

# MINUTES

ADLC Planning Board

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



---

Monday, September 12th, 2022, at 6:00 pm | Meeting called to order at 6:00 pm by Rose Nyman, Chairperson

---

## Attendance

---

Members Present: Rose Nyman, Chairperson; Bob Wren; Frank Fitzpatrick; Art Villasenor; Dan Reardon; Annette Smith; Christine Klanecky (Ms. Klanecky did step in a few minutes late, but had trouble getting out of work today)

Members Absent: John Lombardi, Vice-Chairperson; Colleen Riley

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**

---

## Approval of Minutes

---

June 22<sup>nd</sup>, 2022

Motion was made by Art Villasenor to approve minutes from June 22<sup>nd</sup>, 2022; seconded by Annette Smith.  
Motion passes 6-0.

It was at this point after the approval of minutes that Ms. Klanecky showed up for the meeting.

---

## Public Hearings

---

### Anderson-Buhl Subsequent Minor Subdivision

PUBLIC HEARING on a subsequent minor subdivision submitted by James Anderson to subdivide to create a 2-lot subdivision. The preliminary plat proposes to create a 1.52 acre and a 70.89-acre lot within the West Valley Development District. Property is legally described as:

S30, T05 N, R11 W, ACRES 80.52, REMAINDER TR IN S2NW4, N2SW4

Pursuant to Sec. 16-165 of the Code of Ordinances of ADLC, a public hearing is required before the Planning Board for consideration of the subdivision application.

---

### Staff Report

Gayla Hess, Planner II, reviewed and presented the staff report put together by she and her office. All content can be located on the ADLC website. She discussed the nature of the request as the applicant seeking preliminary plat approval for a 2-lot subdivision, with a total of 2 lots within the West Valley Development District. The proposed 1.52-acre lot will be sold for a future single-family dwelling unit and the remaining 70.89-acre lot will be retained by the Buhl-Anderson's.

The Planning does recommend conditional approval of the Buhl-Anderson Subsequent Minor Subdivision preliminary plat with five (5) conditions as listed on the staff report distributed to the Board this evening.

---

### Questions from the Board

Dan Reardon - Mr. Reardon asked if in the future, could the remaining 70.89 acres be further subdivided? Ms. Hess confirmed that this would be allowed if the owners wanted to further subdivide, they could do this, but again, would need to go through the entire subdivision process. There are no restrictions against this.

---

### Applicant Report

At this time, Ms. Anderson came forward stating that she did not get a letter that was sent out to the neighboring properties and Ms. Hess explained that since they were the applicants, they would not have received them. Her question is regarding the remaining acreage of land after this subdivision, would this be taxed as a subdivision or continue to have its agricultural exemption due to them growing hay. Ms. Hess stated that yes, the Department of Revenue would change a few things on the way these lots are taxed, but that the remaining 70.89 would remain the same and Carl Hamming, Planning Director, confirmed this, but did note that they would be able to protest this if not handled in this way.

Doyle Noud, 328 Fairview Street South

Mr. Noud stated that he has been talking with Wayne Wendt, Road Foreman, and that the previous issue that was regarding the driveway approach is being addressed and worked on and has been repaired.

There was no actual applicant report

Questions from the Board

Rose Nyman - Ms. Nyman had a question regarding the Engineering Report. It states that “no sage grouse habitat exists in Butte-Silver Bow. She asked if this is just an error? Mr. Hamming did mention this to Sara Jones, Engineer, when he saw this and it was, indeed, just a typographical error, as she does a lot of work in Butte-Silver Bow, and she made the correction in advance of submitting this to DEQ.

PUBLIC HEARING

Proponents

None

Opponents

None

Public Comment

None

Public Hearing is Closed

Board Discussion

None

Motion

Motion is made by Art Villasenor to approve the Subsequent Minor Subdivision application by James Anderson to subdivide and create a 2-lot subdivision and move this onto the ADLC Commission. This would create a 1.52 acre and a 70.89-acre lot within the West Valley Development District and there are five (conditions) listed conditions of approval; seconded by Bob Wren. Motion passes 7-0.

---

New Business

---

**Subdivision Preapplication meeting - SSGH2, LLC**

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 and background of this proposed 3-lot residential subdivision near Georgetown Lake. At this time, his is only a preapplication meeting, so no action will need to be taken this evening.

Questions from The Board

Frank Fitzpatrick - Mr. Fitzpatrick asked several questions.

- 1) What will the final size of each lot be? This is unknown currently. Will be getting this information when the survey comes back.
- 2) Will there be a Wildfire Protection Plan? This is being discussed with the Georgetown Lake Volunteer Fire Department and they will have to submit their Wildfire Protection Plan to the fire department and determine what will be implemented with their final plat submittal. Mr. Fitzpatrick wanted to confirm that what they will do is receive the plan and then receive feedback from the Georgetown Volunteer Fire Department that can be incorporated into the conditions and Mr. Hamming confirmed this. This feedback will be shared in the full subdivision packet that will be going along with the public hearing that will be happening in the future.

### Applicant Report

#### John Trudenowski, Water and Environmental Technology, 480 West Park Street, Butte

Mr. Trudenowski just reviewed the same information that Mr. Hamming reviewed. They are working on the fire plan currently and the preliminary layout. As far as the fire plan, they plan on providing on-site storage of water and a dry hydrant cistern. They have had an on-site meeting with the fire department already. They are also working on ingress and egress roads. They would like to have this preliminary layout done within a month's time.

#### John Hilton, 9 Sidewinder Loop, Clancy.

Mr. Hilton is one of the owners of the property. He just wanted to introduce himself. He asked that if anyone has any questions, they would be more than happy to answer any questions. They want to keep two of the lots and will possibly sell the other one.

### **MACO Training Review and Discussion**

Mr. Hamming and Ms. Nyman wanted to take this time to review the training they received in Deer Lodge in July, down in Deer Lodge. He wanted to thank the board members that made the training session. This was partnered with Powell County for joint training and was happy to announce that the Anaconda group outnumbered the Deer Lodge group, even though they hosted the event. He felt that it was a great training and he said for a 3-to-4-hour session, he thought it flew by and that there was a lot of healthy conversation and a lot of good do's and don'ts, specific examples by the Powell County folks on how to not operate as a Board.

Mr. Hamming then turned this over to Ms. Nyman to give a quick refresher of several items that she felt as pertinent.

- 1) Ex Parte Communication  
Reviewed that you cannot discuss a topic if an applicant is seeking a one-on-one discussion with a board member to discuss an agenda item, they the board member is putting themselves in a situation where they are privy to information that others would not be able to comment on or fact check and such. He stated that you just really need to avoid discussing any agenda items or potential agenda items that would become before the board as a public hearing item so that no one would have to abstain from the conversation.
- 2) Abstaining from Voting  
As learned from the session, if you need to abstain from a vote, not only do you need to present that information at the top of the agenda item, but you also actually need to remove yourself from the room in which the meeting is taking place. You can go and look at a project in question, you just are not supposed to meet with the applicant or parties involved. You can go by yourself or go with another Planning Board member, and you can have the Planning Department Staff make arrangements for those visits if necessary. There was some discussion amongst the board regarding this.

Ms. Nyman then went on to discuss items regarding Robert's Rules of Order and wants to begin enforcing a few of these items after attending the meeting put on by MACO. Again, there is discussion regarding the following.

- 1) She is asking that all board members ask to be recognized before they speak.
- 2) Each Board member will only have the opportunity to speak once and if they want to speak a second time, then they need to wait until everyone has had their first opportunity.
- 3) She mentioned again, as she brought up at the last meeting, that the chairperson of the board is the last person to speak. She states that the chair cannot comment as they need to stay objective, but that she can certainly ask questions and the role of the chairman is to facilitate the meeting and not to influence other board members. She also states that the chair should never make a motion.
- 4) Board members should not ask to comment during a public hearing. She also states that all must be of the mindset of whether their questions or comments are pertinent to the application. In other words, does it directly apply to something involving the request of the Planning Board. There should be no asking about the price of lots, or where workers are going to stay, etc., as these are not part of the application.

---

Board Questions and Comments

---

None

---

Staff Questions and Comments

---

None

---

Public Comment

---

None

---

Next Meeting

---

TBD

---

Adjournment

---

Motion was made to adjourn by Art Villasenor; seconded by Pat Reardon; Motion passes 7-0.

---

Final Minutes Approved

---

Respectfully Submitted,  
Carlye Hansen, ADLC Planning Department Secretary

Attachments: Guest Sign in Sheet

DRAFT