

PLANNING BOARD

MINUTES

Regular Meeting – Thursday, August 11, 2022 – 1 PM

Members present: Bill Pierce, Randy Mannix, Rick Hirsch, Tracy Manley, John Beck

Members Absent: John Hollenbeck, Justin Williams, John Wagner, Earl Hall

Staff: Amanda Cooley, Ann O'Toole

Public: Mary Curtis, Joe Curtis, Bill Ries, Sandy Gravely, Dan Senecal, Katheryn McEnery, Dan Sager, Dusti & Josh Spatig, Bruce Anderson

1. **Attendance:** With five members being present at the onset of the meeting, a quorum was established.
2. **Approval of Agenda** Motion to approve agenda by Vice President Pierce. Seconded by Member Mannix. Approved with unanimous assent.
3. **Approval of Minutes**
 - a. **July 7th minutes:** Motion to approve minutes by Member Pierce. Seconded by Member Mannix. Approved with unanimous assent.
4. **Non-Public Hearings**
 - a. **Graveley Aggregation**

Planning Director Cooley presented the request by Sandy Gravely to aggregate two parcels in Garrison, MT. The parcels being aggregated are 49.72 and 8.41 acres. The purpose of the aggregation is for estate planning and transactions. The parcels are located in Section 04 and 05, T09N, R10W, which lies in zoning district 1. The minimum lots size in this district is 5-acres.

Member Mannix questioned whether this was pasture land. Mr. Gravely confirmed that this is pasture land. President Hirsch asked whether there are irrigation ditches. Mr. Gravely responded that no irrigation ditches are on the property but that the Yellowstone Pipeline does cross the parcel.

With no further inquiries, Member Pierce motioned to approve the land aggregation. Member Mannix seconded the motion and the vote was carried 5-0.
 - b. **EBK Boundary Relocation**

Planning Director Cooley presented the request by EBK Investments to relocate common boundaries between four parcels, aggregate two parcels, and formalize a land division created by Highway 141 near Helmsville in Powell County, MT. The purpose of the request is to relocate boundaries along road divisions. The parcels are located in Section 33 T13N, R10W and Section 34, T12N, R10W. The parcels lay within Zoning District 3 that has a 160-acre lot size minimum.

Member Hirsch confirmed with representative Dan Senecal that all of these parcels are owned by EBK. Member Beck questioned whether the survey was done to the road centerline. Representative Bill Ries confirmed that the survey was done to the centerline of Ogden Mountain Road but that the Highway has its own survey and that did not need to be done. Wagner questioned whether there were any shared structures between the two parcels. Mr. Ries responded that there are no shared structures. With no further inquiries, Member Mannix motioned to approve the boundary relocation. Member Pierce seconded the motion and the vote was carried 5-0.

5. Public Hearings

a. Curtis Conditional Use Permit

President Hirsch opened the public hearing. He noted that the public notice for this hearing circulated twice in the Silver State Post in the July 27 and August 3 editions. Director Cooley presented the planning staff's report.

The petitioners, Randie and Mary Curtis request permission to finish building their retirement home, which will be a second residence on the property. A shop on the parcel served as the original residence, and an additional residential structure combined with a garage is under construction. The planning department was notified that Mr. and Mrs. Curtis did not obtain the required Conditional Use Permit for the current project in late May. The planning department responded by mailing a letter dated June 2, 2022 notifying the Curtis's of the county permitting requirements and requesting that they contact the planning department to discuss their plans. The planning staff received zero public comments regarding the request though Bruce Anderson did visit the planning office to discuss the project.

The planning board did not have any questions regarding the project.

During the public comment period, Dan Sager commented that they have been occupying this parcel for at least two to three years and with outhouses being illegal, questioned what they were using for an outhouse. He emphasized that he had spoken to them about needing to get their permit from the planning office and the Curtis's never followed through.

Mary Curtis responded by saying that a representative from the Department of Revenue told them they didn't need to get a permit and that they did not know this was required.

With no further comments by the public, President Hirsch closed the public hearing.

Member Mannix moved to approve the Curtis Conditional Use Permit with the conditions listed by the planning staff. Member Manley seconded the motion. The motion was carried 5-0.

b. Spatig Conditional Use Permit

President Hirsch opened the public hearing. He noted that the public notice for this hearing circulated twice in the Silver State Post in the July 27 and August 3 editions. Director Cooley presented the planning staff's report.

The petitioners, Dusti and Josh Spatig request approval for a Conditional Use Permit for a 606sf cabin that was recently completed. Their two bedroom home cannot accommodate guests. The cabin is for guest use only. Septic and power are being transferred over to the cabin from their shop, which was used while they were building their residence across the road. Since they occupy their primary residence now, the septic system is not needed for their shop and the shop does not have living quarters. The sanitarian has no issues with this.

The planning board did not have any questions regarding the request. Member Mannix discussed his grazing rights in that area. They have grazing rights in the northeast area of the section. Previously, the Bureau of Land Management allowed grazing in Section 17 but revoked the privilege due to the presence of bull trout.

With no public comments, the public hearing closed.

Member Manley moved to approve the Spatig Conditional Use Permit with the conditions listed by the planning staff. Member Mannix seconded the motion. The motion was carried 5-0.

6. Continued Business

a. Planning regulations – updates and clarifications

Planning Director Cooley presented three pages of proposed updates to the zoning regulations. Primary topics covered included zoning standards in the Deer Lodge Donut, Development Certificate updates and clarifications, and Conditional Use Permit updates and clarifications. Member Pierce would like to further discuss the parameters by which structure expansions should be permitted. Aside from this, zoning updates discussed to this point will be submitted to the commissioners for adoption through the process outlined in the Powell County Zoning Regulations.

7. Planning Board Comments None

8. Staff Updates

- a. County Attorney** Updates were given on Spotted Dog, a boundary issue between the Hogans and Knights in Avon, and the Old Yellowstone Trail construction and dispute.
- b. Planning Staff** Planning Board training presented by Karen Ally of MACO will be reviewed at next month's meeting.
- c. Other**

9. Public Comments

10. Announcement of the September 8th meeting

11. Adjourn Member Manley moved to adjourn the meeting at 3:54 p.m. Member Pierce seconded that motion and the motion was carried.

Respectfully Submitted,
Amanda Cooley
Powell County Planning Director

President Rick Hirsch

Date