

# POWELL COUNTY PLANNING BOARD

## MINUTES

**Special Meeting – Thursday, May 18, 2023 – 1 PM**

**Members present:** Rick Hirsch, Bill Pierce, Randy Mannix, Justin Williams, John Hollenback, Earl Hall

**Members absent:** John Wagner, John Beck

**Staff:** Amanda Cooley, Ann O'Toole

**County:** Attorney Kathryn McEnery

**Public:** Rob Koelzer, Jake North

1. **Attendance:** With seven members being present at the onset of the meeting, a quorum was established.
2. **Approval of Agenda:** A motion to accept the agenda as written was made by Vice President Pierce. Member Mannix seconded the motion and the motion was carried 6-0.
3. **Approval of Minutes**
  - a. NA
4. **Non-Public Hearings**
  - a. None
5. **Public Hearings**
  - a) **Schellinger CUP**

President Hirsch opened the public hearing. He noted that the public notice for this hearing circulated twice in the Silver State Post in the May 10 and May 17 editions. Director Cooley presented the Staff Report.

The petitioner, Rob Koelzer, on behalf of Schillinger Construction, requests to open and operate a gravel pit on a property owned by Ty and Courtney Berg in Racetrack. Schellinger Construction was awarded a contract with MDT to do bridge removal and re-grading on I-90. They need a gravel source and are under timeline restraints to complete the project. In order to accommodate the request, the Planning Board followed proper public notice procedure and convened a second May meeting. The petitioners are pursuing DEQ approval and DEQ has been out to inspect the site. They need County permission in order to secure DEQ approval. The Planning Board had several questions. Member Mannix clarified the location of the pit and President Hirsch provided background on the property use and ownership. Member Hall questioned whether there was a concern for dust. Mr. North explained that they will be using water trucks to keep dust down, help with compaction, and for use in case of fire. The Board questioned the purpose of the project. Mr. North explained that Schellinger Construction has been contracted by the Montana Department of Transportation to do bridge removal and to bring the road down to a more ground-level grade on a section of I-90 near Racetrack. This will help reduce bridge maintenance costs and improve safety. Vice President Pierce inquired how much gravel would be removed from the pit. Mr. North explained that about 25,000 tons would be

needed. President Hirsch inquired about the hours of operation, noting that noise can be an issue early in the morning. Mr. North and Mr. Koelzer explained that the pit is elevated and protected by berms and noise will likely not be an issue. They requested leniency from the Board in allowing crushing to occur from 6am-5pm Monday – Friday due to time constraints on the project. President Hirsch informed the representatives that there is a curve on the Frontage Road as it approaches Race Track Road, and that locals take the curve quickly. He advised using signage or other indicators to warn people of the construction traffic. The Planning Board did not make this a condition of approval. A discussion was held about what would happen with the pit once construction is complete. If Mr. Berg would like to have the pit assigned to him, Schillinger Construction will turn the pit over to him upon the completion of construction. If Mr. Berg does not want to keep the pit open, the pit will be reclaimed. President Hirsch's final remarks centered around the impact to Race Track Road due to the increased haul traffic. The Planning Department conducted a site visit to the road for examination prior to construction. The road already contains pot holes and is in moderate condition. President Hirsch expressed a desire to have Schellinger Construction apply 2" of overlay to the road to compensate for the additional traffic and wear. Mr. North expressed that this request is likely beyond the ability of the company to accommodate but that he would be more than willing to work with the County to come to a fair agreement of what the work would cost. He also agreed that he would fill existing and remaining pot holes once construction is complete, to return the road to the same or better condition. The Planning Board and Planning Department drafted a condition of approval that was agreed upon verbally by the Schellinger Construction representatives. The condition is listed below.

With no comments by the public, President Hirsch closed the public hearing.

Member Williams moved to provide a favorable recommendation for the Schellinger Conditional Use Permit with amended conditions listed by the planning staff. Member Pierce seconded the motion. The motion was carried 7-0.

**6. Continued Business**

- a. None

**7. Planning Board Comments -**

**8. Staff Updates**

- a. County Attorney
- b. Planning Staff
- c. Other

**9. Public Comments -none**

**10. Announcement of the June 8<sup>th</sup> Meeting**

**11. Adjourn:** Member Hall presented a motion to adjourn at 2:16 p.m. Member Mannix seconded the motion and the motion carried 7-0.

Respectfully Submitted,  
Amanda Cooley  
Powell County Planning Director

President Rick Hirsch

Date