



Planning Department

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MINUTES PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, November 7, 2019 at 1 PM.

Members Present: Bill Pierce, John Beck, Earl Hall, John Hollenback, Justin Williams, Rick Hirsch, Randy Mannix, Tracy Manley

Members Absent: John Wagner

Staff: Carl Hamming, Kathryn McEnery

Public: None

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

Agenda Item #1 – Attendance

With eight members being present, a quorum was established.

Agenda Item #2 – Approval of Agenda

The Board made no changes to the Agenda.

Agenda Item #3 – Approval of Minutes

Member Hollenback motioned to approve the September minutes as submitted. Member Pierce seconded the motion and the Board voted eight to zero to approve the Minutes.

Agenda Item #4 – Non-Public Hearings

Rock Creek Cattle Company – Amended Plat for Lot 16A

Mr. Hamming presented the overview of the request to increase the size of Lot 16A within Phase I of the Rock Creek Cattle Company PUD to increase the size of the Lot by 0.03-acres. The increase in lot size will accommodate an addition to the existing garage. The acreage additional acreage will be subtracted from the 'Common Area' land designation that exists in between the townhome lots. Mr. Hamming presented the running total for open space designation that Rock Creek Cattle Company must adhere and they are still ~130 acres above the minimum requirement.

Member Hall commented on the overall WUI concern for the entire Rock Creek Cattle Company development. Despite being located close to the creek, much of the building has occurred within dense timberland.

The Board asked what the internal review process is for something like this proposal. Mr. Hamming was unaware and said he would follow up with Mr. Stenberg to understand their process. Specifically, the Board questioned if the other Lot owners within Phase I would be notified as to their neighbor's attempt to expand their Lot acreage.

Member Pierce motioned with Vice President Hirsch seconding the motion, that the proposed amended plat was not an attempt to evade subdivision review. The Board voted eight to zero in favor of the motion.

Montana Interactive – Burn Permit System Presentation by Fire Warden Hall

Member Hall gave an overview about the electronic burn permit system that the county implemented several years ago. Member Hall discussed the imperfections of the system, but described the organization and structure of the electronic system that has been largely successful. Previously, too much of the burden fell on dispatch, but now it is a much more efficient and streamlined process for people to purchase and activate a burn permit.

The Board discussed various topics of burning such as multi-day burns, DEQ oversight during the winter, and the Vice President's affinity for burning plastics in a burn barrel.

Agenda Item #5 – Public Hearings

None

Agenda Item #6 – Continued or Tabled Business

Family Conveyance Criteria

Mr. Hamming distributed the current language for a Family Conveyance exemption from subdivision review to the Board members. Mr. Hamming stated that the adopted language had been set for roughly a half year and wanted to assess its implementation. Mr. Hamming described two cases in which neither landowner was eligible for a FC due to the criteria listed, but both would be eligible for a minor subdivision. Member Pierce gave the specifics of a situation near Elliston in which the landowner wants to help their daughter obtain some land and build a new residence. However, their current parcel of land was created using an exemption from review; therefore, they cannot utilize another exemption to create a new tract according to the FC criteria.

The Board engaged in a broad conversation that discussed what the state requires when it comes to a Family conveyance and/or minor subdivision. The Board agreed that the bulk of the cost is due to requirements from DEQ and paying for a surveyor. There is a general concern that the current subdivision laws encourage landowners to seek a CUP to build multiple residences on their property rather than be required to go through the subdivision process. There was no action to take, but it was a productive conversation discussing State regulations versus County and what the Planning Board is ultimately able to decide.

Agenda Item #7 – Planning Board Comments

There was a discussion with the County Attorney, Kathy McEnery, regarding the North Powell ambulance levy.

Agenda Item #8 – Staff Comments

- a. County Attorney
- b. Planning Staff – Mr. Hamming mentioned that one or two Conditional Use Permits might be heard at the December Board meeting.
- c. Other - None

Agenda Item #9 – Public Comments

None

Agenda Item #10 – Announcement of the December Meeting

President Manley announced the Planning Board would hold their next meeting on December 5th at 1 PM.

Agenda Item #11 – Adjourn

President Manley adjourned the meeting at 4:15 PM.

Respectfully Submitted,
Carl Hamming
Powell County Planning Director

/s/ President Manley

Date