STILLWATER COUNTY
COMMISSIONER MINUTES

SPECIAL AGENDA
March 7, 2022

PRESENT
Commissioners Tyrel Hamilton, Chair, Mark Crago, Steve Riveland, members. Madisyn Hudecek, Admin Assistant.

Others Present: Randy Smith, SCSO; Chad Coles, Facilities; Marlo Pronovost, Stillwater County News; Citizens: Jeff Ruffatto.

PLEDGE
Commissioner Hamilton opened the meeting with the Pledge of Allegiance.

PURPOSE
Decision on the conditional use permit on the Moran Work Camp in Absarokee, Montana.

Commissioner Crago MOVED to approve the Moran conditional use permit with the findings and conditions included in the project memorandum after having received and considered the conditional use permit application, staff report, criteria for approval, public comments and all information presented. Commissioner Riveland SECONDED. Commissioner Hamilton asked the planning office if there were any updates they would like to provide or read through the recommended conditions. Commissioner Hamilton did not think the entire staff report needed to be read again but asked to read the recommended conditions. Forrest Mandeville reviewed the following changes and updates since the public hearing. The public hearing was held on February 15, 2022. A working session was held with the Commission after the public hearing to review public comments. Changes to the findings, staff report and conditions were discussed. The changes to setbacks were made in the last line to say “to ensure all structures adhere to these setbacks, survey pins must be flagged,” this is reflected in the conditions as well. On page 5 under line L a line was added to say “uses must be in substantial compliance with the application submitted as part of the CUP.” Due to the restrictive nature of the site and the increase in intensity of use, measures for fire prevention and suppression must be taken, the applicant shall indicate how such measures will be taken. On the following page, to ensure required conditions are complied with, county personnel should be allowed to inspect the property after coordination with the developer. A summary of the public comments that were provided in writing, comments received at the public hearing and one comment received after the public hearing, were included. The response to the public comments regarding to the flood plain concerns, determined that the conditions recommended by staff requiring that a flood plain development permit be obtained adequately addresses the concern. The Commission did note that a flood plain development permit must be obtained, not just a verbal or text message. The Commission understands the concerns with traffic in the area, but noted it is largely an existing condition unrelated to the development at hand. The Montana Department of Transportation is exploring options to mitigate traffic concerns at the intersection of Highway 78, Rosebud Cemetery Road and Highway 419. The obtaining of an encroachment permit, which is a recommended condition of approval, will address some site-specific traffic concerns. Water and wastewater are believed by the Commission to be covered under the DEQ review and approval as well as the as-built documents for the wastewater system will ensure that the wastewater treatment is compliant with state requirements and the potable water will be protected. Regarding occupancy, concerns about guaranteeing or limiting the occupancy of the permits was considered by the Commission, which indicated difficulty with enforcement, however, the Commission instructed staff to add a condition requiring substantial compliance with the application materials which will help mitigate concerns about intensity of use. As far as the conditions of approval, condition #6 was changed to read “all buildings shall be setback at
least 10 feet from any property lines or right-of-ways. Survey pins must be flagged in evidence of such provided to the county planning department.” Condition #15 added “all use and activity on the property shall be in substantial compliance with the plan submitted to the county as part of the conditional use permit application.” Condition #16 added “prior to occupation and use of the new housing unit and recreational building, the developer shall provide a written statement to the county planning department indicating how fire prevention and suppression is addressed at the site.” Condition #17 added “prior to occupation and use of the new housing unit and recreational building, the developer shall coordinate with county personnel for an inspection of the property to document that the conditions have been met. County personnel will conduct such an inspection within 30 days of a written request. Forrest Mandeville stated that this concludes the report as amended by the commission and it can be amended further. Commissioner Hamilton asked if when the developmental use permit system and the conditional use permit, is there anything that outlines a timeframe in which this conditional use permit is valid? Is it six months, a year, is there no timeframe, can this sit indefinitely and come back to it? Forrest replied that there is no timeframe. The only timeframe that is in the developmental regulations is on the county, within sixty days of the completed application being received, the county has to make a decision. Commissioner Hamilton asked if this is something you would typically see in other counties, where there would be a timeframe where they would be required to file an extension? Forrest replied that it depends, some places will have a certain time limit that if there are certain conditions that have to be met, the subdivision regulations have a time limit which those conditions have to be met and a final submitted. Other places will take the stand that it is in zoning compliance that once you have your permit your permitted for that use and if that use changes, you would have to get another permit at that time.

Discussion – Ron Van Hoosear asked if these conditions have been met? Commissioner Hamilton replied that it is his understanding that this is just setting the conditions that they need to meet in order to get the development permit. This is not issuing a permit; it is just setting the conditions. Motion passed unanimously.

Commissioner Hamilton stated that at this time, that ends the agenda item.

PUBLIC COMMENTS ON COUNTY BUSINESS – None heard.

With no further comments heard the meeting was adjourned at 10:08 a.m.

APPROVED BY: /s/ Tyrel Hamilton, Commissioner Chairman

ATTEST: Heidi L. Stadel, Clerk and Recorder