



# Planning Department

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## MINUTES PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, July 9th, 2020 at 1 PM.

**Members Present:** Bill Pierce, Justin Williams, Tracy Manley, Rick Hirsch, John Beck, John Wagner

**Members Absent:** None

**Staff:** Jerry Grebenc (Interim Planner), Kathryn McEnery, Ann O'Toole

**Public:** Todd Bauer, Lewis Smith, and Tana Bignell

**President Hirsch called the regular meeting to order at 1:05 PM.**

### **Agenda Item #1 – Attendance**

With six members being present, a quorum was established.

### **Agenda Item #2 Approval of Agenda**

The Board made no changes to the Agenda and approved by overall consent.

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

Member Wagner motioned to approve the February 2020 minutes as submitted. Member Manley seconded the motion and the Board voted six to zero to approve the Minutes.

### **Agenda Item #4 – Non-Public Hearings**

#### **Bauer Boundary Line Relocation - Ovando**

Mr. Grebenc explained that the certificate of survey as approved by the Board during its June meeting was not feasible due to the fact that Bauer's could not find a filed deed for one of the properties proposed as part of the boundary line relocations. Thus, the Bauer's were presenting a slightly different certificate of survey using a different existing tract of record to complete the boundary line relocations. Mr. Grebenc explained that he had no problem with the proposed adjustment.

Todd Bauer explained the situation regarding the missing deed and why his mother and father had to adjust which existing tracts of record were being used for the boundary line relocation.

Member Manley made a motion that the adjusted boundary line relocation was not an attempt to evade subdivision review. Member Williams seconded the motion. The Board voted six (6) to zero to approve the adjusted relocation, with conditions.

#### **Geary Boundary Line Relocation - Ovando**

Mr. Grebenc explained that the certificate of survey was for a boundary line relocation for properties located in the townsite of Ovando. He further explained that the intent of the relocation was to reflect the reality of use on the ground including the use of an irrigation ditch. The Board had no questions.

Member Manley made a motion that the adjusted boundary line relocation was not an attempt to evade subdivision review. Member Williams seconded the motion. The Board voted six (6) to zero to approve the adjusted relocation, with conditions.

### **Tomlinson Boundary Line Relocation – Deer Lodge Valley**

Mr. Grebenc explained that the certificate of survey was for a boundary line relocation for properties located northeast of the City of Deer Lodge and east of Interstate 90. He further explained that the relocation was part of an estate settlement.

Lewis Smith was in attendance on behalf of the applicants and he explained the rationale for the relocation.

The Board had questions regarding the County road right of way that passed through the property. The Board asked if the right of way/easement should be noted on the survey. Mr. Smith briefly discussed the status of the road in question based upon his work as the previous County Attorney. Mr. Grebenc then explained that since the boundary line relocation was an exemption from subdivision review, the Board really only had the authority to determine if it was an attempt to evade subdivision review.

Member Manley made a motion that the adjusted boundary line relocation was not an attempt to evade subdivision review. Member Pierce seconded the motion. The Board voted six (6) to zero to approve the adjusted relocation, with conditions.

### **Jackson Boundary Line Relocation – Elliston**

Mr. Grebenc explained that the certificate of survey was for a boundary line relocation for properties located in the townsite for Elliston. He further explained that the relocation was intended to create buildable locations on two existing tracts of record.

Tana Bignell was in attendance on behalf of the applicants and he explained the rationale for the relocation.

The Board had questions regarding the various easements that crossed the properties in question including Yellowstone Pipeline, Northwestern Energy and Blackfoot Telephone. In addition, there was a discussion about the Mullan Road and its location with regards to the property. Mr. Grebenc then explained that since the boundary line relocation was an exemption from subdivision review, the Board really only had the authority to determine if it was an attempt to evade subdivision review.

Member Pierce made a motion that the adjusted boundary line relocation was not an attempt to evade subdivision review. Member Williams seconded the motion. The Board voted six (6) to zero to approve the adjusted relocation, with conditions.

### **Agenda Item #6 – Continued or Tabled Business**

#### **FC Criteria**

Mr. Grebenc explained the status of the updated Family Conveyance criteria. The next step in the process was to ask the County Commission to amend the County Subdivision Regulations to include the new criteria. The Board agreed by consent that the criteria should be forwarded to the Commissioners for the amendment of the Subdivision Regulations.

**Building Construction - Helmville**

Mr. Grebenc and Mrs. O'Toole explained that Mrs. O'Toole had conducted a site visit to the subject property located at 1140 Montana Highway 141. Mrs. O'Toole did not enter the property but took photos from the highway. Mrs. O'Toole also explained that she had had a conversation with the son of the family owners and that she verbally explained the situation and then sent him zoning regulation materials.

The Board had a lengthy discussion about the fact that the County needed to address this situation, or it would set a precedent and encourage other people to not follow the zoning and development regulations. Mr. Grebenc explained the first steps in addressing the situation based upon the regulations was guidance from the Planning Board about how to proceed and then to send a certified letter to the property owners explaining the situation and requesting compliance with the regulations. Mr. Grebenc suggested that he and Mrs. O'Toole discuss the situation with the County Attorney to get her input and then move forward with sending a certified letter to the property owners.

The Board agreed by consent with Mr. Grebenc's suggestion.

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

The Board had no additional comments.

**Agenda Item #8 – Staff Comments**

None

**Agenda Item #9 – Public Comments**

None

**Agenda Item #10 – Announcement of the August Meeting**

President Hirsch announced the Planning Board would hold their next meeting on August 13th at 1 PM.

**Agenda Item #11 – Adjourn**

President Hirsch adjourned the meeting at 3:15 PM.

Respectfully Submitted,  
Jerry Grebenc  
Interim Powell County Planning Director

/S/President Rick Hirsch

Date