

# MINUTES

Regular Meeting  
Powell County Planning Board  
Thursday, January 5, 2012  
Wm. K. Kohrs Library

▪ Call to order at 1 p.m.

▪ Attendance

**Members Present:** John Beck, Rick Hirsch, John Hollenback, John T. Manley, Randy Mannix, Bill Pierce, and Rex Rieke.

**Excused:** Sharon Jacobsen and Bruce Thomas.

**Staff:** Brian Bender, Peggy Kerr, and Lewis Smith.

**Also Present:** Martin Byrnes 452-3321; PJ Wright 846-2396; Wayne Slaght 793-5532; Ben Slaght 793-0057; John Kellogg 728-1880

▪ Approval of the Agenda

The board approved the agenda as presented.

▪ Approval of the December 8<sup>th</sup> minutes

Hirsch asked about the Commissioners' lifting of the agricultural exemption on Fleck's property.

Pierce made the motion and Beck seconded it for the Board to approve the minutes with corrections to the spelling of Pierce's name, through a unanimous vote.

▪ Continued or Tabled Business – None

▪ Public Hearing – Rosenthal – CUP – Additional residential structure (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 an additional 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 Dec. 21 & 28."

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** presented the staff report. 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.

**Mannix** – Asked about permits regarding the house located on the pond.

**Martin Byrnes** – They have applied for a 404 permit with the Corps of Engineers. Will also obtain state mechanical, electrical and plumbing. They are using the same techniques as if this were a commercial project. What is unique is they are putting in pilings. Regarding waste, the toilets go to an enclosed sump and then to a drainfield.

**Hirsch** – Does the Conservation Easement allow for this?

**Martin Byrnes** – The MLR Easement allowed the landowner to maintain two existing residences and other existing residential related structures (Fanny Steel original cabin known as Orville's cabin, and the existing island cabin known as Ed's cabin). Other Fanny Steel original existing residential structures include a tack shed and bunkhouse.

The Easement also allowed two new residences. The existing shop was built with the understanding it would fulfill one of the new residences allowed. The proposed new lake cabin will fulfill the remaining new residence allowance.

**Mannix** - Is this a natural pond?

**Martin Byrnes** – It is a seasonal pond that is dammed. By the third week of August, it goes underground. It comes out the third week of May.

**Mannix** – When will construction take place?

**Martin Byrnes** – Plan to drive pylons and foundations by the end of March before the water comes back in the lake.

**Hirsch** – You have an unnamed stream. Is there irrigation out of it. Does FWP know about this?

**Martin Byrnes** – Received a letter from FWP. It's actually a manmade pond.

**Beck** – How deep is the water?

**Martin Byrnes** – 3 to 4.5 feet.

**Pierce** – Why are you going through the 404 process?

**Martin Byrnes** – We are working out on whether this is a navigable waterway.

**Martin Byrnes**, 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 an additional house with conditions as stated, and it was seconded by Mannix, through a unanimous vote.**

▪ **Non-public hearing items:**

**Slaght Road Variance Request** – Bender presented the report (see attached).

Request to deviate from County Road Standards to accommodate residences near Ovando; the width of the road and the depth of substrate materials.

**John Kellogg** – Slaght plans to subdivide his 20-acre tract. The road would provide access to the westerly three lots. The road was platted in 1979 (COS 159). Wayne wants to make sure he would not have to build a very expensive road. The road standards exceed those of any road in northern Powell. If approved by the Commissioners, Wayne would proceed with the subdivision.

**Manley** - Trixie's parking lot, is there an easement through that?

**John Kellogg** - That is all state road right of way. We have applied to the DOT to access that. The landowner behind Trixi's uses this road. The road was originally put in for access to these tracts from the original COS.

**Pierce** - The ROW is 60 feet.

**Bender** - They are not adjusting the ROW size.

**Pierce** - 15 foot is as narrow as you want to go and the 4-inch base is as shallow as you go.

**John Kellogg** - We want to provide a road that would not consider too much traffic.

**Hirsch** - If the road deforms you would have to fix it. Who would fix it?

**Pierce** - Are you putting subgrade?

**Wayne Slaght** - No. It's been here for years.

**Beck** – How will you access Lot 2A?

**John Kellogg** – Saragus Lane, built in 1979.

**Mannix** – What is the condition of Saragus Lane?

**Bender** – It was built prior to today's requirements.

**Hirsch** – Would this road have a chance to continue on; if so would it change the width of the road for development to the south. It may be adequate for your three lots, but what about further development.

**John Kellogg** – There is one more tract from the COS.

**Kerr** – There are also lots to the west from a previous subdivision.

**Bender** – You can recommend higher standards if another subdivision would trigger further development of the road.

**Hirsch** - You do have your 60-foot ROW. He does not like the hammerhead turnaround; prefers a circle. Believes a fire truck would have a problem turning around.

**Wayne Slaght** - Already had the fire chief signed off on it.

**Pierce** - If you have a 15-foot road, the hammerhead won't support a tandem truck turning around. Also, the logic behind a 17-foot road is it is twice the vehicle width in Montana.

**Hirsch** – Will you have a Homeowners Association?

**John Kellogg** – Will have a maintenance agreement.

**Hollenback** - Down the road who would handle it.

**John Kellogg** – Saragus lane has held up for 30 years.

**Pierce** – Staff recommendation states it supports the proposal. What criteria did you use to go from a 24-foot road to thinking a 15-foot top in their construction was adequate.

**Bender** – We had a lengthy meeting with the applicants. The road is only for residential purposes. The idea to promote development in the Ovando area is a positive. Plus, we had our engineer, Chris Laity, and the fire chief look at it. We weighed each of these issues. There is sufficient ROW to increase the road. We have not received any objections from the community.

**Pierce** – We're accommodating their situation to just get along. It is interesting we would recommend to the commissioners to approve this when we think it is inadequate for their intended purposes.

**Pierce** – do you have covenants on these lots that would restrict anything?

**John Kellogg** – We have not gotten into that. It's a residence subdivision.

**Pierce** – I find this whole idea that we would recommend this to the commissioners as acceptable as disturbing. I wish you were doing more with that road.

**John Kellogg** - We're looking at a road that is appropriate for the amount of use that it is going to entail in the future. Saragus has held up very well in 20 years. We have found that roads that have been over-built have weed problems, fall apart. Not compacted. We want it easily maintained in the future.

**Wayne Slaght** - In all reality the road that is there is adequate. That road has been there for years, it doesn't sink in.

**Hirsch** – The county is between existing roads and trying to update. We're making the people to have better roads in the subdivisions than the roads that get to the subdivisions. Somewhere we have to make the stand to start doing a better job. I'm not in total agreement with the standards because the county doesn't adhere to them. We need a mechanism to develop ground without having to spend so much money to do it. Have we stymied all growth in Powell County because of the standards.

**Hollenback** - If someone drives off the gravel there is not going to be a wreck.

**Manley** - The road is pretty solid.

**Mannix** – Would it be better off not to use any surface and let it alone.

**Smith** – Once you start developing, you need a set path.

**Pierce** – Feels uneasy recommending to the Commissioners a set width.

**Smith** – Concerned if you have good valid reasons of why you are deviating.

**Brian** – If don't like the road standards, let's think about that. Staff thought this was a reasonable request.

**Pierce** - Does not want to make that specific of a recommendation.

**Mannix** - Any swales issues?

**John Kellogg** - A very gradual slope from Trixi's - about 1 percent.

**Pierce** - The narrowest driveway is 14 feet. He understands the cost, but it should be 16 to 18 feet. This is not in everybody's best interest. He wants to make a motion to recommend the deviation but let the Commissioners make the decision.

**Bender** – What about putting in two passing pull-outs?

**Wayne Slaght** - Feels comfortable going to 16 to 18 feet.

**Pierce** – Made a motion and Mannix seconded it for the board to recommend to the Commissioners to consider deviation from the Powell County Road Standards, decreasing the road minimum to 17 feet wide and placing 4 inches of gravel on the existing subgrade, in addition to other staff conditions, as well as recommend the Commissioners take under advisement a re-study of the County Road Standards' interior roads, through a unanimous vote.

**John Kellogg** – Asked about the road improvements through a letter of credit. It requires three bids; they would prefer an engineer's estimate. Plus the 200 percent guarantee is high. A. He would need to bring that before the Commissioners when he applies for Subdivision Review.

▪ **Planning Board Comments**

**Election of officers** – Pierce made the motion and Hollenback seconded it to retain Tracy Manley as Planning Board President. Pierce made the motion and Hollenback seconded it to elect Hirsch as Vice President.

**By-Laws review** – No changes

**Fee schedule update** – Bender will bring supporting documentation regarding fee increases next month.

**Valley Fire District CUP charges** – Hollenback voiced concerns about the hiring of an engineering consultant regarding the road as well as the bill including the consultant fees.

Staff handed out supporting documentation. Hollenback will meet with Bender at his office to discuss further.

▪ **Staff Updates**

**Planning Director** – Avon rezone: move the community district boundary to the west to accommodate the creation of a tract that is currently in District 4 (40-acre minimum lot size).

**County Attorney** – John Beck asked him about the Bison Management Plan.

▪ **Other** – None

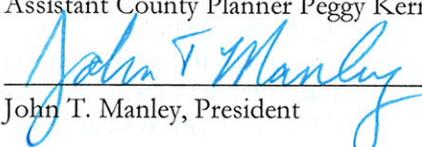
▪ **Public Comments** – None

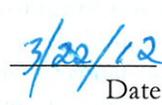
▪ **Next Regular Meeting** – February 9 at 1 p.m. in the William K. Kohrs Memorial Library.

▪ **Adjourn**

**Pierce made the motion and it was seconded by Hirsch, through a unanimous vote, to adjourn.**

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