

MINUTES

Regular Meeting
Powell County Planning Board
Thursday, July 7, 2011
Deer Lodge Community Center

▪ **Hospital Tour**

Brian Bender, John T. Manley, John Beck, Rick Hirsch and Bruce Thomas toured the new hospital facility with Alan Bird.

▪ **Call to order at 1 p.m.**

▪ **Attendance**

Members Present: Rick Hirsch (RH), John T. Manley (JM), Bruce Thomas (BT), John Beck (JB) and John Hollenback (JH). **Excused:** Randy Mannix (RM), Sharon Jacobsen (SJ), Marlin Gilman (MG) and Bill Pierce (BP). **Staff:** Brian Bender (BB), Peggy Kerr (PK) and Lewis Smith (LS). **Also Present:** Elmer Billquist

▪ **Approval of the Agenda**

Bruce Thomas made the motion and John Beck seconded it for the Board to approve the agenda through a unanimous vote.

▪ **Approval of the June 9 minutes**

Rick Hirsch asked if Rue was required to do a Variance. A. Yes, on July 28 at 1 p.m. New BOA members are Nancy Cline, Shane Olsen and Carlene Armstrong, joining David Mannix and Tom Gilbert.

Rick Hirsch made the motion and Bruce Thomas seconded it for the Board to approve the minutes as presented, through a unanimous vote.

▪ **Continued or Tabled Business** – The Chapel at Riverfront Park

LS provided a memo giving the Planning Board three options for how to proceed with the Preliminary Plat application (see attached memo).

PK had discussed the options with Schillo this morning, and he was in support of option No. 3.

LS recommended the third option of recommending approval of the Preliminary Plat without DEQ review but with a restriction from any further development without DEQ review since Schillo's church is already connected to the RV Park system following approval from the county sanitarian.

RH – What if down the road DEQ states we can't do that?

LS – We'll deal with it if it comes. The plat will be filed, and I don't see them putting in that effort. Their only response was it has to go through review. Their legal department never got back to us, and we feel comfortable saying it's in your court.

JH made the motion and Bruce Thomas seconded it for the board to take The Chapel at Riverfront Park off the table and bring it back to the board through a unanimous vote.

JH made the motion and John Beck seconded it for the board to choose option No. 3 to recommend Preliminary Plat approval without DEQ review but with a restriction from further development without DEQ review and with the condition the restriction shows on the face of the plat through a unanimous vote.

▪ **Non-public hearing items** - Davis COS – Family Conveyance (see attached staff report)

JM – The property is a mess. It's mountainous. Easement No. 1 road is not in yet? A. Just on paper. The section line does not divide title.

Is Braziel Road a county road? A. No. It is a BLM access road.

RH – Would they be able to gate the road? A. It could be gated but not locked.

LS – Do you see this as an attempt to evade subdivision laws through his use of a Family Conveyance? The Planning Department recommends approval. Could you put a condition stating they could not sell it in so many years? A. Probably not.

BT - Made the motion, and it was seconded by JH, for the Board to approve the Davis COS application with conditions put forth by planning staff, since it is determined that it is not an attempt to evade subdivision review, through a unanimous vote.

BB – Asked the board if they were comfortable looking at COSs.

JM – We should be involved. We need to know what is going on.

RH – Asked for the FC list that Lewis & Clark County uses so when the applicant testifies, they have questions ready.

BB – It would be good to have a list of questions. If something gets challenged, you are in a better position.

▪ **Planning Board Comments**

JH: The Drummond Fire Department wants to build a fire hall in Maxville (Granite County) and Gold Creek. The buildings will cost under \$50,000 to build. Maxville has obtained a 100-year lease from the BLM. Gold Creek has two options: 1) Don Beck offered a piece of ground across the road from the Mennonite pastor (Schrock). 2) Build on the south end of the Community Center property in Gold Creek. The must build these before fall or they will lose the grant. The building will be 30 feet by 36 feet with 12-foot doors on a concrete slab. No restrooms, sewer, water.

BB: That use would require a CUP, and then you would have subdivision requirements. The site is specific to what is required for a drainfield and replacement field.

LS: A Parcel with no sewer system on it. Can you put a DEQ restriction on it? Would you have to have a variance because it has to be big enough to accommodate that.

BB: You have two elements: Zoning approval and platting. Any change of use in that district requires a CUP. If you got us a site plan it would help. You would still have to go through subdivision review.

Three options: 1) At the community hall site you have no facilities in a building. It's an auxiliary structure. What if down the road you wanted to add facilities? 2) Lease on Beck's property. Non-residential use requires a CUP. 3) Subdivision of Beck's property. Can you lose grant money if it's on private ground? Issue of an approach permit.

Hollenback will check to see if they would have to obtain a commercial building permit through the state. They don't have to go through a bidding process because it is under \$50,000.

LS: Will call Chris Miller in Granite County to see how they are handling the building there. He will also check regarding a commercial building permit.

▪ **Staff Updates**

County Attorney – LS: Discussed legislative issues (see attached)

Planning Director – BB: Discussed the April monthly status report. Toured the phosphate plant. Working on a road abandonment in Ovando.

▪ **Other** – None

▪ **Public Comments** – Elmer Billquist asked about a variance to divide property owned by he and his brother and wife, Ole and Avalon, who signed a quit claim deed in 1997. Elmer Billquist filed it in 2011. The property is in District 3, 160-acre minimum lot size.

LS: You have two options: Apply for a variance to allow you to subdivide if the intent is to put a residence on it. File partition action put before a judge for a court ordered division. Or buy it from them.

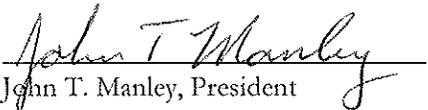
Elmer Billquist: The DNRC said since a stream runs through it, I can't build there.

▪ **Next Regular Meeting** – August 11 at 1 p.m.

▪ **Adjourn**

BT made the motion and JB seconded it for the Board to adjourn, through a unanimous vote.

Assistant County Planner Peggy Kerr compiled the Minutes for review by Planning Director Brian Bender.


John T. Manley, President


Date