

Powell County Planning Department
MINUTES
Regular Meeting
Powell County Planning Board
Thursday, January 13, 2011
Deer Lodge Community Center

- **Call to order** at 1 pm.

- **Roll call**
Members Present: John Beck, Marlin Gilman, John Hollenback, Rick Hirsch, John T. Manley, Randy Mannix, and Bill Pierce.
Excused: Bruce Thomas and Sharon Jacobsen.
Staff: Lewis Smith, Brian Bender, and Peggy Kerr.
Also Present: Pat Hansen.

- **Approval of December 9, 2010 minutes**
The Board questioned if RCCC met the three requests made in last month's Preliminary Plat document? Assistant Planner, Peggy Kerr said they did, and the Commissioners approved the RCCC's Preliminary Plat application. **Hollenback made the motion that the Board seconded to approve the minutes as read, through an unanimous vote.**

- **Brian Bender was introduced as the new Planning Director.**

- **Commissioner Cele Pohle visited the hearing to share a letter that she read to the FWP Commission regarding the introduction of bison to the the Spotted Dog acquisition** (see attached).

- **Kmon CUP Public Hearing**
The presiding officer, Tracy Manley, opened the hearing at 1:10 p.m. and announced the purpose and subject of the hearing as follows: "We are here to hold a public hearing on a Conditional Use Permit application to build a base of operations for an outfitting business. 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. 29, 2010 and Jan. 5, 2011."

The Board members were asked if they wished to declare a conflict of interest in this matter. There being none, all board members participated in the hearing.

The Planning Department presented its report (see attached staff report).

The Board took the opportunity to ask questions to clarify the location and nature of the proposal.

Q. Is this close to the in-door arena? Yes.

Q. Did you buy the business from Jack and Karen Hooker? Yes. We did not buy the property; the business only. The Hookers will stay at their property.

Manley – Will this include hunting in the Bob Marshall Wilderness? Yes.

Pierce – Recommended checking with the state building department in Helena as to whether they need a building permit. If open to the public and commercial in nature, you may need a permit.

Megan Kmon – There will be no guests, only employees.

Lewis Smith – The concern is whether you have to deal with Montana State Building Regulations.

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Kerr will e-mail the contact for building permits.

Michael Kmon explained the reasons for this proposal. This will be a place for us to live; a small 1,000-square-foot apartment. There will be bedrooms acting as a bunkhouse for guides and wranglers. It is a seasonal business – June 1 to the end of November. There will be no guests on the property; just guests showing up for the trip. We will be grazing horses; we will build a coral and grazing stock on surrounding ground. There will be a large kitchen to support the business, but the building will have mostly open space for storage.

The driveway will be roughly 17 to 18 feet wide along a 40-foot easement. We received approval for the approach permit. No increase to traffic is expected. It is going to be essentially the same business the Hookers operated for 40 years. No traffic flow change and no added impact to neighbors.

Q. Will you be constructing other buildings? We will have lean-to additions off the barn; hay barn, pole barn and corral system.

Smith – Ag buildings are generally exempt – meaning you do not need to return to the Planning Board for approval for their construction.

Mannix – Will you be residing year round? Yes.

Manley declared the public hearing open. He asked if there were any petitions or data for the Board to consider. None were presented. Manley next asked for statements from the public. “Please state your name before making your statement.”

Pat Hansen – I think it is great that young people are taking over these businesses.

Manley declared the public hearing closed and called for a motion and discussion by the Board. There was no discussion.

The Board took this action: Mannix made the motion to approve the CUP to allow for the construction of a base of operations for an outfitting business with conditions as found in the Staff Report. The Board seconded the motion and approved it through an unanimous vote.

Planning Director Bender – Asked the petitioners if they were aware of the conditions and if they agreed to them. After describing the conditions, the petitioners agreed to them. Peggy Kerr will e-mail the staff report to the Kmons.

- **Davis Boundary Relocation** – Previous acreage was 167.49 for Davis and 29.11 for Williams. Davis plans to sell five-acres to Williams. The petitioners are not creating a new tract of land. The parcel is in Zoning District 4. Staff advised the Planning Board that the petitioners are not required to attend the meeting. **Randy Mannix made the motion confirming the survey does not appear to be an attempt to evade subdivision review, with the Board seconding the motion. The Board approved the motion through an unanimous vote.**
The Planning Board questioned what are the laws regarding old and new boundaries? A dotted line for the old boundary; a solid line for the new boundary according to uniform standards. In the future staff will be utilizing the projector and produce visual aids to walk the board through projects.

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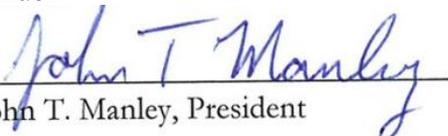
- **Steele Boundary Relocation** – The Steele survey will be filed after the related Aili Davis survey has been filed. They are waiting for deeds before it can be filed. The Planning Board questioned what is the significance to allow the petitioners to do the boundary adjustment first? Staff responded by saying the petitioners would have to buy the easements. **Bill Pierce made the motion confirming the survey does not appear to be an attempt to evade subdivision review, with the Board seconding the stated motion. The Board approved the motion through an unanimous vote.**
- **County Attorney Updates** - Discussed deadlines for revisions to the regulations. Give Brian time to review and give his recommendations, possibly by July. Lewis Smith recommended the Planning Board start reviewing the Subdivision and Zoning & Development Regulations. CTAP will not have model subdivision regulations ready until after the Legislative session, so it will probably be another year. Directed Peggy to put together all comments for changes to the regulations. Discussed fee increases, the value of Development Certificates and whether the Commissioners will support enforcement.

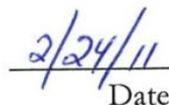
Smith and Bender are looking to restructure the Board of Adjustment.

Regarding the marijuana decision between the city and certain Deer Lodge citizens, the 3rd District judge ruled in favor of the City, that they were enforcing their ordinance correctly. Chilcott can keep his business.

- **Other** - Bill Pearce asked about an Elliston resident who has 1,000 acres located in District 3 with a portion in the Community Center. The resident wants to divide out a one or two-acre tract that has a log house his parents once lived in and which he rents out now so he can obtain cash if needed. He cannot do a family transfer. Some options are court order, boundary relocation, variance procedure. Burnt Hollow called regarding a possible family conveyance. Schillo and Fleck are expected to file for subdivision review. Rick Hirsch reported on the FWP Commission meeting regarding Spotted Dog. He urged people to submit letters to FWP regarding buffalo.
- **Open period for public comments/announcements** - None
- **Next regular meeting** - Thursday, February 10, 2011, 1 p.m., in the Deer Lodge Community Center.
- **Adjourn** - Meeting adjourned.

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


John T. Manley, President


Date