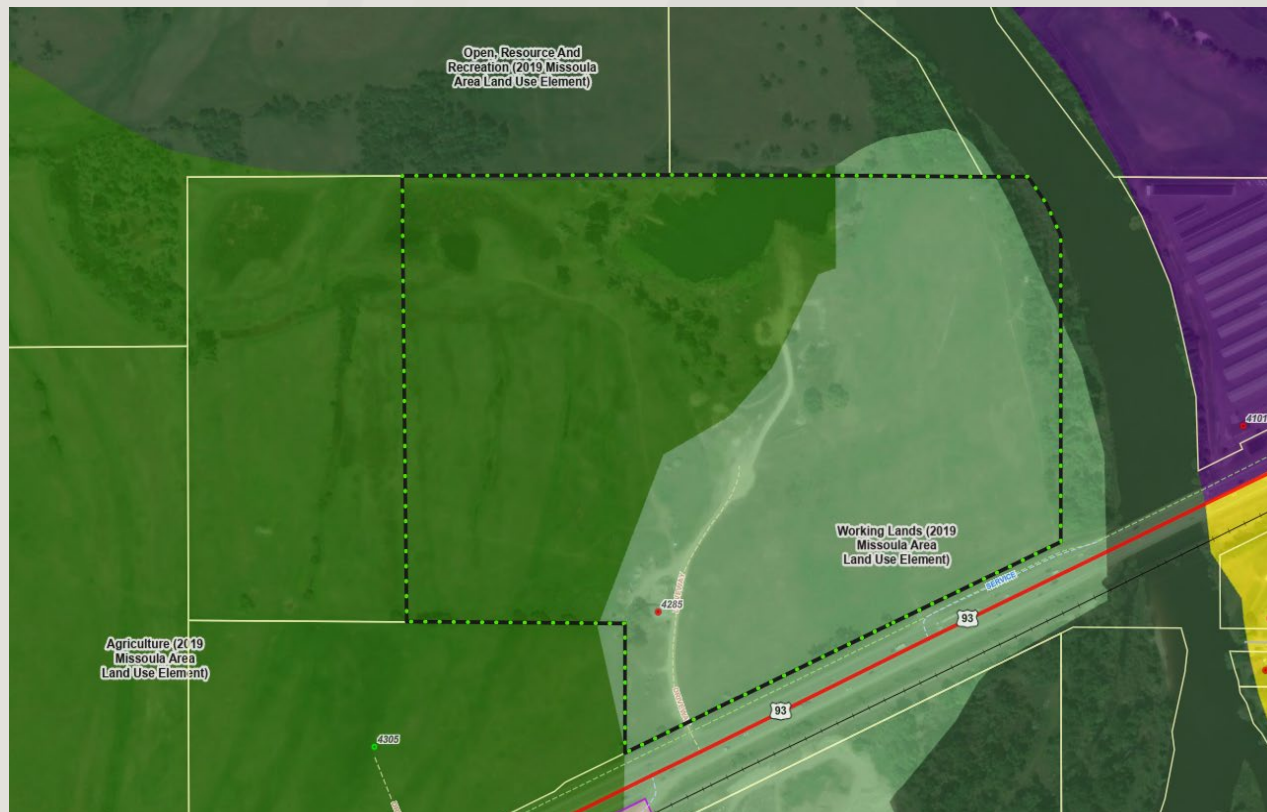
Existing Conditions

- Floodplain
 - Effective (Current)
 - Preliminary (Future)
- Shallow water table
- Residence
- Infrastructure
- Boundary Line Relocation

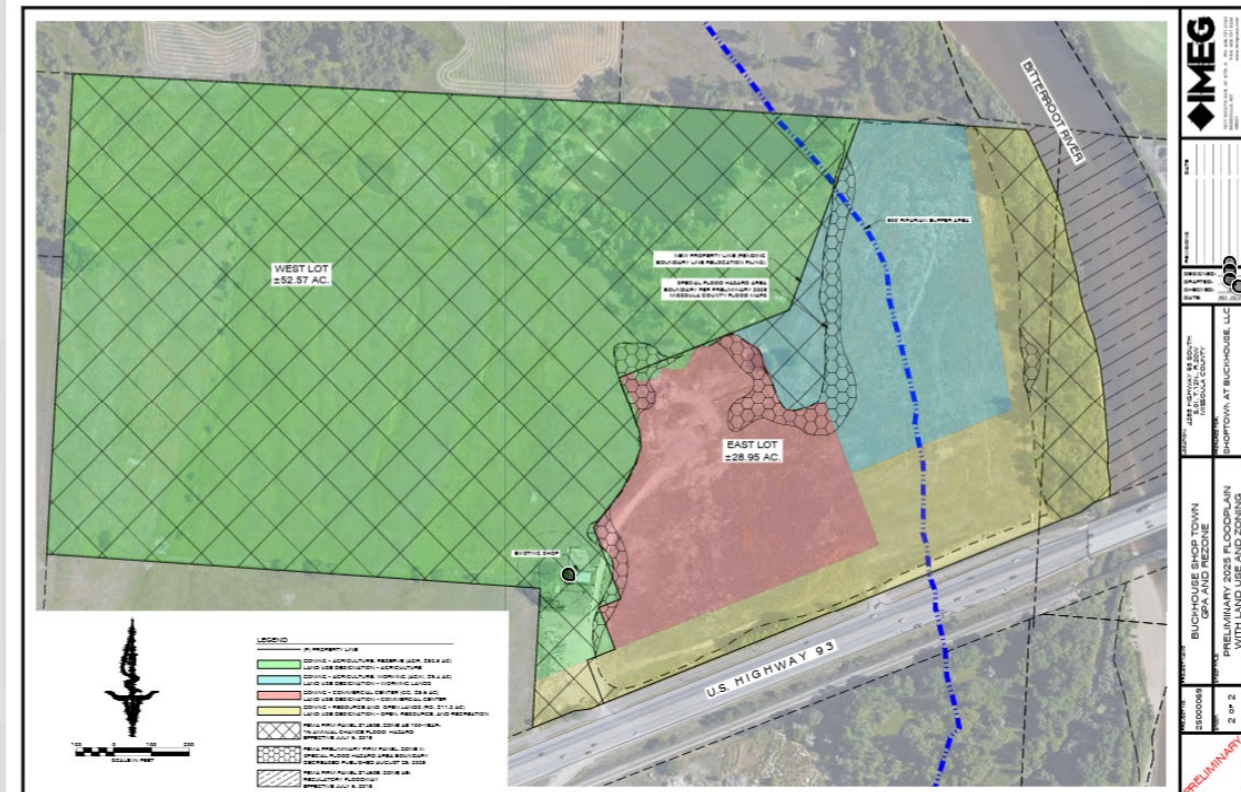


Proposal: Growth Policy Amendment

Existing Land Use



Proposed Land Use



- Maintain existing designations: Agriculture, Working Lands
- Add: Open, Resource and Recreation; Commercial Center designations

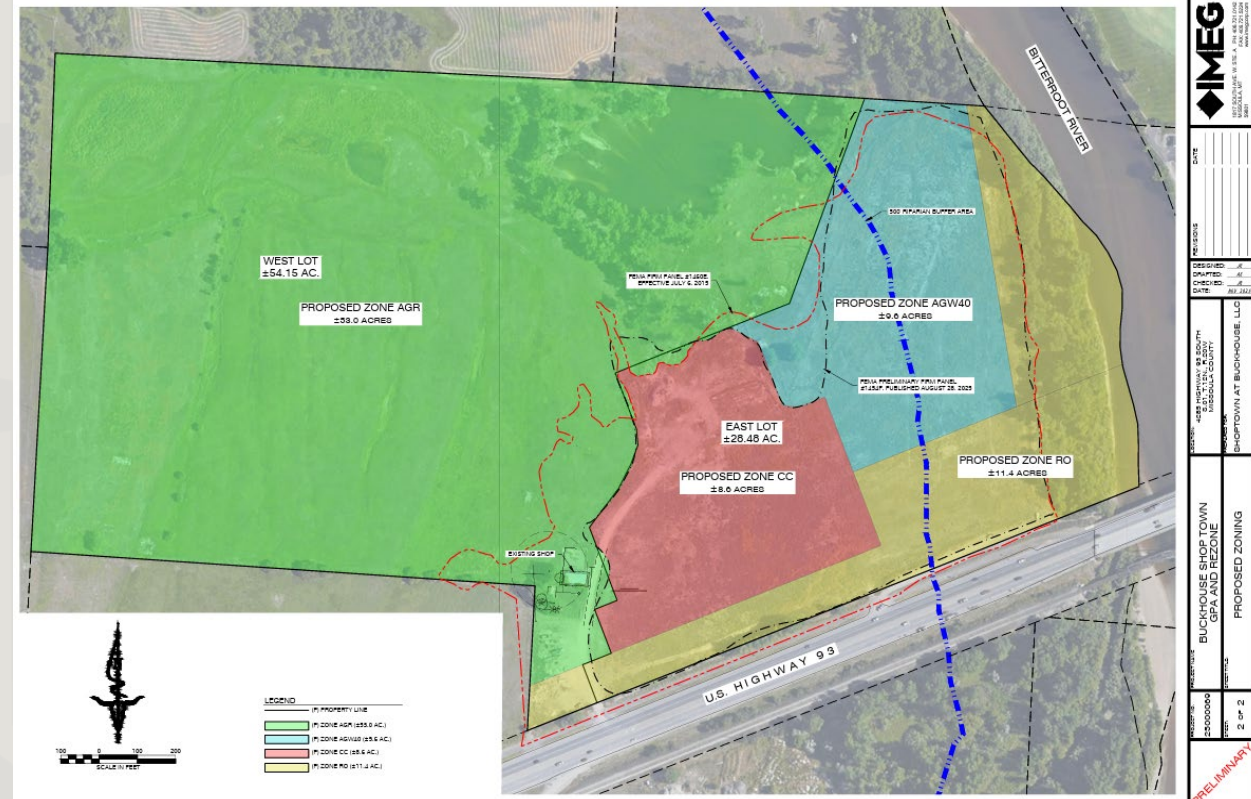
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Proposal: Rezone

Existing Zoning



Proposed Zoning



Growth Policy Amendment Review Criteria

1. The amendment substantially complies with the applicable guiding principles, goals, and objectives of the growth policy and accompanying Land Use Designation Map, except as specifically addressed in the amendment request
2. The amendment is consistent with the applicable goals, objectives, and land use designations of the applicable area plan (if any), except as specifically addressed in the amendment request.
3. The amendment is designed to meet a need that is otherwise not being met.
4. The amendment will provide substantial public benefit to the surrounding community
5. The change proposed is the best means of providing the public benefit

Agriculture and Working Lands Designations: Consistent with 2016 Missoula County Growth Policy

- a) **Both designations are already present on the property.**
The Agriculture and Working Lands designations remain compliant with Growth Policy
- b) **Open Space Conservation & Floodplain:** These designations help conserve open space and keep development out of the Bitterroot River floodplain
- c) **Public support:** Public comment strongly supports the enhancement of riparian protection and open space on the property.

Open Resource and Recreation: consistent with 2016 Missoula County Growth Policy

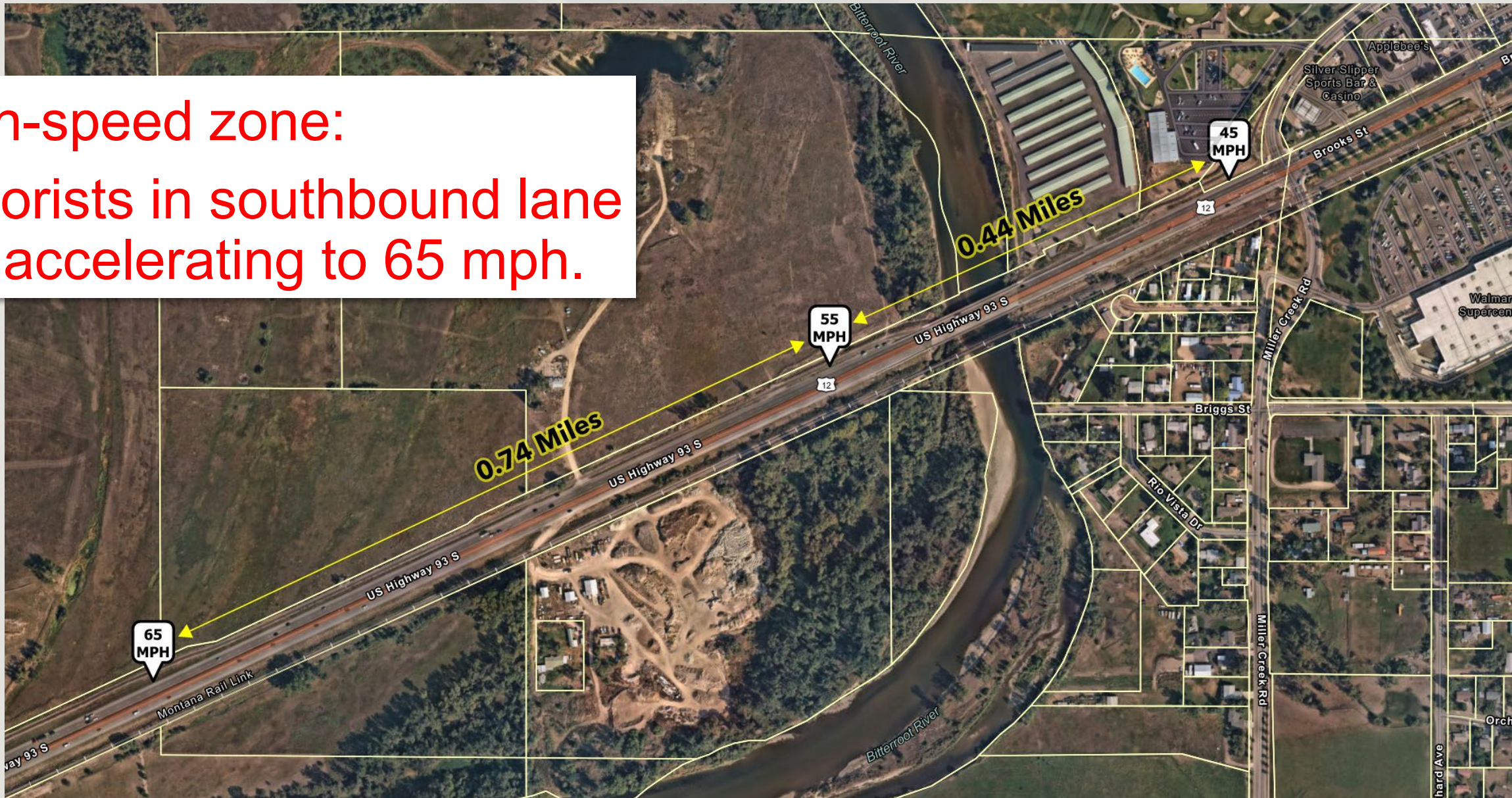
- a) **Protect surface water and riparian environment:** riparian 500ft buffer along the Bitterroot River will limit additional development in perpetuity; protects wildlife corridor and riparian environment
- b) **Recreation:** Potential to enhance recreation access on Bitterroot River
- c) **Public support:** Public comment strongly supports the enhancement of riparian protection and open space on the property

Commercial Center: not consistent with the 2016 Missoula County Growth Policy

- a) **Transportation and Safety:** the site is located on US HWY 93S in a speed zone of 55mph.
- b) **Land Use Concerns:** the Commercial Center designation allows for a large range of high intensity uses which are not appropriate for the site.
- c) **Environmental Constraints:** floodplain, water table, river corridor, water quality.
- d) **Infrastructure Limitations:** the proposal does not include development of adequate infrastructure to support most of the uses allowed in this designation.

Transportation and Safety

High-speed zone:
Motorists in southbound lane
are accelerating to 65 mph.



Transportation and Safety

Timeline of Traffic Studies HWY 93S

- 2006 MDT Access Control Report: US 93 Lolo to Missoula
- 2023 MDT Speed Study: Lolo to Missoula
- 2025 MDT Missoula to Florence Corridor Study

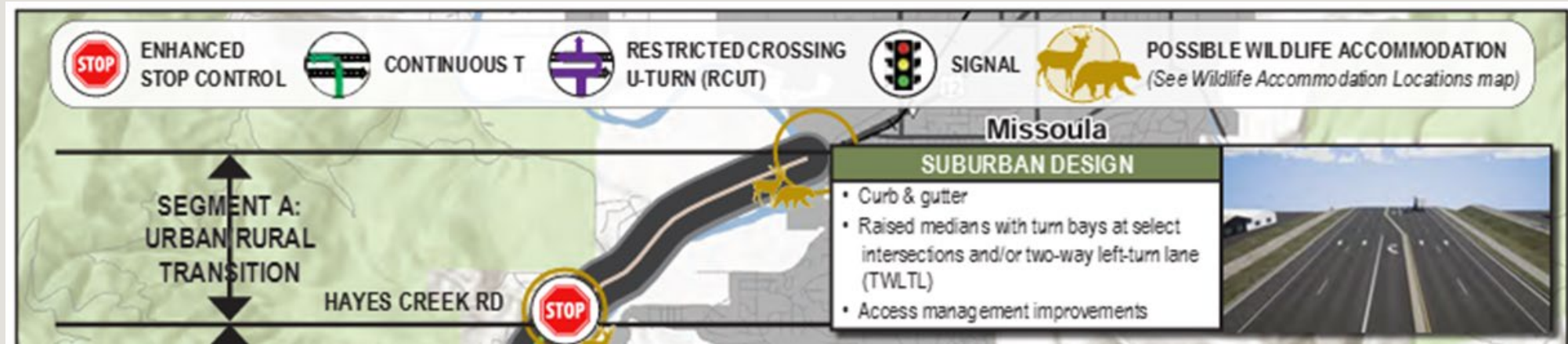


Transportation and Safety

2023 MDT Speed Study Lolo to Missoula:

Segment 1: “Based on the review of the roadway and environment conditions, crash history, speed characteristics, and NCHRP 17-76 Speed Limit Setting Tool, the existing speed limits for each of the study segments are appropriate and no changes in speed limit are recommended.”

Transportation and Safety



2025 US 93 Missoula to Florence Corridor Study:

- Segment A begins at the Buckhouse Bridge and ends at Hayes Creek Road. It is characterized by high travel speeds with a suburban context. The transition zone into the Missoula urban context can cause conflicts especially at peak travel times.
- “No funding has been identified for corridor projects at the time of this report. However, multiple funding sources may be available to support development of future projects”.

Land Use Concerns

Commercial Center allows:

- Animal services small, boarding
- Business equipment sales and service
- Cannabis dispensary
- Casinos
- Residential (8 homes/acre min)
- Eating and drinking establishments
- Entertainment venues: small, medium, large
- Financial service
- Food and beverage sales
- Gasoline and fuel sales
- Lodging: B&B, hostel, hotel, motel
- Medical facility, walk-in clinic
- Park
- Professional office
- Retail
- RV Park
- Vehicle: maintenance, repair, sales, storage

Land Use Concerns

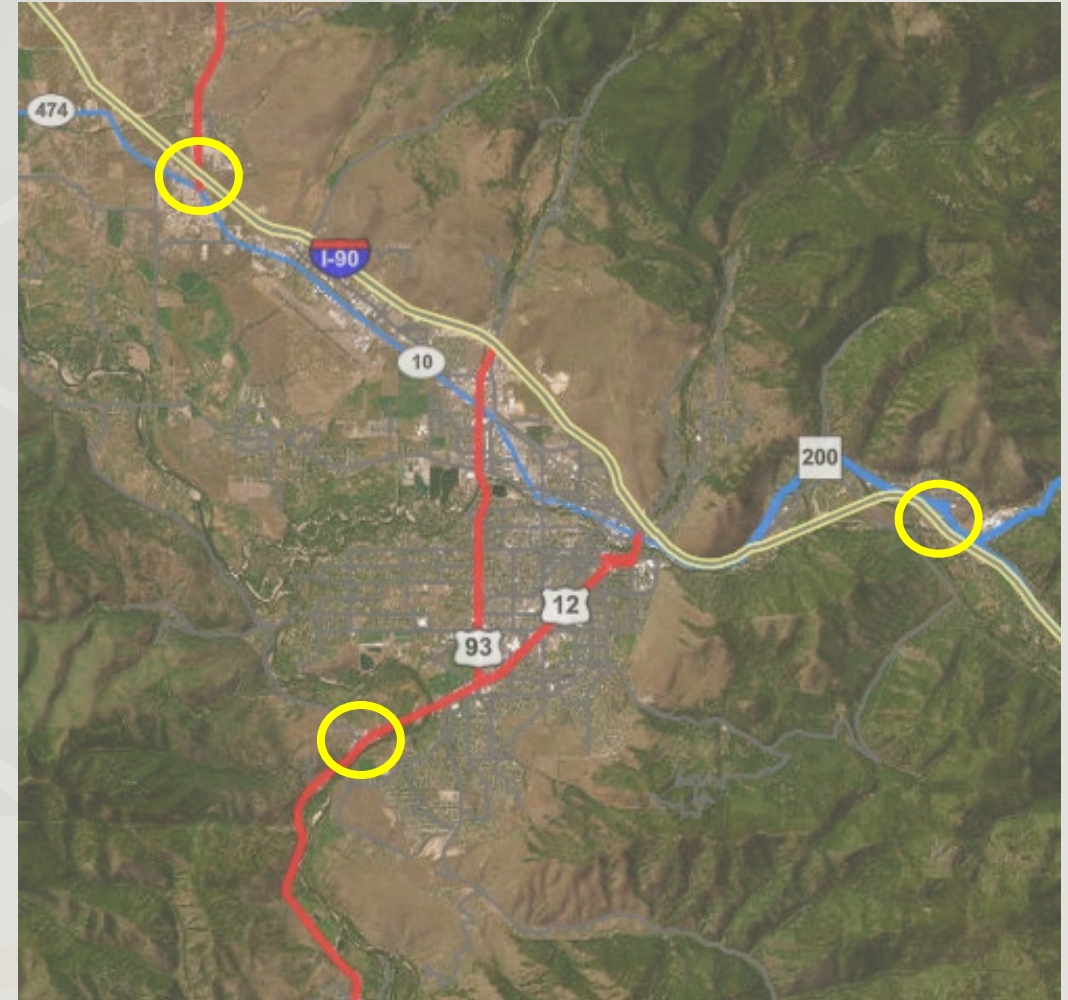
Existing Commercial Center in Missoula County

Location

Highway 93 N – the Wye

Bonner Town Pump (existing)

Blue Mtn Rd



Land Use Concerns

Commercial Center in Missoula County

Location	Enabling Characteristics
Highway 93 N – the Wye	Junction with I-90 & Hwy 93 N; water & sewer available;
Bonner Town Pump	Junction with I-90 & Hwy 200; water & sewer not available but robust septic system in place, no groundwater limitations
Blue Mtn Rd	Junction with Blue Mtn Rd & Hwy 93 S; water & sewer not available but robust septic system in place, no groundwater limitations

Land Use Concerns

Commercial Center in Missoula County

Location	Land Uses
Highway 93 N – the Wye	Travel plazas, casinos, liquor stores, fast food, cannabis dispensary, hotels
Bonner Town Pump	Travel plaza, casino, liquor store, restaurant
Blue Mtn Rd & Hwy 93 S	Health club, retail, children's group home, wholesale lumber, storage units

Land Use Concerns

Shoptown Proposal

- Applicant is proposing a combination dry shop/heated storage unit development.
- Only 8% of the proposal area will be developed under the applicant's proposal. The development will be entirely out of the 100-year floodplain.
- The applicant envisions a river access parking on a portion of the property. While this could enhance recreation access, no public agency has stepped forward to own, develop, or manage the site.
- This use is not allowed by right in Commercial Center and requires a Special Exception Permit.

Land Use Concerns

Shoptown Proposal

The County must evaluate the range of land uses possible at the site, not a single proposal.

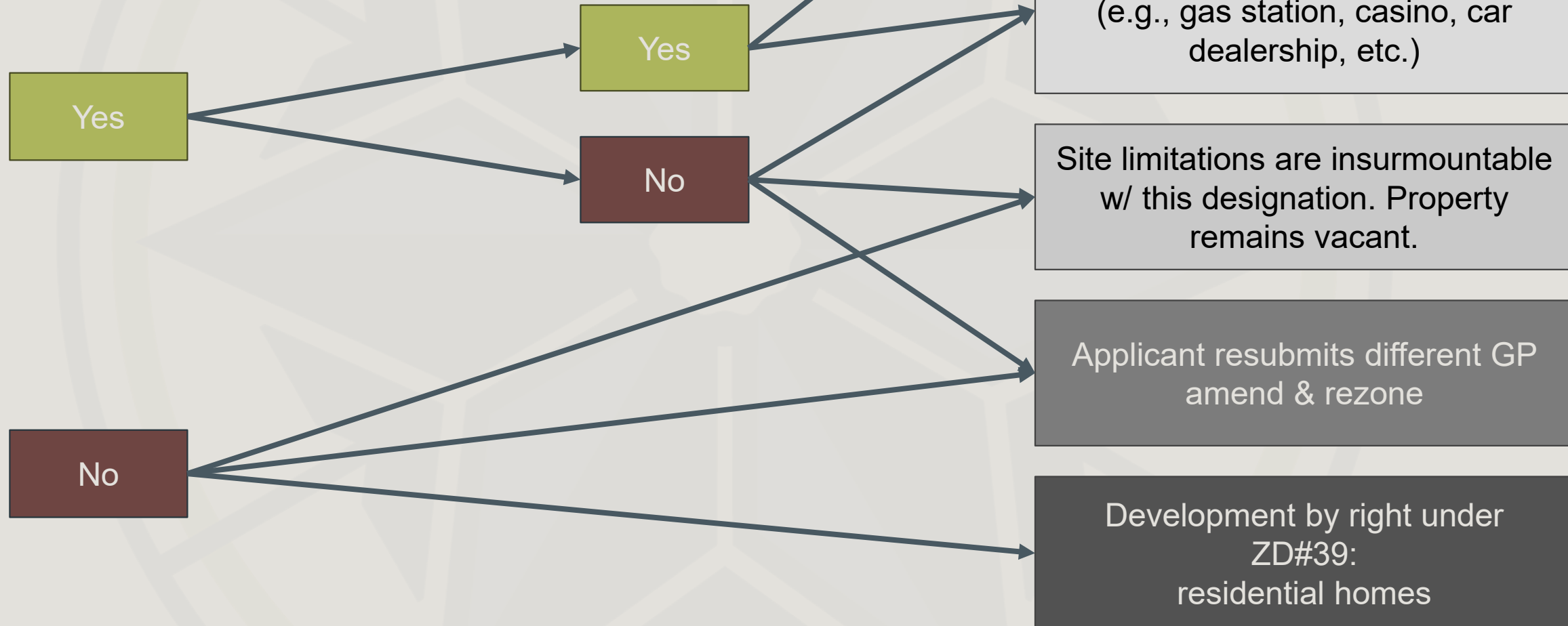
Plans change, plans don't always work out.

Land Use Concerns

Potential Outcomes

GP Amendment & Rezone Decision

Special Exception



Environmental Constraints

- Wastewater and stormwater management are very challenging issues
- Seasonal high groundwater – test wells show groundwater between 30 and 65 inches beneath the surface
- Surrounded by 100-year floodplain
- While the 500-year floodplain is being reduced in the preliminary maps, portions of the Commercial Center zoning remain inside the 500-year floodplain



Infrastructure Limitations

- Commercial Center at Blackfoot Crossing was supportable because sewer and water facilities were also proposed.
- Growth Policy and Land Use Element indicate that water and sewer are required to support most Commercial Center uses.
- Extending sewer from the City of Missoula is not an option.
- Alternative septic systems may be feasible: evaporative pond and raised mound septic systems are designed for areas with high ground water.
- A large investment in the right septic system could possibly overcome the site's limitations.

2019 Land Use Element

Supports the value to preserve working lands, agricultural areas and naturally functioning systems

Fails to support:

- Accommodate planned growth in areas that have existing infrastructure and other growth capacity elements
- Protect public health and safety
- Infrastructure for Commercial Center



Missoula Area Land Use Element

An Amendment to the 2016 Missoula County Growth Policy
Missoula County Community and Planning Services



Adopted
June 6, 2019



Amendment to Zoning Map Review Criteria

1. Zoning regulations must be made in accordance with the Growth Policy.
2. Zoning regulation must be designed to:
 - (i) *secure safety from fire and other dangers;*
 - (ii) *promote public health, public safety, and general welfare; and*
 - (iii) *facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements*
3. In the adoption of zoning regulations, the board of county commissioners shall consider:
 - (i) *reasonable provision of adequate light and air*
 - (ii) *the effect on motorized and nonmotorized transportation systems.*
 - (iii) *compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities*
 - (iv) *the character of the district and its peculiar suitability for particular uses*
 - (v) *conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area*
4. Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

Commercial Center Findings

Criterion 1: The proposed Commercial Center zone is not made in accordance with the Missoula County Growth Policy

Criterion 2: Protecting public health and safety and facilitate the provision of transportation, water, sewerage etc.

Proposed zoning fails to meet criteria: promoting commercial development generating traffic increases in a high speed zone and promoting commercial zoning where there is insufficient infrastructure to support this growth and development

Criterion 3: proposed Commercial Center zone fails to meet effect on motorized and non motorized transportation systems

Traffic concerns

- Hwy 93
- Bitterroot Trail

Proposed Commercial Center fails to meet site characteristics necessary for commercial development and is therefore not a suitable location for the uses allowed in this zone

Agency comment

Responding agencies:

- Travis Ross, Water Quality Specialist, Missoula County Water Quality District
- Zac Covington, Open Space Program Manager, City of Missoula Parks & Recreation
- Matt Heimel, Floodplain Administrator, Missoula County Planning, Development & Sustainability
- Kyle Crapster, Environmental Health Specialist, Missoula Public Health
- Pete Giardino, Deputy Fire Marshal, Missoula Rural Fire District
- Karie Kingery, Wildlife Management Program, Confederated Salish and Kootenai Tribes

Agency Comment

- Agencies voiced concerns about shallow groundwater, floodplain
- Missoula City-County Health Code Regulation may require toilet facilities at Shoptown, “A structure that is, or is designed to be, occupied by people must have approved toilet facilities within the structure or have uninterrupted access to approved toilet facilities within 200 feet of the structure.”
- State sanitation law and/or local health code require a 100ft setbacks from the wastewater absorption system to floodway, 100-yr floodplain and flood prone areas.
- No good options for wastewater at this site. Many of the allowable uses included in the zoning district would **not** be allowable under Health Code.

Agency Comment

- Concerned about long-term implications of zoning the property Commercial
- Support for rezoning the property would apply the County's riparian setbacks, and in this case would designate a 500-ft development buffer on the Bitterroot River.
- Support willingness to provide parking on-site for public river access but concerns about whether parking is adequate for summertime demand.

Outreach and Public Notice

2025

- Applicants published a survey available onsite and on the Bitterroot Trail path and informal river access site on August 22, 2025
- Proposal was published on the Missoula County Voice page along with the survey
- Applicant hosted two neighborhood meetings on September 18 and September 22 of 2025
- Proposal was presented at the Lolo Community Council meeting on September 9, 2025

2026

- Legal advertisement announcing public meetings for the proposal were published in the Missoulian on February 28 and March 7 of 2026
- Legal notices were posted at the County Courthouse, the County Administration Building, Missoula Post Office (200 E Broadway), Missoula Public Library, and onsite at HWY 93S
- Adjacent property owners within 1,000 feet of the parcels were notified by mail on March 10, 2026

Public Comment

Supports

- Open lands and resource protection
- Recreational trails and river access
- Riparian buffer

Opposes/ Concerns

- Strong opposition to storage unit development
- Development in floodplain
- Wildlife habitat
- Open space

MCCLUB's Role Today

MCCLUB is acting today in its authority as a planning board and zoning commission. You will be providing a recommendation. The Board of County Commissioners will make a final decision on this issue.

Alternative Motions

Staff is recommending denial of the growth policy and zoning map amendments. If MCCLUB chooses to support the amendments it will need to provide basic findings to support that motion.

Recommended Motion 1/2

I move to recommend denial of the proposal to amend the Missoula County Land Use Map to show the properties legally described in the Quitclaim Deed recorded in Book 1116 of Micro Records Page 220 as Commercial Center, Agriculture, Open Resource and Recreation, and Working Lands, based on the findings of fact, public testimony and conclusions contained in the staff report.

Recommended Motion 2/2

I move to recommend denial of the proposal to amend the Missoula County zoning map to show the properties the properties legally described in the Quitclaim Deed recorded in Book 1116 of Micro Records Page 220 as Commercial Center, Agricultural Working Lands (AGW40), Agriculture, and Resource and Open Space, based on the findings of fact, public testimony and conclusions contained in the staff report.



Missoula
C O U N T Y

