



# MINUTES

ADLC Planning Board

ADLC Courthouse, 3<sup>rd</sup> Floor Courtroom

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*Monday, January 10th, 2022, at 6:00 pm | Meeting called to order at 6:00 pm by Rose Nyman, Chairperson*

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## Attendance

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Members Present: Rose Nyman, Chairperson; John Lombardi, Vice-Chairperson; Christine Klanecky; Colleen Riley; Annette Smith; Bob Wren

Members Tardy: Mary Kay Eldridge, arrived at 6:07 p.m.

Members Absent: Frank Fitzpatrick, 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. **Please see attachment**

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## Approval of Minutes

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December 13th, 2021

*Motion was made by Bob Wren to approve minutes from December 13th, 2021, with corrections as noted; seconded by John Lombardi. Motion passes 6-0.*

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## Nomination and Vote for 2022 Planning Board Chairperson

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*Motion was made by Colleen Riley to nominate Rose Nyman as the 2022 Planning Board Chairperson; seconded by Annette Smith. Motion passes 6-0.*

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## Nomination and Vote for 2022 Planning Board Vice-Chairperson

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*Motion was made by Annette Smith to nominate John Lombardi as the 2022 Planning Board Vice-Chairperson; seconded by Bob Wren.*

*Motion was made by Colleen Riley to nominate Frank Fitzpatrick as the 2022 Planning Board Vice-Chairperson*

*Motion was made by Annette Smith to renominate John Lombardi as the 2022 Planning Board Vice-Chairperson; seconded by Bob Wren. Motion passes 6-0.*

**Old Works Estates Major Subdivision – Preliminary Plat Approval**

PUBLIC HEARING on a Major Subdivision application submitted by the Alloy Group on behalf of Discover Anaconda (formerly Anaconda Local Development Corporation) to subdivide a portion of the COS 478-D. The preliminary plat proposes the creation of 34 -residential lots from the existing 13.3-acre parcel located within the Medium Density Development District. Property is located between Pizzini and Goosetown Road; legally described as:

S02, T04 N, R11 W, C.O.S. 478-D, PARCEL 1-4, ACRES 13.303

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. He discussed the nature of the request as subdividing the property into 34 total lots from the 13.3-acre parcel. The created lots would all be intended and zoned for residential purposes. In late 2020, the Planning Board and ADLC Commission recommended and approved a zoning map amendment to redesignate the land as Medium Density Residential.

There have not been many public comments in the way of proponents or opponents. Fish, Wildlife, and Parks did call to just clarify where the subdivision will be placed and to be assured that the subdivision is south of Pizzini Way and not near the creek. They have no objections and no comments other than this verification.

The Planning Department does recommend that the Planning Board send a recommendation of approval and has five (5) conditions, and these were gone over in detail.

Questions from the Board

*Bob Wren*

Mr. Wren asked about the engineering estimate of costs. Mr. Hamming felt that this be best to refer to Sarah Cline, from The Alloy Group. Ms. Cline stated that there may be a very early preliminary estimate, but the up-to-date estimate is usually submitted with the Request for Bid to the Commission. Mr. Hamming stated that he believes this will be happening in the very near future and that Discover Anaconda has been working n this subdivision for quite a few years. They are hoping to go out to bid this month. They are looking to have these available for construction in 2023.

Applicant Report

*Sarah Cline, The Alloy Group on behalf of Discover Anaconda*

Ms. Cline stated that she has not much more to add at this time. There will be water and sewer service. Northwestern Energy will be doing gas and electric.

Questions from the Board

*Bob Wren*

Mr. Wren just wanted to confirm again that this project is going out to bid in February, and he is confirming that the county will be paying for all the improvements and will be paid back after the sale of the lots. Mr. Hamming reviewed some of the background on this. The County signed an MOU when they committed to the road and street improvements, water, and sewer, and as each lot sells, Discover Anaconda will reimburse the County on a settled amount. Mr. Wren asked if Discover Anaconda has signed on the amounts per lot and Mr. Hamming stated that it will be \$35,000.00 per lot. He then confirmed that each lot will be going for about \$50,000.00. He stated that each street will have sidewalks and that these will be dedicated streets that will be maintained by ADLC.

Adam Vauthier, Director of Discover Anaconda, then went on to state that the other \$18,000.00 will go towards the payment of the Northwestern Energy bill, so that is not included in what the County will be bidding. Also, there will be the costs that will need to be paid to The Alloy Group. So, he stated that in the end, they are just hoping that they break even on the project.

John Lombardi

Mr. Lombardi is just wondering about how one does an HOA from scratch. Mr. Vauthier stated that Mr. Ken Connors is the attorney for Discover Anaconda and is handling all the legal issues. He states that essentially when you buy the property, there is a sign-in into the HOA, and until 51% of the property is sold Discover Anaconda will be the deciding partner in the HOA to make decisions regarding the covenants that will be put on the property. Right now, this is basic, but until 51% of properties are sold, there will be a committee, and then after the 51% of the lots are sold, the HOA will have to develop their own Board of Directors to manage the HOA.

Rose Nyman

Ms. Nyman asked that if in the list of neighbors to the project, several of the names were misspelled, and she is asking that these be corrected. She is asking about the parkland and if this is just going to be a very narrow strip along the trail and this was confirmed. She is also asking about the soil that is recommended be removed and who will be responsible to have this removed. Ms. Cline states that this is scheduled to be part of the bid cost for the contractor and will be part of the subgrade. Ms. Nyman then states that there is a section that states that the soil that was brought in will need to be replaced. Again, she asks who is responsible. Ms. Cline states that it will be under the pavement and sidewalk improvement to be sure they get the appropriate compaction, but as far as the financial responsibility, this will be all included in the overall bid for the street construction and as discussed before the county will be reimbursed the \$35,000.00 per lot, so that will not be a separate cost. As far as building the home and doing driveway work inside the lot within the property lines, this will be the responsibility of the homeowner and they would be required to get a permit before they dig below the soil cap. Mr. Wren confirmed that there is nothing wrong with the soil, it is just that the soil is too fine, and it was recommended that to get the compaction that is needed, and to get no movement, that they would need to replace this soil. Ms. Cline confirms this.

#### Public Hearing

Proponents

None

Opponents

None

#### Board Discussion

None

#### Motion

*Motion is made by Bob Wren to recommend approval of the proposed major subdivision to subdivide a portion of the COS 478-D. The plat proposes the creation of 34-residential lots from the existing 13.3-acre parcel located within the Medium Density Developmental District and move this on to the ADLC Commission with the five (5) conditions of approval as recommended by the Planning Department: seconded by Collen Riley. Motion passes 7-0.*

### **Triple Creek Subsequent Subdivision – Jack Stodden**

PUBLIC HEARING on a Subsequent Subdivision application submitted by Jack Stodden to subdivide. The preliminary plat proposes to create 2-residential lots from the existing 20.623-acre parcel within the Spring Hill Development District. Property is legally described as:

S19, T05 N, R12 W, C.O.S. 89C, ACRES 20.623, M&B TRACT IN H.E.S. 103

#### Staff Report

Gayla Hess, Planner II, discussed that after the Planning Board preapplication meeting in December, she reached out to the applicants for the Triple Creek Subdivision. They were confident that they would be able to provide supplemental material for the preliminary plat hearing for this Planning Board meeting, yet as they started to work through some of those documents, they realized that they needed a little more time, so they just

asked to postpone. It does sound like several of the applicants will be out of the area so it may be several months before we revisit this.

#### Motion

*Motion is made by John Lombardi to table the public hearing on the Triple Creek Subdivision; seconded by Bob Wren. Motion passes 7-0*

### **Mission Mountain Holdings, Major Development Permit**

PUBLIC HEARING on a Major Development Permit (MDP) application submitted by Mission Mountain Holdings to open a marijuana dispensary at 7022 Montana Highway 1 (immediately west of the Town Pump) in the Highway Commercial Development District. Property is legally described as:

S02, T04 N, R11 W, ACRES 3.182, TR IN SE4 & TR IN SW4 1-4-11

#### Staff Report

Carl Hamming, Planning Director, discussed that Mission Mountain Holdings had submitted their application and had thought that they were on track, but they were unable to finalize their lease with Town Pump, so they want to get that finalized and have requested that they be allowed to postpone the public hearing until they have a lease signed.

#### Motion

*Motion is made by Colleen Riley to table the public hearing for the Major Development Permit for Mission Mountain Holdings, seconded by Annette Smith. Motion passes 7-0.*

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### **New Business**

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#### 1. Preapplication Meeting – Betsy Planned Urban Development

Gayla Hess, Planner II, presented a report put together by she and her office. All content can be located on the ADLC website. The applicant, Mr. John Fitzpatrick, wishes to create 23-lots and a common area with supporting utility areas/easements through a Rural Planned Urban Development (PUD) In the Georgetown Development District. This development will include a community water system. He has started to look at roads for the subdivision. He is also considering a convenance like other subdivisions that he has worked on in the area.

#### John Fitzpatrick, Applicant

Mr. Fitzpatrick is here this evening on behalf of the Southern Cross Company, LLC. This is a multimember limited liability company that owns basically about 300 acres in the area being discussed near Southern Cross. Mr. Fitzpatrick is a member and is also the managing member of the company.

The proposal brought before the Board today is a 23- unit planned unit development. This would be approximately halfway between the 7-Gables and St. Timothy's Chapel. This is before the hard left to the chapel and the first phase would be at that corner. There is a road system inside that will have two points of entry on the Southern Cross Road. There will be a lower road and an upper road. In between will be the 23-lots. As Ms. Hess pointed out, they will be putting in a community water system. At this point, the design calls for a 30,000-gallon storage tank up on the top of the hill feeding an 8-inch pressure main downhill with 3-inch lines running off to individual lots to provide service to these lots. There will also be three fire hydrants installed which will produce pressurized water system that complies to the planning requirements of the Georgetown Lake Volunteer Fire Department. He had a meeting with Mr. Bjorklund and Mr. Unger, and they went through their needs, and they will be meeting all their requirements. He doesn't think that there will be any home that will be further than 600 feet from a hydrant. They told me that their stop gap standard is 1000 feet. There will be individual septic tanks on the lots. The lots will range in size from about ½-acre up to about 0.86-acres. They are looking at this as a 2-phase development, hopefully getting 11 lots in within 2022, and coming back with 12 more lots in 2023. This is really a reflection with the problem that they are having with the State of the Montana.

He states that when you involve the State of Montana, it is like you are dropping things into a black hole and things are very slow coming back out. He has been several months working on another subdivision's water application, and it is just not going very quickly, and he feels that this may be what delays him, but he is hoping to get 11 lots into the lower area.

He states that this area is very healthy as far as fire. He says that the area was logged about 20-years ago prior to the pine beetle infestation. They do not have much in the way of dead timber or anything standing dead on the property. It has all been cleaned up and he stated that this is probably the healthiest forest in that part of the County.

He has a draft of the convenance, and he will probably have this into Mr. Hamming next week. They are taking a set of convenance that they have for the Niantic Subdivision behind of Old Georgetown and are adding things to cover the water system requirements as this will be a public water system under the State of Montana regulations. He should have the draft into the Planning Department this next week.

There will be an HOA. The HOA will be responsible for operating the water system, maintaining the road, and plowing the snow.

### Questions / Comments from the Board

*Christine Klanecky*

Ms. Klanecky asked what he thought the individual lots will go for?

Mr. Fitzpatrick stated that this will be a very capital-intensive development with the water system. He is thinking that the lots will go in the range of \$250,000.00 per acre.

*Annette Smith*

Ms. Smith just wanted to state that this amount seems like a lot, and she does know that property is very expensive up there, but locally, she feels that folks cannot afford that. Mr. Fitzpatric stated that the sad reality is that locally folks don't buy places at Georgetown Lake from Anaconda or Butte anymore. Virtually, most of the population that has come to Georgetown the last few years has been out of county. Initially, it was folks out of Missoula. There were some folks from Helena, but the last two years, the land rush has come from people from Bozeman.

### **Discussion Regarding Public Outreach Meetings for the proposed DPS Changes**

Gayla Hess, Planner 2, stated that some of the flyers and advertising is out there for the Outreach Schedule and that the first meeting will be tomorrow. They are still looking for interest from the Board members to help chat about the DPS with fellow citizens.

Mr. Hamming stated that he doesn't exactly know how these meetings will go. There is nothing formal prepared. He states that Ms. Hess did do a very nice one-page information sheet just explaining what the developmental districts are and that this is the zoning for Deer Lodge County and that every property in the County does have zoning or developmental district. This also talks about permitted uses, special uses, and the fact that they are trying to clarify the DPS, and that is why we are doing the Outreach Sessions. They wanted to keep this broad so this is just an informational handout and if folks want to follow-up with the department at a future date, they certainly can, or they can look up information online. Again, there is no Power Point presentations, there is no pitch that they are trying to convince folks of. This is just a venue for the community to hear and see what questions are brought up. Folks can come and go as they please, but the department would like to have as many Board members there as possible for each session to also hear what folks are enthusiastic about or what they are complaining about or what they may be concerned about. There are things that they may look at incorporating into the DPS, or just evaluate some proposals by the citizens. They would like to keep this social and get some positive feedback.

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## Board Questions and Comments

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Ms. Nyman just wanted to remind the Board that they need to be careful about side conversations, that this is a government meeting, and anything being said should be able to be heard by fellow Board members.

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## Staff Questions and Comments

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Ms. Hess just wanted to remind everyone that on Thursday, January 13<sup>th</sup>, 2022, there will be a Historic Resources Board Meeting at 10:30 a.m., and this will be followed at noon on Thursday, by the first Anaconda's Past Speaker Series event. This will be held at the Forge and there will be light refreshments and cookies. She stated that folks are welcome to bring a lunch or a snack. Mary Lynn McKenna will be the speaker on rural schools and to her understanding, Ms. McKenna is one of the last teachers who was at the Fishtrap School House.

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## Public Comment

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None

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## Next Meeting

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Monday, March 14<sup>th</sup>, 2022

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## Adjournment

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*Motion was made to adjourn by Colleen Riley; seconded by Annette Smith. Motion passes 7-0.*

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## Final Minutes Approved

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Approved 03/21/2022

Respectfully Submitted,

Carlye Hansen

ADLC Planning Department Secretary

Attachments: Guest Sign In Sheet

**Planning Board**  
**Anaconda-Deer Lodge County**  
**January 10<sup>th</sup>, 2021**  
**Third Floor Courthouse**  
**ADLC Courthouse**  
**6 p.m.**  
**Sign-In Sheet**

Are you an attorney or legal representative?

Name Sam Cline

Address ANY GROUP

E-Mail Address saime@alangroup.com

Yes  No

Name Team Fuller

Address 1817 Handberg

E-Mail Address \_\_\_\_\_

Yes  No

Name Alan Vandric

Address 505 Maged

E-Mail Address \_\_\_\_\_

Yes  No

Name J.H. DEANEY

Address ON FILE

E-Mail Address \_\_\_\_\_

Yes  No

Name \_\_\_\_\_

Address \_\_\_\_\_

E-Mail Address \_\_\_\_\_

Yes  No

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Yes  No

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Yes  No

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Yes  No