

MINUTES

PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, June 10th, 2021 at 1 PM.

Members present: Tracy Manley, Justin Williams, John Wagner, Earl Hall, Randy Mannix, Rick Hirsch, John Beck

Members Absent: John Hollenbeck, Bill Pierce

Staff: Scott Hazelton, Kathy McEnery, Zachary Abell

Public: Nina Benjamin, Mr. Benjamin, Frank Tabish, Andy Whitehead, Pat Gleason, Terri Angelo, Ralph Phillips

President Hirsch called the regular meeting to order at 1:04 PM.

Agenda Item #1 - Attendance

With six members being present at the onset of the meeting (one arriving at 1:45), a quorum was established.

Agenda #2 - Approval of Agenda

The Board made no changes to the agenda and approved with unanimous consent.

Agenda #3 - Approval of minutes

Item 8 from last meeting's agenda was discussed at this meeting instead. Other than that, the minute's from the May 6th Planning Board meeting were approved by a motion from Member Manley and seconded by Member Beck; passes with a vote of 6-0.

Agenda #4 - Non Public Hearings

Gleason Amended Plat

Mr. Hazelton presents the amended plat on the Gleason family land and recommends approval from the board. Member Manley asks how Mr. Gleason plans on providing access to emergency vehicles for his new house, Mr. Gleason states that there is an existing turnaround large enough to accommodate fire trucks and other emergency response vehicles. Member Hall comments on his appreciation that community members are moving towards developing in city centers. The motion to approve with the stated conditions was brought forward by Member Manley and seconded by Member Hall. The application passed with a vote of 6-0.

Angelo Boundary Line Relocation

Mr. Hazelton presented the case to relocate the boundary line on the Angelo acreage and recommended the relocation with staff approval. Ms. Angelo was in attendance but was not asked any questions by Director Hazelton or any of the Board Members. President Hirsch brought up a question about the writing in the overview of the application, which turned out to be a “typo”, Mr. Hazleton explained. Aside from the question about the writing, no more questions were brought up for the application and the motion to approve was given by Member Hall, seconded by Member Manley. The motion passed with a vote of 6-0.

Phillips Family Conveyance

Mr. Hazelton presents the case for the family conveyance and where the land will be divided between Ralph Phillips and given to his son David. After presenting, Mr. Hazelton recommended the conveyance for approval. Member Beck asked Mr. Phillips how the soon-to-be divided land would be accessed by emergency vehicles to which Mr. Phillips pointed out an existing road on the property that would serve this purpose. The motion to approve was brought forward by Member Beck and seconded by Member Hall. The motion passed with a vote of 6-0.

Member Wagner arrives at 1:45.

Agenda #5 - Public Hearings

LHC Inc. CUP

Mr. Hazelton presented the case for the Conditional Use Permit submitted by LHC Inc. and the conditions for approval as stated by the Planning Staff. Frank Tabish, representing LHC Inc., was in attendance. Mr. Tabish was asked if he had anything to add to Mr. Hazelton’s presentation, to which he added in some corrections that the application was for a new pit rather than an extension of the county’s gravel pit. Member Hall then asked Mr. Tabish and Mr. Hazelton about future ownership of the land and the gravel pit. Mr. Hazelton explained that part of the conditions for approval stated that LHC Inc. must turn over the gravel pit to Powell County by September of 2022; to which Mr. Tabish added that LHC Inc. “has no plans for ongoing commercial operation”. Member Beck asked Mr. Tabish what the time table was to get started upon approval of this CUP. Member Mannix brought up questions surrounding reclamation and water on the site. Mr. Tabish stated that groundwater could be found at approximately 20 feet but that the northern portion of the site had gravel well past that. Mr. Tabish also stated that concerns about groundwater were addressed in the DEQ application. The

motion to approve with stated conditions was brought forward by Member Manley and seconded by Member Williams. The motion passed unanimously.

Eizensimer CUP

President Hirsch began the hearing by asking all parties to discuss only portions that pertain to the application being reviewed. Mr. Hazelton introduced the application and the conditions needed for approval. After presenting, Mr. Hazelton recommended the application for approval. Before the public comments portion of the hearing, Betty Eizensimer was given time to read a letter submitted by Ms. Nina Benjamin. President Hirsch then began the public comments portion of the hearing by allowing the proponents of the application to speak first. Ms. Eizensimer introduced herself and began explaining the process she followed to submit the application. She stated the permit was submitted in November of 2020 and that all the necessary steps had been followed in her application process. Member Hall questioned County Attorney Kathy McEnry on the authority Eizensimer had to submit an application. Ms. McEnry stated that because the land was held in a trust, approval was needed from the majority of the trustees to submit the permit, which Ms. Eizensimer had previously presented.

President Hirsch then allowed those opposed to the application to state their claim. Nina Benjamin introduced herself as well as her argument as to why this application should not be approved by the board. She expressed concerns with the validity of the application to which Ms. McEnry responded that the proper application steps had been taken.

President Hirsch then asked the Board members if there were any questions among them. Member Hall asked the Board how much of this debate was within the jurisdiction of the Planning Board and how much needed to be settled in a court of law. After deliberation, it was determined that the Planning Board only dealt with the validity and the approval of the application.

President Hirsch then moved to vote on the matter. Member Beck asked what the Board had previously decided based on last meeting's minutes and had Mr. Hazelton read the transcript from the May 6th meeting. Member Williams moves to approve the CUP; the motion is seconded by Member Hall. The vote passes 7-0. Miss Benjamin asked if Mr. Hazelton would re-read the conditions for permit approval to which he obliged.

Agenda #6 - Continued or Tabled business

President Hirsch asked Mr. Hazelton to update the Board on the continued business in the Planning Department. Mr. Hazelton described the updates to the zoning and subdivision regulations currently underway. Mr. Hazelton also updated the board on matters surrounding Old Yellowstone Trail, Spotted Dog WMA, and Rock Creek Cattle Company.

Agenda #7 - Planning Board Comments

Member Hall introduced the discussion on focusing development in town centers and the pros and cons of this approach.

Agenda #8 - Staff Comments

It was agreed that the board and planning staff need to agree on a date to travel to Spotted Dog WMA to survey the area of interest.

Agenda #9 - Public Comments

No members of the public were present at this time.

Agenda #10 - Announcement of July meeting

President Hirsch announced that the next Planning Board meeting would take place on July, 8th in the Powell County Community Center.

Agenda #11 - Adjourn

The motion to adjourn was brought forward by Member Manley and seconded by Member Williams. The meeting ended at [Enter Time].

Respectfully Submitted,
Scott Hazelton
Powell County Planning Director

President Rick Hirsch

Date