

POLSON CITY-COUNTY PLANNING BOARD

AGENDA

<https://us06web.zoom.us/j/87154504918?pwd=XzmhV8XOCVmJte4QSeUrbaUYFxA3S.1>

Meeting ID: 871 5450 4918

Passcode: 738059

Polson City Hall Council Chambers & Virtual

March 10, 2026

6:00 P.M.

1. CALL MEETING TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. DIRTY SOMBRERO SPECIAL USE– County Item: Residential request for increased impervious surface coverage for replacing a residence within the Rural Residential Zoning District (RRZD).

- A. Staff report
- B. Applicant comments
- B. Public Comments
- C. Board Discussion
- D. Board Recommendation

5. PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA

6. OTHER BUSINESS

7. ADJOURN MEETING

The City of Polson encourages public participation in its public meetings and hearings. In doing so the City holds its meetings in handicapped accessible facilities. Any persons desiring accommodations for a handicapping condition should call the City Clerk at 883-8203 for more information.

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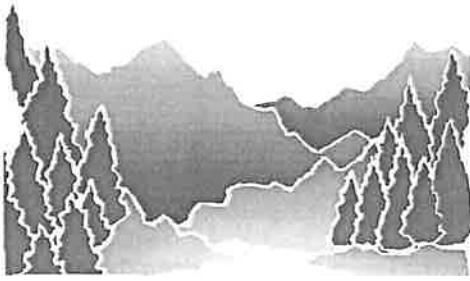
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LAKE COUNTY PLANNING DEPARTMENT

106 FOURTH AVENUE EAST
POLSON, MT 59860-2175

PH: 406-883-7235

EMAIL: planning@lakemt.gov

Date: March 3, 2026
To: City County Planning Board Members
From: Lita Fonda
Re: March City County Planning Board Meeting

The City County Planning Board meeting is scheduled for 6:00 p.m. on Tuesday, March 10, 2026 in the Polson City Hall Council Chambers. Participation in the meeting may be either in person or virtually. Please contact the Lake County Planning Department (at planning@lakemt.gov or 406 883-7235) if you would like to participate virtually. This will allow us to set up appropriately for the number of in-person board members expected.

Enclosed you will find the reports and information for the County item to be presented to you. Should you have questions or if you are unable to participate in this meeting, please contact me at (883-7235 or planning@lakemt.gov). Thank you for the time and thought you contribute for the board.

STAFF REPORT
DIRTY SOMBRERO LLC, SPECIAL USE REQUEST
CITY/COUNTY ZONING DISTRICT – SUBDISTRICT RRZD
MARCH 3, 2026

GENERAL INFORMATION:

Owner:	Dirty Sombrero (Chuck Hogan)
Applicant:	Chuck Hogan
Application(s):	Zoning Conformance L-2025-551
Special Use Application(s):	Impervious Surface 20% and greater
Date Received:	12/16/26, 1/23/26
Date of Legal Notice:	2/26/2026
Date of Staff Site Visit:	2/18/2026
Date of BOA Hearing:	3/10/2026

PROPOSAL:

Chuck Hogan, of Dirty Sombrero LLC, is requesting special use approval for impervious surface coverage greater than 20% not to exceed 30 %. The request is associated with the construction of a single-family residence with an attached garage.

PROPERTY DESCRIPTION:

The +/-0.381-acre parcel is located at 39245 Bishop LNDG, in the City/County Zoning District, Subdistrict RRZD, and is legally described as Parcel A-1 in GOV Lot 2 on COS 2446, in Section 32. Township 23 North, Range 20 West.

The property is accessed via Bishops Landing, a private road, that connects to the local road network. The parcel is developed and contains a non-conforming residential structure, originally constructed in 1973. Additionally, a dock was installed in 2000, providing direct access to Flathead Lake. Vegetation on the lot includes a mix of native grasses, and a few mature trees, consistent with the natural character of the area. All developments, besides the dock, are proposed to be removed to make room for the new construction proposed.

APPLICABLE LOCAL REGULATIONS:

City/County Zoning District and Regulations (Effective 1993, Rev 2005 Resolution #05-10, Rev 2018 Resolution #18-47)

STAFF REPORT
DIRTY SOMBRERO LLC, L USE REQUEST
CITY/COUNTY ZONING DISTRICT SPECIAL USE – SUBDISTRICT RRZD
MARCH 3RD, 2026

The following items are attached to this report:

- Attachment 1: Vicinity Map
- Attachment 2: Narrative Statement
- Attachment 3: Site Plan
- Attachment 4: Site Photos
- Attachment 5: Public Comment (NA)

1. Chuck Hogan, of Dirty Sombrero LLC, is requesting special use approval for impervious surface coverage greater than 20% not to exceed 30 % in the City/County Zoning. The request is associated with the construction of a single-family residence with an attached garage.
2. The applicant submitted a narrative requesting special use for the property to construct a new home, with attached garage, replacing the existing nonconforming house. The project includes relocating the power pole to the west side of the lot. The new power line be underground. They seek approval for 25.8% impervious surface coverage.
3. Section V.1. of the City/County Zoning Regulations identifies impervious surface coverage greater than 20 % and not to exceed 30% of the buildable area of a lot as a special use, subject to review and approval by the Board of Adjustment. According to the site plan submitted by the applicant, the proposed development, including a single-family residence, with attached garage—would result in an impervious surface coverage of approximately 25.8% of the buildable area. This constitutes a special use.
4. The calculated impervious surface coverage for the proposed development, determining that 4,284 square feet of impervious area is planned within a total buildable area of 16,552 square feet, resulting in 25.8% coverage. This includes all proposed structures and pervious surface. Planning Staff recommend allowing the impervious surface coverage to be raised up to 28% to account for potential calculation discrepancies or minor changes during construction. This recommendation is intended to provide flexibility while maintaining compliance with the intent of the zoning regulations and protecting the natural character of the area. 28% will be used for requested impervious surface coverage throughout the remainder of the report.
5. The subject property is a lakefront parcel that was legally created as Parcel A-1 on GOV Lot 2 on COS 2446 (for the transfer of ownership, occasional sale) on October 20, 1975, before zoning and subdivision regulations were implemented. The lot is currently developed with a single-family residence, which is proposed to be removed as part of the redevelopment plan. The lot is relatively flat/ level, with a slight slope towards the lakefront.
6. The City/County Zoning Regulations require that all developments demonstrate effective management of stormwater runoff resulting from physical improvements to the property. This is to ensure that runoff does not cause damage or harm to the natural environment, water quality, or adjacent properties. Prior to the issuance of a Zoning Conformance Permit, Planning Staff recommend that the stormwater management plan be reviewed and approved by the Lake County Planning Department. The plan must be implemented immediately during and upon completion of construction to ensure compliance.
7. Environmental Health has provided the following comment: “Wastewater treatment system application (Permit #10382) has been submitted for proposed three-bedroom residence. Staff suggests adding a condition that states prior to the issuance of a zoning conformance permit, an approved wastewater treatment system permit must be obtained.
8. To protect the water quality of Flathead Lake and minimize environmental impacts to adjacent properties and infrastructure, Best Management Practices (BMPs) such as silt fencing, straw bales, and fiber rolls (wattles) shall be implemented prior to the start of construction and maintained throughout all phases of the project. These erosion and sediment control measures are essential during pre-construction, active construction, and post-construction activities. BMPs must remain in place and be properly maintained until all disturbed areas are fully stabilized and vegetated.

9. Because it is not Lake County's role to interpret or enforce private covenants, easements, or agreements, staff is suggesting a condition of approval be included that states:

The applicant shall ensure that all measures necessary are undertaken to ensure that the proposed activities occur within the owner's property boundaries or are permitted via recorded easements and do not negatively impact easements or adjacent properties. Neither the Planning Department, the Board of Adjustment, nor their respective members shall be responsible or liable for any portion of the proposed plans that do not occur within the applicant's property, or impact easements, e.g., ingress, egress, parking, utilities, or neighboring properties. In addition, it is the applicant's responsibility to comply with private contracts, agreements, covenants, conditions, and restrictions.

10. Because the purpose of this review is not to ensure the structural integrity of the proposed development, including the site and the effectiveness of the stormwater management plan, staff are suggesting a condition of approval be included that states:

Approval of the special use request and subsequent permitting of the proposed construction shall not be construed as assurance that the proposed development is structurally sound, that the development will withstand environmental forces acting upon it, that the stormwater management plan will be effective, or that the development will accomplish its intended purposes. Neither the Planning Department, the Board of Adjustment, nor their respective members shall be responsible for or liable for any defects or discrepancies in any plans or specifications submitted, revised, or approved under this review, nor for any defects or discrepancies in construction pursuant to such plans and specifications.

11. Legal notice for the applicant's request was placed in February 26th, 2026, issue of the Lake County Leader, and adjoining property owners were notified of the request. As of the date of this report, no public comment has been received.

INFORMATION FOR THE BOARD

Board Items:

The decisions before the Board of Adjustment are as follows:

1. Whether to grant the special use request for impervious surface coverage between 20-30% in the City/County Zoning District.
2. Whether to adopt Staff's suggested findings of fact regarding the special use requests, or to adopt alternative findings of fact; and,
3. Whether to impose conditions on the project as suggested by Staff or modify the conditions of approval

General Information:

In order to grant the special use requests, a minimum of three members of the Board of Adjustment must vote in favor of a motion to approve such requests. The Board of Adjustment may impose conditions on the project should it elect to approve the conditional use requests. If the Board chooses to act contrary to or modifies the Staff's suggested conditions of approval, the Board members shall direct Staff as to what sections shall specifically be modified. The Staff Report and application materials should always be adapted to the Board's findings in support of the final action on the proposal.

General Information:

To grant the special use request, the Board must consider the following:

1. A minimum of three members of the Board of Adjustment must vote in favor of a motion to approve such a request.
2. The Board of Adjustment may impose conditions on the project should it elect to approve the request.
3. If the Board chooses to act contrary to the staff's suggestion or modify the suggested conditions of approval, the Board members shall direct Staff as to what sections shall specifically be modified. The Staff Report and application materials should always be adapted to the Board's findings in support of the final action on the proposal.

Findings/Board Action – Special Use Request:

After the Board reviews the particular facts and circumstances of the Special Use request, findings are required to be made by the Board to support a decision according to the required standards for evaluation outlined in Section II.L of the Polson Development Code, and the Board shall find adequate evidence showing that the proposed development meets the review criteria. Staff has listed each of the criteria below. After each listed criteria is Planning staff's suggested findings, *in italics*, regarding the Special Use request.

Given the staff analysis and suggested findings related to the particular facts and circumstances, it appears the requests qualify for approval. Findings that could support approval of a special use request to allow for impervious surface coverage between 20-30% are as follows:

The subject property is located within the City/County Zoning District. Pursuant to Table V.1. RRZD Land Use, of the RRZD Zoning Regulations, "lot coverage greater than 20% and not to exceed 30%" are listed as special permit use.

Based on the calculations and narrative, maximum lot coverage area associated with the construction of a single-family residence, with attached garage and will cover approximately 26% of the buildable area. BMPs will be used, a stormwater management plan will be required to be implemented, and compliance with Environmental Health will be required, which will help to mitigate any potential impacts and make the proposed construction designed to minimize impact while supporting the intended use.

Findings to address compliance with the Polson Development Code are as follows:

1. Access:

Access currently exists to the property from Bishops Landing off Rocky Point Rd. The proposed deconstruction and construction of a new single family residence, shouldn't add a significant increase in use or traffic levels and no modifications are advised.

2. Location:

The standards of RRZD require an 11-foot setback from side property lines based on 10% of the average lot width, and per the Performance Standards in Chapter XVII, a 50-foot setback from Flathead Lake to comply with the shoreline buffer requirements.

3. Shoreline Buffer:

The shoreline buffer area is the area between the high-water elevation and 50-feet inland. The applicant is proposing to remove the nonconforming structure and rebuild the new SFR out of the shoreline buffer. Creating less impact on the lake and the surrounding environment.

4. Lighting:

No additional lighting sources outside of the home itself are being proposed at this time. All lighting will be shielded and directed down and away from neighboring properties.

5. Runoff Management:

Runoff management shall be controlled in a manner that prevents impacts to adjoining properties and the natural environment. Planning Staff recommend a condition of approval stating that, prior to the issuance of a Zoning conformance permit, a stormwater management plan must be reviewed and approved.

6. Private Utilities:

The applicant has proposed to run utilities underground, as well as the relocation of the power pole and water lines to the new structure. Moving them further landward of their current location on the lot. The Lake County Environmental Health Office commented that an application has been submitted, reviewed and approved by the Lake County Environmental Health Department.

7. Views to Flathead Lake:

Chapter XVIII.Z.2 states that all Special Use requests shall provide drawings or electronic simulations demonstrating that they do not block existing lake views, or that the partial blocking of the existing lake views is necessary to permit any reasonable use of the lot or parcel. The current nonconforming structure blocks the complete view of Flathead Lake. The proposed structure opens the view and moves the structure to the opposite end of the lot away from the Lake.

STAFF REPORT
DIRTY SOMBRERO LLC, SPECIAL USE REQUEST
CITY/COUNTY ZONING DISTRICT – SUBDISTRICT RRZD
MARCH 3RD, 2026

After review of the site, the special use applications, the City/County Zoning District and Regulations, and related information, the Lake County Planning Department has suggested findings that indicate the Board of Adjustment could consider approving the special use requests for impervious surface coverage between 20-30% on the property legally described as Parcel A-1 in GOV Lot 2 on COS 2446, in Section 32. Township 23 North, Range 20 West.

The approval is recommended with the following conditions and terms:

CONDITIONS & TERMS:

1. All development and use of the property shall be in accordance with these conditions, the standards contained in the City/County Zoning Regulations, and the approved plans on file in the Lake County

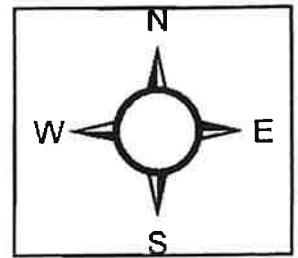
Courthouse, except as modified by these conditions.

2. This approval allows for the maximum lot coverage of up to 28% of the buildable area of the lot. Lot coverage may not exceed 28% without additional review and approval by Lake County Planning Department.
3. Prior to the issuance of a Zoning Conformance Permit, the stormwater management plan shall be reviewed and approved by the Lake County Planning Department. The plan will be required to be implemented immediately upon completion of construction. Any changes, modifications, or additions to the impervious surface or slope disturbance on the lot will require further review and approval prior to those changes taking place, and possible additional review to the stormwater management plan.
4. Prior to the issuance of a zoning conformance permit, the applicant shall obtain all necessary approvals from the Lake County Environmental Health Department.
5. Installation and use of Best Management Practices (BMPs), such as silt fencing, straw bales or wattles should be implemented during pre-construction, construction, and post-construction activities to avoid impacting the lake, highway, and adjacent properties. BMPs should be maintained throughout the construction period until the disturbed areas are stabilized and vegetated.
6. The applicant shall ensure that all measures necessary are undertaken to ensure that the proposed activities occur within the owner's property boundaries or are permitted via a recorded easement and do not negatively impact easements or adjacent properties. Neither the Planning Department, the Board of Adjustment, nor their respective members shall be responsible or liable for any portion of the proposed plans that do not occur within the applicant's property or impact easements, e.g., ingress, egress, parking, and utilities, or neighboring properties. In addition, it is the landowner's responsibility to comply with private contracts, easements, agreements, covenants, conditions, and restrictions.
7. Approval of the special use requests and subsequent permitting of the development shall not be construed as assurance that the development is structurally sound, that the development will withstand environmental forces acting upon it, that stormwater management will be effective, or that the development will accomplish its intended purposes. Neither the Planning Department, the Board of Adjustment, nor their respective members shall be responsible for or liable for any defects or discrepancies in any plans or specifications submitted, revised, or approved under this review, nor for any defects or discrepancies in construction pursuant to such plans and specifications.
8. The permittee shall contact the Lake County Planning Department at (406) 883-7235 once the proposed disturbance of slopes is completed and provide for a final inspection of the property to ensure compliance with these conditions and those conditions included with the Zoning Conformance Permit.
9. Lake County reserves the right to revoke this permit or enjoin the use of the property should the permittee, their heirs or assigns violate any condition of this permit.
10. The construction activities will be required to be completed within one year from the date of issuance of a Zoning Conformance Permit. The permit may be allowed for up to one 1-year extension if the applicants request additional time prior to the expiration date listed on the permit.
11. Other standard conditions may be required upon approval of the Zoning Conformance Permit.

12. The applicant shall have one (1) year from the date of the Board of Adjustment approval letter to meet any conditions that are required to be met prior to issuance of a Zoning Conformance Permit, unless an extension is requested and granted by the Lake County Planning Department prior to the deadline for appropriate reasons. Any extension allowed to meet those conditions shall not exceed six (6) additional months.



VICINITY MAP DIRTY SOMBRERO LLC SPECIAL USE



Flathead
Lake

BISHOP/LNDG

Subject Property
39245 Bishop
Landing
Polson, MT

The data were made possible by a public/private partnership including the U.S. Bureau of Land Management, several state agencies, local governments, The Montana Power Company, Montana/Dakota Utilities, and Burlington Northern Santa Fe Railroad. Most data are being maintained by staff of the Montana Department of Revenue (DOR), US Bureau of Land Management, Geographic Coordinate Database, US Geological Survey 1:24,000 Digital Raster Graphics

To whom narrative.

Hello Chuck Hogan here representing Dirty Sombrero.

We recently bought property 39245 Bishop Landing north of Polson, MT.

Knowing the condition of the failing house was of a concern with inspection and pre purchase visit. But after removal of some of the siding and further foundation research it is apparent the house is past remodel or improvement stage. Mold and wall stud deterioration has affected 90 percent of the west wall. The foundation has failed in the northwest corner leaving the plumbing questionable with broken floor joist and house settling.

So, we purpose to demolish this house and garage and replace with similar dwelling 40 ft. to the west of this structure.

Really kind of a trade for location and better constructed house. The plans included in our application are similar on square footage.

The existing over head power line is smack dab in the middle of the lot which will be relocated to the west side of new house. The new power line will be under ground with easement of both neighbors.

The slope of the land is minimal and will remain the same. The new house will set back into the west of the lot where the slope is most evident.

The water will be relocated from old house to new house shorting up the water line from shared neighbor to the west.

Shoot I don't know what else to say.

Thanks

Chuck

North
↑

Structures

Now here

How to be removed

