



# Planning Department

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## MINUTES

### PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, January 8, 2015 at 1 PM.

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

**Members Absent:** Bruce Thomas

**Staff:** Ricki Bauer, Brian Bender, & Lewis Smith

**Public:** James & Marlene Gleason, & John Lapka

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 Agenda

Planning Director Bender noted the need to remove item #6a as the petitioner withdrew the request.

The Planning Board through consensus approved the revised agenda.

#### Agenda Item #3 – Approval of Minutes

Member Martin moved, with Member Hall seconding, to approve the November 6<sup>th</sup> Minutes as presented. The Board approved the motion through a vote of eight to zero.

#### Agenda Item #4 – Election of Officers

- a. President
- b. Vice President

Member Martin moved, with Member Hall seconding, to maintain Tracy Manley as President and Rick Hirsch as Vice President. The Board approved the motion through a vote of eight to zero.

**Agenda Item #5 – Continued or Tabled Business**

- a. None

**Agenda Item #5 - Public Hearings**

- a. MT FW&P Brown's Lake FAS Conditional Use Permit – (Withdrawn)  
Planning Director Bender reminded the Planning Board that FW&P withdrew the request and no further action was necessary.

- b. Gleason Minor Subdivision

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 advising the Planning Board to forward a favorable recommendation to the County Board. He continued by saying a notice ran in the *Silver State Post* for two weeks, and there were no inquires.

Planning Director Bender noted Bob Everly reviewed the survey and found no technical problems.

James Gleason acknowledged the overview is correct and explained he wants to give the five-acre lot to his son.

Planning Director Bender explained the original request came across as a Family Conveyance; however, state statues and the County's Subdivision Regulations prohibit Family Conveyances in platted subdivisions. He continued by apologizing for the inconvenience that the oversight caused the petitioner.

Member Hall asked if there any subdivision covenants that would influence this request.

Planning Director Bender explained the proposed five-acre lot complies with the minimum lot size for Zoning District #1. He continued by noting, Powell County does not enforce subdivision covenants only reviews them if they are associated with a new subdivision.

County Attorney Smith concurred, as covenants are agreements between developers and property owners.

President Manley closed the public hearing.

The Planning Board discussed the request and asked Mr. Gleason several questions on the history of the property.

The Planning Board discussed if the survey needs to show an easement for the driveway bisecting the parcel. The Board agreed an easement is not necessary at this time.

Planning Director Bender asked Mr. Gleason if his property contains a campground.

Mr. Gleason explained only family members place campers on the property, and noted there is no exchange of money.

Planning Director Bender also noted the existence of an outhouse on the property and that Chad Lanes has no records for it. He continued by saying Mr. Lanes needs to contact Mr. Gleason to issue a permit for the outhouse.

Member Pierce moved, with Member Hollenback seconding, to forward the Gleason Minor Subdivision to the County Commissioners with a favorable recommendation. The Board approved the motion through a vote of eight to zero.

### **Agenda Item #7 – Non-public Hearing Items**

#### **a. Lapka Boundary Relocation COS**

Planning Director Bender explained the intent of the request and described the ensuing Family Conveyance depends on the Board's decision to the Boundary Relocation. He continued by noting Bob Everly performed a review of the survey and found no technical errors.

John Lapka described the purpose of the Boundary Relocation and with that, his wife and he can provide lots to their son and daughter.

The Planning Board discussed the sequencing of the requests with both dependent upon the petitioners acquiring acreage from adjacent owner.

Planning Director Bender confirmed the petitioners must first complete the acquisition and record its deed before recording the Boundary Relocation / Family Conveyance. He continued by advising the Planning Board they need to determine the request is not an attempt to evade Subdivision Review.

The Planning Board agreed the Boundary Relocation is not an attempt to create a subdivision without formal review. The Board did have concerns with the ability for the 88-acres to the east to accommodate a residence legally.

Member Mannix moved, with Member Martin seconding, to acknowledge the Lapka Boundary Relocation is not an attempt to evade subdivision review. The Board approved the motion through a motion of eight to zero.

#### **b. Lapka Family Conveyance COS**

Planning Director Bender noted the Family Conveyance is the second part of the request and most of the previous comments apply here as well.

Member Hall asked if there will be homes on these lots.

John Lapka confirmed his children will build homes on these lots in the near future.

Member Mannix moved, with Member Martin seconding, to acknowledge the Family Conveyance as presented is not an attempt to evade formal Subdivision Review. The Board approved the motion through a vote of eight to zero.

For both cases, the Planning Board required the petitioners pay the Examining Land Surveyor fee.

- c. Growth Policy Update  
Planning Director Bender informed the Planning Board of the agreement between Headwaters RC&D and Powell County to have the organization assist with updating the Growth Policy. Joe Willauer, Headwaters' Natural Resource Planner will provide the technical assistance.

Member Pierce asked what the timeframe for completion is.

Mr. Bender expects to have the update process done in six months.

**Agenda Item #8 – Planning Board Comments**

The Planning Board discussed what possible changes the updated Policy may contain to reflect opinions of property owners on the north end of the County.

**Agenda Item #9 – Staff Comments**

- a. County Attorney  
None.
- b. Planning Director  
Planning Director Bender summarized 2014 permitting activity with the Department issuing 26 Development Certificates, four Floodplain Development Certificates, and two Right-of-Way Occupancy Permits. The Department also processed 32 Burn Permits, eight Certificate of Surveys, and three Subdivisions.
- c. Other  
None.

**Agenda Item #10 – Public Comments**

None.

**Agenda Item #11 – Announcement of the February 5<sup>th</sup> meeting**

President Manley announced the next meeting is set for February 5<sup>th</sup> at 1 PM.

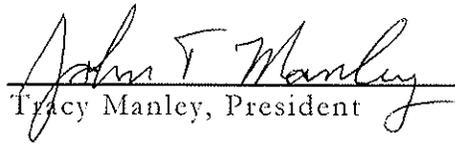
Planning Director Bender explained there is a Court Order Division of Land for the February agenda.

**Agenda Item #12 – Adjourn**

The Planning Board through consensus adjourned the meeting.

President Manley noted the time of 3:01 PM.

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

  
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Tracy Manley, President

2-5-15  
Date