



Anaconda-Deer Lodge County Planning Department

PLANNING BOARD MINUTES

Monday, December 14th 2020
Room

ALDC Third Floor Conference

Meeting called by Rose Nyman,
Chairperson

Type of meeting Public Hearing /
Monthly Meeting

Minutes taken by Carlye Hansen

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

Members Present via Telephone: Colleen
Riley; Art Villasenor

Members Absent: None

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

Guests Present: See sign-in sheet and
electronic call-in log

AGENDA TOPICS

Call to Order

Meeting was called to order at 6:00 pm by Rose Nyman, Chairperson, with Roll Call done by Carlye Hansen, Planning Department Secretary.

Approval of Minutes

November 9th, 2020

Ms. Nyman wanted to discuss several comments made by Ben Krakowka, County Attorney, at the last meeting. Before she calls for a motion, for approval she wanted to discuss this with the board. Discussion was held amongst the board in regards to the comments made and they did feel they were comments that were unnecessary and inappropriate. It was discussed either sending him a letter or possibly have a member of the board have a conversation with him.

Motion was made by Jon Lombardi to approve the minutes from November 9th, 2020; seconded

by Bob Wren. Motion passes 8-0. Mrs. Eldridge was not present at this time for this action item.



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Public Hearing

A PUBLIC HEARING on a Development District Map Amendment request by Anaconda Local Development Corporation to designate their "A-1" property between Pizzini Drive and Goosetown Road as Medium Density Residential Development District (MDRD), a change from the current High-Density Residential Development District (HDRD) designation. The subject property is located along the south side of Pizzini Drive and north of Goosetown Road. Pursuant to Sec. 24-41 of the DPS, a public hearing is required before the Planning Board for their consideration to recommend approval to the ADLC Commission. Property is legally described as:

S02, T04 N, R11 W, C.O.S. 478-D, PARCEL I-4, AMENDED PLAT

Staff Report

Carl Hamming, Planning Director, reviewed and presented the staff report put together by he and his office. There are recommendations of approval being asked for by the Planning Department (please see attached).

Questions from the Board

Bob Wren wanted to know if in 2015, fees were involved in the initial change. Mr. Hamming stated that he hadn't seen anything about fees being charged, but he did speak with Jim Davison about the change in designation at that time. There was a developer who was interested in doing this high-density and this is why this was brought to the county to amend this. Mr. Hamming then handed this over to Gayla Hess, Planner I. Gayla did not see any map amendment request officially from 2015. She feels that this change all happened when they were updating the development district map, as there were several changes that occurred. Some districts didn't have a designation, so as part of the 2015 Developmental Permit System update allowed for areas in town that were designated as something just went along with the designation on the map. If there were any specific public hearings for any of this, she was not able to find anything in regards to minutes in the time she has researched this. Mr. Wren asked if any fees would be paid for this update now as he states that it takes a lot of County time and effort and wanted to be sure that someone



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was covering the cost. Mr. Hamming stated that at this point, the costs are someone minimal. This would just be the cost of the Public Hearing notice and the letters that went out. They did note three recommended conditions to have this take effect once they have actually committed to the subdivision proposal, and then they would not be caught going back and forth between zoning designations.

There were no other questions from the board, including no questions from Art Villasenor and Colleen Riley, who were on the line remotely.

Applicant Report

Adam Vauthier, ALDC

Adam stated that ALDC has owned this property for over 30 years. There has been a lot dancing around with a ton of potential developers, but nothing actually ever came to fruition. At this point, the ALDC Board of Directors, as well as himself, are asking to push this back to Medium Density, as they are obviously seeing a need in the community for single-family housing. Right now they are actually going to put in infrastructure to the property in question and then they are going to present lots and have contractors buy a set number of lots to do if all are not already sold. On the subdivision they are going to propose, they have already worked through the engineering and design with the County and Copper Environmental. There will be thirty (30) homes on lots that vary from 7,300 to 12,500 square feet. They are looking at prices that range from \$185,000.00 to \$350,000.00 depending on the size of the lot and the size of the home. They are also looking at doing six house with the National Affordable Housing Network and these will be smaller homes that will be incorporated into the overall neighborhood. Obviously, he states that this doesn't fit in with the high-density status of the lot, so they are requesting that we make this Medium Density and they are planning on moving forward with ALDC financing the infrastructure of this area.

Questions from the Board

Ms. Nyman asked if this was land that was donated by Atlantic Richfield way back many years ago. Mr. Vauthier stated that he didn't know if the land was acquired in the Atlantic Richfield donation or not. He would have to ask Mr. Davison. Since ALDC has taken this over, they only know of the current history where they did put in facilities for storm water drainage, but he doesn't know when they took ownership.

There were no other questions from the board, including no questions from Art Villasenor and Colleen Riley, who were on the line remotely.



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Ms. Nyman opened the Public Hearing and asked for both Proponents and Opponents for this project.

Proponents to the Project

None

Opponents to the Project

None

Seeing neither Proponents nor Opponents, the Public Hearing was then closed.

Motion was made by Bob Wren to approve the request of the request by the Anaconda Local Development Corporation to designate their A-1 property between Pizzini Drive and Goosetown Road from High Density Residential District (HDRD) designation to Medium Density Residential District (MDRD) designation and move this onto the Anaconda-Deer Lodge County Commission for approval with the conditions and recommendations listed in the staff report prepared by the ADLC Planning Department; seconded by Colleen Riley. Motion passes 9-0.

New Business

Montana Land Reliance - Luckey Conservation Easement

Mr. Hamming states that this is from the Big Hole and is the request for an amendment to an existing conservation easement. The Montana Land Reliance contacted the Planning Department just a few weeks ago and he thinks that they are trying to execute this amendment before the end of the calendar year so the timing of this meeting has worked out well. He believes that Jordan is on the line from the Land Reliance to answer any questions.

There is an existing 1,604 acre easement property on what may be referred to the Luckey property. It appears that there is going to be a new landowner who wants to add an additional 44.81 acres to the existing easement so this would take over and replace the existing 2006 Conservation Easement. The proposal is in all the member packets. At this point, Conservation Easements, when brought before a Planning Board, do not require any action. There is no authority to approve or disapprove or deny this. They are only really seeking public input, thoughts, comments, feedback, and also just trying to help the landowners understand what they may be entering into or just an outside perspective. So for this reason, there will be no motion or action needed on this item.

Questions from the Board



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Mr. Lombardi asked about the rustic cabin that was mentioned sitting on this acreage, he is wondering if there is already a cabin in place and if there will be no more cabins. Mr. Hamming thought that maybe Jordan could answer more of this and that his own understanding of this is that this would be a new rustic or primitive cabin that would be permissible at about 900 square feet without any utilities or services.

At this time, Mr. Hamming had several thoughts that he wishes to address at this time.

The first is that in response to John's question, he feels that it is beneficial in conservation easements to add in or incorporate some language that reminds the landowner that they also need to work with the county with any sort of development application, that is not just the conservation easement that binds you as far as what sort of restrictions or where you can build on your property, but county sanitation as well as the county planning department also has a say in where you can and cannot build and so making sure to remind the land owner that they also need to coordinate with the planning departments, sanitarians, flood plain administrators, and those sort of things to be sure that they are in compliance with the county. He thinks that is beneficial language to add.

The final thing is that in the background and request paragraph on the first page of the amendment proposal, it states that it will be a single log cabin that cannot be over 960 square feet and in the third line, it states that there would be a minimum of 200 ft. from Fish Trap Creek, and then in the Conservation Easement, itself, it states that it only has to be a minimum of 100 ft. away from Fish Trap Creek. This is something that he would like to verify and get Jordan's perspective on, and just know which number is accurate.

Mr. Sweet had a question on page 4, Exhibit B, Paragraph 5 - New Residential. It mentions that "to construct or place, maintain and repair two (2) additional single family residences". He asked that Carl explain what they are getting at and whether this language has been in there all along. Mr. Hamming believed that this was part of the 2006 original that they go in and replace and repair, and again, thought that this was something that Jordan could speak to. Jordan confirmed that this is the case.

Bob Wren asked if the closing took place in late November as he understood the folks involved wanted to secure the property in late November. He would want any approval of this easement contingent on them having closed on the property. Jordan states that the Territorial Holdings, LLC has closed on the purchase of the Mahn Ranch, also known as the Luckey property, but has not closed on the purchase of the 44.81 acres. That closing is scheduled to happen as soon possible. It is waiting on this meeting and the comments of this board and then there is one other due diligence step for them to complete, but the buyer and the seller are both aware of this meeting this evening and have agreed to the terms of the amendment to the conservation easement. So the closing on the 44.81 acres will happen just as quickly as possible, ideally before the year end and that is what they are working towards to help the landowners do

There were no other questions from the board, including no questions from Art Villasenor and Colleen Riley, who were on the line remotely.



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At this time, there is no action required.

Flood Plain Regulations

Mr. Hamming wanted to follow-up on this from the November meeting as a continuation of that discussion about the need to update our flood plain regulations to come into compliance with the State DNRC, as well as FEMA. This was proposed language that was adopted from a template that the DNRC offers communities that are participating in the National Flood Insurance Program and working with the state with flood plain permitting program. For those who are interested, he hopes that they had time to review the language. If there are any questions or thoughts on the flood plain regulations, he would be happy to discuss those and as mentioned in the memo, he is likely to, once there is a document that everyone is comfortable with, recommend this to the Commission for eventual adoption so that we can work with the DNRC, and notify FEMA that we are back in compliance and in good standing.

Questions from the Board

Mr. Lombardi wanted to verify that without this, folks who need insurance cannot get this. Rose Nyman stated the same. Rose said we cannot do a county emergency without any FEMA. Mr. Hamming didn't want overstate that, and he wanted to let them know that they are still in the program, but the county has received a warning that if we continue to be in noncompliance that is where we would be headed if we don't bring this up to compliance. Folks can still get insurance at this point, and a new home owner in a flood plain would be required to purchase flood plain insurance.

Mr. Sweet asked if this would also give us a fair amount of legal cover for the county, as well. This is probably more important than homeowner insurance in the big picture. Carl confirmed that it is important for the County to try and protect its interests, but also important for the homeowner to know what is accessible to them or if there is a Presidential declaration due to Warm Springs Creek flooding in a hypothetical situation that those disaster dollars could actually help those who have been experiencing flooding and all the damage. If we are in noncompliance then that disaster declaration money would be unavailable. Mr. Sweet asked if the flood plain regulations would apply to more than just Warm Springs Creek. This also has a bearing on where you can and cannot build. Again he states this covers us with legal cover if someone wants to build somewhere and we know that seasonally the area has a lot of surface water. He states that this covers us to say, "No, you can't build there, or you need to find a way to remediate those problems. Mr. Hamming did agree. However, he did state that we do have flood plain regulations as part of Chapter 6 per building code, however it is just woefully outdated, so then this would give the county better coverage to update this document and update the definitions and to update the current data and maps. As he stated before, Warm Springs flooding was just a hypothetical scenario.



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There were no other questions from the board, including no questions from Art Villasenor and Colleen

Riley, who were on the line remotely? However, Colleen just wanted to thank Carl and his team for getting

this put together so that the county can remain in compliance with this important aspect our community.

Motion is made by Colleen Riley to make a recommendation to the Commission for adoption

of the updated Flood Plain Regulations; seconded by Bob Wren. Motion passes 9-0.

Matters from the Staff

Carl stated that the only quick update that he has is that since it was brought up with the minutes, is that the signage ordinance as well as any discussion about the sidewalk ordinance has pretty much been postponed until after the new year by CEO Everett. He feels that there is too much going on with the Holidays, the pandemic, vaccinations, and general stress, as well as things just like the fact that folks cannot participate and so he wanted to postpone any potential adoptions of ordinances or public hearings until after January 1st, 2021. You will probably see all of these again, but not this month.

Mr. Wren asked about any updates on how the Lakota group did here in town last. Carl states that the Lakota Group is the consultant for the Historic Resources Board to assist the county with development of a Historic Preservation Plan. Last week they were in town doing listening sessions with various groups from business managers, developers, banking officials, the Planning Board, and the Board of Adjustment. The group walked around town and took a lot of pictures, toured the old Montana Hotel. He thought the meetings went well with the Planning Board, was sorry they had to cut it short as they were only allotted an hour long time slot.

Gayla Hess thanked everyone for participating in the listening session and it sounds like they did have a nice turnout for their meetings and they did get a lot of questions, comments, and input from the community. They have launched a project website and they are planning on sending updates to all the folks that have provided their email information. In January, 2021, they will be planning several community workshops that will be in virtual format, but perhaps there will be an option in a room for folks who would like to attend in person, but we are looking for a lot more activity in January.

Rose asked about addressing the public with the Lakota Group. Gayla stated that based on the schedule, the group thought that they would do the public outreach sessions at a later time as the consultants really didn't have the time to familiarize a whole lot with the community and it just seemed a little early to do the community sessions, but they are planned for the future.

There were no other questions from the board, including no questions from Art Villasenor and Colleen

Riley, who were on the line remotely



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Matters from the Board

Mr. Fitzpatrick did have a question about the front of the Locker Room being worked on. Gayla stated that it is part of one of the historic neighborhoods. There was no work done that was structural, so none of the work needed permitting. Historically, board review are always encouraged, but if they are spending their own funds and there is no federal funding, there is not a lot that they can do locally.

Frank wanted to wish everyone a Merry Christmas and a Happy New Year.

Mr. Sweet just wanted to comment about the development out at the golf course and he feels that the ALDC should be commended for hopefully trying to get something done out there and making sure that it meets the growth policy. The thing he is concerned about is that \$185,000.00 to \$385,000.00 is not affordable in Anaconda, MT. He understands the challenge of doing affordable housing when you are going with medium density development and building single family houses. He thinks that you need to go with higher density and go with townhouses, or maybe even houses that are like duplexes to get costs down, but even then with the economy we have and the cost of land, lumber, and building, this is hard to do. He is rather disappointed and he cannot wait to see when they bring the project in as to how they are going to lay this out and what they are going to do and make it all work. He is, however, very disappointed that this will not be affordable for most and he is afraid that with how things are going the way they are going, a lot of investors will come in and snatch those houses up and turn them into rental properties for the time being and that this is also a risk too, whether affordable or not. He would have just as soon seen them do high density so the end result could be more affordable. However, they should be commended for doing what they are doing.

PUBLIC COMMENT
None

NEXT MEETING
To be determined

ADJOURNMENT:
Meeting was adjourned at 6:44 pm