



# Planning Department

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## MINUTES

### PLANNING BOARD

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

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

**Members Absent:** None.

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

**Public:** Roger & Janet Ingraham

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

Member Hall moved, with Member Beck seconding, to approve the agenda as presented. The Board approved the motion through a vote of nine to zero.

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

Member Hollenback moved, with Member Hall seconding, to approve the August 8<sup>th</sup> and September 5<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

a. None.

#### Agenda Item #5 Public Hearings

a. None.

## Agenda Item #6 Non-public Hearing Items

### a. Ingraham & Beck Boundary Relocation COS

Planning Director Bender informed the Planning Board that at last month's meeting, members had several questions relating to the COS and thought best to have this put on October's agenda. He advised the Board that Chad Lanes prepared a memo for their review describing a recent visit to the property revealed it accommodates an existing septic system, as well as a 100-percent replacement area within the bounds of the proposed tract.

The Planning Board entered into a general discussion of Ordinance V-B-3(d)(vi) and if it is allowed to create a lot through a Boundary Relocation less than the required lot acreage requirement for District #1.

Member Pierce questioned does that provision apply to District #3.

Planning Director Bender noted District #3 contains similar language.

Member Hollenback agreed the Ordinance should have flexibility for situations like this.

Member Hall asked the petitioners if they are aware, their lot is going to be 1.8-acres.

Roger Ingraham acknowledged the acreage is as shown on the survey.

Member Pierce moved, with Member Thomas seconding, for the Planning Board to recognize the Ingraham & Beck Boundary Relocation COS is not an attempt to evade formal Subdivision Review. The motioned contained the condition to have the petitioners pay the Examining Land Surveyor fee. The Board approved the motion through a vote of nine to zero.

### b. Proposed Fee Schedule

Planning Director Bender explained the reason for the proposed Fee Schedule as well as it gives the Planning Board the opportunity to make any changes before the County Commissioners adopt the 2014 fees at the end of this year.

The Planning Board discussed the rationale for fees and if it is necessary for the Planning Department to increase its fees.

Member Pierce asked if these increases are necessary.

Planning Director pointed out that unlike the previous proposed changes, this Schedule leaves Conditional Use Permits at \$300. The proposed Schedule suggests lowering Minor Subdivision Application fees to \$600 instead of the current \$1,200.

Member Thomas noted it should not be the intent of the Planning Board to raise fees for the sake of increasing fees.

Member Pierce agreed and questioned if there is a need to have fees at all.

Member Martin explained how fees are all too common in the banking industry when considering property transfers and subdivisions.

The Planning Board discussed the costs the County may incur when reviewing subdivisions as well as the staff time required to review these applications.

Member Hall asked if a financial analysis is necessary to show the amount of time the Planning Department allocates to the review of each application / permit.

Member Hollenback expressed concerns regarding the need to have outside project reviews.

Planning Director Bender asked how the Planning Board wants to consider the Examining Land Surveyor fees.

The Planning Board asked how the Planning Department collects the fees now.

Planning Director Bender explained there is the submission fee (\$150 for a Boundary Relocation) and the petitioner is responsible for pay the ELS fees.

President Manley agreed the petitioners should pay the application fee and the ELS costs.

Vice President Hirsch moved, with Member Hall seconding, for the Planning Board to forward the proposed Fee Schedule to the County Board for their consideration. The Board approved the motion through a vote of nine to zero.

c. Wildland Urban Interface

Planning Director Bender gave an overview of the County's current situation.

Member Hall explained his role as Fire Warden and that he wants to spend time this winter on revising the County's provisions. He continued by saying he attended a recent workshop in Bozeman and wants to summarize the material for the benefit of the Planning Board. He also wants to have the 2012 International Wildland Urban Interface Code distributed to the Planning Board.

Member Hall described how the code will effect Powell County and noted how Rock Creek should have better standards.

Member Hollenback asked if the actions by the Legislature made it more difficult for local district to obtain the required insurance to operate DNRC trucks.

Member Hall explained the circumstances with the need to have workers comp for the drivers of DNRC trucks.

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

President Manley said he received a call regarding a Family Conveyance.

Planning Director Bender explained the situation for the benefit of the other members and noted County Attorney Smith is aware of it as well. The Planning Board reviewed the COS two years ago and now the circumstances changed, and the daughter wants to sell the lot. He continued saying he requested a letter from someone associated with transaction to present to the Planning Board explaining the reason for the change. The Planning Board should be aware of the change of ownership.

County Attorney Smith said he did not know of any requirements that would prevent the transaction.

Vice President Hirsch asked if the bridge being constructed on the Whalen Ranch received the appropriated permits.

Planning Director Bender replied the constructed obtained the necessary permits.

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

a. County Attorney  
None.

b. Planning Director

Planning Director Brian Bender explained the County Commissioners have a pending meeting with Tracy Stone-Manning, the Montana Department of Environmental Quality's Administrator to discuss several items including seeking assistance from the agency to update the Growth Policy and supporting Regulations.

The Planning Director also noted the City of Deer Lodge is looking to secure the services of a consultant to update their 2008 Growth Policy. With the updates, the City is looking at the possibility of forming a City / County Planning Board.

c. Other  
None.

#### **Agenda Item #9 – Public Comments**

None.

#### **Agenda Item #10 – Announcement of the September 5<sup>th</sup> meeting**

The Planning Board set their next meeting for November 7<sup>th</sup> at 1 PM.

#### **Agenda Item #11 – Adjourn**

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

President Manley declared the meeting adjourned at 3:17 PM.

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

John T. Manley  
Tracy Manley, President

Nov 7-13  
Date