



Planning Department

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MINUTES

PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, November 8, 2012 at 1 PM.

Members Present: Earl Hall, Rick Hirsch, Tracy Manley, Randy Mannix, & Bill Pierce

Members Absent: John Beck, John Hollenback, Sharon Jacobsen, & Bruce Thomas

Staff: Brian Bender, & Lewis Smith

Public: Greg Robertson (Missoula County), Glen Morin (Seeley Lake Sewer), Michael Boltz, (Seeley Lake Sewer), Craig Pozega (Great West Engineering), Spencer Graveley, & Bill Ray

President Manley called the meeting to order at 1:10 PM.

Agenda Item #1 – Attendance

Five Members being present established a quorum.

Agenda Item #2 – Approval of the Agenda

The Board approved the agenda with revisions to accommodate two additional non-public hearing items.

Agenda Item #3 – Approval of Minutes

Member Mannix moved, with Member Hall seconding, to approve the October 11th 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 Missoula County to place and operate a mechanical Wastewater Treatment Plant for the Seeley Lake community on a 25-acre site in Zoning District #3.

Planning Director Bender summarized the request and noted the Planning Department did not receive any objections from the public. He also stated the two publication dates in the *Silver State Post* for the hearing notices (October 24th & 31st).

Member Hall asked if the facility has the capacity to handle anticipated growth.

Greg Robertson responded by stating there is sufficient size for anticipated growth.

President Manley opened the public proceedings.

Greg Robertson explained the goals of the project by serving the Seeley Lake Community. He continued by describing the problems of finding an ideal site with the right soil and groundwater conditions, and that large amount of research went into the project. The proposed site is a DNRC School Parcel and the agency is willing to transfer the parcel's ownership to the Seeley Lake Sewer District. The facility will not have any outside or exposed components.

Greg Robertson rationalized the need to obtain first local land use or zoning approval before progressing through the state and federal permitting process.

Member Pierce questioned of possibility of odors from the facility.

Greg Robertson responded efforts went into the design to reduce odors.

Member Hirsch asked of the development history in the area.

Greg Robertson explained DNRC's attempts to buffer the airport from residential development.

Member Pierce asked what septic features are in place now?

Greg Robertson said the community functions with on-site septics.

Member Pierce asked if the Forest Service site is better.

Greg Robertson responded no, that the proposed site is much better.

President Manley asked who would be connected.

Greg Robertson said every property.

Member Pierce asked of the project's funding.

Greg Robertson said the Sewer District is pursuing numerous grant opportunities.

County Attorney Smith asked what of the project costs.

Craig Pozega noted between \$16 to \$20-million.

Member Hall asked of the lake conditions.

Greg Robertson explained the Sewer District performs constant moderating / testing of the lake's conditions.

Member Mannix asked of a resort tax.

Greg Robertson said that was flatly turned down.

County Attorney asked about the site specifications and the acreage.

Craig Pozega clarified the ownership differences between DNRC and the Forest Service.

Member Hirsch asked of the consequences of loss of tax revenue to Powell County.

Greg Robertson is unsure now.

County Attorney Smith explained the differences for the benefit of the Board.

Member Mannix asked of Condition #3.

Greg Robertson confirmed that properties must be in the Sewer District.

Member Mannix asked about tree removal.

Greg Robertson explained the trees will need be removed to accommodate the facility.

Bill Ray asked of the depth of the geotechnical explorations.

Craig Pozega described the injection parameters used.

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

Member Mannix moved, with Member Pierce seconding, to grant a Conditional Use Permit to Missoula County to construct and operate a Wastewater Treatment facility on a 25-acre site in Zoning District #3. The motion also contained the ten Conditions listed in the October 30th Staff Report. The Board approved the motion through a vote of five to zero.

Agenda Item #6 Non-public Hearing Items

a. Ovando Cell Tower

Bill Ray explained to the Planning Board that he is making all attempts to secure another carrier for the tower since AT&T is not reacting quickly enough. He continued by saying he is willing to install emergency radio equipment on the tower to assist the Sheriff.

Member Hirsch asked who paid for the tower.

Bill Ray responded his company Clearview Tower is responsible for the \$600K investment.

Member Pierce questioned why it is necessary to remove the tower.

Planning Director Bender explained how if the Board considers the tower not complete – it violates the Ordinance since it requires all CUPs to be completed within one-year of issuance. Alternatively, if the tower is complete, the Ordinance may permit the Board to pursue the tower's removal if not functioning within 180-days.

County Attorney clarified the Ordinance provisions and explained the Board has the ability of granting an extension for the CUP.

Member Mannix asked if the Sheriff is interested in the radio communications.

Bill Ray said he has not heard back from the Sheriff although, he has the equipment ready for installation.

Bill Ray expressed his willingness to work with the Planning Board and obtaining an extension for the CUP is the best available option. He intends to submit the written request.

The Planning Board entered into a general discussion the situation and the need to have time constraints attached to CUPs to avoid open-ended projects.

b. Spencer Graveley COS – Boundary Relocation

Planning Director Bender gave an overview of the request and noted how the petitioner has been working with the Department throughout the process.

Member Mannix asked how much acreage does Lynn Woods own.

Spencer Graveley noted approximately 300-acres.

Member Mannix asked who has the grazing rights.

Spencer Graveley responded with Bruce Benson.

Member Hirsch asked of the lot's access.

Spencer Graveley explained how he is working MT DOT and MRL. He continued by saying MRL does not want to have another road crossing and likely will have to use the existing crossing further to the west. He also summarized the comments received from MRL's engineer.

Member Mannix asked about possible home sites.

Spencer Graveley said there are several above the river.

Member Pierce moved, with Member Hall seconding, to affirm the Spencer Graveley 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.

c. Conducting Public Hearings via Skype or a similar technology

Planning Director Bender explained the Board raised the topic at last month's meeting as a means to insure there are quorums for the meetings. He noted the County Commissioners recently configured the Community Center for teleconferencing.

Member Hall described his situation at home regarding his online service is unable to handle voice and video communications at the same time.

President Manley explained he also has other reasons to be in Deer Lodge on meeting days.

The Board agreed at this time, it is not necessary to employ teleconferencing, as the preference is to conduct meetings in person. The Board said it is a real help for the Planning Director Bender to call members before the meeting day as an effective reminder. The Board also noted to get the meeting materials out as soon as possible.

d. Montana Fish Wildlife & Parks Draft Environmental Assessments

President Manley explained his concerns with the intent of the Nevada Spring Creek EA.

Member Mannix provided the Board with the history of the site and FWP's involvement with the project.

The Planning Board held a general discussion regarding FWP's proposal to extend cattle grazing by Rock Creek Cattle Company on the Spotted Dog Wildlife Management Area through 2013.

Planning Director Bender noted the agency is seeking comments on both EAs by December 3rd and is willing to compose a letter incorporating any of their comments.

e. Dave Gulch Conservation Easement Revisions

Planning Director Bender gave the Board an overview of the item and a summary of the Board's comments from the October Meeting. The Rocky Mountain Elk Foundation included the Board's comments and made changes to the document except to the gravel mining references. Bender also noted due to the weather and road conditions, Mike Mueller of the Foundation will not attend the meeting.

Member Pierce questioned the Board's comments regarding usage of ATVs on the property.

County Attorney Smith read the statements contained in the October Minutes.

Member Mannix noted the provision restricts the use of ATVs for purely recreational purposes but the machines are appropriate during maintenance tasks.

Member Hall noted there is limited usage of ATVs in the area, and they do not pose a problem.

Through consensus, the Planning Board expressed support of the Conservation Easement and instructed Planning Director Bender to inform the Foundation of their support.

Agenda Item #7 – Planning Board Comments

Member Hirsch explained his recent experiences regarding water rights with Racetrack Lake and Creek.

Agenda Item #8 – Staff Updates

a. County Attorney
None.

b. Planning Director
Brian Bender provided an update of the process to hire an Environmental / GIS Technician. The County Commissioners agreed on a candidate from Arizona with experiences in GIS management and e-911 addressing.

c. Other
None.

Agenda Item #9 – Public Comments

None.

Agenda Item #10 – Announcement of the December 6th meeting

Planning Director Brian Bender noted there are no items for the December agenda.

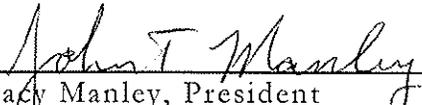
In that case, President Manley noted the Board would only meet if a need appears.

Agenda Item #11 – Adjourn

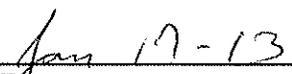
Member Hirsch moved, with Member Hall seconding, to adjourn the meeting. The Board approved the motion through a vote five to zero.

President Manley declared the meeting adjourned at 3:35 PM.

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



Tracy Manley, President



Date