

MINUTES

Regular Meeting
Powell County Planning Board
Thursday, March 15, 2012
Wm. K. Kohrs Library

- Call to order at 1 p.m.
- Attendance
Members Present, Rick Hirsch, John T. Manley, Randy Mannix, Bill Pierce, Sharon Jacobsen and Bruce Thomas
Excused: John Beck and John Hollenback
Staff: Brian Bender, Peggy Kerr, and Lewis Smith.
Also Present: Mel & Steve Leistiko, John Kellogg, Marwan Saba, Kenny Martin.
- Approval of the Agenda
Jacobsen made the motion and Pierce seconded it for the Board to approve the agenda.
- Approval of the January 5 minutes
Pierce made the motion and Mannix seconded it for the Board to approve the minutes with the following corrections: on page 2, the base is 4 inches; not 4 feet, and the logic behind increasing the width of Slaght's road to 17 feet is it is twice the vehicle width in Montana, through a unanimous vote.
- Continued or Tabled Business – None
- Public Hearing – Leistiko – CUP – Additional residential structure (see attached staff report).
The presiding officer, Tracy **Manley**, opened the hearing at 1:15 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 February 29 & March 7.”

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 the location. A: Clear Creek Road and State Hwy. 141.

Smith – Additional structure is a bunkhouse?

Leistiko – It will be a guest house. It has bunk beds, a woodburning stove. Also used for hobbies and crafts.

Manley – Will it be commercial?

Leistiko – No. Scrapbooking only.

Hirsch – Will the Road Standards apply to this?

Manley - It is on private property.

Steve Leistiko, 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.

Mannix – Are these the usual recommendations?

Bender – They are pretty typical.

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

▪ **Non-public hearing items:**

Hogan COS – Boundary Relocation.

Thomas made the motion to, and it was seconded by Jacobsen, for the Board to approve the Hogan 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.

Ovando Mountain View Minor Subdivision Preliminary Plat (Slaght) – Bender presented the report (see attached).

The Petitioner has applied for Preliminary Plat as well as requested to deviate from County Road Standards, 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.

Kellogg - Was surprised the Post Office sent a letter of support as did others.

Jacobsen – That is what we planned, to have development in the community centers.

Kellogg – Had applied for an approach permit from the state, which relayed concerns about adding traffic to the parking area at Trixi's Saloon, so he revised the proposal to access all four lots off Saragus Lane.

Pierce – Is the Right of Way 60 feet?

Kellogg – Yes. We are putting all the utilities on 40 feet on the south side of the fence.

Pierce – Saragus Lane is able to support the added traffic?

Pierce – Is that a county road? A. No. It's a private road.

Jacobsen – It drifts badly in the winter.

Kellogg – We are proposing three lots with wells and septic systems. Same plan; just more the road. They are about to apply for DEQ approval.

Pierce – Asked Kellogg a number of questions about non-degradation issues, testing; whether he used a consulting engineer; subdivision costs.

Jacobsen – Asked about filing for water rights. When Haggert built, the rancher who gets his water from the creek filed suit. It's out there and this adds to that problem. You might be advised that they file for water rights on their wells. She doesn't want these landowners to want to deal with that.

Kellogg – Typically, that happens automatically when you drill a well through the DNRC. He will pass on Jacobsen's information about the past history of the property.

Hirsch - Asked about legal access and who would pay for future upgrade of the road.

Kellogg - It would be future developer's responsibility to pay for the width for further subdividing.

Hirsch – The 90-degree corner on the new road would cause trouble. Do we need a variance off of Hwy. 200 to Bear Lane?

Bender – It's a private road, as is. We didn't look at Saragus. The amount of development, three additional lots is not a great impact.

Kellogg – Saragus' width has about 20 feet, up to 24 feet.

Hirsch – Saragus is flat? A. Yes.

Smith – You have control over the new developer coming in regarding road issues.

Mannix - Any covenants?

Kellogg - None is being proposed.

Hirsch - Asked about a dry hydrant.

Kerr - The Ovando fire chief did not recommend that.

Jacobsen - made the motion and **Thomas** seconded it for the Board to make a recommendation to the County Commissioners to approve the Ovando Mountain View Minor Subdivision Preliminary Plat with conditions, through a unanimous vote.

Jacobsen - 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 off Saragus Lane, through a unanimous vote.

Beck COS - Boundary Relocation

Kerr - Beck's property enlarged to meet the fence.

Thomas made the motion to, and it was seconded by **Hirsch**, for the Board to approve the Beck 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.

Movie - 1/3 mile to Safety: A Family's Story - Possibly show this next month. Came through Bart Barton's office.

▪ **Planning Board Comments**

Fee schedule - Bender will get a break down from Jen.

Road standards -

Hirsch - Doesn't know how a homeowner or subdivision could meet these standards.

Pierce - They would be appropriate if you have a lot of traffic.

Bender - These are urban/suburban standards. There is a value to changing circumstances to us, but you want at least a safe baseline. We could look at what other rural communities do. Recommends suggest to the commissioners to change the standards to suit the needs.

▪ **Staff Updates**

Planning Director - A regional strategy meeting is set for March 22, 6 to 7:30 p.m. at the community center.

The planning board is still short one member.

Garrison Cell Phone tower is not in commission. Staff will notify them they must dismantle within 180 days if they are not working.

Launderville property - going through bankruptcy - Montana Federal Bankruptcy Judge Ralph Kirscher.

Hirsch stated there are a number of issues on the property such as water rights, movable pivots with a well. He expressed concern about how easy it is for people to circumvent subdivision by obtaining a court order.

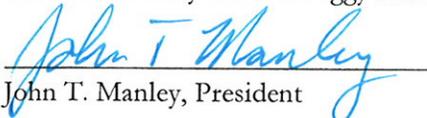
▪ **Other** - None

▪ **Public Comments** - None

▪ **Next Regular Meeting** - April 12 at 1 p.m. in the William K. Kohrs Memorial Library.

▪ **Adjourn** - **Jacobsen** made the motion and it was seconded by **Thomas**, 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

