



CITY OF LIBBY
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NOTICE OF PUBLIC HEARING

DECEMBER 6, 2021 @ 6:15PM
COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Roll Call
- Welcome

NEW BUSINESS: Each new agenda item will be introduced by the mayor (or assigned liaison) with a description of the item and explanation for the recommended action. Following council discussion on each item will be an opportunity for public comment prior to any action taken. **Public comment is limited to 3 minutes concerning the agenda item being discussed only.**

The Libby City Council is holding a Public Hearing to solicit public comment on a Conditional Use Permit request for 220 West 4th St., Libby MT. A CNC machine shop is being proposed within the former Elk's building.

GENERAL COMMENTS FROM COUNCIL:

ADJOURNMENT:

Notes:

The manner of Addressing Council:

- Each person, not a Council member shall address the Council, at the time designated in the agenda or as directed by the Council, by stepping to the podium or microphone, giving that person's name and address in an audible tone of voice for the record, unless further time is granted by the Council, **shall limit the address to the Council to three minutes.**
- All remarks shall be addressed to the Council as a body and not to any member of the Council or Staff with no personal remarks allowed.
- No person, other than the Council and the person having the floor, shall be permitted to enter any discussion either directly or through a member of the Council, without the permission of the Presiding Officer.
- Any person making personal, impertinent, or slanderous remarks or who shall become boisterous or disruptive during the council meeting shall be forthwith barred from further presentation to the council by the presiding officer unless permission to continue by granted by a majority vote of the council.

ATTENTION:

To access this meeting electronically with ZOOM,

Dial: 253-215-8782

Meeting ID: 4042719951

Password: 151041

Posted: 12/2/21



Chapter 17.10 - CONDITIONAL USE PERMITS

17.10.010 - Intent.

The conditional use approval procedure of this section is intended to provide a transparent, public review process for land uses that, because of their widely varying design and operational characteristics, require case-by-case review in order to determine whether they will be compatible with surrounding uses and development patterns.

(Ord. No. 1820, 9-17-2012)

17.10.020 - Applicability.

The conditional use procedure of this section applies only when expressly authorized or required under this zoning ordinance.

(Ord. No. 1820, 9-17-2012)

17.10.030 - Authority to file.

Applications for conditional use approval may be initiated only by the owner of the subject property or by the owner's authorized agent.

(Ord. No. 1820, 9-17-2012)

17.10.040 - Application filing.

Complete applications for conditional use approval must be filed with zoning officer and include the following information:

- A. Legal description of the subject property;
- B. Ownership and mailing address of all owners of the subject property; and
- C. All submittal materials required by the zoning officer for the conditional use review, which may include elevation drawings or photographs of existing and proposed buildings, site plans including landscaping, and other materials that will help the city council conduct a competent review and support their decision and required findings of fact.

(Ord. No. 1820, 9-17-2012)

17.10.050 - Notice of hearing.

- A. Newspaper Notice. At least two separate notices of required public hearings on conditional uses must be published in the newspaper. The first notice must be published at least fifteen (15) days before the date of the public hearing.
- B. Mailed Notice. Notice of required public hearings on conditional uses must be mailed to the subject property owner and all owners of property within one hundred fifty (150) feet of the subject parcel at least fifteen (15) days before the scheduled hearing. Notification must also be mailed to neighborhood council representative for the subject neighborhood at least fifteen (15) days before the scheduled hearing.

- C. Posted Notice. Notice of required public hearings on conditional uses must be posted at least fifteen (15) days before the public hearing.

(Ord. No. 1820, 9-17-2012)

17.10.060 - Review and report—Zoning officer.

The zoning officer must prepare a report and recommendation that evaluates the proposed conditional uses in light of the review criteria below.

(Ord. No. 1820, 9-17-2012)

17.10.070 - Hearing and final action—City council.

A. The city council must hold at least one public hearing on a proposed conditional use.

B. Following the close of the hearing, at the same or subsequent meeting, the city council must take action to approve, approve with modifications or conditions or deny the conditional use based on the review criteria below. The city council's decision must be supported by written findings of fact.

C. The city council may act by a simple majority vote of those city council members present and voting.

(Ord. No. 1820, 9-17-2012)

17.10.080 - Review criteria.

A. Conditional use applications may be approved by the city council only when they determine that the review criteria listed below, as applicable, have been satisfied. All of the applicable review criteria must be addressed in the city council's findings of fact in support of their decision.

NOTE: Not all review criteria will apply in every case. Only the applicable review criteria need to be met.

B. Uses that require conditional use approval may be approved by the city council when they determine that the proposed use:

1. Complies with all applicable standards of this zoning ordinance;
2. Is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community;
3. Is compatible with the character of the surrounding area in terms of site planning, building scale and project design;
4. Has operating characteristics that are compatible with the surrounding area in terms hours of operation, outdoor lighting, noise, and traffic generation; and
5. Will not have a significant adverse impact on traffic safety or comfort, including all modes of transport (non-motorized and motorized).

(Ord. No. 1820, 9-17-2012)

17.10.090 - Factors to be considered.

In determining whether all applicable review criteria have been satisfied, the city council may specifically consider the following factors:

- A. That new buildings and structures are located to create a positive relationship with their environment, both natural;
- B. That the site design properly addresses building orientation, open space, light, sun exposure, views and protection of natural features;
- C. That buildings, structures and uses are compatible with adjacent properties and uses in terms of physical design elements such as volume and mass management, building materials, color, open space design, screening, any applicable use-specific standards and any other design elements considered important by the city council;
- D. That the overall project will be functional, attractive and safe in terms of pedestrian, bicycle and vehicular access, parking, loading, and servicing; and
- E. Agency and public testimony.

(Ord. No. 1820, 9-17-2012)

17.10.100 - Lapse of approval.

- A. An approved conditional use will lapse and have no further effect two years after it is approved by the city council, unless:
 - 1. Building permit has been issued (if required);
 - 2. Zoning compliance permit has been issued; and
 - 3. Final certificate of zoning compliance has been issued.
- B. The city council may extend the expiration period by up to one year. Requests for extensions must be submitted to the zoning officer before the conditional use approval expires and must be processed in accordance with the procedures for approval of a conditional use, including applicable fees, notices and hearings.
- C. A conditional use also lapses upon revocation of a building permit for violations of conditions of approval or upon expiration of a building permit.

(Ord. No. 1820, 9-17-2012)

17.10.200 - Transferability.

The status of a conditional use approval is not affected by changes of tenancy, ownership, or management.

(Ord. No. 1820, 9-17-2012)

17.10.300 - Amendments.

A request for changes in conditions of approval of a conditional use must be processed as a new conditional use application, including the requirements for fees, notices and hearings.

(Ord. No. 1820, 9-17-2012)