

MINUTES

Regular Meeting
Powell County Planning Board
Thursday, November 10, 2011
Deer Lodge Community Center

▪ Call to order at 1 p.m.

▪ Attendance

Members Present: Sharon Jacobsen, Randy Mannix, John T. Manley, John Beck, Rick Hirsch, John Hollenback, Bill Pierce.

Excused: Marlin Gilman, Bruce Thomas.

Staff: Brian Bender, Lewis Smith, Peggy Kerr.

Also Present: Daniel Summerfield, Hans Streufert, Rock Ringling.

▪ Approval of the Agenda

The board agreed to hold addressing the Anderson survey until Lewis Smith arrived, otherwise, agenda approved.

▪ Approval of the October 6 minutes

Hollenback made the motion and **Jacobsen** seconded it for the Board to approve the minutes as presented, through a unanimous vote.

▪ Continued or Tabled Business – Anderson COS – Last month Planning Staff determined the survey application was not an attempt to evade subdivision review, but a question had not been resolved that surveyor Hans Streufert brought before Lewis Smith regarding a requirement by the Examining Land Surveyor. Consequently, the board tabled the issue because there was not enough information for them to make a decision.

Smith – Spoke to Bob Everly about whether there should be one or two surveys for this transaction. They decided that based on research, this was not an attempt to evade subdivision and it was not a two-step process. The other question was whether the easement needed to be monumented. Where the road comes in to Tract A and exits Tract C needs to be monumented. There is no platting of the driveway to identify where it is at. It needs to be done to avoid spending money down the road fighting over it. In addition, new regulations would require it anyway.

Mannix – What is the reason for the survey?

Streufert – Estate Planning. The house is on Tract B.

Pierce – Made the motion, and it was seconded by Hollenback for the Board to approve the Anderson 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.

▪ Public Hearing – Hagerty (RCCC) CUP – 2nd residential unit (see attached staff report).

The presiding officer, Tracy **Manley**, opened the hearing at 1 p.m. and announced the purpose and subject of the hearing as follows: “We are here to hold a public hearing on a second residence on a tract of land. The purpose of this hearing is to receive public comment on the proposal.”

Manley stated that proper notice of this hearing has been provided. “The hearing notice was published in the Silver State Post on Oct. 26 & Nov. 2, 2011.”

The Board members were asked if they wished to declare a conflict of interest in this matter. No conflicts; there being none, all board members participated in the hearing.

The Planning Department presented its report (See attached). **Bender** discussed the history of the PUD agreement and determined that any subsequent dwelling has to go through the CUP process. He has no significant concerns, so recommended approval of the CUP.

The Board was given an opportunity to ask questions for the purpose of clarifying the location and nature of the proposal.

Hirsch – Asked about homes versus lots within the PUD and whether they were creating another parcel.

Bender – Each lot would have one residence. The original PUD plan was used to increase density from 40 acres to much less. He research to see if the original PUD had flexibility, but it wasn't written that way. Would like to look at that to see if it could be amended.

Pierce – Did we notify the landowners within RCCC. He could see problems in an urban setting. A. No, although the adjoining landowners are RCCC.

Pierce – Wants to ask Lewis Smith about densities and whether this should go before all landowners in the development.

Bender – This has gone through the normal publication notice. The actual applicant is RCCC. If it came afoul of their procedures, hopefully they would have stopped this at this point.

Hirsch – Would this change the intent of the PUD?

Bender – You are changing the character of the project; the density. The investors bought into a certain idea. It this got out of hand, hopefully, they would curb it at their end. Once again, the original PUD agreement did not have a lot of language addressing this. Usually, a PUD would have provisions for the developer and property owner as well as the planning authority.

Pierce – Never seen anything restrictive in the covenants?

Summerfield – No. It depends on the RCCC reviewing committee.

Hollenback – Remembered they don't have control regarding building.

Pierce – There is nothing on governance on how they decide?

Bender – There is a design review committee spelled out in the covenants.

Pierce – It strikes me as inappropriate in approving that in the PUD.

Bender – The PUD is based off the staff report and supporting letters.

Pierce – This was represented to the public that we would allow an increased density as part of the PUD concept to preserve ag ground. It is not clear to me that this is something to readily approve.

Bender – One option is to table this and find if we would want this PUD amended to accommodate this.

Jacobsen – If you allow every lot to have a guest home, it looks like you are lowering the value of what you have. If that is what RCCC wants. You might want to review their covenants.

Summerfield – It's reviewed at RCCC internally on a case by case basis.

The PUD is more defined on a lot basis; not on a number of home or unit bases.

Hirsch – It seems like this could be a start of a process to be adding more lots by selling off a residence in 10 years. He would like to hear from Greg Lane as far as their intent.

Bender – Any time a developer wants to amend it, you have that inherent flexibility

Pierce – Request we get an idea of how we allow additional houses.

Summerfield – There are so few other landowners that the process is pretty loose.

Hirsch – Is this our job or RCCC's.

Bender – It is both internal and external. Internal with RCCC and external with Powell County.

Summerfield – Doesn't have a problem with providing a letter of explanation. The only other landowner within 1/2 mile is RCCC.

Pierce – Would like a document stating RCCC is ok with this.

Summerfield – There are so few members of the association at this point.

Beck – The guest house would use the same septic system? A. Yes. It's going through DEQ review.

Beck – Smaller lots might not support a septic system.

Pierce – Asked the Planning Department clean this process for PUDs.

Summerfield, the applicant's agent, explained the reasons for this proposal (see previous discussion).

Manley declared the public hearing open. He asked if there were any petitions or data to be presented to the Board. None were presented.

Manley next asked for statements from the public. No comments were made.

Manley declared the public hearing closed and called for a motion and discussion by the Board.

Following the discussion the Board took this action: **Pierce** made the motion to approve the request to build a guest house with conditions as stated, and it was seconded by **Hirsch**, through a unanimous vote.

Pierce – Down the road, a person who has a home in the PUD says “I don’t want any more density.” We need to get a long term plan from RCCC on the subject. They need to come back and explain it with input from both sides.

▪ **Non-public hearing items – MLR/Fiehrer Conservation Easement**

Rock Ringling – The easement is for 640 acres in Powell County. The property can only be sold as one piece, one cabin is allowed in a 2-acre building envelope, it allows a timber plan, the property is being leased to grazing; roads allowed for timber, ag and residence.

Jacobsen – Strongly recommends not limiting a division of land.

Hollenback - Perpetuity is a long time.

The board asked for a letter to be drafted giving consensus with one comment strongly recommending not limiting division of land.

▪ **Planning Board Comments**

Pierce – Suspects we are not getting good compliance with development certificates.

Bender – Will make a list of names and locations.

Hollenback – Had a problem with a floodplain permit. A monkey wrench was put into the process because of the Floodplain Development Permit. All it took was rip rap to protect a house. When all the permits were there, Powell County got in the way.

Kerr – Two pieces of information were missing in order for the county to issue the FDP: The engineer’s certification and the Base Flood Elevation (BFE) on the site plans. When that was addressed, the FDP was issued.

▪ **Staff Updates**

Planning Director – **Bender** made note of the Department’s monthly status report. The county entered into an agreement with GreatWest Engineering to update GIS capabilities. This will help the Planning Department provide better information to the Planning Board. Next Tuesday is a Board of Adjustment training meeting on how to determine whether a variance should be granted. The Planning Board is invited to attend.

▪ **Other** – None

▪ **Public Comments** – Hans **Streufert**, who has a retracement survey for Bill Bandy questioned why review is \$150.

Smith – We are providing a service and feel it is a fair fee.

Streufert – Asked for the MCA citation that allows for it.

Smith – Some reviews are done in Clerk & Recorder offices; we do it in the Planning Department. It needs to verify that it is a retracement and the survey is in basic compliance for recording.

Streufert – Which the Examining Land Surveyor looks at.

Bender – The commissioners establish the fee.

Smith – We check to see if this is a way of going around the planning board and subdivision review. We are going to see more of these because of the cost of a minor subdivision.

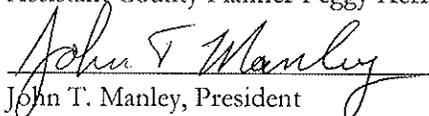
Smith - Will write a letter to Bill Bandy regarding the retracement requirements.

▪ **Next Regular Meeting** – December 8 at 1 p.m. at William K. Kohrs Memorial Library.

▪ **Adjourn**

Pierce made the motion, and it was seconded by **Hollenback**, 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

