



# Planning Department

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## MINUTES PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, September 12, 2019 at 1 PM.

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

**Members Absent:** Tracy Manley

**Staff:** Carl Hamming, Kathryn McEnery

**Public:** Lytle Williams

**Vice President Hirsch called the regular meeting to order at 1:05 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 Beck noted that the minutes should read that the “ditch” easement be included on the COS for the Newman BR. Member Pierce motioned to approve the July minutes as submitted. Member John Beck seconded the motion and the Board voted eight to zero to approve the Minutes as amended.

### **Agenda Item #4 – Non-Public Hearings**

None

### **Agenda Item #5 – Public Hearings**

#### **Lytle Williams – Conditional Use Permit**

Vice President opened the Conditional Use Permit by having Mr. Hamming present an overview of the request. Mr. Hamming first stated that notice of the public hearing ran in the Silver State Post on August 28<sup>th</sup> and September 4<sup>th</sup> and had been posted on the Powell County website. Mr. Hamming showed several maps and photos indicating where Mr. Williams and his sister own property. Mr. Hamming explained how the County’s regulations require a CUP for multiple residential structures on a single parcel of property.

A CUP is required if: (iv) *“More than one new residential structure on one parcel. A permit may be denied if the Planning Board determines that the proposal for additional residences is an attempt to evade subdivision review pursuant to the Powell County Subdivision Regulations.”*

Mr. Hamming explained that a Conservation Easement existed on the property and that Kevin Ertl of the US Fish and Wildlife Service had conducted a site visit and approved the location and construction of a new residence. Mr. Ertl had supplied the Planning Department with a signed letter indicating that the proposed construction complied with the Conservation Easement.

Mr. Hamming also discussed the comment letters and calls that had been received by the Department. Two letters had been submitted and shared with the Board. There were some concerns from nearby landowners that permitting additional residential structures with set a bad precedent that undermines the zoning and puts too much stress on the sensitive environmental status of the region.

The Board and Mr. Hamming discussed the different regulations and restrictions that are applicable from the County Zoning and Development Regulations as well as the Conservation Easement limitations. The Board agreed that there is not much concern for any subdivision or further development on the property as the Conservation Easement restricts both.

Vice President Hirsch opened the public hearing and asked Mr. Williams to describe the request. Mr. Williams stated that the second structure on the property is non-residential as it consists of an office space with bathroom and shower. There is also some parking space in the garage. Mr. Williams said he and his sister purchased this property because it has the conservation easement on the land that will restrict further development and subdivision of the surrounding land.

Member Hall questioned the petitioner regarding their wildfire protection plan. Mr. Williams appreciated the informational packet, answered several questions about the defensible space, and admitted that his sister’s house is at great risk. They were prepared to evacuate the property during the Rice Ridge fire. Member Pierce asked Mr. Williams how he got so far into the building process before he learned about the requirement for a Development Certificate (or in this case a CUP). Mr. Williams stated that his neighbors and other landowners of northern Powell County informed him that the County does not have any permits or regulations for development.

President Hirsch closed the public hearing. The Board discussed the County’s language that requires a CUP for each and every additional residential structure on the same piece of property. The Board discussed the restrictive language of a Conservation Easement and their surprise that this one was written to allow additional development.

Member Wagner made a motion to approve the CUP with conditions. Member Mannix seconded the motion and the Board voted eight to zero to approve the CUP. Mr. Hamming will follow up with Mr. Ertl regarding the additional structure on the property. For future agenda items that involve a conservation easement, Mr. Hamming will share the easement language with the Board.

## **Agenda Item #6 – Continued or Tabled Business**

### **North Powell Zoning – Open Houses**

Mr. Hamming provided the Board with a brief history of the effort to seek public comment on the current zoning in the northern portion of Powell County. Mr. Hamming summarized the July meeting at which the Board was generally in agreement that there wasn’t a widely supported demand for any changes to the zoning map. The Board discussed their uneasiness in trying to re-draw the zoning map without a grass-roots effort from the community that requests a specific change. At the July meeting, the Board agreed to table the conversation until Members Manley and Mannix could attend and offer their feedback.

Mr. Hamming informed the Board that he had spoken with President Manley earlier in the week and that he was satisfied with the effort and ready to wrap it up. He had spoken with numerous people from the Helmville area and they agreed that no changes to the current zoning should be implemented. Member Mannix informed the

Board that he had spoken with the landowner to the south of Helmville and that he had no interest in subdividing or changing the zoning map on his property. Therefore, the Board should not pursue any changes at this time. Member Mannix stated that he appreciated that the July minutes noted that a change to the zoning map can originate with the community members and be brought to the County Commissioners at any time.

### **Agenda Item #7 – Planning Board Comments**

None

### **Agenda Item #8 – Staff Comments**

- a. County Attorney – County Attorney McEnery discussed the ongoing efforts with road issues and the MRA property.
- b. Planning Staff – Mr. Hamming asked Member Hall to update the Board concerning debris burning.
- c. Other - None

### **Agenda Item #9 – Public Comments**

None

### **Agenda Item #10 – Announcement of the December Meeting**

Vice President Hirsch announced the Planning Board will hold their next meeting on November 7th at 1 PM unless a time sensitive item comes to the Planning Board before the October deadlines.

### **Agenda Item #11 – Adjourn**

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

Respectfully Submitted,  
Carl Hamming  
Powell County Planning Director

Vice President Hirsch

Date