



# Planning Department

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## MINUTES PLANNING BOARD

**The Powell County Planning Board met in a regular session on Thursday, March 21, 2019 at 1 PM.**

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

**Members Absent:** Earl Hall

**Staff:** Carl Hamming, Scott Hazelton

**Public:** Kathryn McEnery, Greg Mullen, Jake Ziska, Martin Balukas, Chad Ball, Jennifer Nicholson

**President Manly called the regular meeting to order at 1:00 PM.**

**Agenda Item #1 – Attendance**

With eight members being present, a quorum was established.

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

The Board did not change the agenda.

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

Minutes will be approved at the next meeting.

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

**Spotted Dog/Cross Canyon Ranch BR**

Mr. Hamming presented the Board with the requested Boundary Relocation from the FWP and the Cross Canyon Ranch. Mr. Hamming discussed the acreage swap between the two parties, FWP would acquire approximately 438 acres and Cross Canyon Ranch would acquire approximately 461 acres. Mr. Balukas represented FWP and spoke to the reasoning for this boundary relocation. This will eliminate the Cross Canyon Ranch's inholdings in Spotted Dog and eliminate almost 6 miles of fencing. Member Williams asked about the maintenance of the fence and Member Hollenbeck answered that FWP maintains all fencing on Spotted Dog. The petitioner stated that both FWP and the Cross Canyon Ranch will have to sign off on the relocation COS. Member Beck asked about access to the stock pond and the surveyor Mr. Ziska stated that there is access to the pond for Cross Canyon Ranch's operations. Member Mannix asked about the appraised value of the land and if there was any monetary transactions occurring in the relocation. Mr. Balukas stated the appraised value was \$600/acre (in 2010) and that there was no monetary transaction occurring.

Member Mannix motioned with Member Hollenbeck seconding that the proposed Boundary Relocation is not an attempt to evade subdivision review. The Board voted eight to zero to approve the motion.

**Broken Circle/Clark Fork River Ranch BR**

Mr. Hamming gave an overview of the project and how it has been recommended for funding from the Advisory Council. Mr. Hamming stated how the BR that the planning board was hearing was a piece of a much larger

project of the NRDP's plan to acquire this ranch after the boundary relocation. Mr. Hamming then introduced Greg Mullen NRDP to present the agency's proposal. Mr. Mullen gave an overview of the potential splitting of the ranches and the funding mechanisms behind the proposed work. Mr. Mullen explained that there is currently a conservation easement on the property (Five Valleys Land Trust) but it does not allow public access for hunting and fishing. Mr. Mullen discussed some options for the management of the property after remediation has been completed. Mr. Mullen did say that remediation of this area could be almost a decade out. Mr. Mullen stated that the plan is to use the FWP's model to pay property taxes on the land they own in Powell County.

Member Mannix asked about the management plan of the property and Mr. Mullen stated that there is not a set management plan but the idea is to develop an annual management plan and coordinate with FWP. Member Pierce asked why the boundary relocation switched to the river centerline at the section boundary. Ms. Nicholson, of the Broken Circle Ranch, stated that the reasoning was to maintain private access to the Clark Fork River for future generations. Mr. Ball, the surveyor for the project addressed that this process was only a boundary relocation and that NRDP had not purchased the land yet and that the Broken Circle Ranch would maintain ownership of the two redrawn parcels.

Member Hirsch motioned with Member Hollenbeck seconding that the proposed Boundary Relocation is not an attempt to evade subdivision review. The Board voted eight to zero to approve the motion.

#### **Agenda Item #5 – Public Hearings**

##### **CUP Application for the Old Yellowstone Trail—Parks Board**

Mr. Hamming gave a brief overview of the project. Since Mr. Hamming staffs both boards, Mr. Swant a member of the Parks Board, presented the project to the Planning Board. Mr. Swant spoke about the history of the project and stated that the land was purchased and that construction will be funded with NRDP funds. Mr. Mullen gave a historical rundown of the funding sources and how these funds are designated for specific purposes (aquatic, terrestrial and groundwater).

Member Hirsch asked about calling the trail the Old Yellowstone Trail and why it was not the Old Milwaukee Trail. Mr. Swant stated the Parks Board reasoning that the trail runs along a section of the Old Yellowstone Trail and that there would be the addition of informational signage along the route to inform users of the many historical aspects of the trail.

Member Wagner motioned that the Planning Board approve the Conditional Use Permit for the Powell County Parks Board to develop a recreation trail on the old Milwaukee right-of-way with recommended conditions. Member Pierce seconded the motion. The Board voted eight to zero to approve the motion.

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

##### **North Powell Zoning – Open Houses**

Mr. Hamming informed the board that he and Mr. Hazelton placed fliers and survey boxes around Helmville and Ovando to inform citizens about the open houses on April 1<sup>st</sup> & 3<sup>rd</sup>. Survey and collection boxes were placed at the Copper Queen, Blackfoot Commercial Co. and both local post offices. Mr. Hamming also asked the board to attend these meetings and distribute the online survey. Member Hollenbeck asked why he should answer a survey about the north end of the county when he does not reside there. Mr. Hamming explained how this is the first step in a larger process to understand residents' perspective and satisfaction with the current zoning.

##### **Subdivision Regulations Update**

Mr. Hamming discussed the need for the County to update its regulations to comply with State code. Staff will have a full hardcopy for the Board to review at the next meeting.

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

There was discussion between the members about legislation updates. Member Hollenbeck stated that he is part of a lobby group working on range management and that they will be hosting an event in Helena in the coming weeks.

**Agenda Item #8 – Staff Comments**

- a. County Attorney - None
- b. Planning Staff – Mr. Hamming informed the board that there will be a meeting regarding brownfields and the granting process for Environmental Assessments of potentially contaminated sites. The meeting will be April 2<sup>nd</sup> in Deer Lodge. There was also a brief discussion of a proposed bill before the legislature regarding legal and physical access as part of the review criteria for approving an exemption from subdivision review.
- c. Other - None

**Agenda Item #9 – Public Comments**

None

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

President Manley announced the Planning Board will hold their next meeting on May 9<sup>th</sup> at 1 PM.

**Agenda Item #11 – Adjourn**

President Manley adjourned the meeting at 3:27 PM.

Respectfully Submitted,  
Carl Hamming  
Powell County Planning Director

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President Manley, President

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Date