



Planning Department

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MINUTES

PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, October 9, 2014 at 1 PM.

- Members Present:** John Beck, Earl Hall, Rick Hirsch, John Hollenback, & Randy Mannix
- Members Absent:** Tracy Manley, Kenneth Martin, Bill Pierce, & Bruce Thomas
- Staff:** Ricki Bauer, Brian Bender, & Lewis Smith
- Public:** Dave DeGrandpre, Susan Kibler, Roger Little, & John Quigly

Vice President Rick Hirsch called the meeting to order at 1:04 PM.

Agenda Item #1 – Attendance

Five Members being present established a quorum.

Agenda Item #2 – Approval of Agenda

Planning Director Bender asked if the Board is willing to hear item 6b first.

The Planning Board agreed to change the agenda's order.

Agenda Item #3 – Approval of Minutes

Member Hollenback moved, with Member Hall seconding, to approve the September 11th Minutes as presented. The Board approved the motion through a vote of five 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. Quigly COS (Court Ordered Division)

Planning Director Bender explained the origins of the request, and the responsibility of the Planning Board to provide comments to the County Commissioners for subsequent submission to the court.

Roger Little explained the intent of his client and apologized for jumping the gun by obtaining the court's decision before presenting to the Planning Board.

Vice President Hirsch expressed concerns that the item did not come before the Board first.

Roger Little acknowledged the fault.

John Quigly explained his family's intent to keep and maintain the property. He continued by saying the ultimate goal is to create a family property for his siblings.

John Quigly believes the property can accommodate drain fields.

Member Beck asked of the development plan for the property.

John Quigly explained the development plans for the site, and he has a 310 Permit for a footbridge across Ontario Creek. He continued by noting the family may need to have restrictive covenants in place to safeguard the family's interest.

Vice President Hirsch expressed concerns with homeowner associations to oversee properties since these associations can fall apart over time.

Planning Director Bender asked of Wildland Urban Interface conditions.

Member Hall described his role as the County's Fire Warden. He continued by noting the site should have access for fire vehicles (maneuvering space) and defensible space around structures.

John Quigly agreed with Member Hall's comments and explained the family intends to demolish a portion of the existing structure.

John Quigly noted he will seek cooperation from the neighbors for access between the properties. He continued by saying he has thinned the adjacent forest.

Member Hall asked what the roofing material is.

John Quigly responded by saying the existing structure has a steel roof and any future structures will have steel as well.

Member Hall described the resources available through Montana Firewise.

Vice President Hirsch asked what the next step is.

Planning Director Bender explained the need to produce comments for the County Commissioners to consider before sending them to court.

Member Hall noted property owners should be aware of fire safety and suggested a condition stating the consequence of having a structure in a WUI area.

Member Hollenback noted the Planning Board does not have authority to require Fire Codes or Building Codes.

The Planning Board generally discussed fire prevention practices.

Member Beck acknowledged the created lots are inconsistent with District #3 and advised the letter should state that.

Member Hall expressed his thoughts on the 160-acre requirement and possibly, there is not a need for that provision.

Member Hollenback noted the Planning Board is not ready to make that decision at this time, as the Board will need to talk to the public during the Ordinance revision process.

Member Mannix asked Mr. Quigly if his father wanted to keep the property in the family possibly as a Family Conveyance.

John Quigly explained his father did not take the necessary steps before his death. He continued by saying his father did envision the property as a family gathering place.

Member Mannix asked if the Planning Board did not have a quorum, if any action could happen.

Planning Director Bended confirmed the Board could have generated comments.

Member Hall moved, with Member Hollenback seconding, to forward the following comments to the County Commissioners regarding the Quigly Court Ordered Division: (1) The division is consistent with adjacent land uses despite creating lots less than 160-acres in Zoning District #3; (2) Any development on Lots A and C must comply with all applicable Powell County Regulations (such as submitting Development Certificates); (3) The County Sanitarian permits all septic improvements and/or installations; and (4) Property owners take the necessary precautions since the property is in the Wildland Urban Interface. The Board approved the motion through a vote of five to zero.

b. Kibler COS (Boundary Relocation)

Planning Director Bender gave an overview of the request and highlighted the reconfigured parcel on the PowerPoint's Mapping Exhibit.

Vice President Hirsch asked of the status of the property's septic and well.

Planning Director Bender responded that Chad Lanes, the County Sanitarian is aware of the Boundary Relocation and has no problems with its approval.

Member Beck noted the soil in the area has good drainage.

Member Mannix asked is Spotted Dog Canyon Land Investments own the property to the east.

Planning Director Bender confirmed they do.

Member Beck asked of the origins of the eastern most lot line.

Susan Kibler explained she owns the property.

Member Mannix moved, with Member Beck seconding, to affirm Charles & Susan Kibler's Boundary Relocation is not an attempt to evade formal subdivision review and attached one condition to their decision. The Board approved the motion through a vote of five to zero.

- c. Discussion with Land Solutions (Deer Lodge's planning consultant)
Planning Director Bender introduced Dave DeGrandpre of Land Solutions and explained his work with Deer Lodge to update the City's Growth Policy.

Planning Director Bender described the intent of the Deer Lodge Planning Area or District #5.

Dave DeGrandpre discussed the following themes with the Planning Board: (1) City/County Planning Boards; (2) Who has jurisdiction on property just beyond cities' boundaries; (3) Development standards; (4) Deer Lodge's annexation policies; (5) How can the County accommodate the City's growth; and (6) The value of having a single City and County Planner.

Dave DeGrandpre lead the Planning Board through an exercise to identify strengthens and weaknesses of Deer Lodge.

Agenda Item #7 – Planning Board Comments

None.

Agenda Item #8 – Staff Comments

- a. County Attorney
None.
- b. Planning Director
Planning Director Bender informed the Planning Board that Ricki Bauer started as GIS Analyst on September 18th. He continued by advising the Board of a pending Conditional Use Permit petition for a cell tower along Montana Highway 200, west of Ovando.
- c. Other

None.

Agenda Item #9 – Public Comments

None.

Agenda Item #10 – Announcement of the November 6th meeting

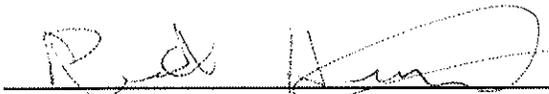
Vice President Hirsch announced the next meeting is set for November 6th at 1 PM.

Agenda Item #11 – Adjourn

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

Vice President Hirsch declared the meeting adjourned at 3:15 PM.

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



Rick Hirsch, Vice President

11/6/14
Date