

# MINUTES

Regular Meeting  
Powell County Planning Board  
Thursday, December 8, 2011  
Deer Lodge Community Center

- **Call to order at 1 p.m.**
- **Attendance**  
**Members Present:** Sharon Jacobsen, Randy Mannix, John T. Manley, John Beck, Bill Pierce.  
**Excused:** Marlin Gilman, Bruce Thomas, John Hollenback, Rick Hirsch  
**Staff:** Brian Bender, Lewis Smith, Peggy Kerr.  
**Also Present:** Katie Burden, Mike Stenberg, Ralph Fleck, Sharon Anderson, Krisina Nahrgang
- **Approval of the Agenda**  
The board agreed to put Mike Stenberg on the agenda, otherwise, agenda approved.
- **Approval of the November 10 minutes**  
Jacobsen made the motion and Pearce seconded it for the Board to approve the minutes as presented, through a unanimous vote. Jacobsen also stated that work on the cell tower has commenced.
- **Continued or Tabled Business** – None
- **Public Hearing** – None
- **Non-public hearing items:**  
**Fleck Minor Subdivision** – Bender gave the report (see attached). An agricultural exemption had to be lifted in order for the subdivision to go forward.  
**Sharon Anderson** – Bought the adjoining property in 2005. Have cattle on their property that they access through a gate that goes over Flecks ground.  
An easement agreement between Anderson and Fleck was recommended.  
**Jacobsen** – Why no public hearing? A. Not required for a minor subdivision.  
**Pearce** – Has DEQ given approval? A. Not yet. Must wait for the commissioner decision on Preliminary Plat.  
What was the approximate expense of the subdivision?  
**Fleck** – \$4,000 to \$5,000 for the engineer; \$1,200 and \$100 for the Powell County costs; \$1,000 for the surveyor; \$2,700 to purchase the state's ROW. I have more into it than what I purchased the property for.  
**Pearce made the motion and Jacobsen seconded it for the Board to make a recommendation to the County Commissioners to approve the Fleck Preliminary Plat with conditions, through a unanimous vote.**
- Lindquist Family Conveyance**  
No other siblings.  
**Pearce made the motion, and it was seconded by Beck, 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.**
- Mike Stenberg – Rock Creek Cattle Company and second structures**  
**Pearce** – Was questioning and hoping Lewis Smith would look into how our regulations fundamentally apply within a PUD. Under a CUP you can have a second residence, but what about in a PUD. A PUD is a predefined structure; a higher density tradeoff. He wants to know if RCCC has an obligation to landowners that you can build more houses even through you are not creating deeded parcels. RCCC doesn't have this process defined in the covenants.

**Stenberg** – All building goes before the design review committee. Individuals just aren't building these second residences. Greg Lane doesn't anticipate a lot of guest houses on the project. Will probably be a select few down the road. A lot of lots are cabin lots. Goes to public notice in the paper. Maybe need more notice to landowners. The PUD defined the number of lots. We are still meeting set aside of one lot per 40 acres. So meeting zoning.

**Pearce** - Would think to clearly communicate to your buyers and landowners that there may be more than one house on a lot.

**Stenberg** – Right now a CUP is required within a PUD to increase housing density. A PUD approved the lots. RCCC should be cognizant of letting buyers know the idea that there could be more houses.

**Bender** - Do you define the accessory? Size, character?

**Smith** - We approved the PUD, having reviewed the covenants and internal operating docs and require they are consistent with zoning established in 6.b.1a. Our obligation is to make sure they meet the open space and are operating consistent with the documentation we approved with the PUD. They must be consistent with covenants and any internal operating documents in the PUD. Other than that we don't have a whole lot to say in the minor specifics. We're looking at in creating a guest house, are they violating internal documents or our regulations.

**Pearce** - Should they clean up their internal documents language. Would think you would want some additional definition on that. He wants to make sure all the policies mesh between county and RCCC.

**Stenberg** - Covenants say single family residence.

**Smith** - If you change the concept of what you are doing, that would have to come before the planning board.

▪ **Planning Board Comments**

**Randy Mannix** – Asked about the Spotted Dog Decision. FWP made the recommendation to the governor to nix bison on all but reservations. The decision hasn't yet been made. There is a meeting Friday when the commissioners are to consider the recommendation.

▪ **Staff Updates**

**Planning Director** – Next month is a CUP and a road variance application.

**County Attorney** – Smith attended a county attorney civil conference. When people in Lewis & Clark County review a family conveyance, the applicants must swear before the commissioners.

▪ **Other** – None

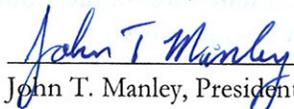
▪ **Public Comments** –

▪ **Next Regular Meeting** – January 5 at 1 p.m. at William K. Kohrs Memorial Library.

▪ **Adjourn**

Meeting adjourned.

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

  
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John T. Manley, President

  
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Date

*correct spelling*