

POWELL COUNTY PLANNING BOARD

MINUTES

Regular Meeting – Thursday, January 6th, 2022 – 1 PM

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

Members Absent: John Hollenback

Staff: Amanda Cooley, Ann O'Toole

Public: See sign in sheet

Meeting called to order at 1:06p.m.

1. **Attendance:** With eight members being present at the onset of the meeting, a quorum was established.
2. **Approval of Agenda:** Motion to approve by Member Wagner. Seconded by Member Williams. Approved with unanimous consent.
3. **Approval of Minutes:** Motion to approve by Member Pierce. Seconded by Member Hall. Approved with unanimous consent.
 - a. December 9th minutes
4. **Non-Public Hearings**
 - a. None

5. Public Hearings

- a) Heart Bar Heart Gravel Pit Conditional Use Permit

President Hirsch opened the public hearing and explained the procedures the Board would follow. He noted that the hearing had been noticed in the Silver State Post December 22nd and December 29th editions. Director Cooley was asked to provide her report.

Ms. Cooley explained to the board that Mr. O'Brien was seeking to re-permit an existing gravel pit. The previous permit could not be located. Mr. O'Brien intends on crushing and selling gravel to the surrounding community. The planning staff did not see any potential conflicts with the application. The pit is in a rural area with no residences in the immediate vicinity. Director Cooley recommended approval of the Conditional Use Permit contingent on DEQ approval and other basic requirements listed in the staff report. Prior to the meeting, there were no calls or inquiries from the public.

Member Mannix was concerned about a large invasion of leafy spurge and suggested that a condition be made that this is taken care of. Mr. O'Brien has spoken to the weed board. Heart Bar Heart has created and submitted a weed management plan. It was questioned how much material is available and whether the county had contacted him about using his gravel. Mr. O'Brien confirmed there is a great deal of material available. The county had not spoken with him about using his gravel but he was open to it. Member Williams inquired about Mr. O'Brien's intentions on crushing gravel. It is anticipated that crushing will be done for 3-4 weeks not full time.

With no comment from the public, President Hirsch closed the public hearing. A motion was made by Member Manley to approve the CUP with the recommendations of the planning staff to be observed by the petitioner. Member Williams seconded the motion. The motion was approved 8-0.

b) Chilcott Dispensary Conditional Use Permit

President Hirsch opened the public hearing and explained the procedures the Board would follow. He informed the public that the hearing had been published in the December 22nd and December 29th editions of the Silver State Post. He requested that Director Cooley provide her report.

Ms. Cooley showed the location of the proposed CUP. She presented that the petitioner requests permission to open a medical and recreational marijuana dispensary. The building is to be a small pre-manufactured facility with no septic or water facilities installed. There will be a chemical toilet and water dispenser. Further explanation of how this business adheres to the Powell County Growth Policy was presented. Following the presentation, Ms. Cooley recommended that the CUP be approved with some specific conditions. No calls or complaints from the public were filed prior to the meeting.

Member Hall opened the board discussion by questioning how the tax is allocated to the city, various townships, and the county. Ms. Cooley responded with her understanding of how the tax would be distributed. Attorney McEnery responded that they would do further research. Member Pierce asked how the business owner was held accountable to paying their taxes. Mr. Chilcott responded that he has to cut a check directly to the Department of Revenue. Member Wagner questioned whether this was a cash-only business. Due to the current federal regulations, Mr. Chilcott confirmed that it is a cash business. They are working with a credit union in Helena to navigate the issue. It was questioned whether security might be an issue and whether Mr. Chilcott had consulted with the Sheriff. The petitioner responded that the building will be a secure connex style building with video surveillance and that his daughter has run a dispensary for 13 years in this way without issue. Attorney McEnery questioned whether there were plans in the future to subdivide the lots and sell them. Mr. Chilcott confirmed that there are no plans to develop residential lots in the future.

President Hirsch then invited the public to comment. Wes Pendleton inquired what the hours of operation of the business would be. With this being the only public comment made, Mr. Hirsch closed the public hearing. Member Pierce requested that state building codes be investigated as part of the staff recommendations. Director Cooley confirmed she would follow up with the petitioner. She also requested that the application approval and conditions be updated to include “recreational or adult-use dispensary” in addition to the request to open a medical dispensary. At the time when the staff report was written and the application was submitted, adult-use dispensaries were still not legal. With no further comment from the public, the public hearing was closed.

Member Pierce moved to approve the CUP with the recommended conditions of the planning staff, including the revisions that Ms. Cooley provided. Member Manley seconded the motion. The motion was carried 8-0.

6. Continued Business

- a. None

7. Planning Board Comments: President Hirsch is interested in exploring a better way to work with the city on applications in the Deer Lodge donut. Due to the proximity of some areas to Deer Lodge, the planning board expressed the importance of having city input.

Mr. Hirsch also requested comment from the city, as the mayor, chief of police, and city administrator were present. Mr. Green updated the board on the city's position on dispensaries. The city will be imposing restrictive regulations to discourage new dispensaries going in. Police Chief *Smith* commented that he will be keeping an eye out for DUP's and youth possession. Jacque Beck, a citizen involved in the state regulation of dispensaries, commented that great measures are taken in regulating product to keep it unappealing to children and childproof.

8. Staff Updates

- a. County Attorney: Updated the Planning Board on a resolution passed on December 20th on the old County Road #9 to limit vehicle traffic on the road in favor of pedestrian use for the development of the next phase of the Old Yellowstone Trail.
Also discussed the pending resolution to limit the opening of Spotted Dog Road. If the MSU extension can secure funding, access will be limited seasonally for a couple of seasons while an elk study is conducted.
- b. Planning Staff
- c. Other

9. **Public Comments:** Jacque Greenwood responded to attorney Katherine McEnery's comments about the Spotted Dog research study. She feels the study may be flawed and is concerned about the elk. Gary Chilcott commented that he is happy to see the city and county are working well together and would like to see them look jointly at creating an industrial business park. Member Hall agreed that if cities do not grow they die.

10. Announcement of the February 10th Meeting

11. **Adjourn:** At 2:37 p.m., member Wagner moved to adjourn the meeting. Member Williams seconded the motion. Approved with unanimous consent.

Respectfully Submitted,
Amanda Cooley
Powell County Planning Director

President Rick Hirsch

Date