



# Planning Department

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## MINUTES

### PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, January 10, 2013 at 1 PM.

**Members Present:** John Beck, Earl Hall, Rick Hirsch, John Hollenback, Sharon Jacobsen, Tracy Manley, Randy Mannix, & Bill Pierce

**Members Absent:** Bruce Thomas

**Staff:** Brian Bender, & Lewis Smith

**Public:** Chris Bryant (The Nature Conservancy), Caroline Byrd (The Nature Conservancy), Candace Durran (FW&P), Scott Graveley Jay Kolbe (FW&P), John Kowalski, & Bill Ray

President Manley called the meeting to order at 1:07 PM.

#### Agenda Item #1 – Attendance

Eight Members being present established a quorum.

#### Agenda Item #2 – Approval of the Agenda

The Board approved the agenda as submitted.

#### Agenda Item #3 – Approval of Minutes

Member Hall moved, with Member Hirsch seconding, to approve the November 8<sup>th</sup> Minutes as presented. The Board approved the motion through a vote of eight to zero.

#### Agenda Item #4 – Election of Officers

Member Jacobsen moved, with Member Mannix seconding, to continue in 2013 with the existing officers (Manley as President and Hirsch as Vice-President). The Board approved the motion through a vote of eight to zero.

#### Agenda Item #5 – Continued or Tabled Business

None.

## Agenda Item #6 Public Hearings

None.

## Agenda Item #7 Non-public Hearing Items

### a. Clearview Tower Conditional Use Permit extension request

Planning Director Bender informed the Planning Board that Bill Ray submitted a written request for an extension to the Permit as instructed by the Board at the November meeting.

Bill Ray explained Clearview has a lease with AT&T and he is waiting for them to act. Also, he is unable to do any construction until spring.

Member Beck asked why is AT&T taking so long to use the tower.

Bill Ray noted the difficulties of working with large corporations as well as AT&T's failed attempt to acquire T-Mobile as two major obstacles.

Member Hall asked Bill Ray if he spoke to Scott Howard, regarding the possibility if the Sheriff could needs a facility in Ovando.

Bill Ray said he is willing to provide free space on the tower.

County Attorney Smith confirmed that he spoke to the Sheriff regarding the tower and he does not need the facility. However, maybe Ovando Fire could use the space.

Member Mannix if there is another public service use for the tower.

County Attorney Smith said the tower could possibly accommodate a repeater.

Member Hall explained the tower could have its own tactical channel.

Member Hirsch questioned if the Board needs to grant the extension.

Member Jacobsen stated the area residents have concerns and want to see the tower operating.

Bill Ray expressed his interest to continue working with the Board.

Member Hirsch asked how long of an extension is necessary.

County Attorney Smith reviewed the Ordinance and confirmed the provision is unclear.

Member Hirsch moved, with Member Pierce seconding, to extend the Conditional Use Permit for one year from today's date. The Board approved the motion through a vote of eight to zero.

Member Hirsch asked of the Garrison Tower.

Planning Director Bender said he has not had the chance to compose a letter to the tower owner expressing the concerns of the Board over the lack of service at the tower.

County Attorney Smith also noted the tower owner encountered difficulties with getting a power supply to the site.

b. FW&P Murray & Douglas Creeks Conservation Easements

Planning Director Bender gave a brief overview of the easements.

Jay Kolbe explained the intent of the easements and noted there are not very different from the versions the Planning Board saw back in October of 2011.

Caroline Byrd, using the map displayed on the PowerPoint explained the ownership patterns with the Conservation Easements.

Member Mannix asked of the ownership of certain acreage.

Caroline Byrd said Thompson Lumber owns the acreage.

President Manley gave additional information on the ownership of the properties. He continued by noting it is straightforward until grazing and lumbering sections are added to the document.

Member Mannix asked if public access is limited to fall hunting.

President Manley responded by saying only for rifle use.

Jay Kolbe commented that is the interest of the agency.

President Manley explained how the agency intends to limit access to get a handle on the weeds.

Jay Kolbe discussed a BLM road and the access it provides to the acreage and a mine.

Member Mannix asked of the property assessment. He also asked of the language found in the forestry management plan and the grazing and rotation requirements.

Candace Durran explained the specifics associated with the rotation.

Jay Kolbe noted for the need to have the agency requirements.

Member Mannix stated the requirements are in the appendix and can be easily moved elsewhere in the document.

Candace Durran explained how the grazing issue is problematic within the agency.

Member Jacobsen noted how it is presented is very confusing – the agency should consider changing the document.

Jay Kolbe emphasized the agency wants to maintain statewide requirements.

Member Jacobsen expressed that is foolish - a change is necessary.

Jay Kolbe acknowledged in agreement.

Member Hollenback questioned if the agency's position is a matter of how different individuals interpret the rules/requirements. He continued by asking Member Mannix he agrees.

Member Mannix responded in agreement.

Jay Kolbe explained the agency tries to maintain uniformity. That logging is easier to manage and gazing is far more difficult.

Member Beck asked if the agency's hierarchy needs to hear these comments – is it possible for an administrator to attend a Planning Board meeting.

Jay Kolbe announced that Rick Northrup is the new administrator and he will let Rick know of the Board's offer and have him contact the Board.

Member Hall indorsed there is a need for a standard.

Jay Kolbe agrees and there is an importance to work with the landowners.

Member Mannix questioned the use of gravel found on the acreage for local road maintenance.

Jay Kolbe confirmed it is in the document.

Candace Durran sought clarity of Member Mannix's question.

Member Mannix stressed that these documents need clarity regarding the usage of gravel.

County Attorney Smith noted Section #7 relates to the restrictions.

Member Mannix asked if the restrictions on non-native plants prohibit any cropping.

Jay Kolbe responded by saying no.

President Manley also responded by saying the restrictions do not apply to private land.

Member Mannix asked of a remediation clause.

Jay Kolbe answered that it is a new addition.

Caroline Byrd thanked the Planning Board for their thoughts and comments.

Member Hollenback expressed for the need to have the Board's comments provided to the agency in a letter.

Planning Director Bender acknowledged he will compose the letter.

c. Nevada Spring Creek Partners COS – Boundary Relocation

Planning Director Bender provided the Planning Board with an overview of the request and pointed out the subject acreage on the PowerPoint mapping exhibit.

John Kowalski provided further information and explained how the boundary relocation offers the adjacent ranch additional acreage through a sale.

Member Mannix confirmed the pending sale of the acreage.

Member Mannix moved, with Member Jacobsen seconding, to affirm the Nevada Spring Creek Partners COS Boundary Relocation is not an attempt to evade formal subdivision review. The Board approved the motion through a vote of eight to zero.

d. Scott Graveley COS – Boundary Relocation

Planning Director Bender described the basics of the request and displayed the mapping exhibit on the PowerPoint.

Member Hirsch asked what the blue line is on the map.

Scott Graveley answered by saying it is Threemile Creek.

President Manley asked who the neighbors are.

The Planning Board acknowledged the plat identifies the neighbors.

Member Pierce moved, with Member Beck seconding, to affirm the Scott Graveley COS Boundary Relocation is not an attempt to evade formal subdivision review. The Board approved the motion through a vote of eight to zero.

**Agenda Item #8 – Planning Board Comments**

Member Jacobsen asked Lewis Smith to provide an assessment of the zoning and subdivision topics he believes the 2013 Legislature will address.

County Attorney Smith advised the members there were no significant pieces of legislation relating to planning and zoning matters. He did say the Legislature may attempt to address the Sale for Lease or Rent topic but he is unsure.

**Agenda Item #9 – Staff Updates**

a. County Attorney  
None.

b. Planning Director

The Planning Director Bender announced David Corcoran, the recently hired Environmental / GIS Technician is already working on the County's mapping database.

c. Other  
None.

**Agenda Item #10 – Public Comments**

None.

**Agenda Item #11 – Announcement of the February 7<sup>th</sup> meeting**

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

President Manley noted the Board would only meet if a need appears.

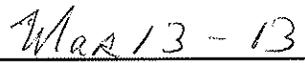
**Agenda Item #12 – Adjourn**

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

President Manley declared the meeting adjourned at 2:47 PM.

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

  
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Tracy Manley, President

  
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Date