



# Planning Department

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## MINUTES

### PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, March 7, 2013 at 1 PM.

**Members Present:** John Beck, Earl Hall, Rick Hirsch, John Hollenback, Tracy Manley, Randy Mannix, Kenneth Martin, Bill Pierce, & Bruce Thomas

**Members Absent:** None

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

**Public:** Rick Northrup (FW&P)

President Manley called the meeting to order at 1:05 PM.

Agenda Item #1 – Attendance

Nine 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 Mannix moved, with Member Pierce seconding, to approve the January 10<sup>th</sup> Minutes as presented. The Board approved the motion through a vote of nine to zero.

Agenda Item #4 – Continued or Tabled Business

None.

Agenda Item #5 Public Hearings

None.

Agenda Item #6 Non-public Hearing Items

a. Rick Northrup – Wildlife Habitat Bureau Chief (MT FW&P)

Rick Northrup introduced himself and provided an overview of his role with the Fish, Wildlife & Parks. He continued by explaining the role of conservation easements and how the agency uses sportsman dollars to acquire easements. The agency looks for ideal locations with willing property owners for easements to accomplish the agency goals. Crucially, easements require a public access element.

Rick Northrup explained the agency uses grazing plans within conservation easements as a management tool. Depending on a particular easement, grazing can add or subtract to its assigned wildlife objectives.

Member Hollenback asked how is the agency prepared to handle the adjacent, rested pastures and their attraction for elk. The elk easily follow the cattle.

Rick Northrup noted the agency is using a higher-level review of grazing areas.

Member Hollenback voiced for the need to have the agency listen to the concerns of local ranchers.

Member Hall asked why there is a lack of scientific evidence to support Member Hollenback's comments.

Rick Northrup explained written research exists due to the importance of the topic.

Member Hollenback inquired if the agency takes into account what neighboring ranchers do with their lands.

Rick Northrup responded by saying yes.

Member Hall asked how the agency monitors local grazing conditions.

Rick Northrup replied the agency does its best to incorporate scientific evidence as well as local knowledge.

Member Hollenback expressed doubts of the agency's management practices.

Rick Northrup described Montana is one of the few states to allow cattle grazing on its wildlife management areas. Furthermore, the agency has to be careful to avoid unnecessary lawsuits unlike Washington State that has lost several lawsuits.

Member Hollenback suggested ranchers might need to sue the agency to highlight management problems.

The Planning Board entered into a general discussion regarding FW&P's role as a landowner and its involvement with grazing management.

Member Mannix asked why every conservation easement have the same restoration grazing component.

Rick Northrup explained the agency's requirements for conservation easements and how the use of sportsman's funding for easements compels a focus on sportsman's themes. Moreover, at times these themes may differ than those of local producers.

Member Mannix asked if the agency check all their conservation easements.

Rick Northrup responded that the agency does the best it can to monitor the sites.

Member Beck questioned what is the reporting hierarchy at the agency.

Rick Northrup explained the agency's organization has changed.

Member Hollenback described that is the problem with the agency when different staff review sites and form conflicting reports. The inconsistency causes problems for landowners.

Rick Northrup agrees that new staff are all too often are naïve. The agency is looking to fostered and educate new staff.

President Manley stated another problem is wildlife such as elk like the rested pasture.

County Attorney Smith acknowledged that the elk are competing with the cattle.

Rick Northrup admitted there are problems with conservation easements and property owners must realize there are going to be pros and cons. The agency manages for a landowner's tolerance.

President Manley noted adjacent property owners who do not allow hunting is a problem.

Member Hollenback described there is also a problem with non-traditional landowners.

Member Mannix asked if local conditions and situations are expressed back in Helena.

Rick Northrup explained the agency is trying to manage conditions throughout the state.

Member Beck asked if he has time to get out on the ground.

Rick Northrup noted he does but it is difficult.

Member Hollenback wondered if the agency appears to micro-manage through conservation easements.

Rick Northrup explained conservation easements are unique due to the public access element.

Member Mannix noted the agency appears to be less responsive to Planning Board comments compared to other conservation easement holders.

The Planning Board appreciated Rick's effort of attending the meeting to discuss grazing management within conservation easements.

Rick Northrup thanked the Planning Board for their time.

- b. Proposed Ordinance changes to the review of COSs  
Planning Director Bender gave an overview of the changes with the biggest change being not to send Certificate of Surveys to the Planning Board for their review and determination.

County Attorney Smith agreed with Bender's comments in that applicants do not want to incur any unnecessary delays in the review process.

The Planning Board discussed the merits of reviewing COSs especially if they have the opportunity to express some local knowledge or information regarding the specific property.

Member Thomas moved, with Member Mannix seconding, to revise process allowing staff to forward COSs to Board members via email; therein the members have up to 72-hours to provide staff with comments relating to the request. If a member has a concern with the COS that cannot be answered through this initial review, the COS will go before the Board at the next regularly scheduled meeting. Staff is required to provide the Planning Board with a summary of all COS activities at the end of each month. Board approved the motion through a vote of nine to zero.

- c. Potential Growth Policy Revisions  
Planning Director Bender explained the County's 2006 Growth Policy is ready for revisions as the Plan specifies the Planning Board evaluates trends in population, the economy, and development patterns every five years.

Member Hall asked the Board consider the inclusion of wildland-urban interface provisions when updating the Growth Policy.

The Planning Board will look to schedule work sessions at forthcoming meetings.

#### **Agenda Item #7 – Planning Board Comments**

None.

#### **Agenda Item #8 – Staff Updates**

- a. County Attorney  
County Attorney Smith informed the Planning Board there are no new land use bills currently in the legislative session.
- b. Planning Director  
Planning Director Bender informed the Board of latest information regarding the Garrison and Ovando cell towers. The regional representative for the Garrison facility confirms the tower is operational and will provide the necessary proof. The AT&T representative will provide information clarifying their relationship with Clearview Tower and the Ovando facility.

c. Other  
None.

**Agenda Item #9 – Public Comments**

None.

**Agenda Item #10 – Announcement of the April 11<sup>th</sup> meeting**

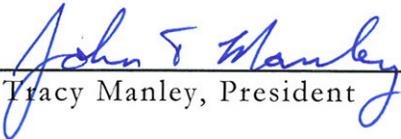
Planning Director Brian Bender noted Hyalite Engineers is preparing an amended Rock Creek Cattle Company plat for the Board to review at the April 11<sup>th</sup> meeting.

**Agenda Item #12 – Adjourn**

Member Thomas moved, with Member Mannix seconding, to adjourn the meeting. The Board approved the motion through a vote nine to zero.

President Manley declared the meeting adjourned at 2:57 PM.

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

  
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Tracy Manley, President

  
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Date