

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, JULY 23, 2026 – 2 PM

Hybrid meeting – Missoula County Courthouse Annex Sophie Moiese
Room/Microsoft Teams

[Click here to view the meeting recording.](#)

Time stamps (in green) correspond to meeting recording above. Please click to
the time stamps listed to view a particular item in the meeting.

ATTENDANCE:

Commissioners Present:

Chair Josh Slotnick
Commissioner Juanita Vero

Staff Present:

Cheryl Hartman, Commissioners' Office
Christina Dewar, Commissioners' Office
Annie Cathey, Commissioners' Office
Jason Mitchell, Public Works
Katy Reeder, Planning, Development, and Sustainability
Tenzin Lhaze, Communications
Chris Lounsbury, Chief Administrative Officer, Missoula County
Allison Franz, Communications
Carey Powers, Communications
Patricia Spotted Wolf, Commissioners' Office
Matt Heimel, Planning, Development, and Sustainability
Kathleen Arthur, Planning, Development, and Sustainability
Anaeshia Rodriguez, Planning, Development, and Sustainability
Vincent Pavlish, County Attorneys' Office
Tyler Gernant, Clerk and Recorder's Office
Jacob Allington, County Attorneys' Office
Jill Johnson, Planning, Development, and Sustainability
Tim Worley, Planning, Development, and Sustainability

1. CALL TO ORDER *[Time stamp – 0:00]*
2. PLEDGE OF ALLEGIANCE *[Time stamp – 0:03]*
3. LAND ACKNOWLEDGEMENT *[Time stamp – 0:19]*

Yéttx'wa qe es yammilš
I stítúlix'ws Séliš u Qlispé

sqliqélix^w.

Today, we are gathered together in the homelands of the Salish and Kalispel people.

Qe es putestm łu sqlix^wł nkwu?ułmis u smihni?is.

We respect their tribal ways and their stories.

Qe es lemtm łu x^wł x^włčmu?usšis u x^wł sqliqélix^w yetłx^wa.

We are thankful for their ancestors and for the people today.

Yetłx^wa qe esya? u qe es čtim ýe stúlix^w x^wł ci putis čneñnes.

Today we are all caring for this land for those yet coming.

4. PUBLIC ANNOUNCEMENTS [Time stamp – 0:39]

- a. Closed Captioning
- b. Roll Call
- c. Proclamation: ADA Anniversary

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA [Time stamp – 2:11]

6. ADMINISTRATIVE CONSENT AGENDA ITEMS [Time stamp – 2:37]

Request board approve a professional service agreement with Dan R. Dalton Inc. This agreement will be to perform the repair for Sunset Hill Road Bridge. The agreement is for a total of \$62,350. This will eventually be reimbursed by SB-536 through the Montana Department of Transportation.

Agreement filed with Clerk and Recorder/Treasurer's Office: Book 1131 Page 240.
Electronically sent to Jason Mitchell, Public Works.

7. CURRENT CLAIMS LIST [Time stamp – 02:24]

Claims received as of June 26, 2026 to July 16, 2026 by the Commissioners' Office total \$4,611,855.79.

8. HEARINGS (Planning and Zoning Commission)

a. Citizen Zoning District 9 Accessory Structure Variance Request [Time stamp – 05:21]

Katy Reeder, Planning, Development, and Sustainability

Motion1:

Tyler Gernant made the motion that the Planning and Zoning Commission of Missoula County hereby approve the variance request to allow construction of an accessory structure prior to establishment of a principal residential use. 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 recommended conditions of approval.

Commissioner Vero seconded.

[Motion Passed 4-0.]

Motion 2:

Tyler Gernant made the motion that the Planning and Zoning Commission of Missoula County hereby approve the variance request to allow construction of an accessory structure with a reduced rear setback of fifteen (15) feet in lieu of the required twenty-five (25) foot rear setback. This approval is based on the findings of fact and conclusions of

law contained in the staff report and public testimony and is subject to the recommended conditions of approval.

Commissioner Vero seconded.

[Motion Passed 4-0.]

[Letter 2026-177 was sent to IMEG in c/o Paul Forsting.]

9. HEARINGS

a. Duff Family Transfer [Time stamp – 19:41]

Katy Reeder, Planning, Development, and Sustainability

Commissioner Strohmaier made the motion that the Missoula Board of County Commissioners approve the request by Kerry Duff to utilize the family transfer exemption as presented in the subdivision exemption affidavit be approved.

Commissioner Slotnick seconded.

[Motion Passed 2-0.]

[Letter 2026-178 was sent to Kerry Duff.]

b. Shoreline Construction Permit and Variance Application SI2606 [Time stamp – 27:46]

Matt Heimel, Planning, Development, and Sustainability

Motion 1:

Commissioner Vero made the motion that the Missoula Board of County Commissioners move to approve the request for a variance from Section 4.3 G to east of Missoula County Shoreline regulations to allow filling and restoration of an artificial boat slip in Cedar Lake subject to 8 conditions

Commissioner Slotnick seconded.

[Motion Passed 2-0.]

Motion 2:

Commissioner Vero made the motion that the Missoula Board of County Commissioners approve the request for variance from Section 4.2 B to C of the Missoula County shoreline regulations to allow using pit run with fine materials as part of a boat slip filling and restoration project subject to 8 conditions.

Commissioner Slotnick seconded.

[Motion Passed 2-0.]

[Letter 2026-181 was sent to Karen and Edward Linford.]

c. Resolution to adopt Buckhouse Shoptown Growth Policy Amendment and Rezone [Time stamp – 39:15]

Kathleen Arthur, Planning, Development, and Sustainability
Izzie Varley, Planning, Development, and Sustainability

Motion 1:

Commissioner Vero made the motion that the Missoula Board of County Commissioners move to adopt the Resolution to amend the Missoula County Land Use Map (Map 18) to assign the Commercial Center, Open Resource and Recreation, Working Lands, and Agriculture land use designations as shown below for the property legally described in the Quitclaim Deed recorded in Book 1116 of Micro Records Page 220, encompassing approximately 83 acres, based on the findings of fact and conclusions found in the staff report but amended by the Board of County Commissioners who, during the hearing on April 23rd, 2026 and taking public comment, found that the changes proposed by the applicant to the growth policy's land use map would bring the zoning and growth policy further into alignment.

Commissioner Slotnick seconded the motion.

[Motion Passed 2-0.]

Motion 2:

[Resolution 2026-097 Book:1131 Page:143]

Commissioner Vero made the motion that the Missoula Board of County Commissioners move to adopt the Resolution to amend the Missoula County Zoning Map to show the property legally described in the Quitclaim Deed recorded in Book 1116 of Micro Records Page 220, encompassing approximately 83 acres, as Commercial Center, Agricultural Working 40 (AGW40), Agriculture Reserve, and Resource and Open Lands as shown mapped below, based on the findings of fact and conclusions found in the staff report as amended by the Board of County Commissioners who after taking public comment during the hearing on April 23rd, 2026, found that the zoning proposed by the applicant would bring the zoning and growth policy into better alignment.

Commissioner Slotnick seconded.

[Motion Passed 2-0.]

[Resolution 2026-096 Book:1131 Page:142]

10. OTHER BUSINESS

[None]

11. ADJOURN

Chair Slotnick – Called the meeting to adjourn at 3:52 p.m.

BCC Public Meeting July 23, 2026 – Transcription

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Dialogue in the transcription attributed to "Sophie Moiese Room" is for all speakers that attended the meeting in person. Attendees that participated virtually are labeled individually.

0:03

Pledge allegiance to the flag of the United States of America and to the Republic for which it stands.

0:10

One nation under God, indivisible, with liberty and justice for all.

0:19

Today we are gathered together in the homelands of the Salish and Kalispell people.

0:23

We respect their tribal ways and stories.

0:25

We are thankful for their ancestors and for the people today.

0:29

Today we are caring for this land and for those yet coming public announcements.

0:39

Hello everyone.

0:39

If you're joining us for this meeting virtually today, instructions for turning on closed captioning are on your screen.

0:45

If you're joining us in person, we'll have closed captioning on all the screens here in the Sophie Louise Room.

0:51

Just a friendly reminder, there'll be multiple chances during the meeting for public comment in person and virtually.

0:56

The Chair will open discussion for public comment after each staff presentation.

1:01

Please respectfully keep your comments to 3 minutes.

1:04

If you're in Microsoft Teams, we ask that use the Raise Hand feature if this is a small hand bun at the top of your screen.

1:10

If you're calling in on the phone, you'll need to push *5 to raise your hand.

1:13

Then once called upon, you'll need to push *6 to unmute.

1:17

If you have any questions, please come find me during the meeting.

1:23

Thanks, Joe.

1:23

And just a little roll call really quick for in staff online.

1:30

We have Allison Franz, Annie, Kathy, Carrie Powers, Chris Lounsberry, Christina Dewar, Katie Reader in the is in the room and Patricia Spotted Wolf, Tenzin, Jose And in the room we have Jason Mitchell, Tyler Grenant, Jacob Allington, Tim Worley, Matt Heimel, Jill, Jill Johnson, Kathleen Arthur and myself, Cheryl Hartman and Commissioners Vero Anstro or excuse me, Slotnick.

2:09

Thank you.

2:09

Thank you.

2:11

Do we have any public comment on items not on the agenda?

2:18

Anybody online?

2:23

OK, thank you.

2:24

Our current claims list, claims received as of June 26th, 2020, sixth to July 16th, 2026 by the Commissioner's Office total \$4,611,855.79.

2:37

We have an administrative consent agenda.

2:41

There's only one item on this agenda.

2:43

Would do you like to pull this out and talk about it or do we go forward?

2:46

No, unless public works.

2:52

Do you have anything to add?

2:54

I just want to thank MDT for helping us out under Senate Bill 536 to pay for the reclamation of this structure.

3:02

Thanks, Jason.

3:04

OK, I move to approve the consent agenda.

3:07

All in favor.

3:08

Any public comment?

3:10

OK, seeing none.

3:11

All in favor.

3:12

Aye.

3:13

Actually, do you have to 2nd that and then we vote on it?

3:17

Jacob, what do you think?

3:21

Oh, no worries.

3:22

I didn't second that.

3:24

Usually there's three of us, so it slipped my mind.

3:26

Should we should I redo and 2nd it?

3:29

OK, I move to approve the consent agenda.

3:32

I'll second that.

3:33

Call for any public comment.

3:34

Oh, thank you.

3:37

Oh, please, Kai, go ahead.

3:40

Hey, is there a timeline for the beginning of this project?

3:46

We'll hand that to Jason Mitchell.

3:48

Yeah.

3:48

So in speaking with Dan Dalton, the business owner, he should be there the second week of August.

3:54

It should only be a three or four day project.

3:56

It's the heat straightening of one vertical Truss.

3:59

So it's not a very extensive fix, but a very important one nonetheless.

4:03

Absolutely.

4:04

And it once that repair is done, will it be open or does it need to go under other inspections?

4:11

Yeah, great question.

4:12

So the Montana Department of Transportation has said they'll do a special inspection on that.

4:17

So if we give them about a week's notice, they'll come out, ensure that the fix meets their standards, and then we can open it back up forthright.

4:27

Sounds good.

4:27

I am sure the community will be very happy about that repair.

4:32

I agree.

4:35

OK.

4:35

We have a motion and a second and we call for public comment.

4:39

All in favor, aye.

4:42

OK, thank you.

4:44

On our hearings today, our first one is a citizen Zoning District 9 accessory structure variance request and Katie Reader will present.

4:54

Oh, and we will be convening as the Planning and Zoning Commission and we will adjourn momentarily as the BCC and we'll come back after that.

5:04

Katie, thank you.

5:19

All right, good afternoon.

5:21

For the record, my name is Katie Reader, planning for Planner with Planning, Development and Sustainability.

5:27

This is a Part 1 variance request for the property located at 9:05 Gladys Drive.

5:36

The application was submitted by Brandon Grosvenor and is represented by I Meg who is here today and is available to answer any technical questions.

5:47

Here is the vicinity of the subject property.

5:50

As mentioned, the property is located at 9:05 Gladys Drive.

5:55

It is an approximately .32 acre vacant parcel located between Hiberta St.

6:01

and Tower St.

6:02

within Citizen Zoning District #9 The surrounding area is developed primarily with single family residential uses.

6:15

Maybe.

6:15

Do you want to make an announcement or ask for folks to mute themselves?

6:20

OK, thanks.

6:22

Sorry Katie.

6:23

No worries.

6:25

This request involves 2 variances for the parcel.

6:28

The first, the applicant is requesting approval to construct an accessory structure prior to establishment of a principal residence and the second, the applicant is requesting a reduction of the required rear set back from 25 feet to 15 feet.

6:47

With the size of the parcel.

6:49

Under current wastewater regulations, it cannot accommodate in an on site septic system for residential development.

6:57

According to the applicant, the intent is to construct a residence in the future once municipal sewer service or another compliant wastewater solution becomes available.

7:09

The applicant has designed the proposed location of the accessory structure to accommodate a future residence on that property.

7:16

A Citizen Zoning district #9 was originally dot adopted in 1958 to preserve the rural residential character of the area.

7:27

The district establishes standards for residential development, including setbacks and permitted uses, while limiting commercial and industrial development.

7:37

This aerial shows the existing conditions of the property.

7:40

As you can see, the parcel is vacant and surrounded by established residential development.

7:48

Here is the applicants proposed site plan.

7:51

This shows how the detached accessory structure with a 15 foot rear set back can accommodate a future residence if a compliant wastewater solution becomes available.

8:06

The Zoning Regulation regulations present the variance criterion as one long sentence to make sure each requirement is addressed.

8:15

We break the sentence into 3 components.

8:18

1st, we must determine that granting the variance is not contrary to the public interest.

8:24

The application states that allowing the shop now does not change the long term residential character of the property.

8:32

They state that the shop is intended to use an I'm sorry, as intended as an interim use until municipal sewer service or another compliant wastewater solution becomes available, allowing a residence to be constructed in the future.

8:48

They also note that the proposed building is designed to be compatible with the surrounding neighborhood through its architectural features and site improvements.

8:58

Second, we must determine whether there are special conditions or circumstances unique to this property that distinguish it from others in the zoning district.

9:08

The applicant identifies several unique conditions affecting this property.

9:12

They explain that the lot is only about 1/3 of an acre, making it too small to support the on site septic system under the current regulations.

9:22

They also point out that the parcel was legally created in 1960 when lots of this size could be developed with septic systems, but changes in health regulations have left this property unable to develop a residence today.

9:36

And finally, they note that a prior boundary line relocation before he owned the property reduced the lot depth, limiting the available building area.

9:50

Oh, and finally, we must determine that literal enforcement of the zoning regulations would result in an unnecessary hardship and that hardship cannot simply be based on the applicants personal circumstances.

10:03

The application states that because of residents cannot currently be constructed, the zoning requirement that an accessory building be incidental to an established principal use prevents them from making any reasonable use of the property.

10:18

They also state that applying the full rear set back further limits the usable building area and that these conditions were not created by the current owner.

10:30

The planning office received one public comment in opposition to the request.

10:35

The commenter expressed concerns regarding the variance criteria, whether the hardship is self created and future enforcement, and the potential effects on the surrounding neighborhood Character.

10:48

2 Agency comics comments were also received.

10:51

The Missoula City County Health Department indicated that a dry shop utilizing A waterless toilet would meet health department requirements provided the structure contains no running water or plumbing extended into or out of the building.

11:08

And Missoula County Public Works Building Division noted that in the pro or I'm Sorry.

11:13

The Public Works noted that an approach permit would be required for access from Gladys Drive prior to development planning.

11:24

Staff is recommending 2 conditions of approval.

11:27

The first condition requires the applicant to obtain all applicable permits from other agencies prior to recording the variance.

11:35

This may include building, sanitation, electrical, mechanical, and approach permits as applicable.

11:41

The second condition requires the accessory structure to be constructed in substantial conformance with the plan submitted as part of the variance of application.

11:52

Any substantial changes to the approval design, approved design or location may require additional county review and approval.

12:00

And with that, planning staff is recommending approval of both variance requests.

12:06

Subject to the recommended conditions of approval.

12:09

Here are the recommended motions.

12:13

Thanks Katie.

12:15

Is the owner or developers representative like to speak to this?

12:21

Nice to see you, Paul.

12:22

Likewise, and he does Paul Forsting I Meg.

12:26

I'm here with Brandon, the owner and online is Dan Foltz.

12:30

So if we want to talk about DEQ permitting and such, we'll let him chime in.

12:35

Brandon's owned the property for a little bit and he's going to tell you about that.

12:38

I'm available for questions.

12:40

Katie did a great job.

12:41

Thank you very much.

12:50

Hello and thank you for letting me present this and and this project this afternoon.

12:55

My name is Brandon Grosvenor.

12:56

My wife Shara and I own the the lot at nine O 5.

13:00

We actually live at nine O 6.

13:02

We've been there for about 28 years and built a home in 2003.

13:07

There been through the construction process and kind of had fun doing it.

13:10

Got married a year later.

13:11

So didn't run us off, but raised two kids, one just graduated high school or the Hawthorne Porter Big Sky family.

13:19

And I'm when I saw the neighbor across the street and it's been 10-15 years subdivide this larger lot.

13:27

There were actually three empty parcels that it created and share.

13:31

And I saw an opportunity and we bought all three.

13:33

And over the course of about 10 years work with the health department, hire different engineering firms around Missoula and that's when we terminate.

13:39

You just couldn't put a septic system on any of the lots.

13:42

And over that 10 years it kind of got to where we would just park our camper, a trailer, our boat, you know, things that would normally clog up your driveway in the side of your home just kind of turned into this lot.

13:53

And so we got to thinking, well, what if we built a garage over there and got everything out of eyesight from the neighbors and kind of looked at the opportunity when there is a municipal system.

14:03

Well, take that garage and turn it into a three bedroom, 2000 square foot home.

14:08

So build this garage that it looks like a house, spend the extra money, make it look good, you know, make it line up with all the other homes in the neighborhood, have its own address, things like that.

14:17

And so that's kind of what we're shooting for.

14:20

The set back, it's kind of weird.

14:22

If you look at all of the lots to the South, there's four or five homes to the South of that.

14:26

All of their rear property lines line up.

14:29

This one takes like an 8 or 10 foot dive to the east.

14:32

If that line wasn't jockeyed or in a different spot, I probably wouldn't even ask for the set back variance because we would be 25 feet from that line with all the other homes.

14:46

And so that just puts the the structure in line with everything else on the street.

14:51

So when you're driving down Gladys, you're going down 7th.

14:53

Everything just looks like it should and it's in place.

14:56

Plus it gives us about a 40 foot driveway that allows us to park a large RV on there and we wouldn't have to park it in the street when we're not using it.

15:05

And anybody that drives around Missoula knows even a 40 foot wide Rd.

15:08

when you park one car and on each side, your two way traffic canopy comes one way and you're bobbing and weaving to, to get through.

15:14

And we don't want that on glass.

15:16

We, we want it open and nice and, and keep it the way it looks and keep.

15:19

And hopefully these two requests keep that character and the integrity in place.

15:23

So Katie and Tim at the planning department, at the county planning department, great folks to work with.

15:32

I think we're lucky in Missoula County to have them.

15:34

They're both recommending this and I hope you guys can do the same thing.

15:39

Thanks, Brandon.

15:40

I'll be here if you have any questions.

15:41

Thank you.

15:41

Thank you.

15:42

Is the Zoning Planning Commission have any questions?

15:49

I'm going to ask one question, but I'm not really sure.

15:53

Maybe Paul, this is directed at you.

15:55

I don't know who's who this is.

15:56

Is this in the Target range sewer district, do you know?

16:01

OK, although I don't know that for a fact, I'm pretty certain it is yes.

16:09

Just knowing the whole area.

16:10

You'd have to text the tax.

16:11

You'd have to check the tax roll Brandon to get taxed by the there may be an answer.

16:20

So living at nine O 6, I do receive the target range sewer community, whatever it is updates and you're invited to join them and go to all the meetings and everything.

16:30

So I'm going to assume we are because I'm receiving that right across the street.

16:38

That was it.

16:38

All right, anybody else, any questions?

16:48

Anybody want to do a motion?

16:53

OK.

16:53

Please just in terms of everything kind of lining up like you were saying along Gladys, I'm looking at it here.

17:00

Is that the intention is to get it further to the West, the structure so that maybe it's further back from the road.

17:06

OK, thanks.

17:13

A motion I will move that the Planning and Zoning Commission approved the variance request to allow construction of an accessory structure prior to establishment of a principal residential use.

17:26

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

17:36

Second, any public comment the only public comment I would Alvarez I I don't see that this is in is contrary at all to the public interest.

17:49

I do note the hardship of the applicant given the topography of the land and the limited space for the sewer and there was a third one I'd love to reference.

18:01

Help me out with that, Jacob.

18:07

The three criteria not contrary to the public interest.

18:10

And then owing to special conditions, a literal enforcement would result in an unnecessary hardship.

18:16

I'm going to do that last one.

18:18

Literal enforcement would see an unnecessary hardship given where Mr.

18:25

Governor would put his his shop.

18:28

So for those reasons, I'm all in as well.

18:31

I will actually add one thing.

18:33

I think being in the target range sewer district, it is unlikely you will ever get sewer and so it would be nice to put the land to some sort of use.

18:42

2nd that emotion.

18:45

OK, so we have a motion and a second call for any public comment.

18:52

OK, all in favor.

18:54

Aye, aye, Thanks guys.

18:57

Good luck.

18:57

Oh, do we need to do the second?

19:00

I'm sorry, there's a second motion.

19:04

Oh, there's a second motion.

19:08

I will, I will move that.

19:09

The Planning and Zoning Commission approved the variance request to allow construction of an accessory structure with reduced rear set back of 15 feet in lieu of the required 25 foot rear set back.

19:19

Disapproval is based on the findings of fact and conclusions of law contained in the staff report and public testimony and is subject to the recommended conditions of approval for all of the reasons previously stated in the first motion.

19:31

Second, hey, any public comment?

19:34

OK, all in favor.

19:36

Aye, aye, thank you.

19:41

Up next, the Duff family transfer and Katie is on this one as well.

19:52

Oh, sorry, thank you.

19:53

So we will adjourn as the the zoning board and reconvene as the Board of County Commissioners.

20:00

And thank you guys for your service and for coming in today.

20:03

Appreciate it.

20:06

OK, Katie, take it away.

20:08

Great.

20:09

Again, for the record, my name is Katie, reader Planner with Missoula County Planning, Development, Sustainability.

20:16

This is a request for a reapproval of the Duff family transfer submitted by Carrie Duff and represented by Montana Northwest.

20:25

And we have Ken Jenkins here today to answer any technical questions.

20:32

Here is the location of the subject property.

20:35

The approximately 46.23 acre parcel is located about 5 1/2 miles South of Hwy.

20:43

200 within the Potomac Community area.

20:46

Ashby Creek flows through the property for approximately .4 miles.

20:53

This graphic shows the existing conditions of the property.

20:59

The parcel is currently developed with one existing single family residence and several accessory structures.

21:05

Existing access is provided by West Ashby Creek Rd.

21:09

and Ashby Creek traverses the property.

21:13

This request was previously reviewed and approved by the Board of County Commissioners in January of 2022.

21:20

Following county approval, the application remained under review by the Missoula City County Health Department due to groundwater monitoring requirements needed to complete the sanitation review.

21:33

Because that review extended beyond the approval.

21:36

The county's approval expired before the application could proceed to final state review.

21:42

The applicant has continued working with the Montana Department of Environmental Quality and the State's review is now nearing completion.

21:50

This request is before the Board today to re establish the county's approval and allow the family transfer process to move forward.

22:00

The proposal is to divide the existing 46.23 acre property into 5 tracks using the family transfer exemption.

22:10

The existing residents will remain on the central track with the claimant and her spouse.

22:18

The remaining 4 tracks are proposed to be transferred to the claimants immediate family members for future rural residential use as described in the application.

22:31

The purpose of this request is to complete the claimants estate planning by transferring ownership of the portions of the family property to each of her children adult children.

22:43

The claimant explained during the original public hearing that the purpose of the transfer is estate planning.

22:49

Following her husband's accident, She wanted to ensure the family's property ownership was in order.

22:58

The three oldest children intend to reside on the family property in the future, while the youngest was currently attending college and is not ready to settle down permanently yet.

23:10

This graphic shows the proposed transfer layout.

23:14

The central track, Track 2E, will remain with the claimant and contains the existing residence and the four surrounding 5 acre tracks are proposed to be transferred to the four children as part of the estate planning process.

23:30

The Planning Office received comments from the Missoula County Building Division that their standard, any future structures, changes in occupancy or alterations will require the appropriate building and trade permits.

23:43

Property owners are now encouraged to coordinate with building health and planning departments to ensure compliance with all applicable regulations.

23:52

There was an existing notice of violation associated with the property, however, the property owner actively worked with the Building Division to bring the property into compliance and the single family residence received final approval.

24:04

July 22nd, 2026.

24:07

Great.

24:10

As part of the family transfer review, staff is required to evaluate several general evasion criteria.

24:17

During our review, three of those criterias were identified as applicable.

24:21

Specifically, the claimant and her spouse are licensed real estate professionals, the proposal exceeds the recommended residential density identified in the 2002 Regional Land Use Guide, and an equivalent subdivision would likely be subject to additional review and conditions of approval.

24:40

Although these criteria are applicable, staff's overall evaluation found no evidence that the proposed family transfer is being used to evade the Montana Subdivision and Planning Act, but rather estate planning for the family's future.

24:55

Therefore, staff continues to recommend approval of the request.

24:59

And with that, here's the recommended motion.

25:07

I saw Ken here.

25:09

Would you like to speak to this Ken Jenkins with Montana Northwest Company?

25:19

Thank you, Katie, for looking at this.

25:22

Thank you, commissioners, for reconsidering this again.

25:28

Yeah.

25:28

We've been at this for about four years, Three years of groundwater monitoring under our belts, I believe one year of which didn't count because of the snowpack and then some new locations to rectify some failed monitor sites.

25:50

So the project essentially is complete and it's been, as family transfers go, a very expensive project.

26:00

And so I certainly appreciate your consideration in renewing the previous approval.

26:09

And I would say the owner is here if you have any questions.

26:12

Thanks, Ken.

26:14

Owners welcome to speak if you would like not not required, but you're welcome to if you feel like you want to say something.

26:26

OK.

26:27

It's it's totally up to you.

26:28

We we have a long relationship with Ken.

26:30

We're good.

26:31

But if you feel like you have something to say, you're super welcome.

26:35

OK.

26:38

OK.

26:38

Do you have any questions?

26:39

I don't have any questions.

26:40

Congratulations on yesterday.

26:43

I move that the request by Carrie Duff to utilize the family transfer exemption as presented in the subdivision exemption affidavit be approved.

26:50

I'll second that and call for any public comment.

26:56

OK, seeing none all in favor.

26:58

Aye, aye.

26:59

Thanks for coming today and good luck.

27:03

Next up, thank you, Matt Imel.

27:07

We are going to talk about Shorelines.

27:45

All right.

27:46

Good afternoon, commissioners.

27:47

I'm Matt Heimel with plenty of development and sustainability.

27:50

I'm here to present the second public meeting on a proposed shoreline construction permit and a variance from the shoreline regulations, I should say 2 variances at 264 and 314 C St.

28:02

Seeley Lake.

28:04

Applicants are Edward and Karen Linford and Michael Colgan.

28:10

So first, little background about the county shoreline program.

28:14

In general, the Lakeshore Protection Act and the Missoula County Shoreline Program has the intent of a conserving and protecting the natural, scenic and property values on the lakes.

28:27

We try to conserve the shoreline by methods of managing construction on the Lakeshore and through a 20 foot shoreline protection zone that extends back from either the high watermark or the high water elevation.

28:42

And also with having some permitting programs in place so that property owners on the lakes can make use of their land while not venom having any kind of adverse impact on on the lake.

28:55

And so they're typically a administrative review through our deep department and an applicant may request a variance from the shoreline regulations to request work that would otherwise be prohibited through the code.

29:11

And so various applications first go to the Planning Board or the Missoula County Consolidated Land Use Board, right?

29:18

OK.

29:19

And they make a recommendation to you, the governing body, and then the board of county commissioners will consider that recommendation, make a decision to either approve, approve with conditions of approval or deny that the variance.

29:34

And we have public notice as well.

29:36

So a little bit about this proposal.

29:38

We are up at Seeley lake and the South end of the lake is pictured here.

29:43

It's one of the more densely built out areas on our lakes within the county.

29:49

And on the West side of the South end of Seeley Lake, we have several properties that were planted in the the mid 20th centuries with artificial boat slip that were constructed that time the shoreline regulations were adopted in 1997.

30:06

So these areas predate the the the code that we have.

30:09

This would not be authorized at this time.

30:12

And these areas have since been filling in either by sediment naturally flowing down to to the lake here or just natural degradation over time for these areas.

30:24

This particular boat, artificial boat slip is pictured here at at the property.

30:29

This picture, it's aerial imagery from the property information system.

30:35

This was captured in September of 2025.

30:39

And the proposal in general is to fill this location and then reconstruct a new shoreline using RIP rap and re new Lakeshore vegetation in that area to essentially reconstruct a new lake, Lake Shore.

30:59

And a part of the issue being see that there is fluctuating water levels and the area either fills with algae or becomes essentially an area of mud that has little to no actual value for protecting the lake itself.

31:16

And we also have an existing structure on there.

31:18

So a variance is required from the regulations because we have two sections at at play here.

31:27

One, when we're filling or discharging fill directly into either the water body or a aquatic area that is on on the lake, The regulation specifically will prohibit that kind of work.

31:42

So just by virtue of discharging fill to the lake, that is a prohibited use.

31:47

So a variance we needed to do that.

31:49

Also the proposal includes using pit run with some finer aspects and usually the fill that we can permit in the shoreline protection zone will have to not have any sort of fines.

32:03

So there are two variances proposed in this case and these are two pictures.

32:08

What's pit run?

32:09

Pit run being a mixture of gravel other other fill, right, so that that can include some some sand as as well.

32:18

They're all categories of gravel.

32:20

Yeah, thank you.

32:23

All kinds of gravels and fills there in just some two more pictures from the from the owner showing the area at low the water.

32:36

So, Matt, basically back in the day this was like a water driveway essentially, yes, excavated.

32:41

So boats could come and go to the house.

32:44

Maybe during high water there can be some some boats entry and exit.

32:48

But at this point we have as in the aerial, most of the properties will have docks at this point.

32:54

And that's a much more, much less impactful way to access property on the lake rather than digging a lake driveway, as you say.

33:02

Yeah.

33:03

And these pictures are from last May during what we had a higher water and the two point where you can see it is constricting, constricting with with those grasses essentially in line with this photo is where a new berm is is proposed to be constructed.

33:22

So here's a image that's included with with the packet.

33:25

This is the the plan showing the the the area for the project.

33:29

My next image here shows about the area 4 1/2 foot depth and the area to be filled with the pit run.

33:37

And then we'll have the new lake interface berm with a RIP rap that otherwise will meet the standards.

33:44

And there will be a temporary a filter cloth sediment barrier in place so that there is no increased of suspended sediment essentially there to have other adverse impacts.

34:02

And so eventually we'll see that the areas is filled with revegetation in the 20 foot shoreline protection zone around the entire parcel or both of the properties lake frontage.

34:19

And here's an image or diagram showing the proposed burn with new plantings.

34:26

These are some of the variance review criteria for the Planning board.

34:31

So there there's really three sets of of criteria in in the trolling code.

34:34

We have planning board consideration, then there's governing body criteria, then we have the project impact assessment.

34:44

The staff report in the packet goes into detail on each of these and I'd be happy to go point by point through them.

34:50

I think it's important to note that the planning Board had unanimously recommended that the project be approved.

34:59

There were two, no, there was one comment, sorry, on Missoula County voice from a neighbor in support of the project.

35:05

We had some neighbors at at the meeting that did not comment, but it did express to me that they that they do support.

35:15

These are the governing body consideration.

35:19

I'll note that this variance request does meet all of the criteria for re review with eight recommended conditions of approval and the project impact assessment as well as an important piece to 20 variance.

35:35

So we know that there should not be any adverse impacts to the to the water quality, wildlife or aquatic habitat either because we're going to have sediment controlled essentially.

35:55

So by application of the filter cloth or the enhanced curtain that might be required, we will not see any increased runoff in into the lake.

36:12

So in general, the recommended conditions of approval are here.

36:16

They're really intended to be supportive in in nature, but not actually changing the project.

36:26

We will have annual updates for a period of five years with annual inspections with staff and then a final inspection required prior to actually effectuating the change in our regulatory Lakeshore.

36:40

So I do have recommended motions as well.

36:43

The applicants is here as well and I can take any questions and talk through other criteria.

36:48

Awesome, thank you, Matt.

36:49

So before we do questions for Matt, would the owner or his or her representative like to speak?

36:58

OK.

37:01

I just had a couple questions for Matt.

37:03

I think I asked some of these the other day.

37:04

I just wanted to get clarity, given we're in this public, public space, we are not the only agency to look at this, Is that correct?

37:13

That's right.

37:14

So a four O 4 permit has been issued by the Army Corps of Engineers and a turbidity control permit that might not be the X phrase was issued by DEQ.

37:26

Great.

37:26

So DEQ and the Army Corps have given their thumbs up to the kind of a physical topographical changes to the Lakeshore.

37:35

Right.

37:35

And DNRC approval is also pending, I think, just waiting for the count.

37:39

Great.

37:39

That's really good to hear because not a lot of people know, but both Juan and I actually are shoreline restorationists.

37:45

We do this all day long.

37:46

Excellent.

37:47

Yeah.

37:47

So it's really good to hear that DNRC, the Army Corps and DQ appreciate this.

37:52

I do want to say I really appreciate the hand drawings.

37:54

I'm not joking.

37:55

Those were crisp and clear and and provided some good explanation.

37:59

You all did a good job.

38:00

Yes, I did all set.

38:06

I do.

38:07

Is there correct language that you'd like?

38:11

We have two, two motions for each of the OR variance or one motion for each variance.

38:15

OK, 2 total.

38:17

I move to approve the request for a variance from Section 4.3 G to east of Missoula County Shoreline regulations to allow filling and restoration of an artificial boat slip in Cedar Lake subject to 8 conditions.

38:30

I'll second that and call for any public comment.

38:35

OK, seeing none all in favor, aye.

38:39

And I motion to approve the request for variance from Section 4.2 B to C of the Missoula County shoreline regulations to allow using pit run with fine materials as part of a boat slip filling and restoration project subject to 8 conditions.

38:56

I'll second that and we'll call for any public comment.

39:01

OK.

39:01

All in favor.

39:03

Aye, aye.

39:03

Thanks you.

39:04

Thank you, Matt for explaining this difficult one.

39:08

OK, great.

39:09

Thanks for coming today.

39:10

Good luck.

39:11

Good luck with your project.

39:15

And last today, Kathleen Arthur is going to talk to us about Buckhouse Shop town growth policy amendment.

39:46

All right.

39:47

My name is Kathleen Arthur.

39:49

Planning, Development and Sustainability.

39:53

And today for your decision is the final resolution for a growth policy amendment and rezone at these properties just West of the Buck House Bridge, about 83 acres in total.

40:13

The applicant is Shop Town LLC, Jason Rice and I just wanted to do some recapping the existing conditions for these properties.

40:28

Currently, the land use designations are agriculture and working lands and the contours of these are largely around the floodplain and then the zoning is the citizen initiated zone or Part 1 zoning #39 which is primarily a residential zone that would allow like 1 dwelling per acre.

40:53

The proposal came with these proposed growth policy designations and zoning districts, which are Agriculture and Agriculture Reserve about 52 acres, Commercial center 8.6 acres, working lands 9.4 acres, and then Open Resource and Recreation, the yellow along the river and the highway frontage 11.4 acres.

41:27

And then I wanted to just recap the procedures and timeline where we're at right now.

41:34

The proposal, this proposal came in about October of last year, 2025.

41:41

And the staff report and analysis came up with a recommendation for denial, which I'll talk about in just a minute.

41:50

It went to the Missoula County Consolidated Land Use Board April 1st.

41:55

They resolved 4 to 2 to not recommend approval for the proposed changes.

42:01

And then the Planning and Zoning Commission convened at the commissioners meeting here on April 23rd.

42:10

And the Planning and Zoning Commission voted to recommend removing the properties from the citizen zone #39 two to one.

42:22

And then the commissioners resolved 2 to one to approve the proposed land use changes, the zoning and land use designations.

42:31

And so on that day, the resolution of intent to make those changes passed.

42:37

And then there was a statutory 30 day public comment period.

42:42

And we're at the end of that.

42:43

So here today would be the final adoption of the resolutions.

42:49

And again this is for just like the zoning, the rezoning and the growth policy amendment for the very specific development project that Jason wants to do.

43:00

They have a lot of next steps, a special exception, sanitation review approach, permits from the MDT and more building and planning review.

43:11

So, yeah, thank you.

43:13

So just a quick question.

43:14

So that special exception that would go to Mcclub?

43:16

Yes, That's right.

43:17

It won't come here and then can hit you with a question if you don't know the answer.

43:21

It's totally fine.

43:21

And it's not really relevant to why we're here today.

43:23

It's just in my own curiosity, can Mcclub condition a yes or is it just a straight up yes or no?

43:33

I don't know.

43:34

I'm inclined to think they could condition, but I don't know for certain.

43:38

Great.

43:38

Thank you.

43:40

Thanks, Kelly.

43:40

Yeah.

43:41

The one special exception I've done, we'd recommend.

43:45

We can recommend conditions, Yeah.

43:48

And then the club can talk about those.

43:51

Yeah.

43:54

And then just to recap of the proposal, how we approached it.

43:59

And there's a lot of positive in this proposal, but we look at very specific criteria.

44:06

We also don't look at a specific development project.

44:11

And so we had to analyze, you know, mainly that commercial center, just that 8.6 acres out of the whole property.

44:20

We had to sort of assess the the swath of uses that would be allowed in that district and just had some concerns about a lot of those uses in that location.

44:31

And then the lack of infrastructure for sanitation and water to support most of the uses in that district just didn't really line up.

44:40

And then we had some concerns about the Traffic Safety, the speed limit, adding an approach there.

44:48

That approach is approved by the MDT.

44:51

And when they do come in for that approach permit, it might trigger some safety studies and things like that.

44:58

But we very much supported the enhancement of the riparian protections and how it will just preserve most of that property in perpetuity to either be agriculture or just preserved.

45:14

And then the board of county Commissioners largely like that.

45:18

It aligns the zoning with the current growth policy.

45:21

Right now, they're not in alignment.

45:23

We have a residential zoning on top of agriculture and working lands.

45:29

So this will line those up except for 8.6 acres.

45:35

So procedurally we did the resolution of intent on April 23rd and then we posted in the Mizulian on May 23rd and May 30th and that commenced the 30 day public comment period.

45:52

We have received no comments and so I have motions prepared if OK, they're really long.

46:01

Sorry, there's two of them.

46:04

One's an excellent agent.

46:06

Wait, that is long.

46:08

It's really long.

46:11

But again, just to kind of recap the the the 8 acres, the staff didn't feel or the the Nile was because even though the the the topography doesn't allow for the things that I mean, what am I trying to say?

46:32

The topography doesn't allow for it.

46:33

Like the the things that you were concerned about weren't going to happen.

46:37

It would just be much.

46:39

I mean, it would just be much more difficult and cost more money just to add money.

46:43

And it could happen, but it would take a lot of money, take a lot of money.

46:47

And that's not the way to really go about, yeah, a, a denial or zoning.

46:53

But we, I, I, I was the, the one to the two.

46:59

And my thought was this isn't the right zoning for what they're doing, where they have to ask for a special exception.

47:06

They should actually do the, the zoning that would directly allow them to do what they want rather than kind of go sideways.

47:13

And they're, if I remember right, the reason why they didn't want to do that is because of the time required.

47:18

They'd have to start all over again asking for a different zone and go through the same zoning board, the whole they'd have to do the whole process over.

47:26

So in lieu of spending a lot more time and money, they went with kind of a sideways workaround to get there.

47:33

We'll zone it commercial center and then ask for a special exception as opposed to zoning.

47:39

I can't.

47:39

Was it an industrial center light?

47:41

And then you can build by right, the storage units that they were talking about, which I still believe is much cleaner and much more accurate.

47:49

And even though it's all over, I am, I am sympathetic to the fact that it would cause them to spend more money and time, which no one wants to do.

47:58

But it is the cleaner and more accurate way to do it.

48:01

But I have no need to rehash it.

48:03

Here we are.

48:04

We're all good.

48:05

This is just by way of memory, good rehashing.

48:07

And I was, I just want to get the project done so I, I can.

48:10

And I'm, I'm hoping when I asked about this special, the Ken McIubb condition, A yes, I'm hoping that what they can do is say, yeah, we're going to grant you this special exception so you can build chops and you can never build a travel Plaza and just build that in.

48:25

So no matter how much money gets added later, it doesn't become a 72 semi truck unit with showers, casino, liquor store, travel Plaza as the southern gateway to our valley on 8 acres.

48:38

You never know what they'll do.

48:40

They can use them.

48:41

Designers are amazing.

48:43

That's true.

48:45

OK, thank you for that.

48:47

I move to adopt the resolution to amend the Missoula County Land Use Map, Map 18, to assign the commercial center, open resource and recreation working lands and agricultural land use designations for the property legally described.

48:59

The quitclaim deed recorded in Book 1116 of Micro Records, page 220, encompassing approximately 83 acres.

49:08

Based on the findings of fact and conclusions found in the staff report but amended by the Board of County Commissioners who during the hearing on April 23rd, 2026 and taking public comment found that the changes proposed by the applicant to the growth policy land Use map would bring the zoning and growth policy further into alignment.

49:27

I'll second that and call for any public comment.

49:35

OK, seeing none all in favor.

49:37

Aye aye.

49:39

OK, before we adjourn, I just have one last thing to say.

49:42

Oh geez, the zoning one.

49:45

Let's get her done.

49:48

I moved to adopt the resolution to amend the Missoula County Zoning map to show the property legally described in the quitclaim deed recorded in Book 1116 of Micro Pages of Micro Records page 220 encompassing approximately 83 acres as commercial center, agricultural Working 40, agricultural reserve and resource and open lands as shown map below.

50:10

Based on the findings of facts and conclusions found in the staff report as amended by the Board of County Commissioners, who after taking public comment during the hearing on April 23rd, 2020.

50:20

Sixth found that the zoning proposed by the applicant would bring the zoning and growth policy into better alignment.

50:26

2nd that and call for any public comment seeing none.

50:31

All in favor.

50:33

Aye.

50:34

And all I was going to do was say thanks to our PDS staff who today and many times before have led us through these gnarly weeds with skill and professionalism.

50:44

And thanks for all you do.

50:45

This is tough stuff.

50:46

Yeah, thank you.

50:50

That we're all done.

50:50

Oh, no, we have the the the proclamation.

50:53

Oh yeah, OK, Juan, read that, read that proclamation.

50:57

OK, then I'll make my 3:00 OK.

51:00

Whereas disability is a natural part of the human experience and more than 13% of Missoula County residents live with one or more disabilities.

51:07

And whereas the disabilities, I'm sorry.

51:09

And whereas, the Americans with Disabilities Act signed into law on July 26th, 1990, established the national civil rights framework to ensure equal opportunity, full participation, independent living and economic self-sufficiency for people with disabilities.

51:23

And whereas for 36 years, the ADA has advanced access and inclusion by reducing physical, programmatic, digital and attudinal barriers.

51:33

And WHEREAS people with disabilities continue to face barriers and with the full promise of the ADA depends on continued vigilance, accountability, accessibility and inclusion, and leadership, and with leadership of people with disabilities.

51:45

And WHEREAS Missoula County recognizes that the full promise of the ADA can only be realized through a continued commitment to reducing the tunnel barriers, labels, and stigmas that people with disabilities still face.

51:56

And WHEREAS Missoula County remains committed to improving accessibility in all its programs, services, activities and facilities so all residents and visitors have meaningful access to county government now.

52:07

THEREFORE, we, the Missoula County Commissioners, do hereby proclaim July 26, 2026 as a day to commemorate the 36th anniversary of Americans with Disabilities Act in Missoula County, Montana and recognized with full community.

52:19

Inclusion of individuals with disabilities is vital to the success and strength of our communities.

52:24

Today, we celebrate the progress that has been made by reaffirming the principles of equality, accessibility and inclusion, and by recommitting ourselves to full ADA compliance and realizing the full promise of the ADA.

52:36

Signed your commissioners.

52:38

Thanks a lot, Juan.

52:39

Thank you.

52:40

Now we will all be adjourned.

52:41

Thank you.

52:41

Thanks everybody.