

PUBLIC HEARING of CONDITIONAL USE – Monday, November 8, 2021, 7:00 pm.

Plevna Community Center

Mayor Benner called the meeting to order at 7:02 p.m.

Councilmen present were Jordan Hoffman, Kyle Vennes, Alba Higgins, and Gary Thielen.

Also present: Krista Nemitz, Clerk/Treasurer Jolene Boespflug, Assistant Clerk
Mark Thielen, Container Site Operator Mary Grube, Fallon Co. Planning
Vaughn Zenko, SMART Director

Members of the public present: Leanne Cota (Country Home Medicine), Alan Cota, Shawn Sander, Lois Geving

- Mary Grube provided the Councilmen with a new staff report for the consideration of a Conditional Use Permit for the operation of Country Home Medicine within the personal residence of Leanne Cota.
- Mayor Benner called for public comment, there was none.
- Mary Grube read onto the record the public notice of this hearing(attached).
- Mayor Benner, as Board of Adjustments Chair, administered an affirmation to Leanne Cota as she will be testifying on behalf of herself.
- Mayor Benner presented the Exparte' Questions to the rest of the Board of Adjustment. Having no conflicts of interest, the meeting proceeded on to the staff report.
- Mary Grube read aloud the prepared Staff Report, TP110821A(attached).
- Leanne Cota made her testimony and the public hearing was closed at 7:25 p.m.
- Councilman Higgins would like there to be further research into making the Clinic area ADA compliant.
- Councilman Hoffman made a motion, seconded by Councilman Vennes, to adopt Staff Report #TP110821A as findings of fact and have the staff report be placed in the record of the minutes.
Role Call Vote was taken.

Aye: 4 Nay:0 Absent: 0 Abstain: 0 Carried: 4:0

- Councilman Vennes made a motion, seconded by Councilman Hoffman to approve the Conditional Use #TP110821A for Leanne Cota to improve her property by starting a Clinic/Medical Service business with the following conditions:
 - 1. A medical waste management plan be submitted to the Town Council prior to startup of the business.
 - 2. It is solely up to applicant to obtain any and all required permits, licenses, and authorizations to perform the business.
 - 3. Applicant contacts EMS and the Sheriff's office with the address of the clinic, and a copy of the response received from both Services submitted to the Town of Plevna before operation of the business. Applicant states this is

- for nonemergent care, however during evaluation an emergency could take place and services should be aware in advance that the Clinic is opening.
- 4. Applicant places signs indicating parking for clients, as to avoid traffic congestions.
- Role Call Vote was taken.

Aye: 4 Nay:0 Absent: 0 Abstain: 0 Carried: 4:0

Mayor Benner adjourned the meeting at 7:39 p.m.


Assistant Clerk - Jolene Boespflug


Mayor - William E. Benner

PLEVNA TOWN COUNCIL

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN for a PUBLIC HEARING to be held before the Plevna Town Council on Monday, November 8, 2021, at 7:00 PM at the Plevna Community Center, located at 211 N. Main Street, Plevna, Montana.

The purpose of this Public Hearing is for Leanne Cota (Country Home Medicine) to apply for a conditional use permit.

All pertinent information regarding this hearing may be reviewed at the Plevna Town Office located at 121 Main Street N, between the hours of 9:00 AM and 3:00 PM Monday through Friday.

Sworn affidavits may be submitted to the Plevna Town Office, PO Box 97, Plevna, MT 59344. At the public hearing, testimony will be taken in support of and in opposition to the subject. If there are any questions, please call the Town Office at 406-772-5001.

Krista Nemitz

Clerk/Treasurer

Posted: plevnamontana.us, Plevna Post Office, Plevna Town Office, Plevna Bar

TP110821A

CONDITIONAL USE REQUEST

Staff Report: October 26, 2021

Applicant's Name: Leanne Cota
6 South 4th Street
PO Box 4
Plevna, MT 59344

Legal Description: The Pepper Addition, Block 2, Lot 3AP, Town of Plevna, County of Fallon, State of Montana.

Zoned: Residential 1 (R1)

PROJECT DESCRIPTION AND PROPOSAL:

Applicant applied for a Zoning Conformance Permit which was sent to the Board of Adjustment by Krista Nemitz, Zoning Administrator, as a home business requires a Conditional Use Permit as described in 11.5.40. The Town of Plevna Council is the Board of Adjustment for the Town of Plevna. Descriptive Data is as follows:

11.5.10 Purpose and Intent. *The purpose and intent of the R1 Zoning District is to provide for low density, single-household residential development including guest houses to conform to the system of service available, the slope of the land or other limiting factors, to provide for such community facilities and services as will serve the area's population while protecting the residential quality of the area.*

11.5.20 Land Uses. *Permitted and Conditional Uses allowed in the R1 District are in Section 11.5.40 Allowed Uses. All Conditional Uses must comply with Section 11.10.10 Conditional Uses. Some permitted Uses shall comply with specific standards as referenced in this article. All Uses shall comply with Article 11.11.0 Standards of General Applicability.*

11.10.10 CONDITIONAL USES

11.10.11 Purpose and Intent. *This section establishes standards and required Findings of Fact for Conditional Uses. The purpose of Conditional Uses is to allow uses that may be suitable in some but not all locations in the zoning district in which they are allowed or require special consideration because of unusual operational or physical characteristics or must be designed and developed with conditions to assure compatibility with adjoining uses.*

A Conditional Use Permit (CUP) may be granted to allow a Conditional Use only for a use listed as a "Conditional" use in an Allowed Uses table and only after the Board of Adjustment has made Findings

of Fact that the Conditional Use complies with the following standards. The following standards apply in addition to standards of general applicability.

Findings of Fact:

The Board of Adjustment shall make Findings of Fact that a Conditional Use complies with the following standards as a prerequisite to granting a CUP.

A. Is the Conditional Use consistent with the policies, goals, objectives, and strategies of the *Plevna Growth Policy*?

- **Chapter 11: Growth Policy:** The Town of Plevna has felt the effects of the economic decline due to the decline in oil and gas prices. . . . It's important to take steps to stimulate the economy.
- **Page 234 Growth Policy: Economic Development Objectives, policies, and strategies:** Enhance the quality of life in Plevna by encouraging development of commercial uses such as grocery and retail and convenience stores and enhancing recreational and cultural opportunities. (Town of Plevna)
- **Chapter 15: Growth Policy Implementation Overview (Regulatory Tools)**
- Zoning Regulations are a common regulatory tool to control land use. One of the primary purposes of zoning regulations is to minimize land use incompatibility. Zoning regulations also establish standards that limit the density or intensity of development as well as other characteristics of development.
- **Design Standards.** Design standards are most often contained within zoning regulations but can also be established in subdivision regulations. The purpose of design standards is to enhance the appearance and functionality of a development. Overly restrictive design standards can impede development. If properly crafted, design standards can significantly enhance the built environment without placing undue burden on a developer.
- **Town of Plevna General Provision:** General guidelines and provisions to help the Town of Plevna manage the lull in the oilfield and prepare for both economic downturn and incline in development goals and achieve compatible land uses.
- **Community Goals and Objectives. Economic Development:** Increase overall economic activity in the county, enhance the quality of life in the county to attract new households and businesses, promote a diversified local economy that is not overly reliant on the energy sector, coordinate multi-faceted economic development efforts that promote small business startups and business recruitment, retention and expansion, increase the median annual income of households and develop a highly skilled labor force, support the development of secondary value-adding industry.

B. Is the Conditional Use compatible with the character of the immediate vicinity including the bulk, scale and general appearance of neighboring buildings and uses?

- The Conditional Use will not have any impacts on the bulk, scale, and general appearance of the neighboring buildings as applicant plans on keeping the house as is with a remodel of the interior to include a clinical office.

C. Does the design, development and operation of the Conditional Use minimize and mitigate adverse effects, including visual impact of the proposed use on adjacent lands?

- As mentioned in B the remodel will take place on the interior of property. Visually there will be no changes, however an increase in traffic may result in office visits.
- D. Does the development and operation of the proposed Conditional Use minimize adverse environmental impacts including wetlands, riparian areas, steep slopes, mature vegetation, and floodplain?
- The proposed operation and development of the Conditional use will not have any environmental impacts as the applicant has plenty of room for off street parking and will not have to disturb any land to create a parking area.
- E. Does the Conditional Use have a significant adverse impact on public facilities and services, including, but not limited to transportation systems, potable water and wastewater facilities, storm drainage, solid waste and recycling, parks, trails, sidewalks, schools, law enforcement, fire and EMT facilities?
- The proposed use would require medical waste disposal and management. Emergent care may require ambulance services. The Fallon County Ambulance Service services the entire County including the Town of Plevna.
- F. Will the proposed Conditional Use create a hazard to persons or property?
- The proposed use will not cause a nuisance or hazard to persons or property. This is an inside clinic. The traffic and noise will not be increased. There will be no smoke, odors, dust, vibration, or illumination.
- G. Does the Conditional use comply with all applicable Town codes and ordinances?
- Yes, it complies with Zoning Ordinance #54.

SUMMARY OF FINDINGS AND FACT:

- The Conditional Use complies with the Growth Policy; a home-based business could have positive effects on the economy. Plevna has potential for growth economically if a trend of businesses is started regarding both homebased and commercial.
- The Conditional use is compatible with the character of the immediate vicinity which includes bulk, scale, and general appearance of the neighboring buildings and uses. Nothing will change exteriorly physically.
- The design, development and operation of the Conditional use does not have any impact on adjacent lands.
- There will be a slight increase of traffic for clinical visits. However, the pictures show plenty of off-street parking, and the visits will possibly be one or two vehicles at a time.
- The proposed Conditional Use will not have any environmental impacts.
- The public facilities and services impacts will be low if the proper medical waste management is in place. The clinic will have direct access for ambulatory services in the driveway. Transportation systems should not be affected for this one room clinic.
- The home business will not cause any nuisance or hazard to surrounding persons or property.
- This Conditional Use complies with the Zoning Ordinance #54.

RECOMMENDATION:

Staff recommends approval of the Conditional Use for a home-based business related to clinical/medical evaluations. Staff recommends the following Conditions surrounding this particular home-based business:

1. A medical waste management plan be submitted to the Town Council prior to startup of the business.
2. Applicant contacts EMS and the Sheriff's office with the address of the clinic, and a copy of the response received from both Services submitted to the Town of Plevna before operation of the business. Applicant states this is for nonemergent care, however during evaluation an emergency could take place and services should be aware in advance that the Clinic is opening. Property's 9-1-1 Address is 6 South 4th Street.
3. Applicant places signs indicating parking for clients, as to avoid traffic congestion.

****Please note: This Conditional Use shall expire within one year, 11/8/2021, if it is not put to use within that time frame. Should applicant move the Conditional Use on property shall expire, unless it is used for the same purpose, as a medical clinic.**

Recommended forms of motion:

- I move to adopt Staff Report # TP110821A as findings of fact, and I move that the staff report be placed in the record of the minutes.
- I move to approve the Conditional Use #TP110821A for Leanne Cota to improve her property by starting a Clinic/Medical Service business with the following conditions:
 1. A medical waste management plan be submitted to the Town Council prior to startup of the business.
 2. Applicant contacts EMS and the Sheriff's office with the address of the clinic, and a copy of the response received from both Services submitted to the Town of Plevna before operation of the business. Applicant states this is for nonemergent care, however during evaluation an emergency could take place and services should be aware in advance that the Clinic is opening.
 3. Applicant places signs indicating parking for clients, as to avoid traffic congestion.

Respectfully Submitted;

Mary Grube
Planner/Zoning Administrative Assistant