



# Planning Department

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## MINUTES PLANNING BOARD

**The Powell County Planning Board met in a regular session on Thursday, July 11, 2019 at 1 PM.**

**Members Present:** Bill Pierce, John Beck, Earl Hall, John Hollenback, Justin Williams, John Wagner, Rick Hirsch

**Members Absent:** Tracy Manley, Randy Mannix

**Staff:** Carl Hamming, Kathryn McEnery

**Public:** Joel Chavez, Becky Stitch, Lisa Newman, Norma Newman

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

### **Agenda Item #1 – Attendance**

With seven members being present, a quorum was established.

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

The Board made no changes to the Agenda.

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

Member Hollenback motioned to approve the June minutes as submitted. Member Hall seconded the motion and the Board voted seven to zero to approve the Minutes.

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

#### **Newman BR**

Mr. Hamming presented an overview of the proposed Newman Boundary Relocation in Elliston that was submitted by Mr. Daniel Ries on behalf of the Newmans. The purpose of the BR is to settle affairs between a couple of families as some of the property owners get a bit older and want to have their affairs in order. The BR involves moving property boundaries for six tracts of record ranging in size from 2.74-acres to 0.07-acres. Member Beck requested that the easement for ditch maintenance be included on the COS. Ms. Stitt mentioned that a formal easement will be filed and recorded with the survey, but agreed that including the easement reference on the survey would be good for future landowners. There was some Board discussion about restrictions placed on the tracts due to the size and DEQ exemptions, but the cited statutes will be worked out between the surveyor and Chad Lanes, County Sanitarian.

Member Pierce motioned that the BR was not an attempt to evade subdivision review. Member Williams seconded the motion. Member Beck added that the ditch easement width be included on the COS as part of the motion. The Board passed the motion by a vote of seven to zero.

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

None

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

### **Superfund Overlay District - Update**

Mr. Hamming reviewed the discussion that the Board had in June regarding the proposed Superfund Overlay District zoning and development language. Mr. Hamming discussed the boundaries of the operable unit and how they nearly align with the 100-year floodplain that also regulates development along the Clark Fork River. Mr. Hamming reminded the Board that there was a lot of discussion about the trigger points for ground disturbance and the Board wished to know why 1 cubic yard and 5 cubic yards were utilized as the thresholds. Mr. Joel Chavez from the DEQ discussed that this language was drafted for Anaconda and the City of Deer Lodge. Mr. Chavez said that volumes of dirt less than five cubic yards could typically be diluted with clean fill as long as the contamination levels are not extremely high. If there is to be more than five cubic yards of soil disturbed, then it's in the best interest of the landowner and the DEQ to seize the opportunity to treat the soil and deal with the cleanup at that time. The Board discussed how only rare circumstance will permit large-scale development to occur within the floodplain.

Mr. Beck asked Mr. Chavez about the response time that the DEQ would be able to mobilize on-site and test the disturbed soil. Mr. Chavez suggested a week, but agreed that it would be good to specify a time limit to ensure adequate response from the State. The DEQ has the technology to do an on-site test of the soil, but it is not always precise.

The Board asked Mr. Chavez about the status of the cleanup at Grant Kohrs Ranch and prioritization of the next cleanup phases. The Board also discussed the politics of the operable units and where the district boundaries were drawn for the various sites between Butte, Anaconda, and the Deer Lodge Valley.

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

Mr. Hamming reviewed the previous efforts of the Department to solicit response from the Helmville area regarding the current zoning. Mr. Hamming read two letters that were recently submitted as well as discussed phone calls that the Department received just before the meeting (the Board were provided with hardcopies of the other submitted comments). Mr. Hamming also communicated the conversations that he had had with Mr. Mannix (Randy) regarding the zoning, as Mr. Mannix could not attend the meeting. Mr. Hamming discussed the various options to expand the community district boundaries, create zoning district corridors along the state highways, or cease all outreach efforts to the northern parts of the County. Mr. Hamming stressed how the Mannix family stated that they were interested in carefully implementing some zoning changes, but that they wanted it to be supported by the Board and greater community. As part of this discussion, it was stated that a zoning change could be implemented in the future if the timing would be more adequate (renewed interest or change in land ownership). Mr. Mannix had informed Mr. Hamming that expanding the rural town limits to the south may not prove productive at this time, as the current landowner is not interested in doing any subdividing and development.

The Board discussed how they want any proposed changes to the zoning to come from the residents of Helmville and not from the County Commissioners, Department or Planning Board. Vice President Hirsch stated his view that he wanted more feedback from the Helmville population before voting to draw any new lines on a map with Member Beck agreeing. Member Hall agreed that the responses were split as well as underwhelming as a whole. Member Williams stated that he was interested in expanding the town limits, but agreed with other members that he would prefer to have Members Manley and Mannix at the meeting to discuss their wishes and participate in the vote. The Board agreed that they wanted to hear from Members Mannix and Manley before deciding to conclude

the effort or try to expand the rural town limits. Member Hall made a motion to table the discussion until the next meeting. The motion was seconded by Member Pierce and passed by a vote of seven to zero.

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

The Board enjoyed a lively discussion of ongoing projects and developments in the County.

#### **Agenda Item #8 – Staff Comments**

- a. County Attorney - None
- b. Planning Staff – Mr. Hamming discussed potential future efforts for other parts of the county to discuss their zoning districts.
- c. Other - None

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

None

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

Vice President Hirsch announced the Planning Board will hold their next meeting on September 5<sup>th</sup> at 1 PM.

#### **Agenda Item #11 – Adjourn**

Vice President Hirsch adjourned the meeting at 3:40 PM.

Respectfully Submitted,  
Carl Hamming  
Powell County Planning Director

/s/ Vice President Hirsch

Date