

MINUTES

Regular Meeting
Powell County Planning Board
Thursday, October 6, 2011
Deer Lodge Community Center

- Call to order at 1 p.m.
- Attendance
Members Present: Sharon Jacobsen, Marlin Gilman, Randy Mannix, John T. Manley, John Beck, Rick Hirsch, John Hollenback. **Excused:** Bruce Thomas, Bill Pierce. **Staff:** Brian Bender, Lewis Smith, Peggy Kerr. **Also Present:** Mike Stenberg 587-2781, Mike Thompson 542-5516, Jay Kolbe 210-9830, Candice Durran 444-3939, Carolyn Byrd 543-6681, PJ Wright 846-2396.
- Approval of the Agenda
The board agreed to move 6.C. FWP/TNC to 6.B. Otherwise, agenda approved.
- Approval of the September 8 minutes
Jacobsen made the motion and **Hollenback** seconded it for the Board to approve the minutes as presented, through a unanimous vote.
- Continued or Tabled Business – None
- Public Hearing – None
- Non-public hearing items –
Rock Creek Cattle Company Amended Plat (see staff report).
Mike Stenberg explained that members prefer duplexes to triplexes.
Hollenback made the motion and **Manley** seconded it for the Board to approve the RCCC Amended Plat 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.

FWP/TNC Conservation Easement for Sturgeon Mountain King Mountain

Jay Kolbe – One piece of land is going under conservation easement; the other is going through fee title action for the 3,594 Douglas Creek Wildland Management Area. The land is part of the Blackfoot Community Project, Phase 1 of a larger project, 5,500 acres. Formerly Plum Creek Land, mainly timber. Easement and fee title action. The Conservation Easement portion of land can be split amongst owners.

Jacobsen – Utility companies are running into problems getting power through conservation easement ground. It states they have a temporary easement, so they cannot legally go in for maintenance. You need to step back and think of the person with land next to an easement who may need power in the future.

Durran - Will go to legal department to see if this would preclude them from getting maintenance rights.

Jacobsen – You need to speed up the process - make it an easier process through the easement.

Durran - You will be dealing with the landowner; it's two separate things.

Jacobsen – This is something this board has never addressed (utilities). The lines will be underground. No problem there. The problem is if you can't go back in and repair them.

Mannix – Regarding timber & grazing under landowner rights. A forest management plan “prepared by qualified forester or other natural resource professional with expertise in forest management.” The stewardship program trains landowners to write their own plan. Suggests drop the line and say accompanied by a timber management plan approved by FWP.

Jacobsen – The landowners are there all their life. It doesn't matter about title; it matters about your experience on the ground.

Mannix - Grazing. Any system as long as it's rest rotation. It shouldn't be tied to that if something better comes along.

Manley – It should be taken out of there knowing the ground.

Durran - It's a department requirement at this point.

Manley - Rest rotation does not work. I've had a conservation easement for 11 years.

Hollenback - Down the road none of us will know what is the best. You need to know what works best for that property; not a blanket

Mannix – Do you have a mediation clause?

Durran - We have that verbiage and we're going to look at improving it. Something was inadvertently left out.

Hirsch - What will be the cost to FWP for the WMA and fee acquisition.

Kolbe – We are not using a tax or sportsman dollars. We have two sources of funds. The Good Neighbor Fund uses state money to maintain and improve the property. There is the statewide Habitat Montana Program that uses ½ of \$3.5 million.

There is also a forest management account that allows commercial projects and putting the proceeds in an account earmarked for maintenance.

Hirsch - I would maintain that because you are the largest real estate developer in Montana, you do not have enough money to maintain your WMAs and other projects. You guys are getting stretched way to far on your acquisitions. Ask that you be more conservative on your acquisition. Hope you don't lose your mission statement where you started from.

Hirsch - Asked about open roads.

Kolbe - We do not intend to close the primary open roads.

Kerr – Asked if board wanted Hirsch's real estate statement in comment letter. (Yes)

Byrd – Stated TNC is the largest real estate developer, and they have worked closely with FWP in acquiring land.

Beck - How has FWP increased holdings in last few years.

Thompson – FWP has increased by 100,000 acres in Region 2. Acreage has doubled in Region 2 in last two years.

Mannix made the motion, and it was seconded by **Gilman**, through a unanimous vote, to send a letter conveying the points made to FWP.

Bender – the letter template requests a copy of the final easement deed.

Thompson – The letter is needed by Oct. 14 to make the public record.

Jacobsen commended the easement holders over the last 10 years for moving toward preserving versus controlling the conservation values of the land.

Anderson Boundary Relocation – (see staff report).

Kerr said that although the Planning Staff determined the survey application is not an attempt to evade subdivision review, a question had not been resolved that surveyor Hans Streufert brought before Lewis Smith regarding a requirement by the Examining Land Surveyor.

Hirsch made the motion and **Gilman** seconded to table the issue because there is not enough information for the board to make a decision.

▪ **Planning Board Comments**

Jacobsen – Stressed the importance for the easement holders to address utilities in their easements.

▪ **Staff Updates**

Planning Director – **Bender** made note of the Department's monthly status report.

▪ **Other** – Mannix asked about the letter to the Post Office.

Bender has the Post Office letter ready to send.

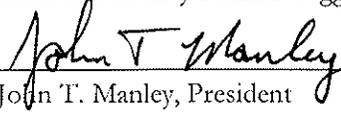
Montana Land Reliance will attend the November meeting to discuss its proposed conservation easement. The hospital may be submitting a Variance application for its proposed hospital sign, which will be located off its premises on adjoining property to the west.

A property owner on the RCCC subdivision is applying for a CUP for a second residence.

Since there is no formal PUD document for RCCC, **Bender** would like to create one.

- **Public Comments** – None
- **Next Regular Meeting** – November 10 at 1 p.m.
- **Adjourn**

Jacobsen made the motion, and it was seconded by **Beck**, through a unanimous vote, to adjourn.
Assistant County Planner Peggy Kerr compiled the Minutes for review by Planning Director Brian Bender.



John T. Manley, President

Date

