

MINUTES

ADLC Planning Board

ADLC Courthouse, 3rd Floor Courtroom



Monday, July 26th, 2021, at 6:00 pm | Meeting called to order at 6:03 pm by Rose Nyman, Chairperson

Attendance

Members Present: Rose Nyman, Chairperson; John Lombardi, Vice-Chairperson; Frank Fitzpatrick; Colleen Riley
Christine Klanecky; Bob Wren; Mary Kae Eldridge (came late at 6:27 pm)

Members Absent: Annette Smith, excused; Art Villasenor, excused

Staff Present: Carl Hamming, Planning Director; Gayla Hess, Planner II; Carlye Hansen Planning Department Secretary

Guests Present: Please see sign-in sheet.

Approval of Minutes

June 14th, 2021

Motion was made by Bob Wren to approve minutes from June 14th, 2021, with corrections as noted; seconded by John Lombardi. Motion passes 6-0.

Public Hearings

Anaconda Community Intervention (ACI) Folf Course

PUBLIC HEARING on a Major Development Permit (MDP) application by Anaconda Community Intervention (ACI), Inc. to build a disc golf course in Washoe Park and at 1506 W Pennsylvania Ave in partnership with Hope Lutheran Church. Properties are located within the Public/Semi-Public and Low- Density Residential Development Districts. Properties are legally described as:

- S04, T04 N, R11 W, ACRES 29.905, REMAINDER TR IN NE4 N OF CITY LIMITS
- S04, T04 N, R11 W, C.O.S. 90D, PARCEL 1, ACRES 4.51

Staff Report

Gayla Hess, Planner II reviewed and presented the staff report put together by her and her office. All content can be located on the ADLC website. Ms. Hess reviewed the nature of the request to build a disc golf (folf) course in Washoe Park and at 1506 W. Pennsylvania Avenue in partnership with Hope Lutheran Church.

There were several letters written and Ms. Hess stated that those folks were also present in the audience, so she was going to let them speak rather than read the letters.

There is a letter of support that was received by the Parks and Recreation Board for this project. ACI met with the board at their last meeting on July 19th, 2021, and the Planning Department did receive this letter after the packets were printed and it is available online.

The Planning Department does recommend approval and have several proposed conditions, and these were gone over this evening in detail. (Please see staff report).

Questions from the Board

Frank Fitzpatrick inquired about the county maintaining the park, will this just be weed control and trash collection? Ms. Hess stated that this area is not regularly watered and maybe it is cut once a year, which is her understanding.

Bob Wren asked about a typo on the application stating that this was listed as 800 Main Street, and that the township and information was under Joe Ungaretti's name on the property information. This was just how this happened to be filled out by Joe Ungaretti, Code Enforcement Officer, and he was just using his office location as he was signing this application and that the property information on the application regarding the areas where the golf course will be located is correct.

Rose Nyman is questioning the MOU (Memo of Understanding) and under item #6 Confidentiality, she is not understanding how this can be in a government document. Ms. Hess did state that she would discuss with Ben Krakowka, ADLC County Attorney, who did help draft the MOU.

Applicant Report

Matt Buerkle, 712 Hickory, Anaconda

Mr. Buerkle is the project coordinator for ACI. They are a local nonprofit, and they have a drug-free community grant which is a federal grant to address substance abuse and misuse within the community with a particular focus on youth. They are looking at ways to engage the youth within the community, whether that is short-term events or something they are trying now which is a long-term event. While they were brainstorming the disc golf was one of the ideas that came up. They met several times to discuss this, and they are slowly moving through the process. It is new ground for them, and he knows there are a lot of I's to dot and T's to cross. If there are concerns, they are most definitely open to discuss these concerns. For them, it is not a matter of them wanting it built by the end of summer 2021, and they understand that will not happen and that it is a long-term thing, so they are more than happy to work with whomever is concerned about various issues and address those. The reason for the golf course is to provide more healthy recreational opportunities for the youth in the community and they thought this would be a great avenue for that. As far as the layout, he states that the layout was not done by someone living in Anaconda, so they will be more than happy to adjust the layouts and address any concerns brought to them during this time.

Proponents

Teah Fuller, 1817 Hamburg, Anaconda

Ms. Fuller is here on behalf of Accelerate Anaconda. They are a partner with ACI on this project. Not only is Accelerate excited about this project, but there are a lot of local children and adults who are excited for this project. She stated that if you take a walk through the park, there are always folks playing golf and the Tree Board is super excited that the trees will no longer be hurt. The layout they have is designed to be different. When they walk it, it will be much more different than what is proposed right now. She states that there is already county liability as it is in an ADLC owned park. She said that some of the concerns are about how the discs are thrown and where they will be going so, they will avoid hitting others. They will come back and report to the Planning Department on this. She states that regardless this is already happening in this park. The walkers on the path are already aware of these folks playing golf and not only that, where they are proposing this layout is on the inside of the trail and doesn't go onto the other side. The wetland is a part of the course, and it may be a little bit more difficult to use that in different parts of the season. She says this will be a great thing for Anaconda and there are a lot of people super excited about this, especially the youth, and she knows that Mr. Buerkle is going to put on some great camps to show how to use the course properly. They are also looking for partnerships for donations from downtown business and private individuals that would like to provide baskets so that they are properly installed and cannot be taken.

Opponents

Mike Pentilla, 107 Deer Park Road, Anaconda

Mr. Pentilla doesn't say that he is really opposed to this project. He feels it is a good thing and that it is good for recreation and for the youth. However, his opposition comes more in the form of a concern in that he does not want Deer Park Road to become the default parking lot. He submitted some comments to the website, but the reality is that if you look at the proximity of this course, the default parking area will be Deer Park Road because it is within feet of the course and the other potential parking spots are substantially removed. What he is asking from the Board is to please consider the parking, and maybe consider no parking along Deer Park Road. He would like something to control access from Deer Park Road, and that would resolve the bulk of his concerns. He states that the other thing is that in the design of the course, they stated that this is a preplan. He thinks that a certain amount of offset from the shoulder of Deer Park Road would be appropriate, and he really doesn't know what the minimum offsets are to make sense, but he would suggest 100 feet off the shoulder of Deer Park Road. He states that this road is only 20 feet wide, and a substantial amount of people walk on this, and if you add any parking to that, then suddenly you are down to maybe 15 ft and two-way traffic is impacted. If there is any way of assuring that parking is in the areas where they want folks to park, he is not opposed to it. He also suggested that maybe they make hole #1 somewhere other than Deer Park Road.

Rob Blotkamp, 143 Deer Park Road

Mr. Blotkamp and his wife, Deanna are present this evening. They live north of the proposed area. A lot of folks in Anaconda realize that the Blotkamp family has been there for many years and currently he and his wife Deanna are the

current ones living on this property. He started by saying that he didn't think anyone would want a recreational park located in their backyard, so it is only natural that someone who is going to have this done would have some recommendations or at least some ability to say that if this is going to happen, then these items are things they would like considered.

The first thing that he would like to know is who these guys are? He did get the information on this this evening that these are folks that are part of a group for rehabilitation. He wanted to know if this would be open to the public or is this private? Ms. Fuller responded by stating that this is a public course. She states that there is a larger population playing golf, but that Mr. Blotkamp is not going to see anymore than perhaps three or four people at a time playing golf. He would assume that if there is a tournament, there will be provision and that there would need to be a permit. He did see this in the notes.

Mr. Blotkamp then went on to state that he does pay taxes in this county, and he deserves a right to have a quiet place in his front yard. His big issue is the traffic and he felt that Mr. Pentilla pointed on that so he will second everything that Mr. Pentilla discussed earlier on that topic. He would certainly appreciate speed limit signs put up. If anyone would like to drive around before this is approved with any sort of recommendations, he is all for that. He feels that all of these are very legitimate requests. He wants to know what the speed limit is currently over there, whether it is 25 mph or 15 mph. He has called the city and they said it was 15 mph. He put his own up because he talked to the road department a month ago and nothing has been done. He states that it does make a difference and there is a huge problem, and you would not know it unless you lived there. They already have increased ATV traffic, and he wants provisions. He is also concerned about the pedestrian variant as the Old Works Trail runs right along the Pennsylvania Ave area near the Hope Lutheran Church and there is nothing to separate the trail from Pennsylvania Ave, but they have done this on Washoe Park Road, and that is working great. He told the Planning Department that they are into planning, and he hopes they do it right. He wants some safeguard protections if they are going to increase activity in this area.

He then asked about landscaping and mowing this area. Ms. Hess stated that there will be some landscaping and some clearing of trees, but they will certainly not be mowing the whole area down. It will just to be able to enable some of the T-boxes and the baskets. Honestly, the trees and grasses that are currently there will make this more exiting for play. Mr. Blotkamp would like to keep this natural, and he asks the Planning Board to not screw up the landscaping over there.

He then went on to thank the Planning Board for their service and for allowing him and Mr. Pentilla to be able to speak up.

Questions from the Board

John Lombardi asked if the Tree Board or Trail Society are involved in this project. Ms. Fuller states that yes, the Anaconda Trail Society is involved in this. She states that they have a couple barriers left over that Mr. Blotkamp was talking about from over on the Washoe side, and she is sure they can put those up to make sure folks do not go past this

Colleen Riley has a question about parking. She is concerned about the six parking spots and where those are. She wants to know if there is any recommendation or any way to consider additional parking away from Deer Park Road as suggested, as well as consideration for other parking spots. Ms. Fuller stated that parking is not only encouraged in front, but also back by the large green house and pond area and there is a lot of parking back behind there. She feels that not many will even want to park on Deer Park Road as that will be the back end of the course. She states that Hope Lutheran does not want a lot of parking over there. They are going to encourage folks to park more in the park area. Most of these are high school kids and little kids. They will be riding their bikes. They are also piling into one care. They are going to encourage parking behind the green building, and that is where the course will be starting so it would be easier to go that way. Ms. Riley asked if there would be signage and Ms. Fuller stated that there will be a lot of specific signage for parking and other information.

Ms. Riley asked about other letters for or against and Ms. Hess stated that the letters that were written were represented by the folks who have already spoken, and they opted to speak rather than have the letters read at the meeting.

Mr. Lombardi asked about law enforcement. He asked what would happen if folks parked outside the designated area and onto public space, would this be a county concern. Mr. Hamming stated that absolutely this would be a county concern and would be susceptible to code and law enforcement.

Christine Klanecky asked limiting parking or no parking on Deer Park Road as it is not a normal width road. Mr. Hamming states that the Commission would have the authority to state that there will not be any public parking along the road. She also asked about the posting of a stop sign as well as the speed limited being marked along that road. Ms. Hess noted that she has mentioned these concerns to the road foreman, Wayne Wendt.

Mr. Fitzpatrick stated that there is nothing to stop folks from parking on the shoulder of Deer Park Road and walking across to where this starts. He would encourage more wildlife fencing and states that this should become a code enforcement issue. He states that if the word gets out that you will get a ticket if parked there, then hopefully this will get the message across.

Ms. Nyman stated that personally she feels that the Commission should not allow any parking on Deer Park Lane.

Mr. Blotkamp stood to make a comment that upstream from their house there is a spot where fisherman get right down to Warm Springs Creek and everyone loves that. He does not want this to go away. He states that if they are going to limit parking, then don't recommend this going away, Mr. Wren stated that this area is roughly 250 feet away and didn't feel this would be an issue.

Mr. Lombardi stated that ACI is doing a great job and wants to support them and their ways of supporting Anaconda's youth.

Mr. Wren stated that this is a preliminary plan and is asking if they will be coming back to the Planning Board later. Mr. Hamming stated that there will be no need to come back unless we request this, but a formal public hearing at this time will not be needed.

Mr. Fitzpatrick asked if there has been any contact with the road foreman on this regarding parking and signage on this road. Ms. Fuller stated that there has been some conversation, but not specifically in reference to the folf course. He feels that there need to be signs and get some tickets on the folks that violate this.

Motion is made by John Lombardi to approve the application by the Anaconda Community Intervention (ACI) Inc, with all conditions as listed to build a disc golf course in Washoe Park and at 1506 W. Pennsylvania Ave in partnership with Hope Lutheran Church. Properties are located within the Public/Semi-Public and Low-Density Residential Districts with the request that the ADLC Commission sees to proper signage, and to confirm the property rights of individuals who will be close to the folf course listed as condition #6 under the Summary, Recommendations, and Proposed Conditions listed on the staff report put together by Gayla Hess and staff of the Planning Department.; seconded by Frank Fitzpatrick. Motion passes 6-0.

Jessica Stainer - Coffee Cabin

A PUBLIC HEARING on a Major Development Permit (MDP) application by Jessica Stainer to build and operate a coffee cabin at 140 Montgomery Lane (near Silver Lake) in Anaconda. The subject property exists within the Georgetown Lake Development District in which new convenience commercial businesses are considered a special use and require an MDP. Property is legally described as:

- S21, T05 N, R13 W, C.O.S. 313A, PARCEL 2

Staff Report

Carl Hamming, Planning Director, reviewed and presented the staff report put together by he and his office. All content can be located on the ADLC website. Mr. Hamming discussed the nature of the request to build a coffee cottage on and near her family's property on Silver Lake. Property is located within the Georgetown Lake Development District. It is zoned residential by ADLC as well as the Department of Revenue. For new commercial businesses to locate in the GLDD, they must exist within the designated commercial activity zones that were adopted in 2015.

The applicant must go through both the Planning Board and the ADLC Commission for the Major Development Permit and will need to get a variance from the Board of Adjustment to locate this business out of the predesignated commercial zones.

The Planning Department does recommend approval and have several proposed conditions, and these were gone over this evening in detail. The most significant condition is that prior to issuance of the MDP, the applicant shall conduct a Traffic Impact Study and submit the results to the ADLC Planning Department and the Montana Department of Transportation to determine if/what improvements are required for the existing approach on Montana Highway 1.

Questions from the Board

Mr. Fitzpatrick stated that the highway is a serious concern. He stated that he cannot imagine heading west and then trying to turn in for coffee on that corner. He has some serious concerns about this. States that this is a great idea, horrible location.

Ms. Nyman has a lot of concerns, and she feels that there are a lot of unknowns in the application.

Applicant Report

Jessica Stainer, 366 Highland Drive, Anaconda

Ms. Stainer is who submitted the proposal, and she does agree with the turn and that being a serious concern. She has spoken with Mr. Hamming, and she is willing to look at other options on a second exit turn-in down the road, maybe that would come down into the property to the kiosk. She does state that the curve concerns her as well. One of the things she stated is that she would never want to cause an accident on that turn pulling into that area.

She states that she is trying to fill a gap on a need that is there. She is a small business owner. She owns Highland Ranch and Bakery. They just went in with Barclay's II Supper Club down at The Forge. She feels that she will be creating jobs within the community, something that a lot of people need especially up in the Silver Lake and Georgetown Lake area. There are not a lot of options for people there and they are having to drive into Anaconda or Philipsburg. They were hoping to carry some of their products there from the bakery so in turn, creating jobs in Anaconda, where they could work in the commercial kitchen to stock the kiosk at Silver Lake.

She understands that there are concerns and she did read the letter from Mr. and Mrs. Stanich, and she feels that a lot of the concerns could be addressed. She would be interested in working with the Department of Transportation and perhaps get a survey regarding the traffic flow in this area or perhaps creating a turning lane or a second option as far as down the road at the other entrance into the property.

As far as the letter that the Stanich's submitted, she understands that they are concerned about dust on there. They do not plan on putting a large coffee kiosk there. This will be a kiosk, and no one will be parking there to get out. This will be a drive-in and drive-out kiosk. They are not expecting to generate a lot of traffic as far as folks from Anaconda coming all the way to Silver Lake to get their coffee. It will be filling the gap maybe for the folks living at the lake, fisherman wanting to get a cinnamon roll and a cup of coffee. She feels that they really won't be generating as much traffic with new folks coming in, but just mainly accommodating the folks that are there already. It is true that the road is a dirt road. The area where the coffee kiosk is not too far down from the turnout for the road. She states that it would be hard for someone to turn in fast and tear down that road, thus creating dust. She states that she sympathizes with their concerns, but they too, also run a storage unit business, and she hopes that they can sympathize with her as being a small business owner. They have patrons coming in and coming across the Miller property to enter their storage units. All their concerns and comments in their letter are the same concerns and comments that she would have regarding their business as well with traffic coming into their business. As far as snow removal, the property has been in their family for many years, and they have been taking care of snow removal for quite some time. The last few years when no one has been living up there, they have not, but they have the equipment and are prepared to do snow removal and always accommodated the folks up and around there. She feels that all their concerns are valid, however these are the same concerns she would have regarding their business right across from the proposed area of her coffee cabin.

Questions from the Board

Ms. Riley asked about a second turnoff. She cannot seem to visualize this.

Jeff Miller, 1102 East 5th Street, Anaconda

The turnoff that she is talking about is the Bill Montgomery land turnoff that is right after the guardrails on the west side. It is an easement that is considered a snowmobile/ATV trail, but it does get used as an actual dirt road at this time. Kim and Steve brought up the possibility of moving stuff around earlier this year. It was something to investigate, but what kept them from using this as a full-time access to the land, is primarily campers that live there as well as fisherman with trailers. They would also lose access on that road that would come from MT 1 into their land. That road was put in by the railroad in the early 1860s as a public access for the railroad and railroad ran across the top part of the lake bank through their land and continues to Georgetown. This would be their biggest concern as far as starting to be using the secondary road and the road has not been used as a primary road in so long, would it be considered abandoned, in which case the main access to the lake for the sportsmen would be taken.

He is not sure if there is a way to use the Montgomery turn off strictly as a spot for the people coming in for coffee. This would be something that would need to be researched. This, however, would be the safest spot as there are plenty of ways to break from both ends rather than that corner as everyone expresses.

Ms. Riley asked if the other entrance could be part of the traffic study as this needs to be done anyway and look at both accesses. Mr. Hamming stated that this would have to be done and that the easements would all need to be looked at.

Mr. Fitzpatrick asked if they own the property that this will be on. Ms. Stainer stated that what she is understanding is that Kim and Steve's property runs over the road where you turn in. However, the road continues onto their land, so it is just shared so the patrons who use the storage units do eventually have to come onto their land to access the storage units to utilize them. The coffee patrons would have to cross over the beginning stretch on to their property, not where they live, just the road, to come down to the coffee kiosk.

Ms. Nyman asked the question about the actual landowner of the property in question. She asked if Arlene Miller owns this property. Mr. Miller stated that her name is on it. When they purchased this 7 or 8 years ago, his grandmother and his grandfather were left as a primary on that section for tax reasons.

Proponents

None

Opponents

Kim Stanich, 59 Montgomery Lane

Some of the concerns that have been raised by them have come up in discussion to this point. One of the main overlying questions is now regarding the old easements that have been place, and new easements that should possibly be implemented. They did their research, and it was very overwhelming, and she didn't come across anything that clearly outlined what Lester Miller's intention was when they sold off the 11+ acres that pretty much requires any traffic for their property to go across someone else's property and now it is their property. If the Georgetown District or Planning Board feels that this is something that needs to be moved forward, and it looks like a possibility or positive for the community, then everyone really needs to understand what appears to have been for a long, long time being private access only to Silver Lake. The first property that they bought, Jeff told them that there was a cabin on the property and to be sure that there were not more than two fishermen there and that they had permission slips in their windows to help as they were not always there. In the first winter, he was living there some and helped some with snow removal and so forth, but the last two years, the Stanich's had to do that and had no help with that. With more traffic and an attraction to camping, fishing, and coffee, and going across their property, she is not for this, and she does feel that the other entrance to this is safer with the Montgomery Lane access off Hwy 1. She states that the impact is significant regarding what happens and if someone wants to drive their ATV or 4 wheel there will be dust, noise, speeding, and folks coming and going and no real management of the property. It makes them even more concerned for what they need to do to be sure that occasional storage customers can get in and out of their storage units effectively. She feels that they may need to look at the surface of the roads that may be put in, what the other access looks like, managing the roads, and private drives. There is the possibility of fencing off some of the business area for both businesses. She feels that it makes folks feel like they are only coming for the business aspect and now they are coming for public. She wants to know what they will do for parking, and folks moving about.

Questions from the Board

Mr. Wren has a few questions for Mr. Hamming. First is, with the traffic circulation around this area, would this be included in the Traffic Impact Study that will be required. He is concerned about stacking through there. Mr. Hamming would doubt that the impact study would deal with the parking circulation itself down in the area. This is far removed from the highway at this point. The only thing that would be looked at would be the traffic generated and the safety issue.

Mr. Wren asked if there were requirements for improvements, will this be paid for by the applicant and do they understand that this could be \$500,000.00 to make this safe? He feels that they may end up spending a lot of money only to find out that the business is not worthwhile.

At this time, Mr. Wren became unable to transcribe as I could not understand him.

Mr. Fitzpatrick did refer to the interpretation, where Mr. Hamming explained that commercial use is not specifically prohibited, therefore are they allowed to do it. A different argument would say that it doesn't say that commercial use is permitted, so he doesn't know how this will be interpreted, so he left the language there that stated that they are working with the neighboring property to clean up the language of the easement and hopefully this will clear the language up for

everyone involved, and not just with this application, but it sounds like with the storage units there, the summer campers, the trailers, access to the lake, and this could be beneficial to all parties if this easement is clarified.

Mr. Fitzpatrick asked about Condition #3, regarding ownership of the property, however, Ms. Stainer states that she owns this. Mr. Hamming noted that on Cadastral, the Department of Revenue has this under Arlene Miller, so they just need to update this information to prove that they are the owners there, this is just a formality to be sure that we are dealing with the correct property. Mr. Fitzpatrick stated that if he wanted coffee, he would rather go to where he could go and see Silver Lake. Mr. Miller confirmed that they own the only access to the lake, but you need to drive across the easement to get there. Mr. Fitzpatrick also knows about the road he is talking about past the guardrail, but if he is driving to get a coffee, he is not going to go back that way. He will go out the shortest route there is. Even as far as coming east, there is not a lot of time to make the stop. Again, he states it is a great idea, bad location.

Ms. Riley said that she appreciates the preparation on the part of the Planning Department regarding this. She thinks there are ten very specific conditions, and he really doesn't know if these are achievable conditions. She has concerns about the traffic safety, so Condition #6 is her big one. When she first looked at the application before she even came tonight, she said this was immediately her biggest concern. She is a bit curious why the Planning Department is recommending approval of this to the Commission, but with all the conditions, does the Planning Department or the applicant see these as hurdles that can be overcome or are these hurdles that will stop this in its tracks. Mr. Hamming agrees and again, thinks that Condition #6 is the big one here. He thinks that most of the others are just hurdles that you would normally have to jump through to be sure that this is a good, clean, safe, and healthy business and that you are doing it in its location properly. Condition #6 would coordinate with MDT with figuring out what improvements would be required on the existing approach or forcing the applicant to use the western most access that they are talking about, and just exploring options. It is up to the applicant to see how much further they would want to coordinate with MDT or see what type of initial response they would get and to see if there is any possibility of moving forward. The reason he recommended approval was because there are some hurdles and some issues, but hopefully the potential does exist that they can succeed if they were to move on with the project.

Mr. Lombardi asked about if there were emails regarding the conditions and recommendations sent to the applicant, Mr. Hamming stated that they were and that they were emailed and linked on the entire board packet. Mr. Lombardi just wanted to confirm that the applicant is aware of the 10 conditions we are referencing this evening.

Mr. Fitzpatrick had a discussion with Mr. Hamming. He has always found this rather funny in that why don't they go to the Board of Adjustment first because if they approve everything and then the Board of Adjustment denies this, then it is all for nothing. Mr. Hamming stated that the Board of Adjustment would ask the same question about why they would see this first and then the Planning Board at later time. Mr. Fitzpatrick feels there are a lot of unanswered questions, and he feels that maybe they should contact the Department of Transportation prior to approval as they may determine that perhaps they cannot do it.

Mr. Hamming stated that another option is that if there is a recommendation of approval this evening, then taking it to the Commission cannot happen until they begin to address some of these conditions, in particular, Condition #6. This would offer them time to consult with the MDT and see if this is viable and to see if the secondary access could be a viable alternative and see if there is anything there and then if they feel there is no reason to move forward to the commission level, then they can withdraw at that time.

Motion is made by Bob Wren to approve the Major Development Application submitted by Jessica Stainer to build and operate a coffee cabin at 140 Montgomery Lane (near Silver Lake) in Anaconda with the ten conditions being addressed per the Anaconda Planning Department in their Staff Report before being moved on to the ADLC Commission. The subject property exists within the Georgetown Lake Development District in which new convenience commercial businesses are considered a special use and require an MDP; seconded by Colleen Riley. Motion is approved 4-3.

Poll of the Board: Frank Fitzpatrick - no; Rose Nyman - no; Mary Kae Eldridge-no; Bob Wren-yes; Christine Klanecky-yes; John Lombardi-yes; Colleen Riley-yes.

New Business

Subdivision P re-Application, Daly School - Old Junior High Subsequent Minor Subdivision

Staff Report

Carl Hamming, Planning Director reviewed and presented the staff report put together by he and his office. All content can be located on the ADLC website. Mr. Hamming reviewed the nature of the request to subdivide the property containing the old junior high school and the Daly gymnasium at 400 Main Street. The proposed minor subdivision will divide the property into two lots and there will need to be a zoning change for one of the proposed lots since it would then be in private hands. His understanding is the this will be the junior high that will have private ownership or some sort of mixed use while the Daly Gym may be left in the public/semi-public zoning district designation so that it would be more of a non-profit or community use facility.

Applicant Report

Jeff Riggs - 65 East Broadway, Butte

Mr. Riggs feels that Mr. Hamming summed this all up, and they feel if they subdivide off the Daly Gym side, they will have more options as far as the use of this and funding for this and this will split the buildings historically as to how it was built, as well. It seems if they do it this way, it will give them more options and it seems like a longer process, but simpler and straight forward as where the newer junior high was added onto the Daly Gym is and splitting it right there, so it will be a simple subdivision process. He also stated that MR. Hamming promised him that the Board would come up with lots of cool ideas for them and that is why he is there.

Questions from the Staff

Ms. Riley just wanted clarification and asked if he could talk about the auditorium and gym and what the use will be with both of those pieces. Mr. Riggs stated that they are still early in the process of what they are going to be doing with them, but the goal is to have both spaces as public spaces and there is really no way to add the auditorium with the Daly Gym side, so the Daly Gym side is the one that they are most concerned about keeping historic and keeping for public use. The auditorium will be a little more tough as they want to change the zoning on that side just for full disclosure to a mixed use downtown commercial development district where on the main floor there would be retail space, office space, and then on the second and third level would potentially be living space. He is not sure exactly how they will make this mix, but he feels good that they will find a good solution.

Mr. Wren asked about how many apartments they may get out of the building. Mr. Riggs stated that this answer will be based on the parking, and they have not gotten a clear idea on the parking yet. The parking will really be the driver of what they can and cannot do for the apartment space. They are looking to remove two garages that are there so they can utilize both sides of the Daily Gym for parking and again, that will utilize that space the best that they can and still having a buffer for the neighbors there on the south side. There is a lot to work out, but that is why they are going through this process so that they can work on it together.

Ms. Nyman asked about the buy/sell only and them not actually owning this yet. Mr. Riggs confirmed this. The reason that she is asking is that they are going to have hundreds of people in the area on the 7th of august for the Brewfest and she is upset about the weeks coming up through the cracks in the sidewalk. He said that he will address this immediately.

Subdivision P re-Application, Amended Plat, Tract 73, Opportunity, Subsequent Minor Subdivision

Staff Report

Gayla Hess, Planner II, reviewed and presented the staff report put together by her and her office. All content can be located on the ADLC website. Ms. Hess reviewed the nature of the request to subdivide land accessed from Leslie Street. The proposed 2-lot subdivision will separate the Nichols Trailer Court from an existing residence addressed as 13 S. Leslie Street.

Applicant Report

Matt Smith, 213 Ayers, Anaconda

Mr. Smith states that what he has is 15+ acres where there is a residential home, with its own sewer, own well, and then there is a mobile home park across the field that has two sewers and its own well. The house was built in the 1940s and the mobile home park was built in the mid-50s. All they would like to do is separate the RV park from the house. It is already developed, and they just want to separate it. Their friend wants to buy the house but didn't want the park. It is very simple.

Questions from the Board

Mr. Wren asked if he and his wife are living in the house currently and they are not. They are living up the road. Mr. Wren asked if the well has been tested lately. Can another well be put on the property? Mr. Hamming stated that with the set up in place, they can drill a new well, and if it is contaminated, they can go with option A, or if it is fine, they can go

with it. Mr. Wren asked how long it has been since the well was tested. Mr. Smith states that he cannot answer that, but he states that since he came home in 2011, MT Tech been there twice to test the water. They just purchased the property two years ago and since they have owned it there has not been any water testing.

Mr. Fitzpatrick inquired about the application where it stated that Mr. and Mrs. Smith are not the legal owners. Matt states that he figures he just messed that up somehow. Gayla corrected it stated that it states does not apply rather than does not appear.

Questions from the Board

None

Subdivision Pre-Application, Horvath Subsequent Minor Subdivision

Staff Report

Gayla Hess, Planning Director reviewed and presented the staff report put together by her and her office. All content can be located on the ADLC website. Ms. Hess reviewed the nature of the request to further subdivide Lot 1AAA2 of the Horvath Minor Subdivision. The proposed 3-lot subdivision will create two new residential lots. There is a home on the property is addressed as 10 Welcome Mountain Road.

Applicant Report

Jim Friedrich 10 Welcome Mountain Drive, Anaconda

Mr. Friedrich is basically stating that he has 16 acres of land with an old homestead there. He has been involved with this for many years and it used to be the old Horvath place. There are 16 acres left and what he would like to do is make this into 3 parcels and what that does for him is giving him some different directions to go. He has three children, two sons and a daughter, and he would like to split this up so that later that will be already done. He also would like to build a new home later if possible. He also would like to divide it so it is buildable so if the kids want to build a home, they would be able to. He also doesn't know what could happen financially so it would be possible that they could be sold for money for the family.

Questions from the Board

Mr. Wren asked about the access road. He states that it looks like it will be the same access road for all three properties. Mr. Friedrich confirmed this and stated that everyone will have the same driveway and same road and that everyone would have an easement and ownership.

Ms. Riley asked if this would be able to be subdivided again. Ms. Hess stated that this would be subdivided to adhere to the Spring Hill Development District Standards and if they wanted to further subdivide, they would need to go to the Board of Adjustment to get a variance. Ms. Riely is worried about further subdivision of properties to smaller sized properties. Mr. Friedrich stated that he would be willing to sign paperwork that this will not be further subdivided.

Staff Requests Permission to Propose Updates to the Development Permit System to Clarify Language for Permitted and Special Uses

Carl Hamming, Planning Director, just wanted to raise the subject to basically get their blessing and inform them that this is something that the Planning Department is looking at. Over the last several months, or probably as long as he and Ms. Hess have been here, they have run into confusing or conflicting language occasionally within the DPS. They are wanting to clarify or specify what the actual intention is. He just wants to bring this up as an update to the DPS, albeit minor, they will need to go through a public hearing and the Commission. They will need to have ARCO state that this is okay and that it is not messing with any of the Institutional Controls that are built into the DPS. Even though it may not affect them, we still need to get their signature on this and make sure they are comfortable with what the Planning Board is wanting to do. He would like to bring this up so that the Planning Board can put in their input on what they are seeing, and this would be a great time to bring this up. He is hoping at the next meeting, he could bring in a red-line draft of the DPS that shows what is currently on the books and then maybe what we are looking to tighten up a little bit. Is just asking if they would be comfortable with a meeting like this in September or October where it may be a little bit of a drive as they will be going page by page, but hopefully needing to make sure as this will really help in the Planning Department to specify and clarify changes that need to be taken

Board Comments and Questions

Mr. Fitzpatrick stated that this is a wonderful idea. He also asks about the subdivision regulations regarding firefighting. With the fires that are breaking out all over, he thinks that this information needs to be updated and we need to look out for firefighter safety. He thinks that the Planning Department needs to take this into consideration regarding ingress and egress on the roads. Mr. Hamming stated that this is something that they have talked about. An example would be the above Horvath Subdivision that was discussed previously this evening. They did talk to Mr. Friedrich early in the process regarding improvements on the road to ensure that it is up to the first responder servicing. Mr. Hamming agrees with what Mr. Fitzpatrick is saying and that a fire plan must accompany the subdivision regulations.

Mr. Fitzpatrick also talked to one of the folks who has been an opponent of the Smelter City Estates Subdivision. She stated that there is a page missing in the MOU. The only copy that Mr. Hamming could track down was the one from Mr. Orrino where there were some pages missing. They have researched this, and this is not able to be located. Ms. Riley stated that at the time of this development that the infrastructure was agreed to be taken care of by the developers. When this comes around again, we need to be intentional on what was promised and what has been delivered. To have 12 pages missing, which is new information to her, we need to be very careful regarding what we approve and what we agree to basically based on what they agreed to initially. AT that time, they were going to do all the infrastructures and not have the county pay for that. Mr. Hamming states that he does not know when the subdivision application will be coming before the Planning Board, but he also has not seen anything about an MOU going before the Commission either. Ms. Riley states that this is the same situation that has taken place at the golf course, and the county was not responsible for that infrastructure, nor is it responsible for this subdivision.

Ms. Riley also wanted to make a comment that if we are going to look at the vocabulary of the DPS, she wants to be able to see this in advance before a meeting takes place. Mr. Hamming states that yes, this would be able to be done so they can refer to this. Ms. Riley would like to have the board receive the red-line version in advance.

Ms. Nyman states that this is something that has needed to be addressed for a long time.

Staff Comments and Questions

Ms. Hess just wanted to thank everyone for being so mindful of the microphones and additionally, she has another push for the Historic Preservation Plan. They will have a workshop presentation online on the website. You will also be able to watch the presentation from the community meeting. They are going to be hosting the Lakota Group for the Commission work session for August 10th, where they will present the plan to the commission.

Mr. Hamming stated that Mr. Derzay who was present at the last meeting, he has decided that he wants to change is proposed subdivision and so he has his surveyor, Mr. Danforth, doing a whole lot more survey work on the property that may increase the number of lots and change some of the boundaries. We may see a different application from Mr. Derzay down the road at some point.

Mr. Hamming also wanted to give a quick update on the Legislative Update after the Session wrapped up. He held back a bit as they were also about to have an information session with MACO the next day, so he figured he may get more information. He and Ms. Hess tuned into that and the quick recap is that one of the more influential bills that was passed this session that recently took effect requires that any opposed conditions of approval by the county or Commission are specifically tied to city, county, state, and Federal regulations, that you are citing specific code for regulations when you are proposing something to help justify why you are doing it to be sure it is related specific to the project and that you are not taking something that is unrelated that maybe there is a different feeling with an individual and trying to apply it to this project just to get it the way you want. This is something that the applicant knows what they need to do to address certain issues or to add conditions.

Miscellaneous/Public Comment

Janice Hagan-Delaney
1708 Copper Sands Road

Janice Hagan-Delaney wants to know that regarding the notebook that they are going to be getting from the legislature, she is wondering if this is available to the public and could she get a copy? Mr. Hamming stated that all the bills passed are available online as well as the DPS document.

Next Meeting

Monday, September 13th, 2021

Adjournment

Motion was made by Frank Fitzpatrick to adjourn this meeting; seconded by Bob Wren. Motion passes 7-0.

Final Minutes Approved

Respectfully Submitted,
Carlye Hansen
ADLC Planning Department Secretary

DRAFT