



Planning Department

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MINUTES

PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, October 11, 2012 at 1 PM.

Members Present: John Beck, Earl Hall, John Hollenback, Sharon Jacobsen, & Randy Mannix

Members Absent: Rick Hirsch, Tracy Manley, Bill Pierce, & Bruce Thomas

Staff: Brian Bender

Public: Doug Mitchell (Montana Land Reliance)

The meeting came to order at 1:05 PM.

Agenda Item #1 – Attendance

Five Members being present established a quorum. Due to the absences of Tracy Manley and Rick Hirsch, the Board nominated Randy Mannix to serve as Chair for the meeting through a motion made by Member Hall and seconded by Member Jacobsen.

Agenda Item #2 – Approval of the Agenda

The Board approved the agenda as presented by consensus.

Agenda Item #3 – Approval of Minutes

Member Jacobsen moved, with Member Hall seconding, to approve the September 17th Minutes as presented. The Board approved the motion through a vote of five to zero.

Agenda Item #4 – Continued or Tabled Business

None.

Agenda Item #5 Public Hearings

- a. Conditional Use Permit request submitted by William & Dena Hooker to place a second residence on their 20-acre lot in the Ovando Rural Community District.

Planning Director Brian Bender provided an overview of the request and noted how a discussion with Dena Hooker and her mother on September 6th clarified several items highlighted in the Staff Report. He also explained the conversation with the three Board members present on September 6th resulted in producing a supplemental Staff Report to remove any ambiguities from the Report.

Chair Mannix asked if proper notice of the request occurred.

Planning Director responded “yes” and that the office did not receive any public comments regarding the request.

Chair Mannix closed the public hearing and asked if the Board had any further questions regarding the request and if not, is willing to accept a motion for action.

Member Jacobsen moved, with Member Hall seconding, to grant the Conditional Use to William & Dena Hooker to place a second residence on their 20-acre lot in the Ovando Rural Community District with the seven conditions listed in the September 24th Staff Report. The Board approved the motion through a vote of five to zero.

Agenda Item #6 Non-public Hearing Items

a. Montana Land Reliance – Joann Spence Conservation Easement

Doug Mitchell of the Montana Land Reliance described the specifics associated with the Conservation Easement.

Member Hall asked of the consequences of conservation easements to the County as well as property owners.

Planning Director Bender gave a quick explanation of the Board’s authority to review the easements and make recommendations.

Member Jacobsen described the history of the Board to assist property owners new to the process and explain the value of easements to their properties.

Member Hollenback noted how different organizations worked with the Planning Board to improve the meaning of easements.

Planning Director Brian Bender explained how the subject property was involved in a Conditional Use Permit hearing back in April to operate a restaurant. He continued by saying the boundary relocation will place the access to the restaurant entirely on Sommers’ property.

President Manley opened the discussion and asked Member Hollenback for his comments since he resides in Gold Creek.

Member Hollenback acknowledged the boundary relocation is a simple action to correct access to the restaurant and noted the small transfer of land to the south from Sommers to Hogan ensures each has the same acreage after the boundary relocation.

County Attorney Lewis Smith agreed the request appears to be straightforward.

Member Jacobsen moved, with Member Thomas seconding, to affirm the Hogan / Sommers COS Boundary Relocation is not an attempt to evade formal subdivision review process. The Board approved the motion through a vote of five to zero.

b. Stone / Hall COS – Boundary Relocation

Planning Director Brian Bender described how the Stones recently constructed a residence in the Gray Wolf Major Subdivision and accidentally placed it in the 20-foot setback specified in the subdivision covenants. The intent is to move the lot line so the residence has the required twenty-foot setback, and there is a corresponding shift to the line so both lots remain at five acres.

County Attorney Lewis Smith had no objections to the request.

President Manley asked if there were any other questions and if not, sought a motion.

Member Thomas moved, with Member Jacobsen seconding, to affirm the Stone / Hall COS Boundary Relocation is not an attempt to evade formal subdivision review process. The Board approved the motion through a vote of five to zero.

Agenda Item #5 – Public Comments

None.

Agenda Item #6 – Announcement of the October 11th meeting

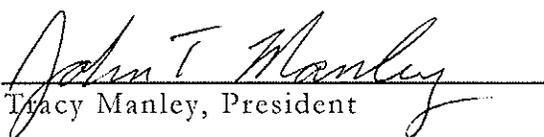
Planning Director Brian Bender noted the October 11th agenda contains two conservation easements as well as the Hooker's Conditional Use petition that was unable to be heard on September 6th due to a lack of a quorum. He asked if the Board was willing to hear the petition via conference call, and the Board declined because it is a public hearing and the Board needs to accommodate the public.

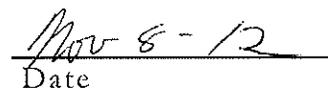
Agenda Item #7 – Adjourn

Member Jacobsen moved, with Member Hollenback seconding, to adjourn the meeting. The Board approved the motion through a vote five to zero.

President Manley declared the meeting adjourned at 2:25 PM.

Respectfully Submitted,
Brian P. Bender, AICP, CFM
Powell County Planning Director


Tracy Manley, President


Date