



# Planning Department

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## MINUTES

### PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, May 9, 2013 at 1 PM.

- Members Present:** John Beck, Rick Hirsch, Tracy Manley, Kenneth Martin, Bill Pierce, & Bruce Thomas
- Members Absent:** Earl Hall, Randy Mannix, & John Hollenback
- Staff:** Brian Bender, David Corcoran, & Lewis Smith
- Public:** Dona Aitken, Tom Collins, Kris Dray, Jane & Jim Forthun, Kathleen & Charley Geary, Evelyn Holbrook, Peter Miller, Cindy Poett, Robert Rabel, Darren & Melinda Smiley, & Bruce Williams

President Manley called the meeting to order at 1:04 PM.

Agenda Item #1 – Attendance

Six Members being present established a quorum.

Agenda Item #2 – Approval of the Agenda

Member Pierce moved, with Member Thomas seconding, to approve the agenda as presented. The Board approved the motion through a vote of six to zero.

Agenda Item #3 – Approval of Minutes

Member Thomas moved, with Member Pierce seconding, to approve the April 11<sup>th</sup> Minutes as presented. The Board approved the motion through a vote of six to zero.

Agenda Item #4 – Continued or Tabled Business

- a. Conditional Use Permit request submitted by Peter Miller to construct a shop building in Zoning District #1 of Gold Creek.

Planning Director Bender explained the five elements the Planning Board noted when they tabled the request in April.

President Manley asked Member Pierce for clarification on Building Codes.

Member Pierce explained the plan set review procedures by State officials and he continued by confirming the need to adhere to code requirements.

President Manley reopened the public hearing.

Bob Rabel spoke in favor of the request.

Peter Miller said the plans are with the State and noted he does not have an approval as of yet.

Planning Director Bender explained the petitioner's contractor is coordinating the plan set submission with the State.

County Attorney Smith agreed since the proposed building is for a commercial use, it should comply with State Codes.

Member Hirsch asked of the lighting.

Peter Miller responded that he intends to use downcast or shielded light fixtures.

Member Beck asked about the culvert.

Bob Rabel acknowledged that he will work with the County to install the correctly sized culvert.

Member Pierce asked about the size of the planar since large machines create significant noise.

Peter Miller explained he intends to use a smaller machine with less noise.

Member Thomas regretted his absence from the last meeting and asked why is there a need for screening or fencing.

The Planning Board entered into a general discussion regarding screening and its appropriateness with this proposal.

Member Thomas moved, with Member Martin seconding, to approve the Conditional Use Permit request by Peter Miller to construct a 5,056-square foot, shop building on the southeast corner of his property to accommodate a business prefabricating log wall and roof panels as well as assemble portable log cabins in Zoning District #1 of Gold Creek. The motion contained six conditions as listed in the March 29<sup>th</sup> Staff Report (the Board deleted conditions #4 and 5). The Board approved the motion through a vote of six to zero.

**Agenda Item #5 Public Hearings**

- a. Conditional Use Permit request submitted by Lone Ram Ranch to operate a summer horse camp for children and offer both day and weeklong visits on a 160-acre property in Zoning District #3.

The Planning Board took several minutes to review the public comment letters they received regarding the request as well as the material submitted by Darren Smiley.

Planning Director Bender provided the Planning Board with an overview of the request and noted the location of the subject project on the Mapping Exhibit displayed on the PowerPoint.

Darren Smiley described his background and the youth camp proposal for the benefit of the Planning Board. The proposal consists of a facility housed on the property to accommodate twelve campers and various activities. He confirmed there will be no shooting due to the property configuration and the proximity of the neighbors. The youths will stay for six weeks.

Planning Director asked if the proposal included a school and if he can provide operational procedures for the youth camp.

Darren Smiley responded by saying he has a connection to Bighorn Ministries who are affiliated with the Christen Youth Camp and Conference Association. He continued by saying that they are delaying the school portion for a couple of years.

Member Pierce asked about the surrounding outfitter businesses.

Planning Director Bender noted the presence of the Kmons received a Conditional Use Permit to run an outfitter business in January of 2011.

Charles Geary described the history of the area with the numerous outfitters.

Darren Smiley noted he received training as an Environmental First Responder and his wife has an education in equestrian sciences.

President Manley asked about the hiking activities.

Darren Smiley said he spoke to DNRC regarding access to State lands.

County Attorney Smith asked if Kleinschmidt Flat Road leads to a trailhead.

Charles Geary responded by saying no – it is another road to the east.

Member Pierce asked of the water rights as noted in a public comment letter.

Darren Smiley noted the site conditions and explained the situation with the irrigation. He continued by describing the growth of cottonwoods along the irrigation ditch.

Kris Dray explained that he wants to remove the smaller trees to lessen the draw of water from the ditch.

Tom Collins reiterated the association between Darren Smiley, Bighorn Ministries, and Christen Youth Camp and Conference Association.

Member Pierce asked why this location.

Tom Collins explained how Kris Dray invited the Smileys to his property.

Member Hirsch asked if these are troubled kids.

Tom Collins explained these are kids who lost a parent during military service.

Member Hirsch asked if the camp treats the kids like a traditional youth camp.

Tom Collins replied the camp tries instill a sense of identity in the kids that lost a parent.

Melinda Smiley offered clarification of the program that they are seeking approval for from the Planning Board.

Member Martin asked will the property accommodate other uses besides the summer camp.

Darren Smiley said the property will act as a staging area for river access to other affiliated groups.

Member Hirsch sought clarification that all activities area limited to a six-week period.

Darren Smiley acknowledged there will be one group in six weeks.

Member Thomas spoke in favor of Bighorn Ministries.

Cindy Poett raised concerns with what is the true intent of the site – a goat ranch, a school, or camp.

Dona Atkins expressed concerns with the Planning Board approving uses that linger in the neighborhood. She questioned the appropriateness of operating a youth camp in Zoning District #3 and an increase in residential densities. She continued by asking the petitioners why they are not willing to voluntary comply with the State regulations for a youth camp.

Kris Dray explained his role with the use and noted that grazing and row cropping are a legal use.

Member Beck asked if Kris Dray resides on the property.

Kris Dray responded that he does reside on the property.

Sandra Roe located her property on the Mapping Exhibit and asked the Planning Board how they believe this use fits with the District standards.

County Attorney Smith responded with an explanation of zoning practices and that the County's Ordinance has measures to accommodate uses not directly specified through the Conditional Use Permit process.

Sandra Roe wanted to know what buildings will be used for the youth camp.

Kris Dray pointed the out the structures on the Mapping Exhibit.

Darren Smiley offered to meet and discussed the projects with the neighbors. He also noted that he is seeking a master of education and that he wants to complete the degree before opening the school. He agreed the operation of a school requires a Conditional Use Permit.

Member Hirsch expressed concerns that the facility is not concealed under a faith based exemption.

County Attorney Smith confirmed that State codes for building occupancy are applicable.

Member Pierce asked what is the connection between Lone Ram Ranch and Bighorn Ministries.

Tom Collins verified that indeed Lone Ram Ranch has a connection to Bighorn Ministries.

County Attorney Smith explained the distinction between the petitioner, the property owners, and the organization.

Member Pierce described how the State Building Codes are relevant to the use.

Member Thomas moved, with Member Pierce seconding, to grant a Conditional Use Permit to Lone Ram Ranch to operate a summer youth camp on a 160-acre property in Zoning District #3. The Planning Board composed the following conditions to attach to the motion: (1) the petitioner must comply with all applicable Montana Building Codes and other pertinent regulations; (2) the youth camp can operate for a maximum of six-weeks plus two additional weeks for counselor training; (3) no shooting range; and (4) no schooling at this time. The Board also attached the five conditions listed in the April 30<sup>th</sup> Staff Report. The Board approved the motion through a vote of six to zero.

**Agenda Item #6 Non-public Hearing Items**

- a. None.

**Agenda Item #7 – Planning Board Comments**

- None.

**Agenda Item #8 – Staff Updates**

- a. County Attorney

County Attorney, Lewis Smith provided the Planning Board with an overview of the actions by the Legislature and invited Board members to attend a meeting organized by the County Attorney's Association to review decisions from the entire 2013 session.

b. Planning Director

None.

c. Other

None.

**Agenda Item #9 – Public Comments**

None.

**Agenda Item #10 – Announcement of the June 6<sup>th</sup> meeting**

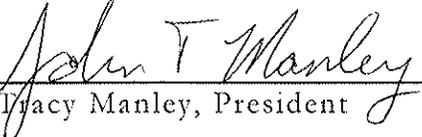
Planning Director Bender noted the Department received two Conditional Use Permit petitions from RCCC for the Board to consider.

**Agenda Item #11 – Adjourn**

Member Thomas moved, with Member Hirsch seconding, to adjourn the meeting. The Board approved the motion through a vote six to zero.

President Manley declared the meeting adjourned at 3:06 PM.

Respectfully Submitted,  
Brian P. Bender, AICP, CFM  
Powell County Planning Director

  
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Tracy Manley, President

6-6-13  
Date