



# Planning Department

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## MINUTES

### PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, November 7, 2013 at 1 PM.

- Members Present:** John Beck, Earl Hall, Rick Hirsch, Tracy Manley, Randy Mannix, Kenneth Martin, Bill Pierce, & Bruce Thomas
- Members Absent:** John Hollenback.
- Staff:** Brian Bender, David Corcoran, & Lewis Smith
- Public:** Tammie Cooper, Pat McKelvey, & Cash Yount

President Manley called the meeting to order at 1:10 PM.

Agenda Item #1 – Attendance

Eight Members being present established a quorum.

Agenda Item #2 – Approval of the Agenda

The Planning Board through consensus approved the agenda as presented.

Agenda Item #3 – Approval of Minutes

Member Hall moved, with Member Thomas seconding, to approve the October 10<sup>th</sup> Minutes as presented. The Board approved the motion through a vote of eight to zero.

Agenda Item #4 – Continued or Tabled Business

a. None.

Agenda Item #5 Public Hearings

a. None.

Agenda Item #6 Non-public Hearing Items

a. Cooper Boundary Relocation COS

Tammie Cooper explained the intent of the relocation is to establish two lots to coincide with the fact that two separate families own what is one now.

Member Mannix asked if Tammie Cooper owns the surrounding claims. If so, are they part of this request.

Tammie Cooper responded that she owns the claims.

Member Beck asked if the existing road will provide access.

Tammie Cooper said she is unsure.

Member Pierce confirmed this segment is a U.S. Forest Service road.

Member Beck asked if a building exists on the Janke tract.

Tammie Cooper replied that her tract has a cabin and the Janke's does not.

Member Pierce asked how the regulations apply to this case.

Planning Director Bender explained the request entails the merging of the northern 13.9-acres with the adjacent 12.75-acre Montana Lode parcel (also owned by the Coopers) to create one 26.65-acre parcel. Mr. Janke will receive the southern 15.46-acres of the Quigley parcel.

Member Thomas moved, with Member Pierce seconding, for the Planning Board to acknowledge the Cooper Boundary Relocation COS is not an attempt to evade formal Subdivision Review. The motioned contained the condition to have the petitioners pay the Examining Land Surveyor fee. The Board approved the motion through a vote of eight to zero.

b. Growth Policy and Supporting Regulations

Planning Director, Brian Bender explained the Montana Department of Environmental Quality is willing to assist the Planning Board to update the Growth Policy and supporting Regulations.

The Planning Board acknowledged that is a good thing and asked the Director to keep them informed.

c. GIS Demonstration

The Planning Board decided to hold the demonstration next month due to time constraints.

d. Wildland Urban Interface

Member (and County Fire Warden) Earl Hall informed the Planning Board of the 2012 International Wildland Urban Interface Code.

Member Hall explained the Planning Board should consider including some of the relevant code provisions when the Board revises regulations. Member Hall continued

by noting County has Community Wildfire Protection Plan and that it could be starting point for increasing Wildland Urban Interface awareness among property owners and County officials.

Pat McKelvey the Deputy DES Coordinator for Lewis and Clark County gave a presentation regarding Firewise.

The Planning Board asked several questions regarding of what is the best way to promote Firewise Codes and alternative building practices without relying on government regulations.

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

Member Mannix asked of the status of the Family Conveyance mentioned last month.

Planning Director Bender explained the email the Planning Board received from Stacy Baur stating her intentions to sell the property she received from her parents (John Davis) through a 2011 Family Conveyance. The Planning Board agreed there might be a need to revise the Subdivision Regulations to place a time requirement that an individual must own property acquired through a Family Conveyance before transferring its ownership.

#### **Agenda Item #8 – Staff Updates**

a. County Attorney  
None.

b. Planning Director

Brian Bender asked the Planning Board for their interpretation of Zoning Ordinance Sections V-B-3(c)(i) and V-D-3(c)(i). Both provisions relate to the issuance of Conditional Use Permits for non-residential uses in Districts #1 and #3, respectively.

The Planning Board first focused on Section V-D-3(c)(i) as Cash Yount was there to represent the Deer Lodge Snowmobile Club and their intention of constructing a storage shed to accommodate a State provided groomer.

Cash Yount provided background information of the Club, the origins of the groomer, and where the Club is in the process of securing one acre from the Gamache Family Trust to place the shed.

The Planning Board agreed the Snowmobile Club did not need to obtain a Conditional Use Permit to construct and use the shed.

Regarding Section V-B-3(c)(i), the Planning Board acknowledged there is not a need to require a Conditional Use Permit for every business.

The Planning Board further rationalized if a non-residential use occupies an existing structure and is comparable in scale and intensity to a previous use, a Conditional Use Permit is not necessary.

The Planning Board also recognized there is a need to treat unique situations on a case-by-case basis.

- c. Other  
None.

**Agenda Item #9 – Public Comments**

None.

**Agenda Item #10 – Announcement of the December 5<sup>th</sup> meeting**

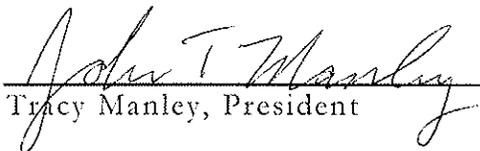
The Planning Board set their next meeting for December 5<sup>th</sup> at 1 PM.

**Agenda Item #11 – Adjourn**

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

President Manley declared the meeting adjourned at 3:26 PM.

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

  
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Tracy Manley, President

12-15-13  
Date