



Anaconda-Deer Lodge County Planning Department

PLANNING BOARD MINUTES

Monday, March 23rd, 2020

ALDC Third Floor Conference Room

Meeting called by Art Villasenor, Chairman

Type of meeting Public Hearing / Monthly Meeting

Minutes taken by Carlye Hansen

Members Present: Art Villasenor, Chairman; Rose Nyman, Vice-Chair; Frank Fitzpatrick; Mary Kae Eldridge (arrived at 6:05 pm); Bob Wren; Craig Sweet; John Lombardi; Annette Smith (via conference call)

Staff: Gayla Hess, Planner I; Carlye Hansen, Planning Department Secretary

Guests Present: See sign-in sheet. All were signed in via Carlye Hansen, Planning Department Secretary as they phoned in via conference call

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 November 18th, 2020, with Correction as noted by Bob Wren; seconded by Bob Wren. Motion passes 7-0. (Mary Kae Eldridge was not yet present to this meeting).

Public Hearing

Public Hearing on an application by Butana Sand and Gravel, for approval of a Major Development Permit (MDP 20-001) for the expansion of a sand and gravel pit; expansion area proposed is north of current operations.

Staff Report

Gayla Hess, Planner I, reviewed the staff report put together by her office.

Questions from the Board

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Bob Wren asked about an email from the Jenrich family that he saw in the packet in regards to noise, dust, and truck traffic.

Gayla stated that they did reach out for the 2018 permit, but that we have not heard from them in regards to this current expansion.

Carlye Hansen stated that back in 2018, there was a lot of back and forth with the Jenrich family, as that is when the Planning Department had some issues with a staff shortage, Mr. Ariss had just come in, and there were issues with the new Planner not getting the staff reports ready in a timely fashion. Those meetings were canceled, hence the email in regard to those frustrations by the Jenrich family. We were eventually able to satisfy their needs with a berm that was going to be enhanced, and the situation was addressed at that that time, and we have not heard anything from them since that time.

Bob Wren asked about the bond for the reclamation being roughly \$150,000.00. He felt that this was a little low for this project.

Stephen Frazee stated that to add extra bonding you need to submit additional paperwork to DEQ with your paperwork and this then becomes an amended bond.

Gayla asked if there is a worksheet or something that is filled out. Stephen stated there is and that this comes from DEQ.

Applicant Report

Stephen wanted to give some more detail and insight into the project. Currently in 2018 they got a permit for 22.6 acres, 15.9 of those acres were bonded and 6.8 were not bonded. The original intent was to expand to the south but they found that the ground water was much shallower and there was a thicker overburden. They felt that this was not going to benefit the mine economically, so they decided to investigate moving northward. They did leave the 6.7 acres on the permit, but there will be no mining on this and it will remain non-bonded. Moving to the north also limits the dust and noise further away from the neighboring properties. They have now proposed 96.9 acres with 46 acres bonded and an additional 22 acres of non-bonded, which like the 6.7 non-bonded acres, there will be no mining in this area. There are also 15 acres in the middle of the operation that were previously mined and this is now the wetland and pond area. This too is non-bonded, but it was left in the permit as this would be easier with DEQ and Butana will eventually remove this from the permit boundary at a later time. All in all, they will only be mining about 75 acres and this should extend the life of the mine anywhere from 10-20 years, of course, depending on the demand. Currently the bond that they pay for 15.2 acres is \$140,000.00, and with the proposed 46.4 acres, this will increase to a \$267,000.00 bond.

Stephen stated that he would be happy to address any questions that anyone would have at any time.



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Public Comment

Doug Butori, notified Gayla, expressing that he is a neighboring landowner and wanted to be sure that this expansion would be held to the standards as other gravel pit operations in the area. He also had questions about reclamation in which this is the same plan as previous, the only difference being that the wetland and the pond area will not encompass the entire permitted area.

Motion was made to approve the MDT 20-001, with the conditions as noted on the staff report and upon this approval, then forward this to the ADLC Commission for their final approval; seconded by Mary Kae Eldridge. Motion passes 8-0.

Election of Chairperson and Vice-Chairperson for the Year 2020

Motion was made by Rose Nyman to nominate Craig Sweet as Chairperson of the Planning Board for the Year 2020, however Mr. Sweet respectfully declined this nomination.

Motion was made by Annette Smith to nominate Rose Nyman as Chairperson of the Planning Board for the Year 2020; seconded by Craig Sweet. Motion passes 8-0.

Motion was made by Art Villasenor to nominate John Lombardi as Vice-Chairperson of the Planning Board for the Year 2020; seconded by Frank Fitzpatrick. Motion passes 8-0.

Old Business

Appointment by the Board of a Conservation District representative to serve as the 9th member of the ADLC Planning Board

Art Villasenor stated that there is one gal from Anaconda on the Conservation District who adamantly said no to being on our Planning Board. No one wants to be on our board at this time, however, they did request that we send them minutes of our meetings. It is now to the point where the Planning Board has an option to appoint a member. At this point, the ad in the Anaconda Leader states that there is only one opening on the Planning Board and that it is to be the person for the Conservation District, however, at this time, we have not had interest in this position. At this time, Carlye will ask Lori to remove the Conservation District verbiage from the ad and will just advertise this as one single vacancy. After we get another person on board,



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then the board will need to see if they will continue forward and appoint one of the members of the 9 member board to the Conservation District, and then have that appointment approved by the Commission.

New Business

Review of Resolution 17-35 which is a Resolution reaffirming the ADLC Charter and the ADLC Administrative Code regarding Public Hearings before the Board of Commissioners and/or any ADLC Boards and Committees.

Rose stumbled across an old form from the Planning Board and it doesn't match this document (Resolution 17-35). We are required to follow the resolution. This is just an informational document and no action is required. She did check, however, and we are required to follow this.

Miscellaneous

Matters from the Staff

Carlye wanted to have a brief discussion with the Board regarding some frustration that she is having with the members wanting their packets electronically vs hard paper copies. Frank stated that he wants a hard copy, Annette, Rose, and Mary Kay stated the same. Mr. Sweet wanted to know if the hard copies can be recycled. Carlye stated that ProShredders comes once a month and the packets go there, but she is a bit unclear what that company does with the shredding after it leaves the courthouse. Carlye took a poll of the group and it was decided that the following folks would like hard copies and will pick them up at the courthouse: Frank Fitzpatrick, Annette Smith, Mary Kae Eldridge; Rose Nyman. The following folks would like electronic: Bob Wren, Craig Sweet, John Lombardi, and Art Villasenor. Several of them decided that they could bring their tablets to the meeting. Art asked that hard copies be available the evenings of the meetings.

The following day it was determined that it is very hard to get WiFi in the courtroom of the courthouse, so the folks bringing their tablets would be unable to access the packet electronically here at the courthouse. Carlye will notify these folks. She will send them electronic copies for review, but will bring hard copies to the meeting or they are welcome to pick up theirs, as well.

Gayla just wanted to state her appreciation in everyone being so flexible in regards to this meeting and noted that it was a very efficient meeting and that Annette was willing to call in.

Matters from the Board

Frank Fitzpatrick asked what the status of a new Planning Director is. Gayla stated that Carl Hamming has been hired and will be starting next Monday, March 30th, 2020. He comes from Powell County and he was their Planning Director and Rose said that he has a degree in Planning.



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Craig Sweet just wanted to thank Carlye and Gayla for putting the meeting together tonight and he said that it went smoother than what some of them had thought it would. He also wanted to thank them for the great job they have done over the last three months being a bit leaderless and all, but he felt that they are doing a great job and he appreciated everything they do.

Frank Fitzpatrick inquired about a Planner II, and Rose stated that she had asked about this and that she was told that they never had a Planner II, and she knows that they did several years back.

Rose Nyman just wanted to take a moment and state that Chas Ariss was a great friend of to her and that he always looked after her and that for her, it was a very personal loss. She also, however, wanted to acknowledge the staff in the Planning Office, Carlye Hansen, Gayla Hess, John Markin, and Joe Ungaretti. She stated that they just stepped up and kept the department running and this tonight was a very well prepared packet.

Frank Fitzpatrick stated that he felt that the board expected nothing less than what the department has done and that they all know what to do. Again, he thanked the department.

Rose asked Gayla if there was anything coming up on the horizon. Gayla stated that she has been in conversations with developers for a major subdivision and has been talking to developers about an RV Park, however, we as a Planning Department have received no official applications for either of these project. We have been in coordination to try and smooth things over so when they do submit those applications, we will be able to efficiently get them on the agenda fairly quickly. Art Villasenor asked about the progress of the Smelter City Recreational Complex. He understood there was a five year time limit to complete the building. Rose stated that this project is stalled at the Commission level. The Warner proposal has also been stalled on the Commission level. Gayla stated that there is still a lot happening as far as the East Yards in regards to how they want to approach retracing of those boundaries.

Rose asked if everyone was okay with just not having a meeting until there is something specific to meet about due to the pandemic. Everyone seemed to agree with this and Frank stated that this would give the new Planning Director some time to get his feet under him.

Public Comment

Janice Hagan-Delaney asked several questions. She asked Rose to expand on 17-35 just a bit more. Rose stated that this was a resolution established on how to conduct public hearings. It explains all the steps to go through and how to include the public. She told Janice to contact her at home and she would mail her a copy of this.

Janice Hagan-Delaney asked Gayla if she knew where the major subdivision will be that was mentioned earlier in the meeting. Gayla stated that it will be called the A-1 Parcel and it is in Goosetown at the end of Birch Street. This is a large field at this point and the snow was kept there last year.



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Janice Hagan-Delaney just wanted to reiterate what Rose stated in regards to Chas. She didn't really know him, but he did seem like a nice man and she is very sorry that the department lost our colleague and a very professional individual.

Next Meeting Date

TBD

Adjournment

Meeting was adjourned at 6:35 p.m.

Respectfully submitted,

Carlye Hansen

Carlye Hansen, Planning Department Secretary

Approved June 8th, 2020