



Planning Department

Powell County Planning Department | Missouri Ave. | Suite 101 | Deer Lodge, Montana 59722
406.846.9729 | bbender@powellcountymt.gov

MINUTES

PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, July 7, 2016 at 1 PM.

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

Members Absent: John Beck, Bruce Thomas

Staff: Brian Bender, & Lewis Smith

Public: Laverne Daicich, Harry Johnson, Art Taylor, & Terri Waldorf

President Manley called the meeting to order at 1:03 PM.

Agenda Item #1 – Attendance

Seven 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 explained the petitioner of Item #5b would like to go first since she has a business meeting at 2 PM.

The Planning Board had no problems with accommodating the request. Member Hall motioned with Vice President Hirsch seconding, to accept the agenda with the

noted change to Item #5b. The Board approved the motion through a vote of seven to zero.

Planning Director Bender informed the Planning Board there is children's event schedule for the Meeting Room at 3:00 PM so the Board will need to complete the business items by 2:30 PM. If necessary, the Board can reconvene in the Community Center.

Agenda Item #3 – Approval of Minutes

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

Agenda Item #4 – Continued or Tabled Business

a. None.

Agenda Item #5 - Public Hearings

a. Conditional Use Permit for a second residence on a lot (Spatig)

President Manley opened the proceedings and stated the publication dates of the hearing notice in the *Silver State Post*. He continued by establishing no member has a conflict of interest with the request.

Planning Director Bender explained the permitting history with the property by pointing out the development activities on the Mapping Exhibit. He continued by saying the petitioner is unable to attend so he arranged to have his neighbors present to answer any questions.

Art Taylor explained Mr. Spatig's involvement with the property.

Member Martin expressed concerns with cases of this type when an applicant is asking for a second dwelling on their property.

Planning Director Bender noted difficulties of zoning for more than one dwelling on a rural lot.

Member Hall asked what changes are necessary to the Ordinance to accurately accommodate requests of this type.

The Planning Board discussed possible techniques to permit two or more dwellings on rural or large lots. The Board consider options such as making one

residence the primary and all others are secondary based on their size, character, or location, the number of dwellings based on the lot size, or time restrictions on occupancy.

Art Taylor noted several inaccuracies with the Staff Report.

Planning Director Bender said he will correct them.

President Manley closed the public hearing.

The Planning Board received no further testimony.

Member Martin motioned with Vice President Hirsch seconding, to grant a Conditional Use Permit to Josh Spatig. The Permit authorizes the construction of a single-family residence on a twenty-acre parcel already occupied by a shop building with living quarters. The Planning Board approved the motion through a vote of seven to zero. The motion contained the four conditions suggested by staff.

b. Minor Subdivision (Waldorf)

President Manley opened the proceedings and noted the advertising dates for the hearing notice.

Planning Director Bender explained the history of the property and that the petitioner was before the Board in May with a Family Transfer request. He continued by illustrating the proposed lot on the Mapping Exhibits.

Planning Director Bender explained the significance of the County not holding a fee simple or dedicated right-of-way for this segment of Yellowstone Trail on the subject property. He continued by saying the lack of a dedicated right-of-way precludes the property from being described as two separate tracts without a subdivision application.

Planning Director Bender described he is unwilling to require the submission of a variance petition to legalize the 39.30-acre as buildable in District #4. He continued by justifying the decision by noting the proximity to 40-acres, and the existence of several external factors that make a subsequent variance comparatively simple to grant (the shape of the lot as a remnant tract, and lot boundaries formed by the County line and the road centerline).

President Manley agreed with the stated justification and asked if the Board accepts them as well.

The Planning Board unanimously concurred.

Vice President Hirsch described how the property and its ownership evolved over time.

Member Mannix asked of the adjacent landowners.

Vice President Hirsch identified the landowners.

Terri Waldorf confirmed she had nothing to say.

County Attorney Smith expressed concerns with the proposed lot being 39.30-acres in Zoning District #4.

President Manley closed the public hearing.

Member Hall motioned with Member Martin seconding, to forward the Waldorf Minor Subdivision to the County Commissioners with a favorable recommendation. The motion contained the one condition listed in the June 28th Staff Report. The Planning Board approved the motion through a vote of seven to zero.

The Planning Board reiterated a variance is not necessary to place a residence on the 39.30-acre lot.

Agenda Item #6 – Non-public Hearing Items

a. Boundary Relocation (Johnson & Baker)

President Manley announced the request and asked if the petitioner is present.

The petitioner, Mr. Johnson introduced himself to the Planning Board.

Planning Director Bender explained the request and pointed out the altered lot lines on the Mapping Exhibit. He continued by saying there is a need for the petitioner to obtain a variance before placing a residence on the 38-acre lot since it is in District #3.

The Planning Board discussed the consequences of approving an undersized parcel knowing the petitioner intends to “develop” the property with a residence for his wife and himself.

Member Mannix observed the petitioner is essentially transferring the development right from the 44-acre parcel that existed prior to the Ordinance to the 38-acre lot.

Vice President Hirsch expressed concerns with the request and considered the request is evading local Subdivision Review. He continued by saying he felt the petitioner did not submit the request in a mischievous spirit.

The Planning Board discussed the placement of the various lot boundaries, and the impacted acreage.

Member Mannix motioned with Member Martin seconding, for the Planning Board to determine the proposed Boundary Relocation is not an attempt to evade local Subdivision Review. President Manley noted staff clearly states the petitioner cannot build on the 38-acre parcel without first obtaining a variance. The Planning Board approved the motion through a vote of six to one with Vice President Hirsch casting a nay. The recommendation contained the two conditions suggested by staff.

Agenda Item #7 – Planning Board Comments

None.

Agenda Item #8 – Staff Comments

a. County Attorney

None.

b. Planning Director

None.

c. Other

None.

Agenda Item #9 – Public Comments

None.

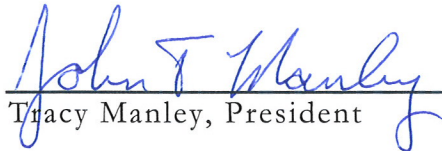
Agenda Item #10 – Announcement of the August 11th

Planning Director Bender noted there is a Conditional Use Permit for next month.


Agenda Item #11 – Adjourn

The Planning Board through consensus adjourned the meeting with President Manley noting the time as 2:26 PM.

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



Tracy Manley, President



Date