



Planning Department

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MINUTES

PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, June 9, 2016 at 1 PM.

Members Present: John Beck, Earl Hall, Rick Hirsch, Tracy Manley, & Kenneth Martin

Members Absent: John Hollenback, Randy Mannix, Bill Pierce, & Bruce Thomas

Staff: Brian Bender, & Lewis Smith

Public: Colleen Dowdall, Glenn Erickson, Rita Erickson, Neege Nelson, Jessica Ralph, Ron Snow, Tim Sommers, Michael Stafford, Mike Stenberg, & Shannon Sullivan

President Manley called the meeting to order at 1:43 PM.

Agenda Item #1 – Attendance

Five members being present established a quorum.

Agenda Item #2 – Approval of Agenda

President Manley asked if there are any changes to the agenda.

Planning Director Bender noted he will discuss Item #4a with the Board.

Agenda Item #3 – Approval of Minutes

a. April 7th

b. May 5th

Member Hall moved with Member Martin seconding, to approve both minutes as prepared. President Manley accepted the motion and through a vote of five to zero, the Planning Board approved the motion.

Agenda Item #4 – Continued or Tabled Business

- a. Conditional Use Permit for a Commercial Propane Facility (Will Pauley)
Planning Director Bender informed the Planning Board the applicant has not attempted to provide the necessary information or submit a plan set to the State Fire Marshal.

President Manley asked Vice President Hirsch if he heard of any updates from his neighborhood.

Vice President Hirsch responded he has not heard any news.

Member Hall moved with Member Martin seconding, to reject the request and make the petitioner responsible for all appropriate fees. President Manley accepted the motion and through a vote of five to zero, the Planning Board approved the motion.

Mr. Bender acknowledged he will send a letter to the petitioner describing the Board's decision.

- b. Conditional Use Permit for multiply dwellings on a single lot (Glenn Erickson)
President Manley opened the proceedings and asked if any member has a conflict.

President Manley hearing none, asked for comments from staff.

Planning Director Bender summarized the request and explained all the materials provided with the original submission and subsequent exhibits.

Rita Erickson explained the reason for the request is that her husband and she do not want to subdivide their property but want to provide homes for their children.

Member Hall asked for clarification relating to the timing of the Zoning Ordinances.

Planning Director Bender explained the history of the relevant provisions.

Glenn Erickson described his intentions with having the multiply residences.

Member Hall asked for clarification of staff's language in the memo.

Planning Director Bender explained how staff reviews requests to replace an existing dwelling when the property has more than one residence predating the Ordinance.

President Manley opened the hearing to public comments.

Colleen Dowdall introduced herself and noted she is representing the neighbors opposing the request.

Colleen Dowdall noted how she interpreted the County's Zoning Ordinance and how it applies to the property. She continued by explaining her approach via the use of Montana case law and the statutes. She summarized her points through a PowerPoint presentation. (A technical glitch prevented the projection of the PowerPoint on the screen. Instead, the Planning Board reviewed paper copies.) The PowerPoint focused on the residential densities of the subject property compared to adjacent properties, nonconforming uses, and the Conditional Use approval criteria.

Colleen Dowdall recommended the Planning Board to deny the request based on the presented facts and information. She continued by inquiring if the Board has the authority to make a final decision.

County Attorney Smith confirmed the Planning Board has the authority to make the decision as Powell County has county-wide zoning and the Ordinance identifies the Board has the ability to make decisions on Conditional Use requests.

The Planning Board discussed the impacts on the site from increased development including firefighting, septic, water qualities, and traffic.

Glenn Erickson considers the request is appropriate and wants to do what he thinks is allowable on his property.

President Manley closed the public hearing.

Vice President Hirsch commented on the problems with doing something beneficial for children as the action can cause problems in the future.

President Manley accepted a motion from Member Hall and seconded by Member Martin to deny the request since it is attempt to evade local Subdivision Review. The Planning Board approved the motion through a vote of five to zero.

The Planning Board explained Mr. Erickson has thirty days to appeal the decision.

Agenda Item #5 - Public Hearings

- a. Conditional Use Permit for an offsite advertising sign proposal (YESCO Outdoor Media)

President Manley opened the proceedings and verified no member has a conflict with the request.

Planning Director Bender explained the origins of the request and confirmed there were no public inquires.

Vice President Hirsch noted he received a phone call from a property owner. He continued by saying the owner expressed no concerns with the request.

The Planning Board questioned the exact location of the proposed sign.

Neege Nelson described the request with the sign having an overall height of 30 feet and explained the lighting as a LED style that focused entirely on the sign face. He continued by saying the property previously contained a sign.

President Manley closed the public hearing.

County Attorney Smith reminded the Planning Board it needs to recognize that the site once accommodated a sign.

Member Martin motioned with Member Beck seconding, to grant a Conditional Use Permit to YESCO Outdoor Media to install a 14 by 48-foot, single-face billboard on a 1.1-acre lot. The Planning Board approved the motion through a vote five to zero. The motion contained the six conditions suggested by staff.

- b. Conditional Use Permit for a second residence on a lot (Brad Ehikian)
President Manley opened the proceedings and verified no member has a conflict with the request.

Planning Director Bender explained the request and noted MT DEQ approved the revised septic design. He continued by saying Rock Creek's Home Association approved the request.

Mike Stenberg described the item and noted this is the fourth request to place a guesthouse as a second dwelling on a lot with three actually built. He continued by saying the mature trees on the lot will reduce the visibility of the guesthouse.

Ron Snow introduced himself to the Planning Board. He continued by acknowledging Mr. Stenberg's observations.

Member Hall asked of the Fire Prevention Plan.

Mr. Snow and Mr. Stenberg both responded they are aware of the Plan and its contents.

Member Hall reminded Mr. Snow and Mr. Stenberg of the importance of reducing the fire threat. He continued by saying a priority is to eliminate the use of cedar shake roof shingles.

Mike Stenberg confirmed he is working with the architects.

Vice President Hirsch asked if management actively promotes the idea of second dwellings to potential members.

Ron Snow responded by saying the organization does what it can to lessen the impacts on guests and as such, indorses the practice of all site construction at one time.

Ron Snow explained the owner involved with this request wanted additional space.

President Manley closed the public hearing.

Member Hall motioned with Vice President Hirsch seconding, to grant a Conditional Use Permit to Brad Ehikian to construct a guesthouse on his 3.3-

acre lot in the Rock Creek Cattle Company's Planned Unit Development (PUD). President Manley noted the PUD offers flexibility for requests of this nature. The Planning Board approved the motion through a vote five to zero. The motion contained the two conditions suggested by staff.

- c. Conditional Use Permit for an expansion of an existing church / school (Tim Sommers)

President Manley opened the public hearing and established no member have a conflict with the request.

Planning Director Bender explained the request and highlighted specific elements on the PowerPoint.

Tim Sommers described the reason for the expansion.

Vice President Hirsch asked of the parking standards.

Tim Sommers explained the parking layout.

The Planning Board discussed the requirements of the State Building Permit. The Board acknowledged a condition listed by staff is the petitioner needs to obtain a State Building Permit.

Member Martin motioned with Member Hall seconding, to grant a Conditional Use Permit to Tim Sommers. The Permit authorizes a 3,780-square foot expansion to the west façade of an existing church / school located in Gold Creek. The Planning Board approved the motion through a vote of five to zero. The motion contained the five conditions suggested by staff.

Agenda Item #6 – Non-public Hearing Items

- a. RCCC Amended Plat

Planning Director Bender explained the request how it amends Rock Creek's plat by relocating Lots #52 and 53 approximately 300 feet to the north to position them closer to Tavenner Drive. The request subsequently amends the configuration of the surrounding Lot #19 – or the Common Area. He continued by reminding the Board their action is to make a recommendation for the County Commissioners to consider.

Mike Stenberg noted the relocation improves the marketability of the lots.

Member Martin motioned with President Manley seconding, to forward the amended plat to the County Commissioners with a favorable recommendation. The Planning Board approved the motion through a vote of five to zero. The recommendation contained the four conditions suggested by staff.

b. Growth Policy Update

Planning Director Bender explained he wants to use the July 7th meeting to review sections of the text prepared by Joe Willauer and review maps of the Town Centers.

The Planning Board agreed to start their July 7th meeting at 12 PM to spend time on the Growth Policy Update.

Agenda Item #7 – Planning Board Comments

None.

Agenda Item #8 – Staff Comments

a. County Attorney

None.

b. Planning Director

Planning Director Bender explained how a previous petitioner that a received a Conditional Use Permit to have an additional dwelling on a lot inquired of the feasibility of receiving a variance to create a new parcel of less than 160-acres containing the residence. He continued by saying, David Mannix as the President of the Board of Adjustment, spoke with the individual and explained that as their request stands now, the Board of Adjustment could not approve the request.

c. Other

None.

Agenda Item #9 – Public Comments

None.

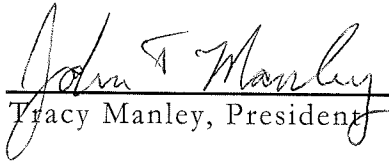
Agenda Item #10 – Announcement of the July 7th meeting

Planning Director Bender noted there is at least one case for July 7th.

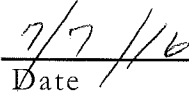
Agenda Item #11 – Adjourn

The Planning Board through consensus adjourned the meeting with President Manley noting the time as 3:40 PM.

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



Tracy Manley, President



Date