



Planning Department

Powell County Planning Department 409 Missouri Ave., Suite 114
Deer Lodge, Montana 59722 406.846-9795 planning@powellcountymt.gov

MINUTES PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, August 6th, 2020 at 1 PM.

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

Members Absent: John Beck

Staff: Jerry Grebenc (Interim Planner), Kathryn McEnery, Ann O'Toole

Public: None

President Hirsch called the regular meeting to order at 1:05 PM.

Agenda Item #1 – Attendance

With seven members being present, a quorum was established.

Agenda Item #2 Approval of Agenda

The Board made no changes to the Agenda and approved by overall consent.

Agenda Item #3 – Approval of Minutes

Member Manley motioned to approve the July 2020 minutes as submitted. Member Hall seconded the motion and the Board voted seven to zero to approve the Minutes.

Agenda Item #4 – Non-Public Hearings

Nothing

Agenda Item #5 – Public Hearings

Montana State Prison/Montana Correction Enterprises (MCE) Conditional Use Permit

President Hirsch open the hearing and explained the procedures that the Board would follow. President Hirsch explained that the hearing had been noticed twice in the Silver State Post. President Hirsch asked Mr. Grebenc to provide his report.

Mr. Grebenc gave a brief description of the project, which includes a 10,000 square foot expansion in the food factory facility at the prison. Mr. Grebenc explained that the proposal complied with all of the requirements of the County Zoning Regulations. In addition, he explained that letters had been sent to the adjacent property owners and no comments had been received.

Staff then attempted to reach the Prison's consultant Tori MacPherson of Paradigm 3 Architects via video conference to have her discuss the project in more detail. The video conference did not work, and Mr. Grebenc called Ms. McPherson on his cell phone and he placed her on speaker phone. She described the project and answered several basic questions about the operation and the proposed expansion.

The Board had no other questions and Ms. McPherson then left the meeting. The Board had no other questions or comments on the project. Member Pierce made the motion to approve the project and Member Manley seconded the motion. The Board then unanimously approved the conditional use permit.

Agenda Item #6 – Continued or Tabled Business

Family Conveyance Criteria County Attorney Review

County Attorney McEnery discussed the fact that some of the criteria that the Board was using to review family conveyances may not be legally defensible, specifically whether there was legal access to the property. She explained that the Board was legally only able to review exemptions to determine if there was an attempt to evade subdivision review and that they could not address issues such as access.

Mr. Grebenc described the difference between subdivision and review and the review and exemptions. He explained that the Board had a lot of latitude in reviewing subdivisions and could require legal and physical access, road construction etc. With regards to exemptions, the Board did not have the same authority.

The Board asked if they could at least discuss issues such as legal access with regards to exemptions. Mr. Grebenc said it was perfectly acceptable to recommend to an applicant for an exemption to consider creating legal access, but that it could not be a reason to deny an exemption.

Helmville Cabin Construction

Mr. Grebenc and Ms. O'Toole explained that they sent a certified letter to the property owners. In addition, they explained they both had conversations with Scott Saari (son of the property owners) to discuss the issue, to gather more information and to recommend that the property owners apply for a conditional use permit and fully explain the project they are undertaking on the property. Mr. Grebenc did indicate that he made it clear to Mr. Saari that there were no guarantees the Planning Board would approve the Saari's construction.

The Board and staff then discussed the next steps to undertake if the Saari's did not submit an application for a conditional use permit. The Board asked the County Attorney if the County could ask the court for a "cease and desist" order and the Kathryn indicated the County could.

Before any action with the Court is undertaken, it was agreed by all present that a second certified correspondence should be sent to the Saari's requesting additional information on the construction on the property and to recommend application for a conditional use permit. If the Saari' ignore that letter, then the County Attorney would take the next steps in the inquiry.

Agenda Item #7 – Planning Board Comments

The Board asked about the status of the "new" planner. Ann O'Toole explained that the Commission was still unsure if the planner was going to actually accept the job. Ann further explained that the Commission may issue the person in question a deadline for acceptance. The Board made it clear that they would like to see a full-time planner on board sooner rather than later.

The Board discussed whether they should send a letter to the Commission asking that they move forward with re-advertising the position or whether it would be better for Board President Hirsch to discuss the matter with the Commission. The Board decided an in-person conversation between President Hirsch and the Commission would be better.

The Board then discussed the construction of an additional large storage building up in Gold Creek on the Yoder property. The Board asked staff to go and look at the project to determine if the Yoder's should request a new conditional use permit.

Agenda Item #8 – Staff Comments

The County Attorney explained her work on the Old Yellowstone Trail project related to the County road going from Washington Street in Deer Lodge, through Grant-Kohrs NHS and into the Rock Creek Ranch. The County road will serve as a connection route between the existing trail and the City of Deer Lodge. The National Park Service is questioning the County ownership of the road through the NHS. The County Attorney said she would keep the Board in the loop at her work progressed.

Agenda Item #9 – Public Comments

None

Agenda Item #10 – Announcement of the September Meeting

President Hirsch announced the Planning Board would hold their next meeting on September 10th at 1 PM.

Agenda Item #11 – Adjourn

President Hirsch adjourned the meeting at 3:00 PM.

Respectfully Submitted,
Jerry Grebenc
Interim Powell County Planning Director

President Rick Hirsch

Date