



Planning Department

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MINUTES

PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, May 7, 2015 at 1 PM.

Members Present: John Beck, Earl Hall, Rick Hirsch, John Hollenback, Kenneth Martin, & Bill Pierce

Members Absent: Tracy Manley, Randy Mannix, & Bruce Thomas

Staff: Brian Bender, & Lewis Smith

Public: Linda & Jack Gerdts, Gail Haviland, Shane Olsen, Tim Olsen, & Ernest Schmucker

Vice President Hirsch called the regular meeting to order at 1:07 PM.

Agenda Item #1 – Attendance

Six Members being present established a quorum.

Agenda Item #2 – Approval of Agenda

Member Martin noted the agenda listed March instead of May.

Planning Director Bender acknowledged the error and said he corrected later copies.

Member Hall moved, with Member Hollenback seconding to approve the agenda as presented. The Planning Board approved the motion through a vote six to zero.

Agenda Item #3 – Approval of Minutes

Member Pierce moved, with Member Hall seconding, to approve the April 9th Minutes as presented. The Planning Board approved the motion through a vote of six to zero.

Agenda Item #4 – Continued or Tabled Business

a. None

Agenda Item #5 - Public Hearings

- a. Schmucker Conditional Use Permit to operate a tire shop and welding fabrication business

Vice President Hirsch asked if any Board member has a conflict with the request. Hearing none, he opened the public hearing.

Planning Director Bender summarized the request and noted the questions listed in the Staff Report requiring the Board's attention. He continued by saying he spoke to Lester Gilman regarding the request and that Mr. Gilman shared concerns regarding outdoor storage.

Member Beck asked if there is enough parking.

Ernest Schmucker explained the parking situation. He continued by saying he intends to use the existing garage as storage with some outdoor storage to the rear of the proposed building.

Ernest Schmucker confirmed he is working with an engineer to produce a "stamped" plan set.

Linda Gerdts expressed concerns with the noise, although; she is not against a new business in Garrison. She continued by asking what are the hours.

Jack Gerdts also voiced concerns with the potential noise, and expressed doubts regarding BNSF's ownership of the land underlying Garrison Junction Road.

Linda Gerdts noted the speed of vehicles on Garrison Junction Road as they turn off Highway 12.

Vice President Hirsch asked Mr. Schmucker if he knows where his property lines are.

Ernest Schmucker said he recently obtained a property survey showing the lot lines. He continued by saying he wants to place the new building six to eight feet behind the front of the existing garage.

The Planning Board discussed access problems with the site.

Member Hall asked if the doors of the proposed building will be on the south side.

Ernest Schmucker responded by saying yes.

Member Hall asked the type of business.

Ernest Schmucker explained the type will be similar to Les Schwab only smaller, and the welding portion is to provide the service to local landowners.

Linda Gerdts asked if screening is necessary.

Vice President Hirsch explained the various types of screens (including vegetation and fencing). He continued by expressing concerns regarding the noise from air guns and compressors.

Linda Gerdts responded by saying that is the type of noise she is worry about.

Vice President Hirsch asked how and where will used tires be stored.

Ernest Schmucker explained inside the buildings.

Vice President Hirsch stated there are concerns of stored tires catching fire.

Ernest Schmucker noted he does not want to store tires.

Member Martin asked if any work will be done outside.

Ernest Schmucker said he prefers to work outside except when it is raining.

The Planning Board discussed the MRL easement how that may influence their decision. The Board continued by considering how to approve the request.

Member Hall asked of the construction materials for use in the proposed building.

Ernest Schmucker described the building will have masonry walls on three sides and wood framing on the front.

County Attorney Smith asked how the site will accommodate drainage.

Linda Gerdts explained surface drainage does not flow across this portion of the property.

Jack Gerdts noted that water is deeper in this area.

Member Hollenback asked Mr. & Mrs. Gerdts where they reside.

Linda Gerdts pointed out their residence on the PowerPoint's Mapping Exhibit.

Member Hollenback asked of the hours.

Ernest Schmucker replied the hours would be 7 or 7:30 AM to 5 PM. He continued by saying there may be times when it is later due to emergencies.

Vice President Hirsch closed the public hearing.

Member Pierce expressed it is reasonable to have a business in Garrison, however; the Board needs to consider neighborhood concerns.

The Planning Board discussed possible conditions to mitigate impacts on adjacent properties.

Member Hall moved, with Member Martin seconding, to approve the Conditional Use Permit to Ernest Schmucker with the following conditions: (1) The petitioner provides written evidence from the property owners (BNSF & MRL) showing approval to accommodate the activity; (2) The petitioner provides a plan for outdoor storage; (3) The petitioner provides feasible provisions (either structural or vegetated) for noise abatement; (4) The petitioner abides by all representations, testimony, and materials submitted during the application and hearing process, to the extent those items were not negated by the Planning Board, as well as they are not inconsistent with the spirit or letter of explicit conditions to the Conditional Use Permit; (5) The petitioner provides a revised site plan showing parking spaces and maneuvering spaces – see IV-D-2(c); (6) Any commercial signage must comply with the standards contained in Section IV-D-3 of the Zoning & Development Regulations; (7) Secure and provide proof of any required permits from the State of Montana and supply copies of permits to the Powell County Planning Office - see IV-D-2(h); (8) The petitioner submits a Development Certificate consistent with the decision of the Planning Board to the Planning Department prior to construction; (9) The petitioner must comply with Powell County Weed Standards and submits a Landowner Weed Management Plan for signature by the Weed Board President – see IV-H(3); and (10) Pay any remaining fees, including public hearing notice, notice to adjacent owners by certified mail, or any consulting fees.

Vice President Hirsch accepted the motion. The Planning Board approved the motion through a vote of six to zero.

Agenda Item #6 – Non-public Hearing Items

- a. Olsen Court Ordered Division of Land
Vice President Hirsch announced the item.

Planning Director Bender summarized the request, and the task of the Planning Board when reviewing a Court Ordered Division of Land.

Gail Haviland explained who are her clients and the basis of the request.

Shane Olsen described the reason for the strange orientation of the lot lines.

Member Pierce asked if this request stems from a family dispute, as he wants certainty this is not an abuse of the exemption.

County Attorney Smith explained how the court treats disputes.

Gail Haviland explained there is an agreement between the parties.

The Planning Board discussed the merits of court ordered divisions.

Member Beck asked of the number of lots the division is creating.

Shane Olsen explained the various lots and their ownership.

Member Pierce asked of access.

Shane Olsen confirmed there is access to the lots either by right of through easements.

Member Beck asked of Tract #3.

Shane Olsen explained the origins of Tract #3, the intent of the court settlement, and how it affects ownership.

Gail Haviland explained the division is necessary to close out of the estates.

Member Hall moved, with Member Pierce seconding, to have Planning Director Bender compose a letter containing the Board's comments for review by the County Commissioners. The Planning Board approved the motion by a vote of six to zero.

b. Growth Policy Update

Planning Director Bender summarized the discussion from the April 30th Growth Policy Forum held at Racetrack. He noted participants expressed there is no need for drastic changes to policies, allow greater flexibility for residential densities, and improve floodplain mapping.

Mr. Bender informed the Board of the next forum is set for May 14th at 6:30 PM in Avon with the purpose of this meeting is to receive comments.

Mr. Bender provided the Planning Board with the survey responses from the recent Growth Policy Forums.

The Planning Board noted several interesting comments relating to how the public interprets the 160-acre requirement.

c. Ordinance Interpretation – Nonconforming Residential Lots

County Attorney Smith told the Planning Board he is waiting to get a response from Tara DePuy, MACo's land use attorney regarding how to consider nonconforming residential lots.

Agenda Item #7 – Planning Board Comments

None.

Agenda Item #8 – Staff Comments

a. County Attorney

County Attorney Smith noted the county attorneys are waiting to have a meeting to discuss the implications of the Legislature's actions on land use planning.

b. Planning Director

Planning Director Bender asked if the Planning Board considers a request to install another cellular communications carrier on an existing tower requires a CUP if the request does not involve increasing the tower's height.

The Planning Board responded a CUP is not necessary as long as there are no structural alterations to the tower except when new antennas or changes the original Permit.