



## Yellowstone County Zoning Commission Minutes for the Meeting of Monday, December 12, 2011

**The County Zoning Commission met on Monday, December 12, 2011 in the Large Conference Room on the 4<sup>th</sup> floor of the Parmly Library, 510 North Broadway.**

Dennis Cook, Chairman, called the meeting to order at 4:00 p.m.

Commissioners and Staff		01/10/11	02/04/10	03/14/11	04/11/11	05/09/11	06/13/11	07/11/11	08/08/11	09/12/11	10/11/11	11/14/11	12/12/2011
Oscar Heinrich	Commissioner	Canceled	Canceled	1	Can celled	1	1	Canceled	Canceled	Canceled	Canceled	Canceled	R
Dan Austin	Commissioner			.		.	.						1
Ole Shafer	Commissioner			.		.	.						1
Al Littler	Vice-Chairman			1		1	1						E
Joan Hurdle	Commissioner			1		1	1						1
Dennis Cook	Chairman			1		.	1						1
Nicole Cromwell	Planner II/ Zoning Coordinator			1		1	1						1
Wyeth Friday	Planner II			.		.	.						.
Juliet Spalding	Planner II			.		.	.						.
Lora Mattox	Planner II			.		.	.						.
Tamara Deines	Planning Clerk			1		1	1						1

Chairman Cook introduced the County Zoning Commission members and staff in attendance:

- Nicole Cromwell, Planner II/Zoning Coordinator
- Tammy Deines, Planning Clerk
- Steve Zeier, TIFD Coordinator

**Announcements:**

- ❖ The Monday, January 16, 2012 meeting will be cancelled to a lack of applications. The next meeting will be held on Monday, February 13, 2012.

**Disclosure of Conflict of Interest:**

There was no one on the Commission wishing to disclose any conflict to interest.

### **Disclosure of Outside Communication**

There was no one on the Commission wishing to disclose any outside communication. Zoning Coordinator Nicole Cromwell stated Staff received an updated site plan from Lane Basso and it was e-mailed to the Commission on Friday.

### **Minutes of June 13, 2011 (July 11, 2011; August 8, 2011; September 12, 2011; October 11, 2011; and November 14, 2011 meetings were cancelled due to a lack of agenda items).**

Chairman Cook called for the approval of the June 13, 2011 meeting minutes.

### **Motion**

**Ole Shafer made a motion and it was seconded by Dan Austin to approve the minutes of June 13, 2011 as submitted.**

Motion carried with a unanimous voice vote.

### **Presentation**

Chairman Cook presented former Commission Chairman Oscar Heinrich for his twelve years of service on the Yellowstone County Zoning Commission and presented him with an appreciation plaque. Oscar Heinrich thanked the Commission for the opportunity to be recognized at the Board of County Commissioners and for this acknowledgement.

### **Public Hearings:**

Chairman Cook reviewed the rules for the procedure by which the public hearings will be conducted. He said the applications heard at this meeting would be forwarded to the Board of County Commissioners on Tuesday, December 27, 2011, in the Board of County Commissioners Board Room 403A in the Yellowstone County Courthouse. Nicole Cromwell noted a correction to the legal notice and said Lane Basso should be denoted as the agent instead of Kristin Omvig. Nicole Cromwell read aloud the legal description below and opened with a PowerPoint presentation.

**Item #1: County Special Review #323 – 1430 Lockwood Road – Big Sky Steel – A** special review request to allow a steel distribution and metal recycling facility (salvage yard) in a Controlled Industrial (CI) zone on Tract 1 and 2A, C/S 2595 a 11.96 acre parcel of land. Transport, Inc. owner and Joel T. Long, agent, PLLP, Lane Basso, agent.

### **REQUEST**

This is a special review application to allow the location of a new scrap and waste material recycling, processing and storage of salvage in a Controlled Industrial (CI) zone. The 11.96 acre parcel is located at 1430 Lockwood Road on the former Knife River Maintenance facility and storage yard located north of I-90. The legal description is Tract 1 and 2A of Certificate of Survey 2595 and the property owner is Transport, Inc and the agents are Joel Long and Lane Basso of Stratus Consulting. Planning Staff is forwarding a recommendation of conditional approval.

## **CONDITIONS**

1. The approval shall be limited to Tracts 1 & 2A of C/S 2595 generally located at 1430 Lockwood Road.
2. This special review approval is for the location of a new scrap processing and recycling facility with an office and associated parking. The location may include facilities to shear, bale and process all types of recyclable materials included in Standard Industrial Classification 5093 except for waste oil. No other special review use is intended or implied by this approval.
3. The development of the lot shall be in substantial conformance with the submitted site plan. No new buildings are planned. The applicant will submit a revised site plan showing storage areas, landscaping and screening as required by this special review approval.
4. The existing 6-foot chain-link perimeter fence will be modified to a sight obscuring fence wherever scrap storage pile(s) might be visible from Lockwood Road. This sight obscuring feature may be the existing chain-link fence with opaque inserts. All gates must also be made of sight-obscuring materials. All sight-obscuring fence materials must be non-reflective material.
5. No scrap storage pile outside of an enclosed building will exceed the height of the adjacent or nearest perimeter fence unless located 50 feet or more from such perimeter fence or behind an existing structure that blocks the view of the storage pile from Lockwood Road. No scrap storage pile outside of an enclosed building shall exceed 35 feet in height regardless of its location on the site.
6. All new exterior lighting shall have full cut-off shields so light is directed to the ground and not on to adjacent property. No part of the lens, fixture, or light element will project below the light shield.
7. All areas to be used for regular vehicular traffic including any area around an office building, drop off area, and parking areas for customers will be paved with asphalt or cement. Other areas of the site need not be paved.
8. Unpaved portions of the site will have dust control on a routine basis.
9. The proposed development shall comply with all other limitations of Sec. 27-613 concerning special review uses.
10. Within 36 months of special review approval, the applicant shall submit a zoning compliance permit and receive approval of such permit from the Planning Division.
11. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
12. Failure to comply with these conditions of approval of the special review use shall be deemed a violation of the zoning regulations. Enforcement of the regulations and conditions shall be as set forth in Section 27-1601 et seq. of the Unified Zoning Regulations.

## **Discussion**

Chairman Cook called for discussion. Joan Hurdle asked for an explanation of the 6-foot fence height requirement instead of a 7-foot fence. Nicole Cromwell stated it is already a 7-foot fence and can be made a site obscuring fence wherever necessary. Joan Hurdle noted no landscaping is required with this proposal. Nicole Cromwell stated landscaping is not required due to the adjacent uses; there are no new buildings to trigger the landscaping requirement.

Joan Hurdle requested clarification of the definition of a “routine basis” for dust mitigation. Nicole Cromwell said there is no specific definition. She stated during the summer it may be once a month but this will depend on the amount of traffic on the unpaved areas.

Dan Austin asked if there are plans for a shredder. Applicant Richard Rice stated there will be a shearer and baler but no shredder. Commissioner Austin asked if the ditch is active. Nicole Cromwell replied the ditch probably only flows during a storm.

### **Applicant**

Chairman Cook called for an application presentation.

### **Richard Rice, Big Sky Steel & Salvage, 3425 1<sup>st</sup> Ave. South, Billings, Montana**

Mr. Rice stated there is a need for growth and wish to increase their business. He said they applied several months ago for an auto salvage permit for the existing complex which will be forwarded to this Commission for review.

### **Lane Basso, 4022 Laredo Place, Billings, Montana**

Mr. Basso stated he is representing Mr. Long and appreciates the opportunity to speak. Mr. Basso said he feels this is a proper use of this property. He stated this is a good project as it is moving Big Sky Steel out of a residential environment into a place that is more conducive to this type of activity and business. He noted the rail availability that could be used for future development. He stated this is a positive course of action for Mr. Long and Big Sky Steel.

President Cook asked if there was anyone else wishing to speak in favor or against Special Review #323. There was none. President Cook closed at the public hearing portion of the meeting at 4:14 p.m. and called for a motion

### **Motion**

**Joan Hurdle made a motion and it was seconded by Dan Austin to recommend conditional approval of Special Review #323 with the conditions recommended by Staff.**

President Cook called for questions and discussion by the members of the Board.

### **Discussion**

Joan Hurdle said she feels this is an appropriate place for this business. Ole Shafer asked about the visibility of the stacking from the interstate with the 35-foot height restriction. Mr. Rice stated there should be no need to stack cars four or five high with a bigger yard. Dan Austin stated this appears to be appropriate for this property.

**The motion passes with a unanimous voice vote.**

### **Other Business:**

A. Nicole Cromwell stated the Zoning Commission has a full membership roster, and welcomed Commissioner Dan Austin, and Commissioner Ole Shafer. She commented there are two seats available on the Yellowstone County Board of Adjustment.

**Public Comment**

Chairman Cook asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public can be heard on any subject that is not on the agenda; the Yellowstone County Zoning Commission will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion. There were no public comments at this time.

**Adjournment:**

The meeting was adjourned at 4:18 p.m.

**DRAFT. To be approved by a motion on February 13, 2012**

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**Dennis Cook, Chairman**

**ATTEST:**

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**Tamara L. Deines, Planning Clerk**