



Planning Department

Powell County Planning Department | Missouri Ave. | Suite 101 | Deer Lodge, Montana 59722
406.846.9729 | bbender@powellcountymt.gov

MINUTES

PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, November 6, 2014 at 1 PM.

Members Present: John Beck, Earl Hall, Rick Hirsch, John Hollenback, Tracy Manley, Randy Mannix, Kenneth Martin, Bill Pierce, & Bruce Thomas

Members Absent: None

Staff: Ricki Bauer, Brian Bender, & Lewis Smith

Public: Darren Hunter, Michael Stafford, & Price Williams

President Manley called the meeting to order at 1:01 PM.

Agenda Item #1 – Attendance

Nine Members being present established a quorum.

Agenda Item #2 – Approval of Agenda

The Planning Board through consensus approved the agenda as presented.

Agenda Item #3 – Approval of Minutes

Member Hollenback moved, with Member Mannix seconding, to approve the October 9th Minutes as presented. The Board approved the motion through a vote of nine to zero.

Agenda Item #4 – Continued or Tabled Business

a. None

Agenda Item #5 - Public Hearings

a. Centerline Solutions Conditional Use Permit request for a cell tower

President Manley opened the public hearing and asked if any members have a conflict of interest. Hearing none, he asked Mr. Bender for his summary.

Planning Director Bender gave an overview of the proposal with staff recommending approval of the request with eight conditions. He continued by saying staff received no remonstrance.

Member Hall asked which bandwidth will this tower operate at – 850 or 1900 MHz.

Darren Hunter responded the tower will use both bandwidths.

Member Hollenback asked if the tower is necessary.

Darren Hunter explained the intentions of his client and confirmed it will provide coverage to the area.

Member Hollenback asked if this tower will help the existing tower.

Darren Hunter replied that both towers will assist one another.

County Attorney Smith asked if there will be a coverage gap to the west.

Darren Hunter explained the proposed tower will handle or pass calls from the Clearview Junction Tower along to the existing tower (when that is operational).

Member Pierce asked how a company selects a site.

Darren Hunter described how engineers perform studies to find an ideal location to provide maximum coverage to the intended market.

Member Pierce asked of aesthetics of the proposed tower.

Darren Hunter explained how his client explored the best options to conceal the tower such as a monopole configured as a pine tree. He continued by saying such measures were deemed not appropriate for this site.

The Planning Board generally discussed the relevant need for the tower.

Member Martin asked will service providers fill the gaps along Highway 200.

Darren Hunter noted that it will take time to provide the best service possible taking into account the terrain and land availability.

Vice President Hirsch asked if staff received any calls or inquiries from Ovando residents.

Planning Director Bender said there were none.

Price Williams described how his lease works and noted the commitment from Clearview to secure a service provider. He continued by expressing his appreciation for the effort of the Planning Board to extend Clearview's Permit.

Member Martin asked if this tower becomes operational, will that expedite the chances of Clearview to secure a service provider.

Price Williams responded by saying yes and he expects a service provider will arrive before not too long.

Member Mannix asked of the length of the contract with Clearview.

Price Williams explained the contract expires at the end of 2015. He continued by noting the contract stipulates the tower's removal if the contract runs the course without securing a service provider.

Member Hall asked if Mr. Williams benefits from the tower's existence.

Price Williams confirmed he receives payments for the ground lease.

Member Mannix asked of the different bandwidths for this site.

Darren Hunter explained how a tower operates with their ability to accommodate multiply bandwidths.

Planning Director noted the Department issued several Development Certificates for tower upgrades and colocations since the Clearview Tower.

President Manley closed the public hearing.

Member Martin noted there is a sizable investment in the Clearview facility.

Member Pierce asked if there was any interest expressed by Ovando residents.

President Manley acknowledged the residents are aware of this proposal.

Member Beck expressed concerns with the Avon Tower.

Planning Director Bender noted the Tower received new arrays several months ago.

Vice President Hirsch questioned if there is a need to have service providers address the Planning Board and not the tower builders.

Member Mannix voiced concerns that the proposed tower will not provide coverage to Helmville.

Darren Hunter explained this tower will work in conjunction with the Clearview Tower.

Member Martin asked if the approval can contain a condition requiring Centerline to take over the Clearview Tower.

County Attorney Smith advised against that condition as the Planning Board would be taking away a right.

President Manley announced he is ready to accept to motion.

Member Thomas moved, with Vice President Hirsch seconding, to grant Centerline Solutions a Conditional Use Permit to construct a 195-foot high, cellular communications tower on property owned by Maridell Boyd Bandy Trust. The motion included the eight motions listed in the Staff Report including prohibiting construction until the submission of a contract for a service provider. The Board approved the motion through a vote of eight to one with Member Mannix casting the nay vote.

Agenda Item #6 – Non-public Hearing Items

a. None.

Agenda Item #7 – Planning Board Comments

President Manley asked if staff received inquiries for a RV park in Ovando.

Planning Director Bender explained he spoke with Mr. Hooker who was investigating the possibility of placing a RV park on his property. He continued by explaining the activity requires a Conditional Use Permit and coordination with MT DEQ for septics.

President Manley noted he is aware of another proposal for a smaller RV park that is encountering problems for the installation of septics.

Member Pierce explained the recent decision by District Judge Sherlock to strike down the state's Exempt Well Rule.

The Planning Board discussed the consequences of the action for property developers and the agricultural community.

Agenda Item #8 – Staff Comments

a. County Attorney

County Attorney Smith informed the Planning Board that after attending a legal conference next month, he will have better knowledge of land use topics the Legislature will consider in 2015.

b. Planning Director

Planning Director Bender informed the Planning Board that Montana Fish, Wildlife and Parks intend to install a new fishing access and campground at Brown's Lake. He continued by saying the agency decided not to renew their lease with the Graveleys and will development a parcel they own on the south end of the Lake.

The Planning Board discussed the proposal and determined the improvements require the issuance of a Conditional Use Permit.

Mr. Bender said he will inform the agency of the Board's decision.

- c. Other
None.

Agenda Item #9 – Public Comments

None.

Agenda Item #10 – Announcement of the December 11th meeting

President Manley announced the next meeting is set for December 11th at 1 PM.

Planning Director Bender noted the Department received no items for the December agenda.

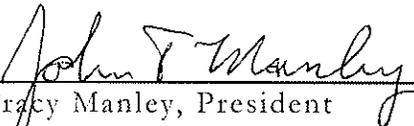
The Planning Board agreed there is no reason to meet if there are no agenda items.

Agenda Item #11 – Adjourn

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

President Manley declared the meeting adjourned at 2:31 PM.

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



Tracy Manley, President



Date