



# Anaconda-Deer Lodge County

## PLANNING BOARD MINUTES

Monday, April 8th, 2019      ADLC County Courthouse Courtroom

**Meeting called by**      **Art Villasenor, Chair**

**Type of meeting**      **Monthly Meeting**

**Minutes taken by**      **Carlye Hansen**

**Members Present:** Art Villasenor, Chairman; Rose Nyman, Vice-Chair; Frank Fitzpatrick; Mary Kae Massey; Bob Wren; Annette Smith; Craig Sweet

**Excused Absence:** John Lombardi

**Staff:** Chas Ariss, P.E., Planning and Public Works Director; Gayla Hess, Planner I; Carlye Hansen, Planning Department Secretary

### AGENDA TOPICS

#### Call to Order

Meeting was called to order at 6 pm by Art Villasenor, Chairman.

#### Approval of Minutes

*Motion was made by Craig Sweet to approve the minutes from March 4<sup>th</sup>, 2019, with corrections as noted by Rose Nyman and Bob Wren; seconded by Annette Smith. Motion passes 6-0.*

#### Old Business

There was no old business to report at this time.

#### New Business

Gary Soushek Retracement of Existing Tract of Record (new plat has been submitted)

#### DISCUSSION FROM THE STAFF

Chas Ariss, Planning Director stated that since the last meeting, he met with the surveyor, Tom Moodry, and pointed out the discrepancy with the variance approval that we originally received, so Mr. Moodry recrafted the lot split so that both sides are now 3500 sq. ft. at this point. This now complies with the variance that they were previously approved for and now at this point, there is no objection from the Planning Office to this moving forward.



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## DISCUSSION FROM THE BOARD

None.

## PUBLIC COMMENT

None

Seeing that there was a variance already approved by the Board of Adjustment, there is no vote needed by the Planning Board or Commission. This was informational only and now that this has all been straightened out and the plat has been satisfied to the requirements of the Board of Adjustment, as well as reviewed by the Planning Board, this will be forwarded on for final recording.

At this time, there was some confusion in regards to the order of the agenda and Chas Ariss, stated that, C) Vacation of the East Yards Frontage Minor should be discussed and voted on prior to B) Smelter City Recreation Complex

*Motion was made by Rose Nyman to amend tonight's agenda, placing item C under item A; seconded by Bob Wren. Motion passes 7.0. (Ms. Massey did come to the meeting late and this changed the numbers in regards to voting).*

## Vacation of East Yards Frontage Minor

### DISCUSSION FROM THE STAFF

There is an existing subdivision in the East Yards referred to as the East Yards Frontage Minor that was established in 2012. The County has no interest in this subdivision at this time as the original plans were for a box store and hotel and neither of these materialized. At this time, per State law, they are now allowed to vacate that subdivision in order to move on to a different proposal for this land and that is what is being recommended at this time so that this can clear the path for the Smelter City Recreation Complex to re-subdivide that area. They have gone through and prepared a plat and legal description of the ground that they are looking to develop on. This land has been advertised for competing proposals at this point and it is just a matter of the Board recommending vacating of this subdivision, and concurrence from the Commission to allow the Smelter City Recreation Complex proposal to move forward.



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Frank Fitzpatrick asked if he was correct in stating that they are looking at five years before they start building. The CEO would like to see the breaking ground of this development in a shorter length of time. He questions the reverter clause, but nowhere can he find what the reverter clause is. Chas states that at this time there is no final agreement on any of this, and that the reverter clause will be a part of that. Tonight, what they are going to be presenting is their initial plan and their fundraising, and at least what preliminary construction plans would be. Mr. Fitzpatrick verified that this is not a part of the East Yards Subdivision that was finalized several months back.

Rose Nyman did believe that the promotor who was going to bring in ShopKo paid \$500.00 in earnest money for that project. Chas says that he knows nothing about any of this money and has not seen any record of this.

## DISUSSION FROM THE BOARD

None

## DISCUSSION FROM THE PUBLIC

None

*Craig Sweet made a motion to vacate the four (4) lots at the East Yards Frontage Minor; seconded by Rose Nyman. Motion passes 7-0.*

## Smelter City Recreation Complex

The Smelter City Recreation Complex has requested a donation of land from the County to support their complex. See above.

## DISCUSSION FROM THE APPLICANT

Mr. Ed Delaney, as well as Mrs. Linda Moodry and Mrs. Gina Tracy were all present at tonight's meeting representing the Board of the Smelter City Recreation Complex. Mr. Dulaney started off by thanking the Planning Board for the move to vacate the property at the East Yards Subdivision Minor, so they will be able to have the opportunity to acquire this.



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The proposal is to develop a 75,000 sq. ft. facility with three parts, the community center, the aquatics center, and a large arena. Right now they have 13 support letters in favor of the project and the packet that members of the board has received includes a conceptual site plan. What they are envisioning at this time is a five (5) year start date. The Saddle Club has expressed interest so the original concept was three buildings to build the complex, but now what they are looking at is a larger arena and there seems to be a group of people on board for that, so that is why they wanted to go form a 10 acre plat to larger 30 acre piece of ground, so this could accommodate an arena for horses.

At this time, Mr. Dulaney states that they would be happy to answer any questions.

## DISCUSSION FROM THE BOARD

Craig Sweet is interested in knowing what the 29 acres has been appraised at? Mr. Dulaney stated that they are asking for a donation from the County. Mr. Sweet feels that there must be an appraised value of the land. Mr. Ariss states that the land is much undervalued because of the contaminated soil in a remediated area. Chas explained that the County charges \$1000.00 per acre and this is standard for all County owned property that has standing environmental restrictions and covenants on it. In this instance, the Smelter City Recreation Complex is a 5013C, he believes, so is nonprofit and the County policy has been to try and get the land back into productive use, and once this gets built out, then reassess to get a taxation value at that time. Mr. Sweet also asked about when this is built out, what would it be generating in property taxes back into the county. Mr. Dulaney explained that they are a 5013C so as far as property taxes, it would not generate taxes, but it would stimulate the economy with employment and revenue generation. Mr. Sweet asked if there was an amount determined that the Complex would have to generate in order to be viable.

Mr. Dulaney stated that there are two pots of money they are trying to raise. One is for the construction costs and the other is an endowment fund to maintain and to keep the facility running. They are not going to make a profit running this facility, so that is what the second pot of money would be used for, the endowment fund, which will be more difficult to raise.

Art Villasenor asked if they foresee any issues with this project getting up and going with the reverter clause. Chas stated that none of this has been negotiated and that all we are doing here tonight is making a commitment to the complex organization that this land is available provided that they demonstrate adequate fund raising and if they cannot demonstrate that as well as do some basic ground work for development, then the project will be terminated.



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Frank Fitzpatrick states that in the past when other businesses have wanted to come to Anaconda, they have been told that they are responsible for contamination at 18 inches and lower, and that they do not stick around. He asked for reassurance that they would be staying around and if they understand how the entire process works. Basically, they will replace the soil that needs to be removed.

Mr. Sweet verified that we will do a lease at some point with a reverter clause and legal language about that, but until that happens, this is still County land, the County is still liable for anything that happens, and once the lease is signed then they would take on the liability, he would assume.

Mr. Dulaney explained that a big part of this evening's presentation is that any grant that they are currently trying to apply for require the principle that they have a location to build this project on. All funds require this step and until they can guaranteed this to the grant holders or go down any other funding avenue, they will not get any of the monies needed to progress with the project.

Mr. Dulaney stated that they would like the five years before the reverter clause kicks in. They would like to let the County know that they will work with them in good faith and if they only have half the funds raised in five years, they are willing to scale back the project until a time in which they can complete this.

Mr. Dulaney said that they have a professional grant writer on hire and that they will turn over every stone they can in regards to obtaining grants for this project and with fundraising opportunities.

Rose Nyman did notice that Helena is in the process of redoing their Growth Policy and what she saw as a repetitive item was activity centers. This is basically something that people are looking for in their communities.

Rose Nyman brought up the issue of transportation to the facility and asked if there was any comment on that. Mr. Dulaney stated that at this time this is on the edge of town and that with Anaconda not being a large community and that in the summer it is probably not a big deal for a child to jump on their bicycle and go there, but winter is a different story. She states that this is an issue and he states that this is something we can certainly address in the future.



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Rose asked if they have given any thought to trying to attract Special Olympic events? Mr. Dulaney stated that he believed they would be open to any event or organization who would like to use it. She then asked about a hockey rink. Ed stated that they are working on the possibility, but again this is something that would be a ways away, but they would entertain the possibility.

Craig Sweet stated that he has heard from several folks the fact that we cannot support a \$40M golf course across the way and that they are continually running deficits and folks are like "what if this does the same thing and they cannot make the maintenance every year?" He feels that this is a legitimate question to ask in light of what has happened with the Old Works. Mr. Dulaney states that they have heard this over and over. This is why they are in need of the endowment fund. How that would work would be the interest from the endowment fund would be what pays for maintenance on the complex and would need a fairly large pot of money to sustain the facility. Mr. Dulaney says he can produce financial projections that the folks in Denver did. There will be some changes made over time, but they are fairly confident in knowing what the endowment fund will need to be.

Chas stated that he believes one of the conditions to issuing any sort of lease on the property or issuing a building permit in particular, regarding his discussion with CEO Everett, that the County will go ahead and do an analysis and solvency evaluation to see if they really have the funds to build this, build this correctly and to code, and then also be able to maintain this so that it doesn't become an eyesore or unmanaged asset like several of the school properties in town that are sitting idle. This is a gateway project for the community and the County feels that by giving this opportunity to market this and to obtain funds that this will all come to fruition in terms of generating enough funds on the construction side. This will be a fee facility in which they will charge memberships, admissions, daily use fees, etc. This is something that would be required for conditions in crafting the terms of any lease that is obtained by the County. The fee structures have been looked at, but they cannot put it so high that the public cannot afford this, so this is definitely up for more conversations as there are not enough folk to sustain this in the community, hence forth the endowment.

Bob Wren asked if this would be a public or private entity. He states that everyone on board is onto this and it will be a public facility with facility support. The grant money will be for construction and public support will be put into the endowment. Also, entities that will be using the facility will be paying fees to do this. Obviously, the endowment fund will be the harder fund to raise.



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Mr. Wren would also like to see a market analysis on this project and would like to look at the reverter clause and state specific terms and conditions on this to protect the county.

Everyone on the board would like to see a copy of the market analysis and Mr. Dulaney will send this to the planning department for distribution.

Frank Fitzpatrick asked about how long the plan is to make money for this and will they pull the plug on this if enough money is not raised. Mr. Dulaney states that his understanding is that the money would need to be passed on to another 5013C. They could also downsize the plan or phase the plan.

Mr. Fitzpatrick asked what he thought the most valuable entity of this project would be the most valuable to the community. Mr. Dulaney states that all entities would be valuable, for tournaments, and also the aquatic center. The folks from the Saddle Club have expressed interest in the arena. Also, the need for community center would be for community forums, conventions, receptions, etc. According to Gina Tracy, they did a Facebook poll and she felt that the swimming pool seemed to be the most wanted entity at this time according to that, as well as a walking track. A hockey rink was also suggested. They are looking at doing a more formal survey of the community to see what their wants and needs are. Gina is also hoping that this will be self-sustaining as we are in dire need in this area for places to hold out of town travel tournaments. She states that the towns involved in these tournaments can support this and bring in much needed revenue to the communities, not only the venues, but the motels/hotels, and restaurants by having a regional sporting area

Mr. Wren did ask if there is sewer and water in this subdivision area. Mr. Ariss confirmed that there is.

## DISCUSSION FROM THE PUBLIC

None.

*Motion was made by Rose Nyman to move forward the Smelter City Recreational Complex conceptual plan forward to the ADLC commissioner seconded by Mary Kae Massey. Motion passes 7-0.*



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## Miscellaneous

### Matters from the Staff

Chas Ariss just wanted to note that they are still trying to get the proposed revisions to the DPS. The feedback that we have received was that the attorneys working on this still feel like this is too premature to make anything public at this time due to the consent decree negotiations with ARCO, so we are going to go ahead and table this until further information is available to be released to the public.

### Matters from the Board

Rose Nyman would like an update on the Cottages at the Old Works. Per Chas, the project is moving forward. The building permit will be issued for this. Most of the issues have been resolved. They are moving forward as a PUD and they were unaware of the Unit Ownership Act. They have been referred to an attorney in Missoula who specializes in this sort of thing with condominium complexes, so as far as Chas is concerned, we will issue the building permit and still look for the infrastructure engineering report from them and then they basically have the green light

Rose also noted that at an earlier date the Planning Director did state that we do not have a sign ordinance and she has been asking about that. Now, she gets the feeling that the Commission is trying to turn this back onto the Planning Board. Chas states that he would like his to come through the Planning Department and that he would like to see this be vetted through either the Planning Department or the Historical Society on an individual basis. He does not feel that we need an ordinance for this and feels that each project should be evaluated individually. . He feels that we need to do more of an engineering analysis of each sign request and keep in context with the general character of the aesthetics of the community, as well as a health safety concept, then we should be able to handle each sign individually with the building permit process.

Frank Fitzpatrick questioned some of the standards of the signs and Chas feels that this is something that can be vetted through the Planning Department with the building permit process. He feels that this is very cumbersome and that a person cannot think through every potential situation and write a black and white ordinance. Chas would like to see a resolution from the Planning Board that specifies some specific architectural standards for urban renewal type of areas, such as going with what they feel the character of the town is.



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Frank Fitzpatrick inquired as to whether anyone had gotten hold of the folks in Deer Lodge regarding the Conservation District. Art Villasenor states that he talked to the gal in Deer Lodge and he will be attending the meeting this week and will follow-up with this next month Susan from Deer Lodge did understand it that there are is current Conservation member and they do not want to be part of the Anaconda Planning Board. There may be change to the bylaws after this meeting and this will be discussed and possibly voted on at the next meeting.

Annette Smith asked about an update on APOC. Chas stated that the retail store has opened and the gun range should be open shortly within a week or two. The Sweetheart Bakery building is currently over onto the SW corner of Montana and Monroe. Mountain Man Pawn is looking into moving in there and that the area is looking at becoming a light industrial developmental area.

Annette also wants to clarify that the folks involved in the Saddle Club do not have a large membership and what type of funding would they possibly have to contribute to the Smelter City Recreation Project. Chas said that it is not groups like these that will be financing this. It would be larger corporations such as Washington Group, Murdoch Foundation, etc., companies that are much larger than small Anaconda entities, as well as some possible community help in regards to memberships and that sort of thing.

## Public Comment

None

## Next Meeting Date

May 13<sup>th</sup>, 2019

## Adjournment

Meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Carlye Hansen

Carlye Hansen, Planning Department Secretary

Approved 07/08/2019