



Planning Department

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MINUTES

PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, July 9, 2015 at 1 PM.

- Members Present:** John Beck, Earl Hall, John Hollenback, Tracy Manley, Kenneth Martin, Randy Mannix, Bill Pierce, & Bruce Thomas
- Members Absent:** Rick Hirsch
- Staff:** Brian Bender, & Lewis Smith
- Public:** Louie Bartoletti, Tony & Janice Hicks, Ken Jenkins, Bernard Mues, Sarah Richey, Michael Stafford, Mike Stenberg, & Joe Willauer

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

Agenda Item #1 – Attendance

Six Members being present established a quorum.

Agenda Item #2 – Approval of Agenda

Planning Director Bender asked for an agenda change to allow Joe Willauer to speak first.

The Planning Board agreed to the change as Member Hall moved, and Member Thomas seconding to accept the agenda with the change. The Board approved the motion through a vote of eight to zero.

Agenda Item #3 – Approval of Minutes

Member Mannix noted an error on Page #5.

Member Pierce moved, with Member Hall seconding, to approve the May 7th Minutes with the correction to Page #5. The Planning 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. Amendment to Rock Creek Cattle Company’s PUD – Addition of a hotel
President Manley opened the proceedings by stating the dates the notice ran in the *Silver State Post* and asked if a member has a conflict of interest with the petitioner and/or request. Hearing none, he opened the public hearing.

Planning Director Bender explained the request and noted staff’s recommendation is for approval.

Mike Stenberg began by introducing Louie Bartoletti to the Planning Board. He continued by explaining the project will adhere to the County Road Standards as suggested in the Staff Report.

Member Hall asked if the fire suppression is wet or dry.

Mike Stenberg responded by saying the system is wet.

Member Martin asked for clarification of how many structures is part of the request.

Mike Stenberg answered that the request consists of two separate structures.

Member Martin asked if the hotel is for the public.

Mike Stenberg responded by the saying the hotel is only available for members and their guests.

Member Mannix asked of the intent of condition #4 listed in the Report.

Planning Director Bender explained the Planning Board has the responsibility to determine if the landscaping standards contained in the Zoning & Development Regulations are applicable.

The Planning Board discussed if there is a need to impose landscaping standards.

Louie Bartoletti noted the landscaping at Rock Creek is fashioned in a way to enhance the project’s naturalistic setting.

Member Thomas moved, with Member Pierce seconding, to allow Rock Creek Cattle Company to amend their Planned Unit Development to allow for the construction of a twelve-room hotel. The motion contained the conditions contained in the Staff Report except for #4. The Planning Board approved the motion through a vote of eight to zero.

- b. Hicks Conditional Use Permit – Legalize commercial storage facilities

President Manley opened the public hearing after announcing the notice ran in the *Silver State Post* on June 17th and 24th, and confirming no member has a conflict of interest.

Planning Director Bender described the history of the request and acknowledged the structures subject to the request already exist – making this an after-the-fact hearing. He continued by saying staff is not recommending any fines or penalties be levied on the petitioners.

Planning Director Bender noted the State Building Inspector, Steve Clark contacted him advising the petitioners started construction without a Permit. The petitioners subsequently obtained the necessary Permit.

The Planning Board discussed if a landscaped screen is necessary and noted the use provides a valuable service to the public.

Tony Hicks explained the advice he received in the past regarding the need for permits and noted he wants to install a 40 by 96-foot open-sided, storage shed for boats, RVs, and trailers.

The Planning Board agreed there was no need to have Mr. Hicks submit another petition to obtain approval for the proposed storage shed.

Planning Director Bender acknowledged the Planning Board could include the approval for storage shed since this request generated no neighborhood opposition and if the Board limits Mr. Hicks to a specific size and location.

Member Hall moved, with Member Mannix seconding, to grant a Conditional Use Permit to Tony & Janice Hicks to operate a self-storage facility at 202 Pine St., E. The motion included permission for the petitioners to construct a 40 by 96-foot open sided, storage shed on the property without the need of another hearing. The motion also removed the need for a landscaping screen. The Board approved the motion through a vote of eight to zero and placed four conditions on the Permit.

Agenda Item #6 – Non-public Hearing Items

a. McKee – Boundary Relocation COS

Planning Director Bender explained the intent of the Boundary Relocation and noted Ken Jenkins, the Surveyor is present to answer any questions.

Member Mannix explained the history of the land swap, the history of the land usage, and the reason for the Certificate of the Survey.

The Planning Board discussed the nonconformity of the remaining acreage.

Member Martin moved, with Member Pierce, for the Planning Board confirming the McKee Boundary Relocation COS is not an attempt to evade formal Subdivision Review. The Motion contained the one condition as listed in the June 30th Staff Report. The Board approved the motion through a vote of eight to zero.

b. Five Valleys Land Trust Conservation Easement

Planning Director Bender explained the reason for sending the materials out first. He continued by asking if any Board members know the landowners.

Members Hall and Martin acknowledged they know the landowners.

Sarah Richey described the purpose of the conservation easement, and the involved parties. She continued by pointing out the properties on the Mapping Exhibit.

Member Pierce asked for clarification of the location since it appears to be in Missoula County.

Sarah Richey noted the subject property is in Powell County.

The Planning Board discussed timber-harvesting provisions in the document.

The Planning Board greatly appreciates the language noting the property owner can draft a management plan.

Member Mannix expressed the value of the excellent language on Page #5.

County Attorney Smith asked if the document allows for the removal of gravel for roads.

Sarah Richey there are provisions for road building on the property, and if the County needs to acquire gravel for roads.

Member Mannix noted there is an arbitration clause, and asked if property splits are possible.

Sarah Richey responded by saying no.

The Planning Board instructed the Planning Director to compose a letter documenting their comments for the benefit of the land trust.

c. Growth Policy Update

Joe Willauer gave the Planning Board an update on the process. He continued by explaining the Board's August 6th meeting will be a work session. At the session, the Board will review a matrix summarizing ordinance proposals and consider revised Goals & Objectivities.

The Planning Board discussed how to accommodate future public meetings.

d. Ordinance Interpretation – Nonconforming Residential Lots

County Attorney Smith explained the response he received from Tara DePuy, MACo's land use attorney regarding how to consider nonconforming residential lots. The response did not offer the Board much in the way of guidance.

The Planning Board advised the Planning Director to include a question on COS applications where petitioners have to acknowledge the consequences of altering lot sizes.

Agenda Item #7 – Planning Board Comments

Member Hall noted a fire ban is in place due to the presence fire and draught conditions.

Agenda Item #8 – Staff Comments

- a. County Attorney
County Attorney Smith said he will prepare a summary of MACo’s review of the Legislature’s land use actions for the next meeting.
- b. Planning Director
None.
- c. Other
None.

Agenda Item #9 – Public Comments

None.

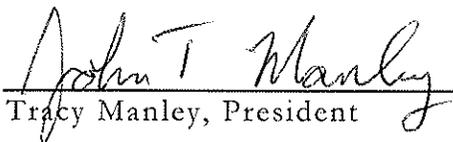
Agenda Item #10 – Announcement of the August 6th meeting

President announced the next meeting is set for August 6th at 1 PM.

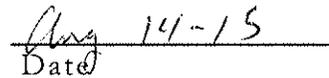
Agenda Item #11 – Adjourn

The Planning Board through consensus adjourned the meeting with President Manley noting the time of 2:40 PM.

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



Tracy Manley, President



Date