

POWELL COUNTY PLANNING BOARD

MINUTES

Regular Meeting – Thursday, December 8, 2022 – 1 PM

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

Members absent: John Wagner

Staff: Amanda Cooley, Ann O'Toole, Kathryn McEnery, Powell County Attorney

Public: Mike Stenberg, Scott Hazelton, Su & Ed Meardon, John Ries, Tyana Murphy, Tim Nelson, Mike Newhouse, Kim Flynn

1. **Attendance:** With eight members being present at the onset of the meeting, a quorum was established.
2. **Approval of Agenda:** Motion to approve agenda by Member Manley. Seconded by Member Hollenbeck. Approved with unanimous consent.
3. **Approval of Minutes**
 - a. November 10 minutes: Motion to approve minutes by Member Hall. Seconded by Vice President Pierce. Approved with unanimous consent.

4. Non-Public Hearings

RLDS/Beck Boundary Relocation: Planning Director Cooley presented the request by the Reorganized Latter Day Saints Church (RLDS) to relocated the common boundaries between two tracts of land. John Beck owns the second tract. The RLDS tract is known as the Echo Valley Campground. Additionally, this COS proposes an aggregation of three parcels owned by the RLDS Church. The parcels are located south off of Highway 12 near Ellison in Section 31 T10N, R07W. The parcels are within Zoning District 4, which has a 40-acre lot size minimum. Member Beck recused himself from the discussion and left the room, as he is one of the landowners involved in the request.

The Planning Board asked the application representative Kim Flynn, the realtor, what was planned for the property. At this time, there is no expansion anticipated. It is her understanding that the new buyer would like to keep the area a campground. She was not aware of any other intentions by the buyer.

With no further inquiries, Member Hollenbeck motioned to approve the boundary relocation. Member Hall seconded the motion and the vote was carried 8-0.

5. Public Hearings

a) **Meardon Minor Subdivision:** President Hirsch opened the public hearing. He noted that the public notice for this hearing circulated twice in the Silver State Post in November 30 and December 7 editions. Director Cooley presented the planning staff's report but amended the conditions of approval. DEQ will either need to approve this application, as the resulting parcels

are under 20-acres, or the surveyor will acknowledge that DEQ will provide review at a later time on the certificate of survey.

The petitioner, Edward and Sue Meardon seek a favorable recommendation to the Powell County Commission to approve a final subdivision plat for a first minor subdivision. The parcel the Meardon's seek to divide is a 20-acre parcel in the zoning district 1, a 5-acre minimum district into a 15-acre and a 5-acre parcel. There is a residence existing on the 15-acre parcel. This is reflected in the preliminary plat, along with the location of easements, and a well. Both parcels are accessible from the private road, Old Corral Lane. The petitioners have filed a variance to be exempted from the Powell County road standards. There were no public comments received by the planning department for this request.

The Planning Board had several questions for the applicant. Member Hall asked for an explanation of a half-circle element on the lower portion of the Preliminary Platt. Representative for the application, Jon Ries, the surveyor, explained that this was the location of a new easement for access to the southern parcel. Member Pierce requested further clarification on the involvement of DEQ review. He acknowledged that with DEQ review required, there will be additional engineering and cost required for the new parcel's septic design. Mr. Stenberg, an engineer present as a member of the public, addressed Member Pierce's questions. Member Hall inquired about the DEQ's role in nitrate testing. Mr. Stenberg also addressed this question, stating that background nitrates are tested and calculations are done to determine the influence of septic byproducts on groundwater.

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

Member Pierce moved to provide a favorable recommendation for final plat approval to the Powell County Commission with amended conditions listed by the planning staff. Member Williams seconded the motion. The motion was carried 8-0.

b) Murphy 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 November 30 and December 7 editions. Director Cooley presented the planning staff's report. President Hirsch requested a correction of an error in the applicant's name in the Conditions of Approval. The petitioner, Tyana Murphy, requests approval of a Conditional Use Permit to place a mobile home as a second residence on a family ranch. There was a mobile home in this location previously, but it was removed some time ago. They will be updating the septic and electric facilities. The home will be located near the existing home and will use an existing driveway for access. The parcel is located to the south of the Ovando township. A new septic will be installed for the mobile home and the existing well will be utilized. Sanitarian Chad Lanes had no concerns regarding this application.

Member Beck asked Planning Director Cooley whether there were any public comments. Miss Cooley confirmed that no public comments were received prior to the meeting regarding this request.

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

Member Hall moved to provide a favorable recommendation for the Murphy Conditional Use Permit with amended conditions listed by the planning staff. Member Mannix seconded the motion. The motion was carried 8-0.

c) RCCC Golf Cabins 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 November 30 and December 7 editions. Director Cooley presented the planning staff's report.

The petitioner, Rock Creek Cattle Company, requests approval of a Conditional Use Permit to build four rental cabins (aka Golf Cabins) near the first hole of the existing golf course. They will include four bedrooms and four bathrooms. Two septic tanks are proposed to serve the four cabins, and they will utilize a drain field currently used for the convention center. The cart path will provide the only access to these cabins. No public comments were submitted prior to the meeting.

The Planning Board had several questions regarding this application. The Board inquired how many bedrooms and bathrooms were in each cabin. Mr. Stenberg confirmed that the units will be four-bedroom, four-bathroom. He stated that the private club was losing out on membership due to a lack of accommodations necessary to stay and enjoy the golf course. He added that while the cabins can only be accessed by golf cart, the path can accommodate emergency access. He also noted that the cabins will tie into the phase 1 water supply. The Board was curious about the cost to rent the cabins and whether there would be a wet bar. The Board held a discussion about how this might affect the density-set-aside for the property. They were concerned that the addition of cabins will affect the density of the housing units in the PUD. Miss Cooley clarified that the calculations of residential density only apply to residential units, and that these units are part of a commercial establishment. Member Beck questioned how close the PUD was to approaching their limit on the set-aside land. Mr. Stenberg keeps a spreadsheet of these calculations but did not have it accessible. Miss Cooley confirmed that the PUD still has remaining acreage to offset some development. Member Hall made some general inquiries about residential density on parcels and how the planning department will be reviewing applications with more than four residences.

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

Member Hall moved to provide a favorable recommendation for the Golf Cabin Conditional Use Permit Member Williams seconded the motion. The motion was carried 8-0.

- d) **Souers 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 November 30 and December 7 editions. Director Cooley presented the planning staff's report.

The petitioner, Jim Souers, requests approval of a Conditional Use Permit to build multiple residences on a single parcel just outside of the Rock Creek Cattle Company PUD. The parcel is still part of the RCCC subdivision. This proposal is for a second and third residential unit located on Lot 9 of the Willow Creek Homestead subdivision. The project will have a guest cabin, and recreation barn with sleeping quarters in it. A Development Certificate will be obtained for the first residential structure in conjunction with the CUP for the additional two residential structures. A single CUP application is submitted for the guest cabin and recreation barn but two fees were paid to the planning department to cover review of each additional structure.

The Planning Board inquired as to the configuration of this parcel with the rest of the subdivision. They questioned why this parcel was not in the PUD boundary. Mr. Stenberg, the representative for this application, explained that these lots were part of the original subdivision and that the lots in this phase are all greater than the required 40-acres.

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

Member Hollenbeck moved to provide a favorable recommendation for the two Conditional Use Permits for Mr. Souers. Member Manley seconded the motion. The motion was carried 8-0.

6. Continued Business

- a. None

7. **Planning Board Comments:** Member Mannix inquired about residential permitting for parcels involved in the Brazil Creek boundary relocation last year. Admin O'Toole responded that the permits

were done as Development Certificates, as they were first residences on the property. Although they are large residences with multiple family units, they are still only required to obtain this one permit for this building.

8. Staff Updates

- a. **County Attorney:** Miss McEnery provided an update on recent legislation. A new house bill could compromise a local government's ability to enforce and uphold Board recommendations. MACO attorneys have introduced a Law of Unintended Consequences Bill to ensure that this does not happen.
- b. Planning Staff
- c. Other

9. Public Comments: None

10. Announcement of the January 5 meeting in the Community Center

11. Adjourn: 3:00 p.m.

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**