



# MINUTES

ADLC Planning Board

ALDC Building, 3<sup>rd</sup> Floor Conference Room

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*Monday, February 22<sup>nd</sup>, 2021 at 6:00 pm | Meeting called to order by Rose Nyman, Chairperson*

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## Attendance

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Members Present: Rose Nyman, Chairperson; John Lombardi, Vice-Chairperson; Frank Fitzpatrick; Colleen Riley (via conference call) Annette Smith; Art Villasenor; Bob Wren.

Members Absent: Mary Kae Massey, unexcused

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

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December 14<sup>th</sup>, 2020

*Motion was made by Art Villasenor to approve the December 14<sup>th</sup>, 2020, with one correction noted; seconded by Annette Smith. Motion passes 7-0*

## Nomination and Vote for 2021 Chairperson

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*Motion was made by Art Villasenor to appoint Rose Nyman as the 2021 Chairperson of the ADLC Planning Board; seconded by Annette Smith. Motion passes 7-0*

## Nomination and Vote for 2021 Vice-Chairperson

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*Motion was made by Bob Wren to appoint John Lombardi as the 2021 Vice-Chairperson of the ADLC Planning Board; seconded by Frank-Lombardi, Fitzpatrick. Motion passes 7-0*

## New Business

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### 1. Penn Street Development, LLC, Major Subdivision Application

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. This is a preapplication meeting, so what they are looking at is a proposed application. This is for review for the developer, Mr. Fitzpatrick, would like the Board to voice questions, comments, concerns, things that he can incorporate into his formalized application that he will submit to the Planning Department which will then initiate the Public Hearing that will go before the Planning Board. At that point, the Board would vote to make a formal recommendation

to the Commission to ultimately approve or deny a preliminary plat approval. He reviewed where the land was located and then turned over the topic over to Mr. Fitzpatrick.

John Fitzpatrick, Developer, was here to discuss his proposal for the Penn Street Development, LLC, Major Subdivision Application. Mr. Fitzpatrick stated that he appreciated the opportunity to be at the meeting and is very happy to answer questions that anyone had.

He felt that Carl Hamming gave a pretty good overview. He is planning on taking the parcel of land from Cedar Street down to Birch and developing this into residential parcels. Each parcel will be about 100 to 120 ft in length north to south. He plans on cutting this into lots of about 60 ft in width from east to west. They would be consistent with the type of lots that you would see on the 2000 block of the new addition which are 10 ft more wide than the lots you would see on the 1700 and 1800 blocks which are 50 ft lots. He is thinking each lot would be around 7200 square feet. This will be medium density. He proposes that the two end lots be either single family dwellings or duplexes and the other 11 lots in between would be single-family residences only. The plan would be to put driveways on the lot lines so that instead of having 13 driveways there will be only 6. They will split the drive 12 feet on each side of the lot lines, ½ to one house and the other ½ to the other. The water and sewer utilities will come into the middle of the lot and the alternative is at the boundary where will be no driveway, that is where he will bring in the gas and electric. The plan is to have the existing sewer line in the north side of Pennsylvania Street. They will bring the service line across and into the lot. The County is talking about extending the water main down Pennsylvania so they can tie into Teresa Ann which would make this development possible and also the development of the tract of land that the ALDC recently signed a buy-sell with a developer. Mr. Fitzpatrick also will be responsible for bringing in the gas and electric, bring in water service lines, and the gas/electrical will run right along the sidewalk. The sidewalk will be right next to the curb with no boulevard, and then the lot will stretch back from there 120 feet.

He did note that there are two changes that he will be wanting to make on the final plat. If you go to the corner of Cedar and Pennsylvania it looks like there is a nest of junction boxes. The power company has one, there is one for the streetlights, there are a couple from the phone company. In final plat, he will notch out an area that is 10' x 10' and leave that in the street right away instead of being on Lot A.

When he initially began this, the distance that he had implied indicated that he needed narrower lots. He came to an agreement with ALDC to buy the small piece of land that they own at the end near Birch Street. This has been surveyed and with the addition of this piece, he will get more ground and he will widen those four lots from 58' to 60'.

He is also planning on taking the lot with multiple street right away's so the agreement that he has with the County is that he is going to essentially donate that land to the County. They will become the owner rather than having an easement. There is also a small piece of land that the County will give to Mr. Fitzpatrick so that these lots will be squared off.

#### Questions from the Board:

John Lombardi wanted to know what the foreseeable prices will be for homes being sold. Mr. Fitzpatrick is in the process of building a spec house in Teresa Ann Terrace. Wood prices have gone up incredibly, so his theory is that house plus lot, he is looking at an investment of \$250,000 to \$300,000. He is not trying to build a subdivision that will attract the physicians in town. He wants to sell these to middle-income folks such as the nurses, the physical therapists, teachers, and such. Everyone seems to tell him that there is a tremendous need for housing for folks over at the hospital, 50% of the employees need housing. He wanted to build a place that is attractive to them, it will be close to work and with good street access, easy to get in and out of, along with lots of reasonable size. He is seeing the lots being no higher than \$50,000 and possibly around \$40,000. He also wanted to know that there will be streetlights. The County is going to extend the streetlights as the same design that they have farther up Pennsylvania Avenue, the exact same style. There will be a sidewalk around the perimeter.

Bob Wren asked if Mr. **Lombardi** Fitzpatrick planned to develop the lots himself or sell the lots. He stated that he would probably keep two to three for himself and sell the other ten lots. He is hoping if all goes quickly, he hopes to be in construction here by April or May and hopefully would have the lots ready to go

by late June. He does state that they need to coordinate their work with the County. He believes that Bill Everett, CEO, is bidding the water line in early March. Mr. Hamming stated that the MOU that Mr. Fitzpatrick touched upon, the County has committed to doing the improvements on Pennsylvania with the historic streetlights and obviously Mr. Fitzpatrick said he is doing the sidewalk. The County is working on the water main extension and get that submitted to DEQ later this week and so there is a little bit of a timing collaboration between his subdivision work here with the Planning Board and Commission and between the County and what they have committed to as far as the work on Pennsylvania.

Rose Nyman asked if she had read that the streetlights were going to match the ones that are already on Pennsylvania and that was confirmed.

Bob Wren wanted to note that the word sewer was misspelled throughout the plans and the applications.

He also wanted to clarify if it is the responsibility of Mr. Fitzpatrick to bring the laterals to the mainline and he asked if this was including connection to the water main and then sewer when they run the laterals out from the lots. This was confirmed by Mr. Fitzpatrick.

Mr. Wren asked about the drainage plans. He was concerned that he didn't see any elevations that show how this is draining across lot lines. Mr. Fitzpatrick stated that there is a calculation that states that there is -1% grade from the west to the east and from the south to the north, there is a 1.7% grade. It is draining from the railroad grade to the street and then from Cedar down to Birch. It is listed as a little bit over a 1% grade. Mr. Wren just wanted to be sure that if someone checks on this, he wanted to be sure that water is not draining onto another property.

Mr. Wren asked about the electrical utility plan and it was shown that gas and electric came out at center lots. Mr. Fitzpatrick stated that it would come out on the alternate lot line. Mr. Wren asked about Lot A and Lot L and asked if there would be a conflict with where this is located. Mr. Fitzpatrick discussed this and will make appropriate changes when it comes to the final plat.

Frank Fitzpatrick asked about storm drains in this area. Mr. Fitzpatrick noted that on Pizzini there are some drains that take this to a drainage ditch that runs along Pizzini Way and then this comes back to an underground line that takes it down to the other side.

Rose Nyman asked about the Parkland Dedication. She stated that she read that ADLC does not want a Parkland Space and she was wondering who made that decision. Mr. Fitzpatrick indicated that Mr. Everett made this decision. She is not opposed to this, as she feels with the proximity to the railroad line, that it is better not to have an open park along there due to the safety of children.

Rose also wanted to thank Mr. Fitzpatrick for the deed restrictions. She was happy to see those on there.

Rose asked that when the engineer does the DEQ application regarding Solid Waste, that they will need to change this to the Butte-Silver Bow County Landfill.

Colleen Riley had no questions or concerns at this time.

Again, Mr. Fitzpatrick stated that he is willing to answer any questions anyone has and if folks would like to send questions to the Planning Department that Mr. Hamming can forward them on to him and he will be happy to respond. He also states that he is around almost five days a week and he can always run down and show the area once some of the snow goes away or to get together for further conversation.

## 2. **ADLC – East Yards Major Subdivision Application**

Carl Hamming, Planning Director and Gayla Hess, Planner II, reviewed and presented the staff report put together by them and their office. All content can be located on the ADLC website. This is just a preapplication meeting, so what they are looking at is a proposed application. There are a few other information studies that are pending, but in the electronic packet, there is a copy of the Transportation Impact Study for MT Highway 1. This will be commercial and they will need to look at designating the area as Railroad Transitional unless it is an extension of an existing use and if this is the case, then they would

require an MDP so we will likely look at a development district amendment in the future. Carl just wanted to say that first and foremost, the item that he wanted to point out was that the eastern portion, Lot 17 and all the acreage around this is to be conveyed back to Atlantic Richfield for the slag pile to be recreated so they can minimize some of the steepness on this so they can cap and cover the pile, which they are hoping to do around 2025. Since we were working through the subdivision and ARCO needed this acreage from the County, we figured we may as well work together on this, so they are kind of chipping in on some of the cost for this entire subdivision to help with establishing the new acreage for the slag pile. All this land will have restrictions on it among all the other land use restrictions that pertain to the East Yards, but that will be conveyed over to Atlantic-Richfield. The focus of the subdivision for commercial purposes that will be held by the County is really everything west of this future slag pile and then as Gayla Hess stated, south of MT Hwy 1. The County is working with Copper Environmental for the road designs for Union and Filmore. There was also a discussion in the Traffic Impact Study, about the future approach for Filmore off the highway and this has been submitted to MDT. The County is working on the designs for left turn lanes to be included off MT Hwy 1 so that we can have a safer intersection so that MDT will grant permission for the approach. We are working with MDT on just getting that new approach to be permitted and up to their satisfaction level, so that we can access the rest of the area. Right now the only entrance is Polk Street which will also have a left turn lane as this will see a lot of use from the hotel or along Smelter Road to the south and this is where the approach is with future Filmore Road onto Smelter View.

Gayla Hess just wanted to point out that Lot 18 is Polk Street. Polk Street was originally designed as an easement across the County Land and so AWARE actually has a little portion of Polk Street so the county will keep this as an easement and we need to create an additional parcel for the storm water ditch that runs right along the north side of Smelter Road. All this is, is a ditch, running right off of the road, but since the AWARE subdivision really does not include that, this is why you see a long fin that hangs out to the West on the plat. This is just really a combination of Polk Street as an easement running across the land and then the storm water ditch along Smelter Road. This is not a viable lot, more for simplicity and kind of cleaning up what is going on in the East Yards in the future. There are overhead transmission lines, so that is why we were looking at an open space as we don't want to see any building underneath those as well as keeping the intersection open and clear for visibility.

Todd Kuxhaus, Pioneer Technical

Todd stated that Carl and Gayla did well at discussing the general concept. Obviously, there are challenges with the approach permit for MDT. Another firm is taking care of most of the leg work there. He thinks there is a pretty good concept moving forward working with the Planning Department on this project.

#### Questions from the Board:

Bob Wren had a couple of questions. First, he didn't see where the streetlights were going in, it just stated that they were being put in "by others". He feels that if they are doing the road, the conduit should be put in. Carl stated that they are doing that and that they will be the same design as the Pennsylvania Street project and ordered from AFFCO for the street lighting. Bob stated that once they get the road taken care of, where it states "by others" it may pose an issue. Wayne Wendt has been coordinating this with Copper Environmental folks as far as the order there and to get this set up with Monga's Contracting. Bob stated that the location of the electricity, gas, or sewer line needs to be in the plat, and he asked if they were working with Northwestern Energy on this. Carl stated that yes, they are working on these issues, but just have not sorted out the details yet. Bob states that it needs to be indicated where these will go. He also asks about the paperwork stating there are 18 lots and he is only seeing 17 on the plat. He asked about the Traffic Impact Report and, for his own information, asked what had happened a few years back in where the traffic was up to 8500 and 8900 and then it dropped off by 1500. Carl stated that they have all discussed this as a group and they are kind of wondering or speculating why that happened and they don't know if the traffic counts were collected at the same time of day or if there was a seasonal issue, a construction project, perhaps remediation work at ARCO, or one of their contractors were running a lot of trucks across the Opportunity Ponds. The County has wondered the same thing and really don't have an answer on the issue. Art Villasenor stated that there was a lot of remediation going on. Said there were a whole lot of contractors and equipment in and out. Todd also agreed.

Rose Nyman had a question regarding the Community Impact Report. This is also about solid waste.

Rose asked that when the engineer does the DEQ application regarding Solid Waste, that they will need to change this to the Butte-Silver Bow County Landfill. She asked that this be corrected.

Colleen Riley had no questions or comments.

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## Update on Projects

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1. Carl Hamming just wanted to bring up that there are a lot of things pending this spring. He thanked everyone for serving on the Board and for the flexibility with our not having the meetings on the second Monday of the month for a bit. The County is hoping to move a few of the subdivisions if there was nothing alarming to the Board. He felt that tonight's conversation had useful questions and good feedback for the developers. He hopes they move this forward and will have the public hearings at the next Planning Board meeting. With the tight turnaround into early March to try and have the public hearings, we don't have a lot of time for advertising and notification out, so we are hoping that we could perhaps do a later meeting in March, tentatively March 22<sup>nd</sup>. Would do the meeting in later March and then try and get back on track in April with the usual second Monday of the month if that is acceptable to the Board. The only person that will not be available on March 22<sup>nd</sup>, will be Bob Wren, but he stated that he could possibly phone in or read it in advance, make his comments, and forward them on to Carl.
2. One of the possible items on the March 22<sup>nd</sup> agenda will possibly be the Cavanaugh's. They are resubmitting their MDP after 2 ½ years, in which time it has expired and they are looking at changing their plans a little bit, especially with all of the proposed work going on around Pennsylvania as well as the A1 Tract that Mr. Fitzpatrick was talking about with the gentleman from Missoula entering into the buy-sell agreement with ALDC. They may be bringing a refreshed and/or renewed major development permit application. Carl just wanted to give the Board a head's up. He states that this, along with several other public hearings, we may have a very busy spring.

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## Matters from the Board

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Rose Nyman did ask Mr. Lombardi if he had ever had a chance to talk to the County Attorney regarding the meeting a few months back. John stated that he left the last meeting with a mixed message and then he decided to err on the conservative side and not ruffle any feathers. He said he should have asked for a stronger emphasis from the Board on what he should have done.

Colleen Riley had no questions or comments.

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## Public Comment

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Gayla Hess wanted to make a few updates.

On tomorrow's Work Session Agenda, the developers for the West Barker Creek Subdivision have proposed an amendment to their convenance. When it was approved, there were two easements from MT Hwy 1, and there was a Wesley Drive in the eastern most lot with the allowance for the other two western lots to use this. It looks like they have an interested party in the eastern most lot so now they would like to modify it so the western most MT Hwy 1 access will serve Lots 1 and 2, and then the eastern access will only be for the eastern most lot. The amended plat is what will be discussed at the Commission Work Session.

She also wanted to give a quick update on the Historic Preservation Plan. They are asking to extend the Professional Services agreement with the Lakota Group, their consultants. Originally, there were plans to end and have a plan drafted by the end of February, but based on scheduling and the ability to hold public meetings, they feel that this is not as reasonable so this amendment will extend the contract until June. They anticipated having this all wrapped up prior to June, but this allows additional participation. If you go to the County Web Page there is a Community tab and from that link, there is a Historic Resources item, and this will lead you to the project website where there is a virtual open house and that open house includes a survey that will be open for another couple of weeks so she would appreciate it if the Board would take a look at it. It

explains a bit of the goal and it also has a survey in addition to the educational material. There will be community meetings in the future. There is also a draft of the State of the County Plan which is the first phase which outlines some of the history and some of the architecture as well as some of the community effort.

She also wanted to follow-up on past Board business and stated that the ordinances that they recently discussed, the Sign Ordinance and the Floodplain Ordinance, have passed.

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### Next Meeting

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Tentatively March 22<sup>nd</sup>, 2021

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### Adjournment

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

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### Final Minutes Approved

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Approved March 22<sup>nd</sup>, 2021

Respectfully Submitted,

Carlye Hansen

ADLC Planning Department Secretary