



MISSOULA COUNTY CONSOLIDATED LAND USE BOARD

Meeting Minutes

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

Date: May 6, 2026, 6:00 p.m.

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

Members in Attendance: Michael Settevendemie, Bing Matt (CSKT Representative), Barbara Raible, Danny Oberweiser, Josh Schroeder (Conservation District), Andy Mefford, and Rick Hall

Members Absent: Chris Saale, Jennifer Schultz

1. CALL TO ORDER [Time stamp – 0:12]

Rick Hall called the meeting to order at 6:04 p.m.

2. LAND ACKNOWLEDGMENT [Time stamp – 1:10]

Missoula County acknowledges that this meeting takes place in the homelands of the Salish and Kalispel people.

3. ROLL CALL [Time stamp – 0:22]

Analeshia Rodriguez called the roll. Six regular members and one alternate was present. First Alternate, Michael Settevendemie, was promoted as voting member for the meeting. A quorum was met.

4. APPROVAL OF MINUTES [Time stamp – 1:23]

Danny Oberweiser moved, and Andy Mefford seconded approval of the April 1, 2026 minutes. The motion passed unanimously.

5. PUBLIC COMMENT ON NON-AGENDA ITEMS [Time stamp – 2:04]

There were no public comments on non-agenda items.

6. STAFF ANNOUNCEMENTS [Time stamp – 3:10]

There were no staff announcements.

7. PUBLIC HEARING [Time stamp – 3:15]

- A. 1716 Clements Road— Special Exception — Kevin Dantic, Planner I, Missoula County Planning Development & Sustainability [Time stamp – 11:01]**

STAFF PRESENTATION

Kevin Dantic (Kevin), Planner I with Missoula County Planning, Development & Sustainability presented the staff report for a Special Exception request at 1716 Clements Road. The applicant, Melody Brian, requested approval to allow multiple principal uses on the 2.44-acre parcel zoned Rural Residential, Small Agriculture (RRS .5) within the Target Range Overlay District in order to construct a second single-family residence for family members.

Kevin reviewed the existing site conditions, noting that the property currently contains a single-family home, detached garage, and accessory barn. The proposed residence would be located in the southeastern portion of the parcel and would use the existing driveway access from Clements Road. He stated that the proposal complies with applicable zoning standards, including density, lot dimensions, setbacks, and building placement requirements. He explained the proposal would result in a density of one dwelling unit per 1.22 acres, which is consistent with surrounding residential development patterns in the area.

Kevin reviewed the Special Exception criteria and stated staff found the proposed use would be compatible with surrounding properties, preserve the character of the district, and have negligible impacts on adjoining properties or public infrastructure. He reviewed the applicable zoning criteria related to access, traffic, parking, utilities, environmental constraints, and compatibility with surrounding properties. Staff stated the proposal would generate minimal traffic and parking impacts and would meet residential density and off-street parking requirements.

It was explained that the property would continue to use an existing shared approach. Missoula Public Health noted that paving requirements would apply only if a new approach was constructed. Missoula Rural Fire District reserved the opportunity to review future building permits for emergency access and life safety concerns. Kevin stated the property is served by an approved private well and septic system previously reviewed by the Missoula City-County Health Department. Staff noted the proposal meets applicable space and bulk requirements, is outside the FEMA floodplain, contains no mapped wetlands or riparian areas, and is not subject to hillside development standards. Landscaping requirements do not apply because the property is within the agricultural zoning district. No signage was proposed and anticipated noise impacts were expected to be consistent with surrounding residential uses.

Kevin concluded the proposal is consistent with the intent of the zoning district and Target Range Overlay and that the special exception is needed only to allow the additional residential use on the parcel. Staff found the proposed use would be compatible with adjoining properties and preserve the character of the area.

It was reported that 52 adjacent property owner notification letters were mailed and one letter was returned to sender. No public comments were received. Staff also summarized agency comments from Missoula Rural Fire District, Missoula County Air Program, and Public Works. Staff recommended a condition requiring the applicant to obtain all other necessary permits from applicable agencies.

See PowerPoint presentation

PUBLIC COMMENT [Time stamp – 19:02]

No public comment was received.

STAFF'S RECOMMENDED MOTION [Time stamp – 20:43]

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

I move to approve the Special Exception Request to allow Melody Bryan to construct an additional principal use on their property at 1716 Clements Road. This approval is based on the findings of facts and conclusions of law found in the staff report and public testimony and is subject to one condition.

STAFF'S RECOMMENDED CONDITION:

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

VOTE [Time stamp – 21:23]

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

AYES: (7): Danny Oberweiser, Josh Schroeder, Barbara Raible, Bing Matt, Michael Settevendemie, Andy Mefford, Rick Hall

NAYS: (0):

B. 3900 South Ave W— Special Exception — Kevin Dantic, Planner I, Missoula County Planning Development & Sustainability [Time stamp – 22:10]

STAFF PRESENTATION

Kevin Dantic (Kevin), Planner I, with Missoula County Planning, Development & Sustainability presented the special exception request for 3900 S Avenue West on behalf of applicant Cody Gordon, represented by Marias Hale of IMEG and Associates. He identified the property location within the Target Range neighborhood near the intersection of South Avenue West and Clements Road.

Kevin explained the request is for a special exception to allow multiple principal residential uses on a 4.81-acre parcel zoned RRS .5 within the Target Range Overlay District. The property currently contains an existing residence, garage, and shop. The applicant proposes constructing a new single-family residence on the property to serve as the primary residence while retaining the existing home as a rental.

Kevin stated multiple principal uses are only permitted through special exception approval under the Missoula County Zoning Regulations. He reviewed the intent of the RRS.5 zoning district and Target Range Overlay District, noting the proposal is consistent with the area's low-density rural residential character and meets applicable zoning standards for lot size, density, building placement, and scale.

Kevin reviewed the proposed site plan and home elevations and stated the Consolidated Land Use Board, acting as the Board of Adjustment, must consider the applicable special exception criteria when evaluating the request. He stated the surrounding area consists of residential and agricultural uses, with adjacent parcel sizes ranging from approximately 6.46 to 66.44 acres.

The zoning district allows up to two dwelling units per acre, but multiple principal uses on one lot require special exception approval.

It was stated the proposed second dwelling would require all applicable County permits and no structural modifications were proposed. He explained the proposal complies with zoning district density, setback, building height, and site design requirements. The proposed setbacks exceed minimum standards, landscaping is not required under the agricultural zoning regulations, and the project would provide the required off-street parking. He noted the proposed density of one dwelling unit per 2.41 acres is consistent with surrounding parcels.

Kevin summarized public comment expressing concerns regarding impacts to privacy, property values, scenic views, and neighborhood character. He stated the intent of the RRS .5 zoning district and Target Range Overlay District is to balance rural residential development with preservation of natural landscapes and low-density residential uses. He stated that adverse impacts from the proposed second dwelling were expected to be negligible.

Staff presented the special exception request and reviewed the applicable criteria under Section 11.6.D.1.a-m of the Missoula County Zoning Regulations. The proposal would allow a second single-family residence while remaining within the permitted residential density of the RRS .5 zoning district. The new residence would require additional off-street parking and a new access approach from South Avenue West, subject to County permitting requirements. Agency comments from Missoula Public Health and Missoula Rural Fire District addressed paving requirements, driveway width, vertical clearance, and turnaround standards. The property would be served by a proposed septic system, and no new public streets or right-of-way dedications were proposed.

Public comments raised concerns regarding privacy, lighting, property impacts, and the size and placement of the proposed home. Staff recommended enhanced setbacks and building height limitations as conditions of approval to help reduce impacts to adjacent properties.

The property is outside the FEMA floodplain, is not subject to hillside development standards and complies with applicable zoning density, space, and bulk requirements. The request requires a special exception because only one principal use is typically permitted per lot in the RRS .5 zoning district. Staff stated no significant long-term impacts related to noise, lighting, or vibration are anticipated following construction.

Kevin reviewed public comments received from nearby property owners. Concerns included compliance with the one dwelling per lot standard, additional lighting impacts, privacy loss, increased traffic and driveway concerns, property value impacts, and whether the proposal adequately minimized adverse effects. Adjacent property owners also expressed concern regarding existing outdoor lighting and vehicle headlights from the proposed driveway orientation. Staff noted 25 adjacent property owner notification letters were mailed, with one formal objection received prior to the hearing and additional comments submitted afterward.

Agency comments were summarized from the Missoula Rural Fire District, Missoula County Air Program, and Missoula County Public Works. Agencies noted future permitting requirements related to driveway standards, paving requirements if a new approach is constructed, and compliance with building, zoning, sanitation, and trade permits. Staff recommended conditions requiring all necessary permits be obtained and requiring the final site design to comply with identified setbacks and height limitations. Kevin concluded by stating the applicant and representative were available for questions and comments from the Board.

See PowerPoint presentation

APPLICANT PRESENTATION [Time stamp – 45:42]

Cody Gordon (Cody) stated he purchased the property to develop a family home while preserving the rural and agricultural character of the site. He explained the proposed home location in the northwest corner was selected to maximize agricultural land for 4H activities, livestock, and continued neighborhood use.

He acknowledged nearby residential development to the north and stated he would be open to privacy fencing to address potential lighting or headlight concerns. Regarding access, he explained that a power pole currently limits expansion of the existing approach. He stated he contacted Northwestern Energy about relocating the pole, which could allow consolidation into a single wider approach instead of constructing a second access. He added he was willing to address additional concerns or questions from the Board.

BOARD QUESTIONS [Time stamp – 47:43]

Board members asked clarifying questions about the proposed home placement, setbacks, and potential impacts to neighboring properties. The applicant explained that the northwest placement preserves agricultural land for livestock and 4H use while avoiding placing the home closer to neighboring homes along South Avenue West or adjacent properties. Discussion focused on conflicting setback information in the application materials. Staff clarified a revised site plan increased the northern setback from 25 feet to 44 feet, which is reflected in the proposed conditions.

Members also asked why additional setback conditions were recommended if staff found no adverse impacts. Staff stated no adverse impacts were identified through staff analysis, though concerns were raised in public comment, and the condition was intended to help mitigate potential impacts to adjoining properties.

Board members asked additional questions regarding the proposed building height and surrounding development. Staff clarified the proposed home height was just under 29 feet, which complies with both the 36-foot maximum allowed in the RRS .5 zoning district and the more restrictive 30-foot maximum within the Target Range Overlay District. Discussion also focused on surrounding land uses and nearby development. Members asked whether the subdivision setbacks aligned with RR .5 zoning standards, which staff confirmed.

PUBLIC COMMENT [Time stamp – 57:27]

- Bo Nielson stated that he lives east of the subject property and raised concerns about the request not conforming with existing zoning. He questioned the proposed change from a single-family residential use to two families on the property, including a rental unit, and expressed concern that it could negatively affect a neighborhood that is primarily owner-occupied. He also raised concerns about outdoor lighting impacts, stating that neighboring properties have already experienced negative lighting effects since the change in ownership. He questioned whether there are standards within the zoning regulations or Board of Adjustment process that address the characteristics and use of outdoor lighting, including potential impacts on wildlife.
- Meghan Sanderson, a neighboring property owner, stated she was not opposed to development on the property, but expressed concern about the placement of the proposed home directly facing her residence. She referenced submitted materials from a licensed real estate professional indicating the placement could negatively affect the

marketability and value of their property due to impacts on view corridors and visual privacy. Sanderson questioned the staff report conclusion that the development would not substantially injure adjacent property values, noting she did not see any appraisal or market analysis in the record addressing their concerns.

- Tony Sanderson, a neighboring property owner, noted the main living spaces and two bedrooms of his residence face directly toward the proposed home site. He clarified that he and his family are not opposed to the applicant building a home, but hoped there could be a compromise on placement so the structure would feel less intrusive to their private living area. Tony asked about the amount of agricultural land available on the property and suggested there may still be room for agricultural use if the home were shifted farther from the shared view corridor. He stated that even moving the home approximately 100 feet could help both parties feel more comfortable with the arrangement. In response to Board questions, Tony explained his concerns involved both privacy and views. He stated that because his house is two stories, fencing would not fully address visibility from the proposed home into upper-level space

BOARD QUESTIONS [Time stamp – 1:09:42]

Cody stated that nearby residential development and two-story homes are already planned in the area and said he would be willing to install privacy fencing to address concerns about views and lighting. He also noted that part of the proposed structure would contain an indoor sport court rather than living space.

Kevin explained that outdoor lighting regulations do not apply in the RRS .5 zoning district. He added that the proposal would remain a residential use and that the special exception process is only required because the 2022 zoning regulations limit parcels to one principal use unless approved otherwise. Approval would allow two single-family dwellings on the property.

Board members asked whether approval of the special exception would run with the land or only apply to the current application. Staff clarified that the approval would allow one additional principal residential use on the parcel but would not permit subdivision or separate sale of the dwellings. The property would remain a single parcel under the special exception approval.

RECOMMENDED MOTION [Time stamp – 1:19:02]

Danny Oberweiser made the following motion to approve the request, and Andy Mefford seconded the motion:

I move to approve the Special Exception Request to allow Cody Gordon to construct an additional principal use on their property at 3900 South Ave W. This approval is based on the findings of facts and conclusions of law found in the staff report and public testimony and is subject to two conditions.

STAFF'S RECOMMENDED CONDITIONS

1. All other necessary permits administered by agencies other than Planning, Development, and Sustainability shall be obtained by the property owner or designated representative. These permits may include, but are not limited to, building, zoning compliance, electrical, mechanical, approach, and sanitation permits.
2. Final site design for the second principal use shall be in compliance with structure

setbacks on the proposed site plan, which include a 39-foot setback from the western property line and a 44-foot setback from the northern property line. The maximum structure height shall be less than 29 feet

BOARD DISCUSSION [Time stamp – 1:19:40]

Discussion centered on the recommended second condition requiring additional setbacks. Danny stated support for the special exception and the staff report overall, but expressed concern that the setback condition was not directly tied to the review criteria and conflicted with the staff finding that the proposal would not substantially injure adjoining property values. He also noted that nearby subdivision approvals underwent a more extensive review process without similar setback requirements and stated support for approval if Condition No. 2 were removed. Andy agreed, stating the proposed setbacks appeared arbitrary given that site planning details could still change. He suggested alternative conditions, such as dark-sky compliant lighting and vegetative screening, would better address privacy and lighting concerns raised during public comment. Andy stated support for the proposal overall but expressed concern with the targeted setback condition.

Josh shared that some impacts are expected in rural residential areas and questioned whether the impacts in this case rose to the level of substantial injury to adjoining properties. He stated that he did not think the proposal would significantly impact neighboring property values or change the character of the neighborhood and stated he supported the special exception, though the setback condition still felt confusing. Barbara said she supported the request and appreciated that the applicant seemed willing to work with neighbors. She also noted that with a subdivision planned to the north, concerns about viewsheds seemed less significant.

The Board then discussed whether the setbacks were being required by the County or voluntarily proposed by the applicant. Staff clarified the western setback had been volunteered by the applicant and was included as a condition so the structure would not move closer than shown. Some Board members questioned whether additional setback conditions were necessary, especially since DEQ and sanitation approvals could still change the final placement. Rick stated that he supported approval of the special exception and noted that Board of Adjustment applications can change slightly from the original proposal.

[Time stamp – 1:42:04]

The Board resumed following a break with staff clarifying that the approval would run with the land under the Missoula County Zoning Regulations. Staff stated that conditional approvals under Section 11.6.A.3.C are valid for three years from the date the Board of Adjustment decision is filed with the County Clerk and Recorder, with the possibility of a one-year extension.

Rick outlined the procedural options for modifying the motion. Danny moved to amend the original motion by removing Condition #2, which established the additional setback requirement. The motion was seconded.

AMENDED MOTION [Time stamp – 1:43:38]

Danny Oberweiser made the following motion to amend staff's recommended motion, and Andy Mefford seconded the motion:

I move to amend my original motion by striking condition #2 from the motion.

VOTE [Time stamp – 1:44:50]

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

AYES: (7): Danny Oberweiser, Josh Schroeder, Barbara Raible, Bing Matt, Michael Settevendemie, Andy Mefford, Rick Hall

NAYS: (0):

BOARD DISCUSSION [Time stamp – 1:45:37]

Rick commented that the Board's role is limited to matters addressed within the regulations, while issues such as lighting, noise, and neighbor relationships are matters best worked out between neighbors.

8. COMMUNICATIONS & SPECIAL PRESENTATIONS [Time stamp – 1:46:32]

There were no communications or special presentations

9. COMMITTEE REPORTS [Time stamp – 1:46:41]

There were no committee reports.

10. OLD BUSINESS [Time stamp – 1:46:58]

No old business was reported.

11. NEW BUSINESS [Time stamp – 1:47:00]

Rick introduced a motion to adopt a procedural rule from Robert's Rules of Order requiring board members to direct questions and comments through the Chair.

Michael Settevendemie seconded the motion, and the Board unanimously approved the motion by an up-and-down vote.

12. COMMENTS FROM BOARD MEMBERS [Time stamp – 1:50:11]

No comments from Board members were reported.

13. ADJOURNMENT [Time stamp – 1:50:24]

The meeting was adjourned at 8:00 p.m.

Missoula Consolidated Land Use Board May 6, 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/9966/media>

Missoula County Consolidated Land Use Board May 6, 2026 - Meeting Recording

AR **Analeshia Rodriguez** 15:29

Welcome to the Wednesday May 6th meeting of the Missoula County Consolidated Land use Board meeting.

It is 604, and we're gonna call the meeting to order. I want to remind everyone attending in person to speak clearly and directly in the room.

Mike, like me.

So that those attending virtually can hear.

Can we have a roll call please roll call?

Danny Oberweiser present. Josh Rader.

Jennifer Schulz.

Jennifer is absent Barbara Rabel.

Barbara is absent being Matt.

Andy meffern.

Michael sethabendemi.

Chris Solih Chris is absent. Recall present. Mr. Chair, we have five regular members present and one alternate.

Would you like to appoint first alternate Michael Stead of Indemni as voting member for the evening? Would please. We have made quorum. Thank you.

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

First item on the agenda is our approval of minutes from April 1st of 2026.

There any corrections or additions?

OK, we have a motion to approve.

I'll move to approve the Minutes from April first.

All right. Do we have second?

I'll second motion made by Danny and and seconded by Andy, and all in favor signify by.

JS Joshua Schroeder 17:25
Aye.

AR Analessia Rodriguez 17:27
Saying.

1st, we are now at the public comment portion for non agenda items that would be anything that we are not here to talk about that isn't on the agenda already. So if you have anything you like to share, please approach the.

Lectern or if you're online, can we see the there we go.

How to join the meeting?

If you're online, you can join the meeting directly in your browser on the teams app.

You can also call via phone 406-272-4824.

And conference ID is 115-0754 O 4 LB star five to raise your hand and start six to mute and unmute.

And that'll also apply when we get to the agenda items.

Anyone.

Don't see any hands on mine. I see Barb has joined us.

All right. Then we will close.

BR Barbara Raible 18:30
Yeah.

AR Analessia Rodriguez 18:32

That we'll close that public comment period.

Next would be staff announcements.

No staff announcements.

First item on the agenda and public hearings.

Is the decision item as a board of adjustment, so that would be at where we would make the final decision and the only decision first item is 1716 Clements Rd.

Special exception Kevin Dantic will be presenting for Missoula County.

Take it over.

We see, but we don't hear yet.

Thank you to the members of the board for the record.

My name is Kevin.

Dantic planner with the Missoula County Department of Planning, Development and Sustainability this evening, I will be presenting my staff report for the 1716 Clements Rd. Special Exception request.

Again, this is at 17616 Clements Rd. West of Missoula. The applicant and the owner is Melody Brian.

Once again, I'm Kevin dantic.

A little bit of background on the property here.

We're located at 1716 Clements.

We're about 1.9 miles West of Reserve St. in between Mount Ave. and North Ave. West.

Here we have a closer up view of the property here.

Here are the current conditions as they stand right now.

Again, we've received a special exception request from Melody Brian to allow for multiple principal uses on her property located at 1716 Clements.

The property is legally described as Orchard Homes Company's edition number six, section 25, Township 13 N, range 20 W Lot 1 acres 2.44 of lots 35 and 36. That's recorded at book 1076, Micro Page 1032.

Little bit of background here.

The subject property is zoned RRS .5, per Missoula County zoning regulations, and is located within the Target Range Overlay District. This zoning district allows for residential uses, and each separate residential dwelling unit is considered as principal.

Use only one principal.

Use is permitted per lot in this district.

Section 2.3, point E .3 of the Missoula County Zoning regulations, allows for multiple principal uses on lots.

In this zoning district, only if approved by special exception.

The property is currently developed with a four bedroom home with a detached garage.

Full constructed in 1960.

An accessory barn constructed in 1990.

The applicant is requesting a special exception to allow construction of a new single family residence on the property to facilitate their daughter and family to live closer to the applicant.

Purpose of the zoning district is to balance the rural residential development with the preservation of natural.

Landscapes in areas of the county where the infrastructure may exist.

And where services are proximal, agricultural land use is abundant at a smaller scale, development character remains rural nature development intensity is governed by site specific conditions, including the availability of adequate infrastructure and water resources, proximity to services and the presence of environmental constraints.

This proposal will meet all other zoning requirements the district.

Including lot dimensions and gross density, building placement and building scale guidelines.

The target range overlay that's intended to implement the provisions of the target range neighborhood plan and provides for low density residential uses between urbanized areas and agricultural uses.

The parcels, classified under the 2019 Missoula Land use Element, which is the amendment of the 2016 growth policy as rural residential and small agriculture, which aims to preserve.

Semi rural characteristics such as larger lots, small scale agricultural uses and natural landscapes of waterways.

And again, the consolidated land use board acting as the Board of adjustment is authorized to grant special exception request that allow multiple principal uses per lot in this zoning district.

Here we have the proposed conditions on the parcel itself.

Again, we have the existing residence in the northwestern quadrant of the parcel. The proposed residence will use the existing driveway off of Clements Rd. and it will be constructed in the southeastern corner of the parcel.

Here there's a rendering of what the proposed home may look like.

And the consolidated land use board when you're reviewing any application for a special exception, give due consideration to all of the following #1 the proposed user development will be compatible with and will not substantially injure the value of adjoining property.

This subject property is 2.44 acres and again developed with a detached dwelling. The special exception is requested to allow for the second single family residential dwelling to be placed on the property.

Uses surrounding the parcel their primary primarily.

Residential adjacent parcels range in size from approximately .93 acres to approximately 5.65 acres.

And it's again zoned RRS .5 in the target Range Overlay District.

These allow for residential uses with a maximum density of two dwelling units per acre.

Section 2.3 point 8.3 of the Missoula County Zoning regulations, state only one principal uses permit per lot. Multiple principal uses may be permitted as a special exception.

The proposed second dwelling unit on the property will require all permitting from all applicable applicable Missoula County agencies.

Modifications to the existing structures are not proposed and they are not required to accommodate the proposed use.

Adverse.

Impacts resulting from the approval of special exception. They're expected to be negligible. The proposed addition of the second residential dwelling unit is compliant with the use and density requirements of the applicable zoning district and no public infrastructure modifications are proposed.

#2 the pros use preserves the character of the district and the property suitable for the use proposed.

Again, that the zoning district's primary intent is to balance rural residential development with the preservation of natural landscapes, and again, the target range Overlay District provides for transitional low density residential uses.

The district is primarily residential.

There is some small scale agricultural activities present and the surrounding parcels do reflect the intent of this zoning classification.

Commercial uses when allowed, they are small in scope, primarily agriculturally based.

The plan residential structure again.

It will conform to lot dimensions and gross density, building placement, building

scale standards set forth in chapter 2.3 point east of the Missoula.

County zoning regulations, as modified by the Target Range Overlay District in section 2.5.

Point B .3, Point C.

Staff has identified one of the criteria the subject property is not located within a taxicabment financing district that is one of the criterias.

#3 on the screen in front of you substitute or additional design standards will preserve and protect the area's architectural and aesthetic qualities.

Again, building elements required by Missoula County Zoning Regulations, Section 3.4 will apply to the proposed structure.

Off Street parking is required.

The proposed single family residence will be required to provide a minimum of one off street parking space.

Landscaping is not required per section 6.4 point B as a development is in an agricultural district.

Per regulations, landscaping is only required when the new development either results in three or more dwelling units on a single lot or project site in a residential or mixed-use district.

And again, conforms to space and bulk requirements.

The target Range Overlay District does have a stricter standards than the RRS .5 zoning that does contain a 15 foot side interior primary structure set back the site design as submitted, does exceed the standard.

And to top it all off, the proposed single family residence will result in a density of one dwelling unit per 1.22 acres.

And that's well within the acreage range of geographically.

Recent lots and it fits the intent of the zoning.

The zoning classification.

#4 the review criteria listed in the Mizuno County zoning regulations.

Or go into that on the next slide here.

They're not all on here, but I will touch them based on all of them in the staff report here.

Access traffic and parking demand created or impacted by the use.

Minimal parking and traffic impacts are expected from the proposed use.

It's projected to generate the same level of vehicle trips per day.
And parking requirements, as other approved uses in the district.
It's consistent with the maximum residential density permitted and the one off street parking space will serve the new residence.
Through Missoula County Agency comment Missoula Public Health did note that if there were a new approach for the proposed residential building chapter, eight of their air pollution control program rules would apply.
But as the proposal shows, a shared approach, the current paving is deemed sufficient.
Missoula Rural Fire District does reserve the opportunity to review future building permits for ability to access the new structure for life and safety concerns.
There are no proposed dedication or development of new streets, right of way or public areas with the proposed use for the property.
Clemens Rd. is a public county maintained roadway that provides access the pedestrian facility across the street is the Clemens Rd. Trail.
The proposed use will be served by an approved private well and an improved septic system.
Again, that those reviews have already been completed by the Missoula City County Health Department.
According to the application, the proposed siding will meet all space and bulk requirements. Any design elements not shown in the application will be addressed at the time of permitting with all Missoula County departments subject properties on private land use solely for residential purposes.
No recreation recreational opportunities currently exist or are proposed on the site.
The developments outside of the FEMA designated floodplain does not have any mount riparian areas.
Or wetland areas, according to the Montana Natural Heritage Program, wetland and riparian framework map.
It's located on a parcel that contains slopes of 5% or less and is therefore not subject to the Missoula County Zoning Development Hillside standards.
Landscaping the. It's located in agricultural zoning district.
Therefore, it's exempt from landscaping requirements.
No signs are included in the proposal.

There will be minimum noise, minimal noise associated with the construction of the second residential dwelling unit, the post construction noise impacts will be equivalent to existing neighborhood uses.

It's proposed the pro structure will be occupied for residential use.

Is consistent with other structures in the area.

It meets the intent of the RR as zoning and Target range overlay all space in bulk requirements and the property is not located within a TIF.

The tax Increment financing district.

And the proposed unit complies with all space and bulk requirements in the Rs .5 zoning district. The special exception is only needed to allow an additional use on the parcel.

Conclusions of law, the proposed use and development will be compatible with and will not substantially injure the value of adjoining property #2. The proposed use preserves the character of the district and the property is suitable for the use proposed.

It's not in a TIF district.

Substitute design standards will preserve and protect the area's architectural aesthetic qualities.

And the review criteria, unless listed in section 11.6, point D .1.

A through M of the Missoula County Zoning regulations have been given due consideration.

We did send this out for adjacent property owner comment. We ended up sending out a total of 52 letters to all property owners located within 500 feet of the subject parcel.

Not reflected in the staff report is one return to sender that came in after the issuance of the staff report last week.

Again, no other comments, just one returned letter.

Agency comments from Missoula County agencies.

We do have Missoula Roll fight District, again reserves the opportunity to review the future building permits for their ability to access the structure. Missoula County Air Program if there is, they said.

If there is a new approach for this proposed residential building, the paving rules would apply.

There's already a shared approach and may not be needed, which in case the current paving is sufficient, and Missoula County public works.

I found no open expired permits on the properties and there was no evidence of notices of violation. They have no additional comments at this time. Any future structures though, or change of occupancy in use on these sites will require the appropriate permits.

And consulting with the health and zoning departments to ensure their plans are compliant with all applicable regulations.

Recommend a condition here.

Is that all other necessary permits administered by agencies other than PDS planning, development, sustainability shall be obtained by the property owner or designated representative.

These permits may include, but are not limited to, building zoning, compliance, electrical, mechanical approach and sanitation permits.

And to the Missoula County consolidated Land use Board, I do have a motion on the screen before you.

And the applicant is here. If you do have any questions.

Thank you.

Now would be the part where our applicant, if they would like.

Can make any comments presentation or anything else.

Not required.

OK.

All right. Then we'll move on to initial questions from board members.

Are any?

Any questions for staff online?

No.

Now we would move.

To public comment.

There's anyone that has any comments on this agenda item.

There are the instructions again.

You wish to join online.

You can hit *5 to raise your hand if you're online.

Don't see anyone?

And if you're in the room and have any comments, just approach the lectern.

And it appears.

And we have none.

See what we will close that public comment period.

Um.

And if there's any board, Nope. Is there any board discussion?

Seems rather straightforward.

If not, we would entertain a motion.

We would be happy to entertain a motion and then discuss it if we want.

We get the motion on the screen.

And we also have it in our.

Josh Schrader has his hand up.

JS Joshua Schroeder 36:08

I'll go ahead and make the motion.

AR Analeshia Rodriguez 36:08

Are you making a motion? Great.

JS Joshua Schroeder 36:11

I move to approve the special exception request to allow Melody Brian to construct an additional principal use on their property at 1716 Clements Rd.

Disapproval is based on the findings of fact and conclusions of law found in the staff report and public testimony, and is subject to one condition.

AR Analeshia Rodriguez 36:30

Great. Do we have a second?

BR Barbara Raible 36:33

I'll second it.

AR Analeshia Rodriguez 36:35

Motion made by Josh Rayner and seconded by Barbara Rabel, I believe.

BR Barbara Raible 36:41

Yes.

AR Analessia Rodriguez 36:42

OK.

If there's no any further discussion.

Well, let's move to A roll call vote.

Roll call a vote Danny Oberweiser.

Yes, Josh Schrader.

JS Joshua Schroeder 37:00

Yes.

AR Analessia Rodriguez 37:02

Barbara rabel.

BR Barbara Raible 37:04

Yes.

AR Analessia Rodriguez 37:06

Being.

Andy mefford.

Michael Seth vendemi.

Rick call.

And it is unanimous. The motion passes.

Thank to thank the applicant for coming.

All right. We'll move on to the next item on the agenda, which is another decision item for the Board of adjustment. Oddly enough also in Target Range 3900 S.

Ave. West.

Special Exception request a permit and Kevin Dantek will be presenting again.

And a good evening to the members of the board for the record. Again, my name is Kevin Dantek planner with the Missoula County Department of Planning,

Development and Sustainability.

I will also be presenting the 3900 S Avenue West special exception request.

This is brought forth by Cody Gordon, who is represented by Marias Hale of Eli and Associates.

And again, we are in the target range neighborhood of Missoula.

We are target range school is here for reference.

We have the intersection of South and Clements a little bit east of that, about 1.75 miles West reserve between North and South avenues West.

There's a close up view of the property.

Hey Missoula County PDS has received a special exception request to allow for multiple principal uses on the property located at 3900 S Avenue.

West property is legally described as orchard home Companies edition, number six, section 25, Township 13 N range 20 W lot, 096 acres 4.81 and it's recorded at book 1122, Micro Page 685.

And a little bit of background here.

So an Rs .5 located in within the Target Range overlay zoning district. It allows for residential uses and each separate residential use is considered a principal use.

Only one principal use is permitted per lot in the district section 2.3 point E .3 of the Missoula County Zoning regulations, allows for multiple principal uses on the lots in the zoning district only if approved by special exception.

The property is currently developed with a three bedroom home constructed in 1966 and two accessory structures garage and a shop, both constructed in 2006.

The applicant is requesting a special exception to allow construction of a new single family residence on the property that's intended to become the applicant's primary residence. The existing home on the parcel will then be rented out.

Again, the purpose of the RRS zoning district is to balance roll residential development with the preservation of natural landscapes in areas of the county where infrastructure may exist and services are proximal. Agricultural land use is abounded, a smaller scale and development character does remain rural in nature. Developing intensity is governed by site specific conditions, including the availability of adequate infrastructure and water resources.

Proximity to services and the presence of environmental constraints.

The proposal will meet all other zoning requirements of this district, including lot

dimensions and gross density, building placement and building scale standards. The target range overlay is intended to implement the provisions of the target range neighborhood.

And provides for low density residential uses between urbanized areas and agricultural uses.

Parcels classified under the 2019 Missoula Area land use element. The amendment of the 2016 growth policy is roll residential and small agriculture, which aims to preserve rural and semi rural characteristics such as larger lots, small scale agricultural uses and natural landscapes and waterways.

The consolidated Land use board, acting as the Board of adjustment, is authorized to grant special exception requests that allow multiple principal uses per lot in the zoning district.

These are the proposed conditions on the parcel itself.

We have the existing residence here in the southeastern corner of the parcel. We have S Avenue West.

On the bottom here and then we have the proposed residence in the northwest corner of the parcel accessed by this driveway off of South Ave. West.

This rendering right here is what the home would look like. Looking in a northwesterly direction.

So again, looking towards the home from the proposed home, this left elevation from the plan submitted would be what the home would look like from the Western property line here.

Abutting residential development.

Again, the consolidated land use board and reviewing any application for a special exception shall give due consideration to the following.

The subject property is 4.1 acres currently developed with one residential dwelling unit, A detached garage and a shop.

The proposed special exception is requested to allow that second single family residential dwelling to be placed on the property.

Uses surrounding the parcel are both residential and agricultural.

Nature adjacent adjacent.

Range and size. We have about four 6.46 acres to the east and we got a big chunk of 66.44 acres to the South.

That's the Missoula High School district there.

Property zoned roll residential small agriculture, otherwise known as Rs .5 Target Range Overlay District.

The applicable zoning do allow for maximum residential density of two dwelling units.

Per acre section 2.3, point E .3 the permitted uses in the zoning Reg stayed only one principal uses permitted per lot.

Multiple principal uses may be permitted, permitted as a special exception.

Multiple dwelling units are considered multiple principal uses.

The proposed second dwelling unit will require again all applicable permitting from Missoula County departments. Modifications to the existing structures are not proposed, and they're not required to accommodate the proposed use.

Adverse impacts from the approval are expected to be negligible.

The proposed addition of a second residential dwelling unit is compliant with the use and density requirements of the applicable zoning district.

Public comment received.

Did state did state that the proposed second residence would have a negative impact on property value due to loss of privacy and the proximity of the structure?

Comments stated that the approval of the special exception would reduce the desirability of their home and limit appeal to future buyers.

And again, the Rs point RRS .5 zoning district is intent is to balance roll residential with the preservation of natural landscapes.

Target Range overlay provides for transitional low density residential uses between urbanized areas and other agricultural uses.

District is primarily residential with smaller ur cultural activities present and the parcels do reflect the intent of the zoning classification.

Public comment received did state that the proposed second use would impair the scenic views and the home spacing that are a key amenity of the target range area.

The planned residential structure conforms.

The lot dimensions and gross density, building placement and building scale standards as set forth.

In chapter 2.3 point east of the Missoula County Zoning Regulations and is modified by the Target Range Overlay District regulations in section 2.5 point B, .3 Point C.

The proposed use is not located within a tax increment financing district.

Building elements required by section 3.4 of the regs.

Will apply to the proposed special exception.

There is the proposed single family residence will be required to provide a minimum of one off street parking space.

Landscaping is not required per section section 6.4 point B as the development is in an agricultural zoning district for regulations.

Landscaping is only required when any new development results in three or more total dwelling units on a single lot or project site. In a residential or mixed-use district.

The preliminary site design submitted does conform to sections 2.3 point E, .48 through C and 2.5 point B, point 3A through D regarding the space and bulk requirements, target range Overlay District contains A5 foot side interior primary structure set back.

The site design exceeds the standard by showing a 39 foot side interior primary structure set back along the Western property line.

And a 44 foot set back along the northern property line.

Additionally, the application depicts a principle structure height that is less than the 30 foot maximum allowable building height in the target Range Overlay district.

The proposed single family residence will result in a density of one dwelling unit per 2.41 acres, which does fall within the acreage range of geographically adjacent parcels.

And the special review criteria listed in section 11.6, point D, point 1A through M of the Missoula County Zoning Regulations.

Again, minimal traffic and parking impacts that are expected from the proposed use.

The proposed use is projected to generate the same level of vehicle trips per day.

And parking requirements, as other approved uses in the zoning district.

The addition.

The addition of a single family residence on this lot will be consistent with the maximum residential density.

Permitted in the zoning district and the applicable zoning regulations will require addition of at least one off street parking space.

The second home will be accessed by a new approach off of South Ave. West, of

which the construction will be dependent on permitting requirements. Through Missoula County Public works.

Through agency comment Missoula Public Health did note that the plan submitted with the special exception application to pick the new approach being paved in accordance with chapter eight of the Air Pollution Control program rules.

In addition, Missoula Rural Fire District noted as the driveway appears to be longer than 150 feet.

Missoula Roll Fire District will require a minimum 16 foot driveway.

16 foot wide driveway with two feet of drivable service on service on either side.

A 13 foot 6 inch vertical clearance throughout and an approved turn around within 150 feet of the finished building.

There is no proposed dedication or development of new streets right away or public areas.

The adjacent S Avenue West is a.

County maintained roadway that provides access to the subject property. The nearest pedestrian facility is the South Avenue Trail that's located directly across the street on South Ave. W from the subject property on land that large parcel owned by Missoula County High School District #1.

The second single family residence will be served by a proposed septic system that the property owner will apply for. Once an approved special exception is obtained. Parcel is contained within the target range sewer and water district.

According to the special exception application, the proposed siding will meet all space and bulk requirements and building design standards in the Missoula County Zoning regulations, including the Target Range Overlay District.

Any design elements?

Not shown on the special exception application will be addressed at the time of permitting public comment received. Did state that given the size of the property, there appears to be a viable opportunity to relocate the proposed building site to an alternative location.

That would mitigate negative impacts on negative properties.

Additional public comment stated that a loss of privacy and property enjoyment and value would result via approval, and that the special exception proposal does not adequately minimize adverse impacts of neighboring properties.

Common received stated the special exception approval in its current form would be inconsistent with the intent of the special exception standards while meeting the space in bulk requirements of the district. The proposed home is much larger and contains a much larger footprint than residences on adjacent parcels staff.

Recommends adherence to the proposed enhanced primary structure, setbacks and the proposed building height as a condition of the special exception approval.

To mitigate adverse impacts to surrounding properties.

The subject properties on private land to be used solely for residential purposes.

No recreational activities currently exist on site and under proposed.

Parcels outside of a FEMA designated floodplain and no areas of maps, riparian resources, or wetland areas.

And it's on a parcel that contains slopes of 5% or less and is therefore not subject to the Missoula County Zoning regulations. Chapter 7.1 hillside development standards.

Subject Property is located in agricultural zoning district.

It's exempt from landscaping and screening requirements per section 6.4 point B .1 point A.

No signs are proposed in the on the application.

Some noise associated with the construction of the proposed residence may occur during authorized hours, as permitted in section 6.6, point F, .4 of the Missoula County Zoning Regulations.

No noise, vibration or outdoor lighting impacts are anticipated with the proposed use post construction.

Public comment.

Stated that additional outdoor light pollution would negative negatively impact both existing and proposed dwellings. As the proposed building location would result in unnecessarily placed direct light exposure across adjoining properties.

Sections 6.5 point 8.1 A through B of the Missoula County Zoning regulations do state that outdoor lighting regulations do not apply to agricultural districts.

Of what?

Of which the Rs .5 zoning district is classified or the single household dwelling proposed.

The proposed residential structure is expected to be occupied for residential purposes that are consistent with other uses and structures in the area.

It meets the antenna, the Rs zoning district and Target Range overlay.

The proposed structure and use will meet zoning, density requirements, space and bulk requirements and comply with the building type and building element requirements of Missoula County Zoning Regulations, section 2.3 point E, 2.5, point B.

3.2 and 3.4.

Property is not located within a tax increment financing special district.

And again, the proposed dwelling unit complies with space and bulk requirements in the Rs .5 zoning district.

The special exception is only needed to allow an additional principal use on the parcel.

Conclusions of law, the proposed use and development will be compatible with and will not substantially injure the value of adjoining property. The proposed use preserves the character of the district and the property is suitable for the use proposed.

Property is not located within a TIF special district.

Substitute additional design standards will preserve and protect the area's architectural and aesthetic qualities, and the review criteria listed in section 11.6, point D point 1.8 through M of the Missoula County Zoning regulations have been given due consideration.

We do have some public comments.

We did send this out.

For Jason property owner notification, we did send out a total of 25 letters to residents located within 300 feet of the subject parcel.

We did receive one letter back that is against the proposal.

24 no response from mailing.

You'll see some of the public comments on the screen here, and some of them did arrive later.

Then we arrived after the issuance of the staff report, some of the public comments that were touched on in the staff report itself.

The proposal doesn't comply with the Rs zoning regarding one residential unit per lot.

There's lighting concerns and illumination of neighboring properties.

The additional residential use, according to the comment, does double what is allowed.

They were wondering about adjustment to the.

The proposal to enhance future sidewalks, curbs, crosswalks, plantings and driveways.

Noted that the proposal doesn't address soil, water, vegetation, lighting. Sound noise and night illumination.

There was concern, loss of privacy and property enjoyment, diminishing neighborhood property values and marketability.

Outdoor light pollution noted there was ample acreage for alternate locations, and that the proposal as a whole doesn't adequately minimize adverse impacts.

Two of them that were received yesterday.

The believe the proposal is not consistent with zoning regs and would need adjustment.

The existing situation already exceeds county regulations.

The proposal adds to this and changes the existing county regulations and therefore it should not be granted the special exception.

Because it introduces a new additional residential use it double S the one residential unit per lot. Further, the proposal does not describe how the proposal could be adjusted to improve.

Negative development characteristics to enhance the desired future conditions, such as those sidewalks, curbs, crosswalks, plantings, and driveways.

The public comment stated that the proposal does not fix redundant accesses to South Ave.

And it doesn't stipulate night lighting.

Being characteristics, objectives.

The other one received here we do have.

The the public comment does state as the owners of the adjacent lot, they're most likely to be impacted by this proposal.

That the target range residents diligently with Missoula County to establish the current RRS .5 zoning and quote the property is.

Currently zoned rural residential, smaller agriculture Rs .5, which allows rural residential development along with the preservation of natural landscapes and small

scale agricultural uses.

Only one residential unit is allowed per lot in the district End Quote.

The public comment would request that Missoula County comply with the RRS .5 zoning in the event of the special in the event this special exception is approved, please consider lighting concerns.

Currently the subject property is at a very bright lighting to the north side of the property on the existing garage, the lights are left on overnight. They illuminate the backyard and they find it very unnecessary and disturbing.

Additionally, per the proposed plan, the driveway access is of concern.

As shown, any car lights would be directed directly onto the other property.

Comments from public agencies Missoula Rural Fire District quote the site plan does not show exact dimensions for the driveway with a turn around since the driveway does appear to be longer, one or fifty feet. That would require a 16 foot driveway with two feet of drivable surface on.

Each side 13 foot, 6 inch vertical clearance throughout and an approved turn around. Missoula County Air Program upon review the plans to pick the new approach being paved in accordance with the air pollution rules.

And Missoula County Public Works noted there are no open or expired permits on the property, and no evidence of notices of violation.

The building department has no additional comments except to note that any structures, future structures or change of occupancy use on these sites will require the appropriate building and trade permits and the property owners are strongly encouraged to conduct thorough research in advance, including consulting with the health and.

Zoning departments to ensure that their plans are compliant with all applicable regulations.

And again, staff does have two recommended conditions for these special exception proposal #1 all other necessary permits administered by agencies other than planning development, sustainability shall be obtained by the property owner or designated representative.

These permits may include, but are not limited to, building zoning, compliance, electrical, mechanical approach and sanitation permits.

Condition #2.

The final site design for the 2nd principal use shall be in compliance with structure setbacks on the proposed site plan, which include a 39 foot set back from the Western property line and a 44 foot set back from the northern property line. The maximum structure he.

Shall be less than 29 feet.

And to the members of the Missoula County consolidated Land use Board, I do have a motion on the screen before you.

I do.

Believe the applicant and the representative are both present for questioning.

And now would be the point where the applicant can approach and make a presentation or comments.

Can you hear me now?

Is that better? OK.

Now is the time for the applicant to be able to make comments or presentation.

Are they here or online?

Did you want to say anything?

Just give us your name and address please.

And turn your mic on. Yeah, push.

Hi, I'm Cody Gordon.

I own the property at 3900 S Avenue West.

I purchased a property from Dale Johnson.

With being able to develop a new family home on there for my girls and I and A family to keep it rural, so I know the placement of the home, although it's in that northwest corner West corner.

The reason for that being is to keep the entire South side agricultural, as my girls are in 4H and I also have neighbors keeping their animals there now.

So we have cows and sheep.

And they plan to expand that. And there's some more neighborhood kids next year bringing their animals as well.

So we're trying to maximize the amount of agricultural land and so moving the home anywhere else on that land kind of reduces the amount of acreage we can use.

Lighting.

I I know there's a development going in directly on the North, those 14 or 15 homes

and I know they're putting up a privacy fence.

If there's worried about like headlights when we turn into our driveway or things like that, I mean, there is a way of putting up a privacy fence to reduce that.

I'd be open to that.

When it comes to the approach.

From my understanding, which I'm trying to figure out more, is that sidewalk project which is.

Really awesome going on on South. I did call Northwestern Energy to see if we could move. The reason why we added that second approach is because there's a power pole right in the middle and so we can't expand the approach.

So if we can end up moving that power pole, we could merge into one wider approach versus adding another one.

I'd rather do that, but it comes down to figuring out how to get those things done.

Other than that, if there's any more concerns or questions.

Or ways to address concerns? I'm here.

Great. Any questions for the applicant?

I have one.

I came from here from Idaho, so I'm used to, you know, small farms, hobby farms, bigger farms.

You could accomplish the same thing by putting the house in the front of the property and maintaining AG in the back.

Correct. Then we could.

But then we'd be right on South and then the other neighbor to the north, there's a neighbor right to the north.

We'd be right next to the other neighbor as well.

Got it. Lines.

The homes are on each side, OK.

I'm just curious.

I think there's four homes on the east side, 4-5 homes on the east side and.

Three or four on the West side. So like we move it, it's gonna be right by somebody's house. And again on that north side, there's fourteen homes with I think phase two is another like 20 homes. I think on half acre lots or less.

That's being developed right now, but I appreciate your wanting to use the AG for

AG.

Yeah, that's the rare thing sometimes out there.

Yeah, so, so, OK, any other questions for Ben?

All right, Andy.

Sure I have one.

I have some other comments that may come up in the discussion, but I guess I've got to.

A concern about this condition that's being proposed in these setbacks and kind of this discussion. I'm a little confused because unless I've got the wrong print, the print proposed conditions in the application shows a 25 foot set back from the property line and the conditions of appro.

Are saying follow the 44 foot set back which these two documents that I have don't align, so I'm a little confused by that number.

So from what I understood as we move the home to accommodate set back for our septic as well as the structure being a large structure so that it's has a further set back than what you guys require.

So it's a question of the staff or did the applicant in terms of well, it's to both, I guess 'cause, I've got an applicant's application that shows appears to 25 foot set back from property line to a structure. And I've got a staff condition saying, yeah.

Do what he's proposed and it says 44 feet from the north boundary.

So these two don't seem to align to me.

And to the members of the board, there was a revision that did come in after the original special exception application from the applicant's representative. That did state that the home would be moved and the proposed set back is 44 feet.

And I do apologize if that did not make it into the packet, as we can see here on the proposed conditions, we do have the 44 foot set back, which is the most current.

Proposed condition.

So that's in the conditions now.

Correct. OK.

Amy, do you have a question?

I I do if I may.

Yeah, that questions answered.

I may have some more later, but that's good now.

Question for staff is condition 2IN response to the opposition letter or is there other reasons why we're conditioning setbacks that exceed the setbacks within the zoning? Yes, per the special exception approval staff can condition the proposal to rectify any negative impacts to adjoining properties.

I have a follow up.

So.

You're recommending additional setbacks to mitigate adverse impacts, but your staff report says there are no adverse impacts.

So I just want to make sure fully understand that the condition is.

Because they're potentially adverse impact or there aren't, I want to make sure that it's clear.

Does staff believe there are no adverse impacts?

There are no adverse impacts identifiable staff.

There were adverse impacts that were brought up through public.

Comment OK, I may have more during deliberation.

Let's see if we can let our applicant go.

Are there any more questions for the applicant?

Go ahead.

Yeah. At the beginning of your work there, I heard something about a height issue. I think you might need to be closer to the mic there. There you go.

Yes, you don't worry. Start to report.

But anyway I I heard about this height issue at the beginning report and then again he mentioned it again towards the end of it too.

So I didn't know whether or not if there was an issue with the height of this.

Sure enough, I wanted to find out, OK?

And that sounds like a staff one too, so.

Any specific questions for the applicant?

If not, will let you sit down.

Thanks. Wanna have you hanging out there any longer than you have to?

All right.

So let's address that question to staff about the height.

Sure, the proposal was a little bit less than 29 feet on the proposed conditions as shown right here.

Per the RRS .5 zoning District, a principal building can have a maximum height of 36 feet.

That is supplemented and by the more stringent target range overlay District, which has a maximum principal structure height of 30 feet.

Did that answer your question?

OK.

So we're starting at a one foot under the Max.

All right.

Any other initial questions from board members?

Yeah, go ahead, Michael.

So it sounds like this property is. I'm gonna use the word surrounded by adjacent properties.

What are the person who wrote the letter Sanderson?

What size property do they have?

Do you know that?

Can you answer that?

Maybe we could take a look at the map too, just so you could see that.

Yeah. Get out of the presentation here for just a moment.

Because the applicant also made reference to some construction growth going on around there.

So I kind of like to see that as well.

I will put up the most current map for the property. The near map from September 3rd of 2025.

Reference S Avenue West is to the bottom of the photo.

And Sanderson's live in at 2250 Ruth Louise Lane.

Are those mobile homes over there on the that is correct?

That is the target range mobile homecourt that has been there since the late 60s.

Oh, I meant to the other side.

There's a line of roofs that could be a storage area or brown roofs.

Storage units Academy.

That is correct.

I'll zoom out a little bit here. On the screen we have North Avenue West right here and South Ave. West to the bottom and we have the target range, mobile

homecourt, the intersection of South Ave. West and Clements and the Target Range School is right in this area.

Thank you.

Is that a quarry above it or what was that?

That would be the area that the applicant was mentioning. That will be the site of the approved old dairy subdivision.

Got it.

I'm not up with. Go right ahead, Danny.

What would be the setbacks of that entitled subdivision?

Is it in aligned with RR .5 of the approved Old Area subdivision?

Correct. As I'll bring the the zoning classification for you here.

The entire old area subdivision is zoned RRS .5.

All right.

How about online?

Any questions from board members?

Not we will go on to public comment.

That you'd you'd be part of the public comment, so just hang on one second here.

We can get up the screen.

What we we have a hand up for public comment.

Here we go. I see.

We don't need that much because there's already a hand up, so to join the meeting, there are the star five to raise your hand and I see a hand is raised.

So if the person that has raised their hand could give their name and address.

And we'll let you go first.

Go ahead.

Let's go with the room first.

Go ahead and approach the lectern.

Turn on the mic.

Give your name and address. Name is Bo Nelson and resident at 22245 Sunlight Lane and keep the comments around east of this property.

First, before even.

Address the property.

I just wonder about the zoning and Board of adjustment and such like that so.

Oh ****, I lost that.

It just seems to me that there this project.

Is not conforming with the existing zoning and is asking for.

Release or.

Some adjustment to change the use so you haven't talked about through changing the shoot. Use from just one resident, one family.

And probably the owner.

To two families.

And one is renting.

And in neighborhood that is owner occupied properties.

So you're having a negative effect on the the neighborhood in that respect?

I don't know what the answer is to that, but so we will try to get your your question answered so.

Did you have any more comments?

But how we handle this is that when if you have a question we will get it answered by staff or by whoever the person is that needs to answer it for you, OK.

I'm interested in the lighting and we've already experienced negative lighting.

Characteristics with the new owner.

After Dale Johnson.

So, and it may be light fixtures that Dale had on that on the barn, but there seemed to be in, in use and in use indiscriminately.

Today.

OK.

We'll try to get that answer too. A statement in our zoning or in our Board of adjustment.

That specifies the characteristics and use of outdoor lighting.

One of the other parts about door lighting is the negative effects on wildlife.

OK. Is that it?

All right.

Thank you.

Thank you.

You can.

We'll we'll address your questions.

Get have a seat.

We'll go on to the next person that has a comment.

Thank you.

Next person that has a comment has her hand online.

And if you would unmute.

*6 to unmute and give us your name and address and you have 3 minutes for public comment.

 **+14*****77** 1:16:56
Can you hear me OK?

 **Analeshia Rodriguez** 1:16:59
We can.

 **+14*****77** 1:17:01
Hello.

OK, great. And I'm sorry, I have a kiddo hopping in real quick from an athletic event, so it'll be a little noisy in the background for a second.

But my name is Megan Sanderson and I live at 2250 Ruth Louise Lane. And I know you guys already went through the letter that my husband and I submitted, and most of that was touched on.

And I really appreciate that. And I want to start off.

By saying just to be clear, we're not objecting to.

A new build on that side, I think Cody is going to do a great job with the land over there and it's going to look great in the end.

But what I don't feel was addressed by the board that I would really like touched on and this is more because of the angle of the home that we have is facing right at the proposed site and it's not Cody's fault. Our house is placed that way.

Nor ours. But it is.

Where we're going to be looking right at it. And unfortunately I think for everybody.

In question, but my question goes back to the conclusion of law that I read in the staff report that said the proposed use development will be compatible with and will not substantially injure the value of adjoining property.

We did, along with our letter, submit a letter from a licensed real estate professional that had a handwritten statement that I didn't see reflected necessarily in the staff report and maybe it was. So I apologize, but his opinion?

Said that, it will negatively affect.

Marketability and the value of our adjacent property. And that opinion was based on established residential market factors in the target range, particularly the importance of the view corridors and visual privacy, which is why I reflect back on the angles of our House.

And I know that there's a lot of different.

Judgments by reasonable people that might view development differently.

But this valuation was based on a speculative concern.

And a market based assessment tied to those recognized valuation factors. And so with the county staff report conclusion that there's going to be no substantial injury to property value.

My concern would be that I didn't see any counterpoints to what we submitted, which would be an appraisal or a market study or a comparable analysis that would address that specific impact. And because the record currently contains.

A conflict between what we submitted.

And nothing backing anything up showing us that we won't have our value diminished in our property.

I'm just more concerned again about that specific placement, not him building it, not anything else, but just the placement of it.

And I know he doesn't want to move itself.

That's completely understandable, but I am concerned about the valuation and.

I guess I guess that's all.

That's all.

My question is, is what do we have to back up that that our valuation will stay the same?

Thank you for your time.

AR **Analeshia Rodriguez** 1:20:15

Oh, I'm muted.

Oh, I'm sorry about that.

We will try.

We will address that in a moment.

See if there are any other people here with. Is that it for your comment?

 **+14*****77** 1:20:22

OK.

Thank you.

It is, yeah.

 **Analeshia Rodriguez** 1:20:28

OK.

We will.

We will address that when we've taken all our public comment and then go to address some of the questions that were raised.

Do we have any other public comment?

I see another hand I believe online is that a different hand, same hand?

Yep, same icon. There we go.

So do we have anyone else online or in the room that has public comment about this item on the agenda?

OK. Can I approach the lectern?

Give your name and address.

You have 3 minutes.

Can you hear me now?

Name's Tony Sanderson.

I live in 2250. Ruth Louise Lane that we pulled up earlier. If we could pull that map back up, I just wanted to take a quick look and maybe ask a question or two.

From the overhead I wanted to show you our angle of our house and where everything kind of looks right into our main living spaces. In two of our bedrooms.

I'm in a little bit there.

Good. OK.

That's the rectangle portion. Is a garage with no windows on the back end, but that square portion is aimed directly at where Cody's home will be located.

And that's also our back main area where we spend most of our time. And again, we

don't oppose Cody building the house.

We just hope that we can come to an understanding somewhere where we can both kind of.

Be happy with the placement of.

His new home.

Home so it doesn't feel so impeding onto our private area and our target range district.

Everybody there understands where our back windows are and bedroom windows are.

Would you like me to point it out?

Nope, I'm good. OK.

I have a pretty good idea, I think.

OK. And then yeah, as far as agricultural land, I mean, there's how many acres is that that's available in that field?

That we're seeing right there inside the trees.

You guys know that would be a question we'll ask staff.

So, OK. And then within those acreages, I see possibility that, you know, if we were able to move it up, there would be space for some agricultural land behind his home as well.

If you know, even if it's 100 feet or you know just something to kinda have something where we're both a little bit.

Appeased.

And maybe.

That we can both agree on and I think that's it, OK.

Any questions for this person?

I actually have a question.

Are you related to the woman that was just speaking? I'm sorry.

Say that one, are you related to the woman that was just speaking?

Are we talking about this? Oh, OK.

I mean little confused.

I'm like, is this the same property? OK, same property?

Yes, I have a question for you.

Is your concern.

Privacy, which can be dealt with with fences.
Or views, which is what your wife pointed out.
I think we have a little of both.
So our house is 2 stories, so a fence isn't gonna do anything for our main master bedroom, bathroom and children's bed.
So that would be views.
Well, privacy. You can look right to it from the angle.
At which the home will be built. I don't know. I guess I I don't how long the home is.
Or where things are gonna be, I'm hoping it will, you know, be good for both of us.
OK.
Well, we will address views, OK. OK.
Thank you.
All right.
Thank any other questions.
Nope, thank you.
OK, you had me confused for a moment there.
Hang on just a second.
We will get to the answering of the questions once we get past all the questions.
So let's see if there are any more people online with public comment.
If not, we will close public comment and then we will get to addressing some of these questions, so.
Let's let's start with you.
Come on up.
And go ahead and give your name again for the record.
Cody Gordon.
And am I addressing questions or? Yeah, you would.
Yeah, I I if we look at that map.
So whether I build my home that there's also all that development that's going on behind there, which is gonna be like 30 or 40 homes for views and privacy up to his backyard, they are putting, I believe, a six foot privacy fence.
And if that is of concern, then I can do the same thing. I believe there are gonna be two-story homes back there.
As well looking across.

From what I'm understanding.

And so I can accommodate that also the portion of the home that.

That where?

From what I understand, their second story looking over at the home.

There's not going to be like living space back there even looking back in there. The reason why that home is so large is my daughters are in sports and stuff and I'm I'm putting a sport court inside there, so there's not going to be people like looking it. Just.

Jim, just so it's not living space or anything back there to people to his home.

So however, we can address that and I think that was part of Kevin's and how we revised the set back and adding that additional footage, OK.

So all right.

Well, thank you. And we'll move on to the county so.

Can you address protection of?

Views and lighting because you brought up lighting in the code.

And pretty much all the things that were brought up so far.

Yes to the board.

So lighting per section 6.5 point 8.8. Excuse me 6.5 point 8.1 A through B of the Missoula County Zoning regulations.

State that outdoor lighting regulations do not apply to agricultural districts, of which the Rs 5.5 zoning district is classified or the single household dwelling proposed.

So that answered that question.

There are no lighting regulations for that zoning designation and could you then address?

The use because it mentioned it was.

A residential it's still residential.

It's not changing its use correct.

It's just going to be a rental home and a house, but.

Yes, Missoula County zoning.

Regulations and the decision made tonight would not take into account any rental of any property, residential or otherwise.

But residential is the use.

It's not changing for residential is that that is correct. Otherwise we could not be

here.

It'll stay in residential 'cause that would be a a change in use, and that would not meet the legal requirements for the for this special exception, right?

That is correct.

The approval the special exception tonight would result in two single family residential dwelling units on the parcel.

And that meets the use that meets the use as designated for that parcel.

Through approval, the special exception for the 2nd principal use.

Through approval of the process that we are undertaking this evening, correct.

Sir, you can't speak from your chair because it's not going on to. It's not going on to.

And public comment period is closed.

So I will attempt to address this because I can understand your concerns.

The the use is residential.

Having a second residence is allowed by application and by this board, so it is not only allowed by zoning.

So if they were to want to put a business on the property, that would be a different type of use. But it's a second residential use and that is, as you saw, we had one come previous to this tonight and that is allowed by special exception. So OK.

Now, are there any other things that got brought up that we could address?

I have a question as a board of exception where we make the final decision when there's a letter of opposition that references a professional opinion about the value.

Is the opinion of the county were just so, you know, we don't think so.

Does that protect us from suit?

Right. Is that legal?

The county's never protected from suit.

That's what they that that's what the remedy is for our decisions.

But maybe you could address that.

I mean, there was.

Testimony that.

A comment that we did have on.

Letter from a realtor stating there would be a reduction in property value.

Caused by this, but if there's a a subdivision built behind them that would, there's a lot of things that can happen with changes in value of property by surrounding

properties.

So maybe you could address that and why? Why?

It meets the requirements.

And isn't an accept, isn't.

Umm.

Is it not compliant?

Yes, staff has identified that it would not substantially injure the value because it really the proposal matches the intent of the district.

Both of the Rs .5 zoning district rural residential agricultural uses overlay by the Target Range Overlay District. It matches the surrounding land uses.

This parcel could come in for subdivision at a much higher density than is proposed. And that could create more impact.

The reason that we're here tonight, if this was prior to the adoption of the 2022 regulations, this use would have been allowed outright without the use of a special exception.

The principal use standard was put into place with the revision of the Missoula County Zoning Regulations in 2022.

And again, that is the reason we're here tonight.

OK, think I got that.

Are there any questions from the board?

Andy, I have one question and probably some follow up comment maybe in deliberation, but just for clarity, if this special exception were approved, does it run with the land or with the owner?

It's a one time special exception, so it runs with the owner of this application this application.

One more principal use this is not allow anything else.

They sell the property.

Someone else doesn't get the benefit of this exception.

No. OK.

And nor is it subdivided.

So it's not too, too.

It can't be sold separately as one parcel. It is currently one parcel, correct?

And it will remain so with the approval of the special exception.

Do you have anything else, Andy, or wanna wait for deliberations?

I'll wait for deliberation.

OK anyone else?

Anybody online?

In our board.

OK. We would entertain a motion if we can get one up on the screen and then we can also have further discussion.

Does anyone need a break? By the way, we've been here an hour and a half.

OK.

I'm good.

May I make a quick comment before potential motion is put on the floor?

I have concerns about the second staff recommended condition so.

I.

I don't know if it's appropriate for me to address that now or after the motion.

Yeah, let's get the.

Let's get the motion on the table and then we can talk about that. So OK.

Is anyone wish to make the motion?

How are you, Danny? You're brave.

Sure. I move to approve the special exception request to allow Cody Gordon to construct an additional principal use on their property at 3900 S Avenue West.

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

Do we have a second?

I'll 2nd.

Motion has been made by Danny Oberweiser and seconded by Andy Mefford to approve the special exception request.

And now we would have any discussion. So Danny?

I guess I'll first state on the record that I agree with everything in the staff report.

Except for the recommended second condition. Basically establishing new set back regulations.

The criteria and as I understand it, that condition is being in response to privacy and fu sheds.

But in my opinion, privacy and view sheds isn't a direct criteria for our decision today.

I think it would lean into the conclusion of law. The staff report cites that it would not substantially injure the value of adjoining properties.

So the staff report says it will not substantially injure this value of joining properties, which I agree with.

But then it sets new conditions.

In response to the opposition, so I I just, I have a little concern there.

It's a contradicting itself and I also don't want this project to be held to a different standard than the subdivision that has been approved directly to the North, which frankly has to go through a much more strict review has to environmental assessment, has to meet the character of.

The neighborhood it goes above and beyond this review criteria we're talking about today.

And if that subdivision didn't have special.

Setbacks. I don't think this request should have special setbacks as well, so I I support the approval of the special exception, but I don't want to establish new specific setbacks within condition 2.

So what I'm getting at in short, is to remove condition #2 and then I would support the motion.

So OK.

I'll listen to everyone's comment and then potentially, yeah. So I would say let's hear everyone's comment and.

If the motion.

Fails or goes on that we can discuss that that I wanted to talk about the same thing you did too.

So we'll see if there's Andy. Did you know gamma?

Yeah, I certainly do.

I didn't want to jump in in front of someone else, but.

I basically echo everything Danny just said.

I support the staff.

I think everything's done.

Well, I have a little bit of a problem with this one because.

Of pretty minimal public opinion. Outcry of this one.

It's pretty minor to come in and condition this when when the one we heard an hour

before we didn't hold them to setbacks or anything specific in light of hearing the concerns and then hearing the owners seeming willingness to work on something, I actually feel like those set.

Back I would be OK with some conditions, but I think that there could be ones that may be more.

Amenable to the actual concerns we heard, which would be maybe cut off lighting on the dark skies, outdoor lighting would be cut off lighting or a dark sky compliant, and maybe the planting of some vegetation or a vegetative screen along that view line of the person who said.

Views and privacy. I feel that those would be more impactful than holding the them to some very arbitrary settings as they're working through a building site plan. Septic approval driveways may move.

They're very arbitrary site plans or setbacks to me that don't really preserve or much mitigate the concerns we heard, which was lighting and Buster privacy.

So I I feel like if we were going to condition it, dark skies cut off lighting, planting a hedgerow that maybe not helps today. You know in a six foot fence is no one wants a neighbor fence of 40 feet.

But some well placed vegetation landscaping along that, you know, limited section could be beneficial, at least at some point.

Want to mitigate some of those concerns and, as brought up earlier, the only other comment is as this use is proposed and you know everything has impact, it all impacts something.

There's certainly a much more impactful project that could come down this pipeline that would be much more impactful from traffic and a lot of other things.

So this proposal in of itself you know is in compliance with a lot of those elements.

And so I'm supportive of it. I just have a little concern about that.

Very targeted condition too as it stated.

OK.

Anyone else?

Josh, Barbara.



Joshua Schroeder 1:39:48

Sure. I'll go on the record. I had a a similar confusion I guess.

Like Andy said, there's always going to be impacts. What I'm wrestling with is whether these impacts in this scenario or in this case, exceed typical expectations. For, you know, rural residential adjacency like this one and you know, does that translate then into?

Substantial.

Injury, you know or substantial impact above and beyond typical expectations of for market value, so.

The addition of the setbacks almost calls into question that it does or indicates that it may.

So that's what I'm thinking through right now.

I personally don't think that it does.

I think that it doesn't really change the the the feel of the neighborhood, the characteristics of the neighborhood, and that it's in alignment with that.

So I think it'd be difficult to to find that it does cause substantial injury. So I would support the special exception, but the addition of the set back is is confusing.

AR **Analeshia Rodriguez** 1:41:03

OK.

Barbara, did you have anything?

BR **Barbara Raible** 1:41:10

I guess I'm in favor of the.

Giving the exemption, and it seems like the land owners willing to work with the neighbors and with the idea that there's going to be a subdivision directly to the north, it's all kind of mute to worry about. You shed, it seems.

AR **Analeshia Rodriguez** 1:41:35

Thank you.

Yeah, I I'm, I mean, my concern about that set back requirement was I'm a little confused about whether this is a requirement that the county's saying.

To address some of the concerns of of of the public, or whether this was a change that the applicant made to to address septic placement.

If the applicant is choosing to have those setbacks.

I.

I don't really have any that big of a concern with it, but I guess the question is, which is it?

So those setbacks were volunteered.

In reference to the Western set back towards Ruth Louise Lane that has remained consistent throughout the processes of 39 feet.

Again, that set back was volunteered on the site plan by the applicant and their representative conditioning.

Special exceptions is something that we can do to try to.

To address concerns and if the setbacks were already volunteered, we wanted to make sure that they wouldn't move closer.

So if the set back is volunteered, does it have to be in the conditions?

I mean it's it's in the plan.

The It's not a final plan. I understand that. Yeah, but I guess the question is, does it need to be?

In the.

In the conditions, that's a good question, Rick.

I would add one more thing too.

You know, until they have their DEQ Cosa approval, nothing should be considered set in stone, including the voluntary setbacks, yeah.

A lot can happen between now and the official breaking of ground after a building permit in the health department issue.

And it's of a well and drain field so.

I just see lots of reasons why we shouldn't be establishing additional setbacks. The applicant can work with the neighbor the best.

He's sees fit under the the baseline zoning regulations and health department sanitation regulations. OK and so. And and I would say that if if the board well, let's see.

Let's kind of get an idea of where we are so.

I mean I I'm my feeling is I'm.

I'm I'm going to vote to approve.

I don't. I think it's a. This is zoning board of adjustment and I was on both planning and zoning Board of adjustment.

As the Zoning Board of Adjustment and Things change for for zoning B of A.
It it cannot.

It can change slightly from what was originally proposed.

We've had applicants come and ask them to change entirely from what was proposed.

Which as a chair of my response is then submit a new application.

But that's not what we're being asked.

Here. So I think we've all had a chance to comment.

Now let's see if how we do on a voice vote.

Your position is understood and.

I think if it passes it passes.

If it fails, then we can have an alternate motion.

Can I ask a procedural question? Sure.

Is there an option here to withdraw the motion and say, put a new motion on the table?

If no board feels that's necessary, OK, we the well.

We've done that before.

We need to deal with the motion as it is and then we can choose to amend the motion, correct?

I would rather vote on the motion as a chair, vote on the motion as it stands.

And if it?

We can.

Let's take a break.

Yeah, let's, let's.

I could use.

I could use a break by the way, my.

Yeah. So that that's my.

Is your mic your mic's on?

Yeah, absolutely. During the intermission to clarify Andy's question from earlier, this approval would run with the land per.

Of the Missoula County Zoning regulations, the time frame for conditional approvals. Conditional approval per section 11.6 point a .3 Point C is valid for a period of three years starting on the date of the filing of the board of adjustments decision.

In the office of the county Clerk and Recorder.

Again, it's valid for three years and it is valid for only one additional year.

OK.

Got it, that is corrected.

OK.

What we came up with is that we have three choices.

1.

To First off, the motion has to be withdrawn before it can be amended or it can be amended without being withdrawn.

OK, so Danny can amend the his motion that he made that was seconded. So if he amends it, then it needs to be seconded again.

And correct, correct. We can amend the motion and then we can do a roll call vote or up and down vote and then we'll put the new motion on the table.

There you go, Danny. OK.

I move to amend my original motion by striking condition #2 from the motion.

I would second that.

OK, motion has been made and seconded and it says noise suppressed.

Was that is it me?

Am I the noise?

On there.

It's weird.

OK.

I think I'm gonna lean towards a roll call on this rather than up or down.

OK.

So we have.

We have an amended motion. The first motion was changed.

To approve the staff's recommended motion withdrawing condition #2, which is setting a required set back.

As a as a condition.

OK.

Is there any discussion on this motion first?

If not, we'll go to roll call vote.

No, we don't have to have.

We don't have to have public comment on a motion, right?

Yeah, public comments closed. OK.

We're ready.

Roll call vote on the motion to amend.

Danny oberweiser.

Yes, Josh Schrader.

JS **Joshua Schroeder** 2:00:26
Yes.

AR **Analeshia Rodriguez** 2:00:29
Barbara rabel.

BR **Barbara Raible** 2:00:31
Yes.

AR **Analeshia Rodriguez** 2:00:33
Bing, Matt.
Andy mefford.
Michael cetera, vendemi.
Recall.
Yes, and it is unrarised.
The motion passes.
All right, so we don't need another motion now because that is the amended motion.
So we are done with this case before us, correct?
Correct. OK. And I just wanted to say as a comment as the chair.
We can only rule on certain things as a board, you know.
They're always.
Matters of law.
Matters of neighbors are another thing that only neighbors can work out between them. And I know from being in Montana that neighbors work it out, you know.
And that those are the things that aren't written into the law, like light, like noise, like being a good neighbor.

So I.

Did my editorial comment is that I just. I'm sure you guys will work it out.

I'm and and man, it's cool that you have that support cord in there. I thought you had, like 18 kids or something.

I didn't know what it was so anyway, so thank you.

You you are approved.

Next item on the agenda.

Communication and special presentations.

None. OK, committee reports.

We do have a committee member.

I don't think there's been ATPCC hearing since.

We haven't.

I don't any updates 'cause there hasn't been a hearing since, but there is one next week so.

OK.

I should have an update.

Old business, we have none.

New business?

I'm gonna bring something up, a new business and thank you. And as a as a motion, because I think it's something that I shouldn't decide that the board should decide.

And I I passed out Robert's rules of order to everybody or had it sent to everyone.

I'm not a super stickler for Robert's rules of order, but they have some good things in them and I think.

One is that it helps keep a meeting moving in the right direction and it encourages.

Full participation in it, so I wanted to put a motion on the floor that we adopt. One rule of Robert, Rules of order and that rule is that.

When any board member has a question or comment that rather than they be directed to different people in the room.

That they be directed to the chair, me and then that way I can recognize you. We can get it on the record. You can we can send it to whoever to go to and.

It's just an easier way to know who does what, because our first meeting was pretty confusing and we didn't even weren't even sure that emotion passed.

And so that's a motion I like to make.

Think that.

Any questions or concerns be directed to the chair? You can say, hey, Rick, Mr. Chair, whatever you want or Madam Chair, hopefully someday.

And that's it.

And if there's a second great, we'll vote on it.

If not, then I guess we won't be doing that so.

Any anyone?

Second, I'd second that.

OK.

So we have motion on the floor and 2nd in and the motion is that all questions be directed to the chair.

And so let's have an up or down vote or.

Yeah, all in favor.

Aye, aye. Aye, aye. Any opposed.

Nay, any opposed.

OK.

That'll be how we run it.

So and I just to warn, not warn everybody.

Let everyone know we will be having the AI center come and as a member of the Bonner Mill, thank Community Council.

I will tell you that we will have a ton of testimony.

It will not get through in one night and.

It's going to be pretty raucous, I think from my experience.

And that's one of the reasons I want to make sure we we are we're orderly here because it may not be orderly out there, but I think it will.

I mean, everybody's great, usually at public hearing. So, but it is very controversial and there are a lot of comments. So I encourage you to look at Missoula County voice and you'll see what we're going to deal with so.

OK, comments from board members any?

Look, it's not even 8:00.

We're out of here.

Motion to adjourn.

I'll second. OK, all in favor?

Aye, we are adjourned.
Thank you all.

● stopped transcription

1716 Clements Road Special Exception Request

DATE: MAY 6, 2026 MCCLUB HEARING

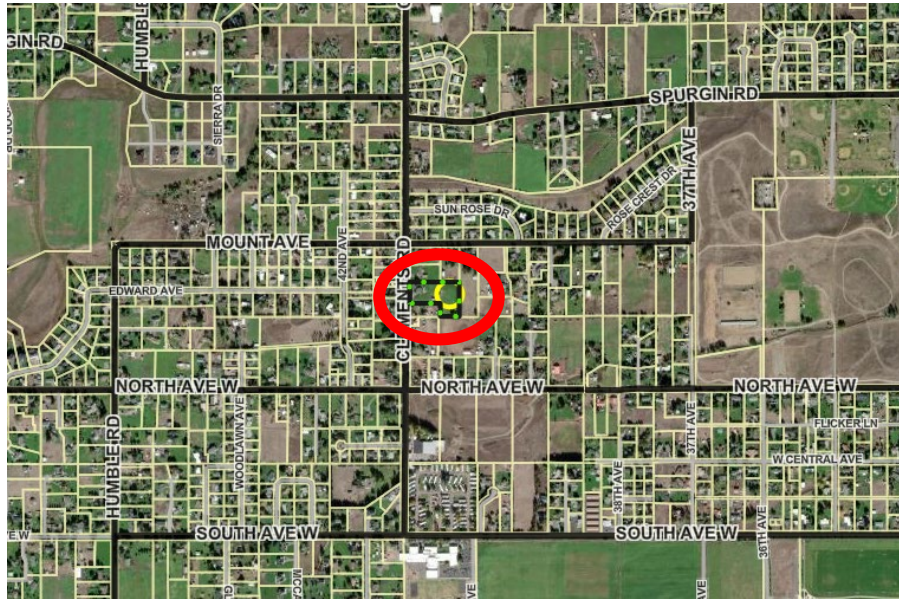
PROPERTY LOCATION: 1716 CLEMENTS ROAD

APPLICANT/ OWNER: MELODY BRYAN

PLANNER: KEVIN DANTIC



Current Conditions



Current Conditions



Background

4

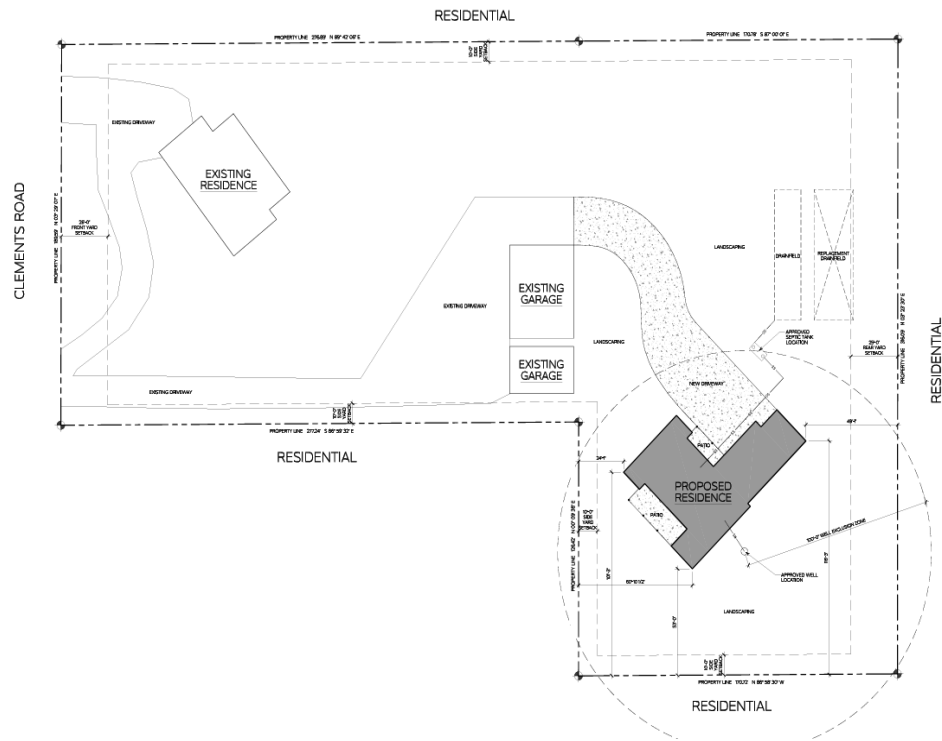
Property is zoned Rural Residential, Small Agriculture (RRS .5)

Classified as Rural Residential, Small Agriculture under the 2019 Missoula Land Use Element, 2016 Comprehensive Plan

Aims to preserve rural and semi-rural characteristics

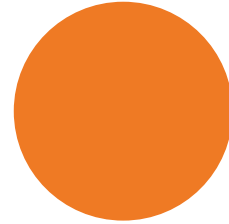
Special exception needed for non-conforming use per Missoula County Zoning Regulations Chapter 2.3.E

Proposed Conditions

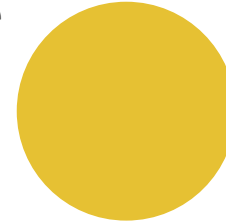


Criteria for Review

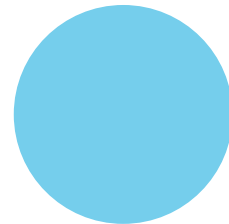
6



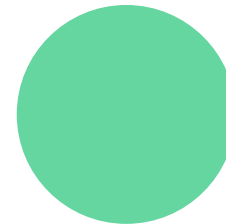
1. The proposed use/development will be compatible with and will not substantially injure the value of adjoining property



2. The proposed use preserves the character of the district, and the property is suitable for the use proposed.



3. Substitute or additional design standards will preserve and protect the area's architectural and aesthetic qualities.



4. The review criteria listed in section 11.6.D.1.a-m of the Missoula County Zoning Regulations have been given due consideration.

Special Exception Criteria

11.6.D.1.a-m

Access, traffic, and parking demand created by or impacted by the use, and pedestrian, bicycle, and onsite vehicular circulation.

Impacts on or of public and private utilities or services.

Proposed siting of any new structures necessary to accommodate the use and their relationship to adjoining and surrounding properties.

Area of land necessary and adequacy of the site to accommodate the use and meet the intent of the district and character of the neighborhood.

Any other unique or relevant circumstances related to the property.

Conclusions of Law

The proposed use/development will be compatible with and will not substantially injure the value of adjoining property.

The proposed use preserves the character of the district, and the property is suitable for the use proposed.

The property is not located in a TIF Special District.

Substitute design standards will preserve and protect the area's architectural and aesthetic qualities.

The review criteria listed in section 11.6.D.1.a-m of the Missoula County Zoning Regulations have been given due consideration.

Agency Comments

- ▶ Missoula Rural Fire District
- ▶ Missoula County Air Program
- ▶ Missoula County Public Works

Staff's Recommended Condition

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

Staff's Recommended Motion

- ▶ **I move to approve** the Special Exception Request to allow Melody Bryan to construct an additional principal use on their property at 1716 Clements Road. This approval is based on the findings of facts and conclusions of law found in the staff report and public testimony and is subject to one condition.

3900 South Ave W Special Exception Request

DATE: MAY 6, 2026 MCCLUB HEARING

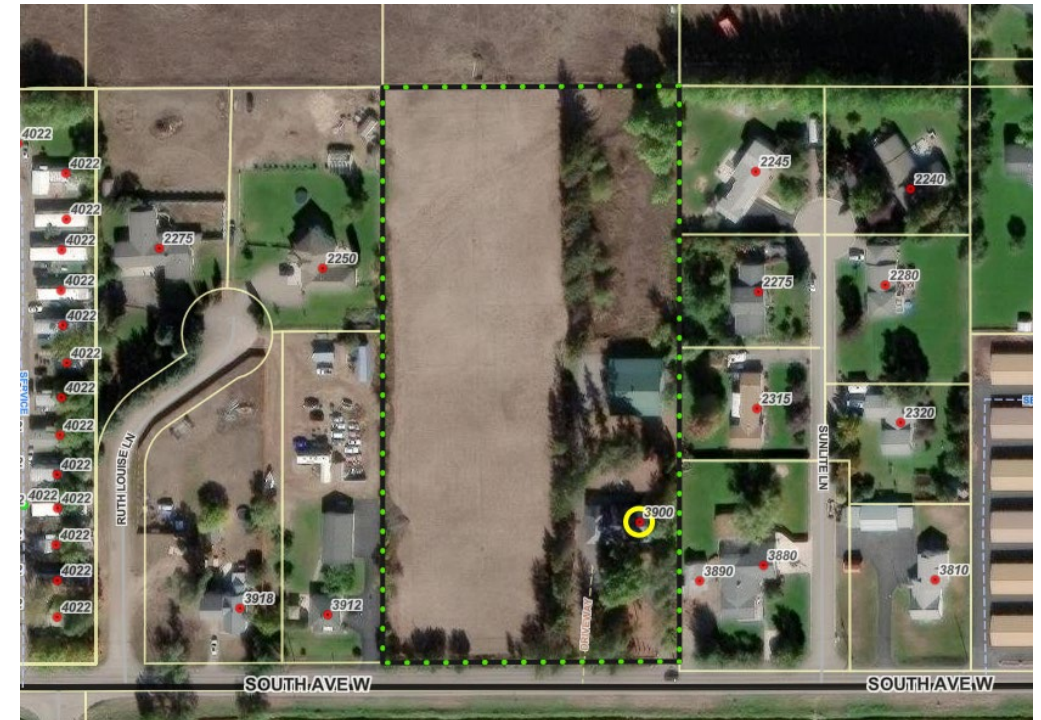
PROPERTY LOCATION: 3900 SOUTH AVE W

APPLICANT/ OWNER: CODY GORDON,
REPRESENTED BY MARIAS HALE – ELI &
ASSOCIATES

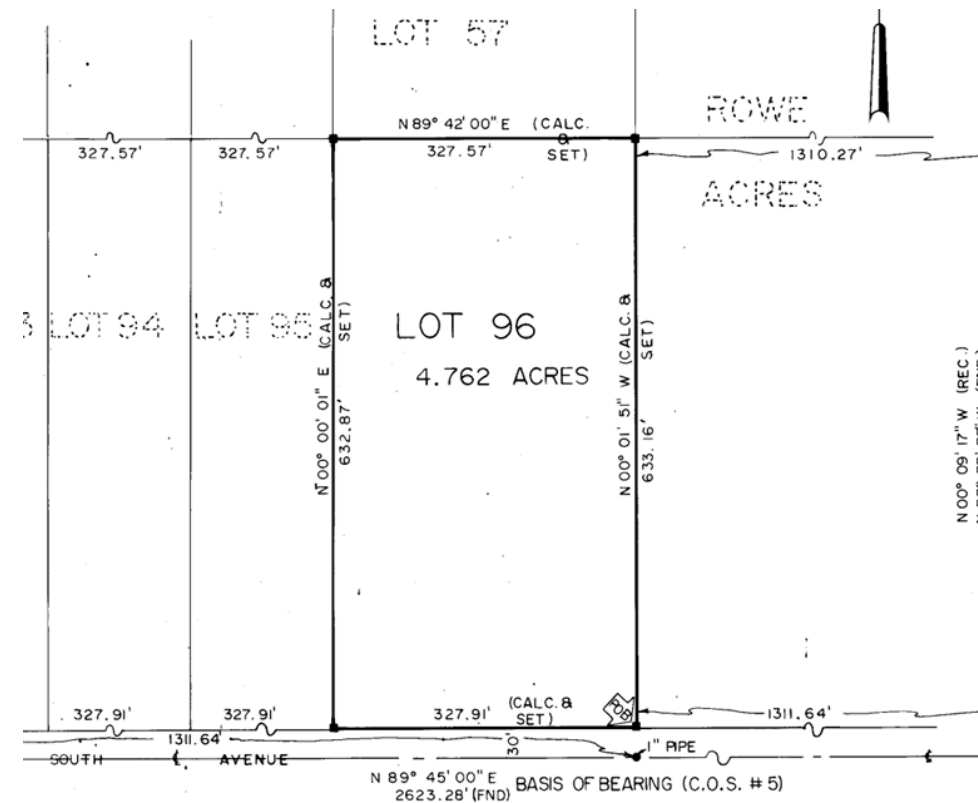
PLANNER: KEVIN DANTIC



Current Conditions



Current Conditions



Background

4

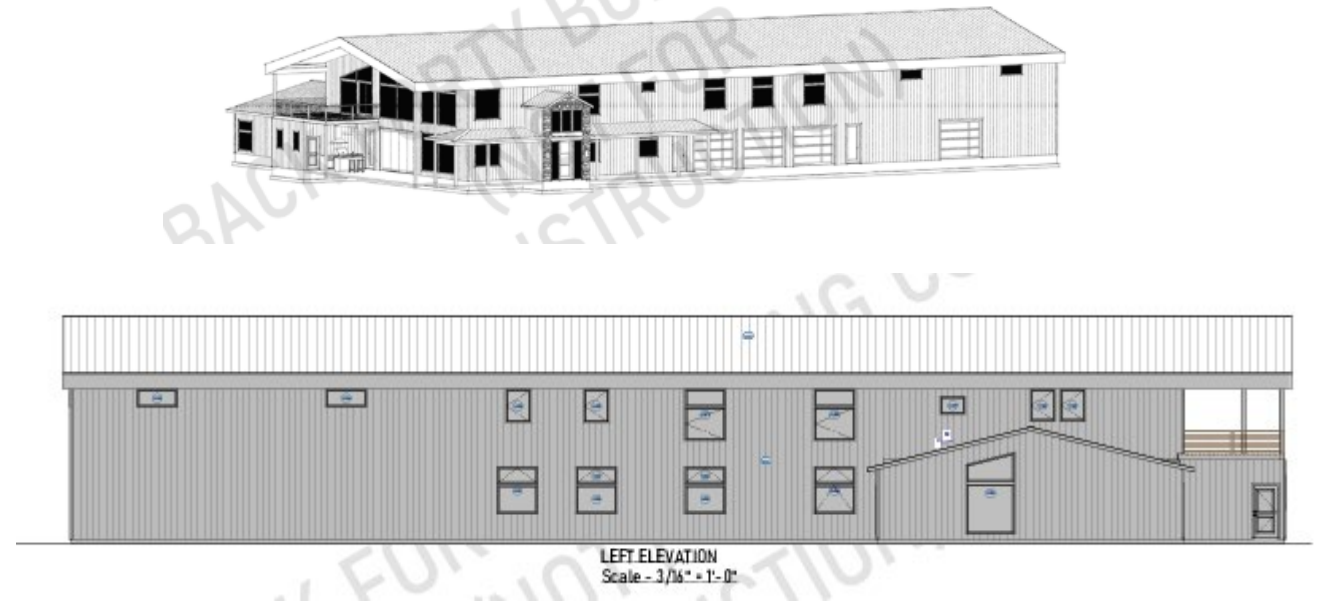
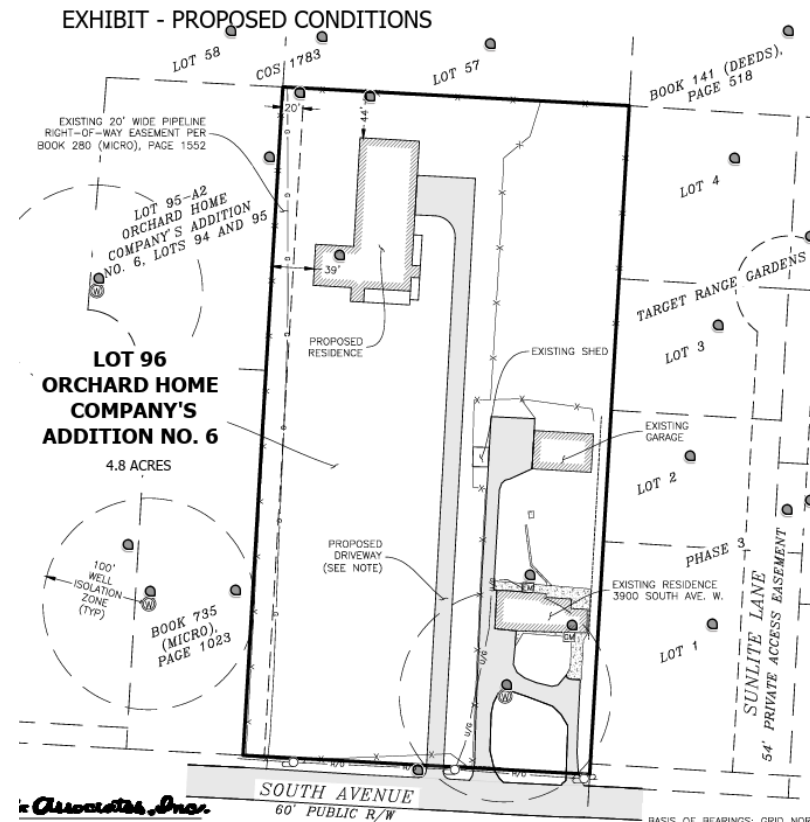
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Aims to preserve rural and semi-rural characteristics

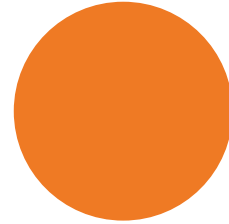
Special exception needed for non-conforming use per Missoula County Zoning Regulations Chapter 2.3.E

Proposed Conditions

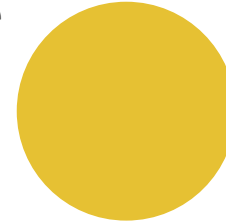


Criteria for Review

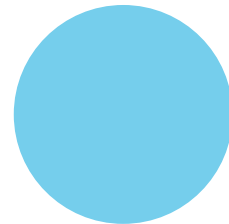
6



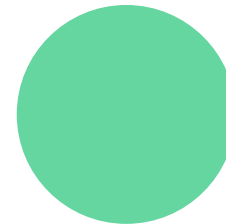
1. The proposed use/development will be compatible with and will not substantially injure the value of adjoining property



2. The proposed use preserves the character of the district, and the property is suitable for the use proposed.



3. Substitute or additional design standards will preserve and protect the area's architectural and aesthetic qualities.



4. The review criteria listed in section 11.6.D.1.a-m of the Missoula County Zoning Regulations have been given due consideration.

Special Exception Criteria

11.6.D.1.a-m

Access, traffic, and parking demand created by or impacted by the use, and pedestrian, bicycle, and onsite vehicular circulation.

Impacts on or of public and private utilities or services.

Proposed siting of any new structures necessary to accommodate the use and their relationship to adjoining and surrounding properties.

Area of land necessary and adequacy of the site to accommodate the use and meet the intent of the district and character of the neighborhood.

Noise, vibration, outdoor lighting, and other on and off-site impacts resulting from the use

Conclusions of Law

The proposed use/development will be compatible with and will not substantially injure the value of adjoining property.

The proposed use preserves the character of the district, and the property is suitable for the use proposed.

The property is not located in a TIF Special District.

Substitute design standards will preserve and protect the area's architectural and aesthetic qualities.

The review criteria listed in section 11.6.D.1.a-m of the Missoula County Zoning Regulations have been given due consideration.

Public Comments

- ▶ Proposal doesn't comply with RRS Zoning regarding one residential unit per lot
- ▶ Lighting Concerns- Illumination of neighboring properties from existing and proposed structures and driveway
- ▶ Additional residential use doubles what is allowed
- ▶ Adjustment to proposal to enhance future sidewalks, curbs, crosswalks, plantings, driveways?
- ▶ Proposal doesn't address soil, water, vegetation, lighting, sound, noise, and night illumination
- ▶ Loss of privacy and property enjoyment
- ▶ Diminishes neighboring property values and marketability
- ▶ Outdoor light pollution
- ▶ Ample acreage for alternate locations
- ▶ Proposal doesn't adequately minimize adverse impacts

Agency Comments

- ▶ Missoula Rural Fire District
- ▶ Missoula County Air Program
- ▶ Missoula County Public Works

Staff's Recommended Conditions

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

Staff's Recommended Motion

- ▶ **I move to approve** the Special Exception Request to allow Cody Gordon to construct an additional principal use on their property at 3900 South Ave W. This approval is based on the findings of facts and conclusions of law found in the staff report and public testimony and is subject to one condition.