

# POWELL COUNTY PLANNING BOARD

## Minutes

**Regular Meeting – Thursday, June 9, 2022 – 1 PM**

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

**Members Absent:** John Beck & Earl Hall

**Staff:** Amanda Cooley, Ann O'Toole

**Public:** Andy

**Meeting called to order at 1:02 p.m.**

1. **Attendance:** With seven members being present at the onset of the meeting, a quorum was established.
2. **Approval of Agenda:** Motion to approve by Member Hollenback. Seconded by Member Manley.  
Approved with unanimous assent.
3. **Approval of Minutes**
  - a. May 5<sup>th</sup> minutes: Member Manley moved to approve the minutes. Vice President Pierce seconded the motion and the motion was carried unanimously.
4. **Non-Public Hearings**
  - a. **Olsen Boundary Relocation**

Planning Director Cooley presented the request by Janet Olson to relocate common boundaries between two parcels in Deer Lodge, MT. The relocation is being done for the purposes of estate planning. The parcels are located in Section 27, T08N, R09W which lies within the Deer Lodge Planning Area and there are no minimum lot sizes in this district.

Member Wagner questioned whether there were any shared structures between the two parcels. Mr. Olsen responded that there are no shared structures.

With no further inquiries, Member Manley motioned to approve the boundary relocation. Member Mannix seconded the motion and the vote was carried 7-0.
5. **Public Hearings**
  - a) **Elk Bridge LLC Conditional Use Permit**

President Hirsch opened the public hearing. He noted that the hearing had been noticed twice in the Silver State Post in the May 25 and June 1 editions. Director Cooley presented the planning office's report.

The petitioners, Emily Jones and Kirk Oetken of Elk Bridge LLC, request permission to build two private residences on their property. There is currently one existing shop with living quarters on the 163.01 acre parcel. They will live in one residence and they have close family friends that will live in the second residence.

The planning staff received two public comments regarding the request. Brian Jolly commented via phone call regarding concerns about the yurt on their property, the locations of the homes, and the

importance of open space in this area. Dave Hodne inquired via email as to where the new structures would be located on the property.

Member Mannix asked about whether the southern boundary of the property was Missoula County. Miss Cooley confirmed that it is. Member Manley questioned whether Cottonwood Lake Road was closed in the Winter. Mr. Oetken confirmed that it is. President Hirsch notified Mr. Oetken and Mrs. Jones that Powell County has jurisdiction up to their gate but that the county has no say beyond that.

With no public comments, the public hearing closed.

Member Mannix moved to approve the Elk Bridge Conditional Use Permit with the conditions listed by the planning staff. Member Manley seconded the motion. The motion was carried 7-0.

**b) Wickman Conditional Use Permit**

President Hirsch opened the public hearing. He noted that the hearing had been noticed twice in the Silver State Post in the May 25 and June 1 editions. Director Cooley presented the planning office's staff report.

The petitioners, Erik and Dana Wickman, request permission to put a second residential home on a 17.37-acre tract. It is for their adult daughter. The lot does not currently have any residential structures. The Wickman's applied for a Development Certificate through the planning department for the first residence and this Conditional Use Permit application is for the second residence. The home will be located on the petitioners property located in Section 28 of Township 09N, Range 09W.

The planning staff received one public comment at the meeting. Montana Moss, an adjacent property owner, appeared before the Planning Board and inquired as to how many homes in total would be on the lot and how many wells would be developed. The nature of her questioning was related to what is there and what will be used [in the future].

Member Mannix asked about the septic system – whether there would be one system or two.

President Hirsch questioned which subdivision this plat was a part of and whether they were able to subdivide. Director Cooley confirmed that this district allows for subdivision into 5-acre parcels.

With no further public comments, the public hearing closed.

Member Pierce moved to approve the Wickman Conditional Use Permit with the conditions listed by the planning staff. Member Hollenbeck seconded the motion. The motion was carried 7-0.

**c) Francis Conditional Use Permit**

President Hirsch opened the public hearing. He noted that the hearing had been noticed twice in the Silver State Post in the May 25 and June 1 editions. Director Cooley presented the planning office's report.

The petitioners Carl and Cindy Francis request permission to put a small A-frame cabin on the lower level of the property for their daughter. The lower level of the property is adjacent to the Ovando cemetery. The cabin will be placed east of the 75 foot parking easement. There is currently only one residence on the parcel. The home will be located on the petitioners property located in Section 33 of Township 15N, Range 12W. Access to the property is provided from Fox Den Lane, a public roadway easement for the cemetery.

The planning staff received one public comments regarding the request. Todd Bauer on behalf of Duane Bauer asked a series of questions via email about the request. The nature of these questions included whether the planning board was aware there is a 75' parking easement on the East side of the cemetery, where the septic, well, and house would be located, whether a garage would be added, whether the planning board considered impacts the building and associated utilities will have on future development of adjacent lots, whether a utility access could be used for property access, and

whether the planning board would consider building setbacks. Miss Cooley responded to these comments via email and spoke to the Bauers in-person and over the phone.

Member Pierce questioned whether the existing septic would be used or whether a new system would be installed. He commented that final approval of the application would be highly dependent on septic approval. President Hirsch questioned whether this parcel is within the boundaries of Ovando. Directory Cooley confirmed that this parcel is within the Ovando township boundary.

With no further public comments, the public hearing closed.

Member Manley moved to approve the Francis Conditional Use Permit with the conditions listed by the planning staff. Member Pierce seconded the motion. The motion was carried 7-0.

**d) Up Country Properties LLC Minor Subdivision**

President Hirsch opened the public hearing. He noted that the hearing had been noticed twice in the Silver State Post in the May 25 and June 1 editions. Director Cooley presented the planning office's report.

The petitioners, Up Country Properties LLC, represented by agents Robert Herrick and Samuel Thompson with Thompson present, request permission to add a fifth cabin to their 80-acre property on Arrastra Creek Road. This application was initially reviewed by the previous Planning Director and received consultation by the county's interim planner, Jerry Grebenc. Typically, an additional residence would be permitted through a conditional use permit (CUP) application. Due to the fact that Powell County Zoning code does not explicitly allow more than four residential structures in District 3, a 160-acre minimum district, the applicants were advised that they would have to go through subdivision review. This process allows the planning board to determine if the applicant is within the intent of the Powell County Zoning Code, Growth Policy, and Subdivision Regulations. It also helps to ensure the lot is engineered to a standard that will allow for the safe and appropriate layout, use, and navigation of the site. While the planning department has required the request to be processed as a subdivision review, no land subdivision will occur. The parcel will remain a single parcel.

The planning staff received three public comments regarding the request. Bruce Anderson commented to the planning office directly and in the meeting. He stated that he does not see there being an impact on anyone, that there is sufficient separation between the properties, and that he has no traffic concerns. Jim Cook emailed on June 8 that he had concerns that the building was too close to the property boundary and that wind blown trees could impact the cabin. He also felt there needed to be a limit as to how many cabins were allowed on the property. Ken and Charlotte Dolan also inquired via email what the proposed structure was to be used for, how it might affect taxes of surrounding properties, the density of inhabitable structures on the property, and whether the structure was for business purposes.

During the meeting, Mr. Whitehead questioned whether the planning department and planning board had the authority to require subdivision, conditional use permit, or apply other criteria to the application.

Planning Board commentary centered around how subdivision review should be applied to this application. The board discussed whether there should be a limit on how many structures should be allowed in the 160 district.

With no further public comments, the public hearing closed.

Member Mannix moved to approve the Up Country Properties' subdivision review with the conditions listed by the planning staff. Member Hollenbeck seconded the motion. President Hirsch abstained. The motion was carried 6-0.

**6. Continued Business**

- a. None

**7. Planning Board Comments**

**8. Staff Updates**

- a. County Attorney
- b. Planning Staff
- c. Other

**9. Public Comments - none**

**10. Announcement of the July 7<sup>th</sup> Meeting**

**11. Adjourn:** Motion to adjourn at 2:38 by Member Hirsch. Seconded by Member Manley.

Respectfully Submitted,  
Amanda Cooley  
Powell County Planning Director

President Rick Hirsch

Date

**The Planning Board will meet at the William K. Kohrs Memorial Library  
501 Missouri Ave., Deer Lodge, MT 59722  
For Further Information Contact:  
The Powell County Planning Department**