

**Anaconda-Deer Lodge County  
Planning Board  
ADLC Third Floor Courtroom  
November 30, 2015 – 6:00 p.m.**

**I.** Call to order: Chairman Adam Vauthier

**II. Roll Call:** A Quorum is present.

**Members in attendance:** Chair Adam Vauthier, Vice Chair Jay Slocum, Annette Smith, Jason McDonald, Mary Kae Massey, Rick Hamilton, Audrey Aspholm, Mary Murphy

**Members Absent:** Vince Labbe

**Others Attending:** Tyler Scofield – Mercury Tower

Steve Barclay, Tim Barkell ADLC Law Enforcement, Carl Nyman Superfund Coordinator

Guests: Mr. and Mrs. Burnham, Carl Nyman, Tim Barkell, Steve Barclay

**III. Approval of Minutes:** June 1, 2015

Audrey Aspholm made a motion to accept the minutes as written. Rick Hamilton seconded. No further discussion. Motion carried.

**IV.**

**A. MDP 15-04 Mercury Towers:**

- Staff Report review – Doug Clark
- This tower provides site development and structures for telecommunications service providers. AT&T is their anchor tenant and will be the first provider on this tower.
- The site is in the Spring Hill Development District - just before Spring Hill turnoff.
- Mr. VanderMollen is providing the land. Once the tower is constructed, AT&T and equipment buildings will be constructed.
- Silver Cloud Road is where the tower will be located; about ¼ mile from the exit.
- Mercury Tower has a lease agreement with land owner.
- Mercury Tower will then be responsible for maintaining the area around the tower.
- There is one resident about ½ mile from the site.
- There are no carriers around what are known as the “camel humps” on Hwy 1 to the SE end of Silver Lake.
- Verizon provides most of the surrounding cell service. This tower should fill the service gap.
- GTL fire district gets dispatched two ways, either by ADLC dispatch radio or by cell phone from the Granite County.
- There have been volunteers interested in serving on the fire department that could be dispatched by radio but not by phone due to a lack of coverage. The

addition of new cell coverage in this area could provide an opportunity to recruit new volunteers who were interested in serving but could not be paged by cell.

### **Findings of Facts:**

- Public Notice was published twice and neighbors were noticed.
- There was no response regarding the letters or legal advertisements.
- Federal agencies did not respond.
- MDOT indicated they had no comment since the project is on private property and far enough away from Highways that there was no concern on their part.
- Growth Policy: The Spring Hill Development Area goal is to restrict commercial development. In this case, staff is treating this as infrastructure more than a commercial venture.
- The Growth Policy states that the County want to protect -Pintler Scenic Memorial Highway as a resource. If there were already a lot of towers in this area, staff would have evaluated the impacts of this project on this policy more closely. But as this is the first tower to be proposed in this area and it meets a known need for better telecommunications infrastructure in this area, Staff considers this project to be an acceptable impact that does not conflict with the GP.
- The site met all standards of the DPS; there are no environmental constraints and met the IC standards.
- Staff notes that this is one of the best application submittals received.
- All the points in the DP were addressed and staff agrees with their conclusions.
- There will be no significant traffic impacts.
- No other services beyond electricity which will be provided by Northwestern Energy.

### **Conditions:**

1. Any adjustment or changes to what has been submitted in the application would have to be reported to Planning Department.
2. Prior to Construction a final plan set will be submitted for fencing. The fencing will enclose the tower base, power source, guy wires and any structures needed for operation. Staff presented the fencing plan.
3. The state permits will be obtained from the state for electrical and mechanical.
4. The contractor will have a pre-con meeting with all necessary planning staff and IC's staff.
5. An ADLC encroachment permit will be obtained for the entrance to the site.
6. A Weed Control Plan will be submitted.
7. The tower constructed will be 195' which is 5' under FAA regulations for a blinking red light to be placed on the top of the tower. Staff will require the tower

to have a warning light installed. Life flight and the FAA will be notified as to their requirements. *The Developer shall agree to include a flashing red light on this tower, or prior to construction shall provide to the County Planning Department evidence, in the form of a letter or official email from the FAA and FCC, indicating that this tower is not subject to this requirement.*

8. The contractor will agree to minimize dust on both Silver Cloud Road and on site.
9. Facility lighting must be down cast.
10. Backup generators used on site will operate only during time of power loss.
11. Change of ownership of the tower must be noted to Staff 10 days prior to change.
12. Same as number 11 but includes notification of land ownership.
13. The project will remain in compliance with the DPS or the permit will become null and void.

Comment from Engineer: None

Public Comment: Called for three times: No comment

Audrey Aspholm recommended approval of the ADP 15-04 will the addition of the blinking red light. Mary Kae Massey seconded the motion.

Comment from Staff: If the fencing had to be moved due to additional carriers being added to the tower, the fence amendment could be approve administratively.

No other discussion from the Board: Mary Kae seconded. Motion Carried.

## **B. MDP 15-05: Shooting Range – ADLC Law Enforcement**

Staff Report: Doug Clark presented the parcel lines of the proposed area.

- This parcel is part of the Mill Creek TIFID. Compared to other parts of the TIFID, this area is not the most “ideal” for immediate industrial development so would be developed later after the RR areas are developed.
- Law Enforcement came to County staff asking for a dedicated area. The original area in the *Red Sands* is no longer available.
- Surrounding ARCO land has already been fenced off. A local rancher grazes the adjacent land area.
- A parking area and a ten foot berm will the constructed. Shooting will occur in a southerly direction.
- Once a year a night time practice is required.
- The existing road will be improved with grading for adequate ingress and egress.
- There shall be enough soil on the surface of the berm to minimize ricochets resulting from bullets hitting the rocks in the berm.

- *Staff would recommend a condition that requires advance public notice prior to conducting those annual or bi-annual night time exercises. This notice would allow property owners to be prepared for any adjustments they may want to make for those rare evenings, or to contact the County if there were any significant concerns that needed to be addressed.*
- The proposal has been presented to the TIFID board for their approval.
- In order to assess potential noise impacts, Staff did a distance study to determine how many landowners might be practically impacted by the noise, which will occur intermittently. The only residents within one mile are the Burnham's. S&N Concrete and the residents in that area are over one-mile away.
- The conditions were written to allow the County Commission the option of making the site available for other groups and activities (i.e. Boy scouts, Sportsman's Club) Staff anticipates there will be arguments both for and against allowing these types of additional use.
- Signage requirements will be met.
- The County shall notify all existing property owners and all future property owners located within the Mill Creek TIFID of the presence of the County Range.

#### **Summary of findings:**

- The proposal is in compliance with DPS, Growth Policy and IC's.
- Proposed area is in compliance.
- Other natural resources are not impacted.
- Access to circulation and traffic is not impacted.
- All public services are not impacted. Lighting could be installed at a later time.
- Standards of the DPS are in compliance with regard to signs, parking, access and landscaping.

#### **Conditions:**

1. If the development pressure increases and the area is needed, commission has the option to discontinue the use of that area.
2. Improve access road to two lanes except for the area over the culvert.
3. County shall provide emergency access and sufficient turn around areas for the times when the range is in use and provide parking area for 20 spaces.
4. Safety berm will have adequate topsoil to maintain vegetation and have sufficient soil to minimize ricochet.
5. All lighting whether permanent or temporary will be downcast.
6. *In the event that the County uses this site for any nighttime training exercises, the County shall provide notice to the public at least one (1) week in advance of the scheduled activity; such notification shall be provided through a public notice in the Anaconda Leader and/or posting signage along the Mill Creek Highway near the entrance to the Range and also along Willow*

*Glen Road. If signage is used for public notice either multiple signs should be used, or double-sided signage should be used so that the notice is visible to traffic from both directions. Any public notification, including signage, shall include the dates and times that the nighttime activities will occur.*

7. Same as #6 if events last more than two days in a row.
8. Law Enforcement shall be responsible for managing and coordinating use of the site in a clean and usable manner. County CEO and Commission retain the right to allow use of the site for non-law enforcement related activities.
9. Non-related usage would be allowed: Boy Scouts, Sportsmen, etc.
10. Adequate safety or no-trespassing signs will be posted.
11. All existing and future land owners in the area will be notified.

Questions from the board: none

**Detective Steve Barclay:** The officers currently use the mostly handguns. The officers have not practiced shooting more often than two days in a row. There are typically two or three officers at a time. Night time shooting would not go past 10:00 p.m.

Public Hearing Opened:

**Laurie Burnham:** The Cabbage Gulch range is not a problem. Other animals and birds are beginning to come back now. She is worried about the noise and if it would be harmful to the animals. Is there another place that can be utilized? Are there restrictions that would prevent other agencies to also use the area? Would ADLC be the only ones to use the facility?

The shooting range area is a passage for animal crossing with Antelope, Elk and other wildlife. People drive the Mill Creek beyond the speed limit along the stretch.

The commission would have to approve if another entity would want to use the facility. Cabbage Gulch has no restrictions as the new facility would. There are no berms purposefully created at Cabbage Gulch.

Police Chief Tim Barkell: Only the police officers would have access to the fences/gates. Tires from landfill for objects. New officers have to be trained and would not have access to the locks. There would be vehicle lights or a generator with lights that would be downcast.

Mr. Burnham has joined the conversation: Can there be stipulations that only the ADLC Law Enforcement have access to the shooting range?

### **Questions from the Board/Staff:**

Can stipulations for times be included in the conditions?

The times of operation do not have to be in the conditions. It can be handled administratively. The officers can set up their own policies. Warden Cambic with FWP would join ADLC for his shooting qualifications. The commission and law enforcement would have to discuss additional conditions regarding whether others would be allowed to use the facility.

Officers shoot when they want to. Some go more than others. There will be very little shooting in the winter. Shooting is mostly pistols. The officers will be shooting three times a year. New officers have to qualify.

The public use is not something staff could answer at this time. This will be something commissioners and law enforcement decide together.

Officers will shoot at least three times per year and not much more than that. The berms are believed to cut down the noise substantially.

The speed limit is often exceeded by drivers, but the Highway Patrol does not patrol much in the area.

**Carl Nyman, Superfund Coordinator:** Would it be simpler for the County to make the shooting range be just for ADLC law enforcement? The TIFID board agreed that the shooting range would be moved if the area was needed for development. The area would be more difficult to relocate if more entities were utilizing the area. Noted that the improvements to this site will be completed by the Roads Department using surplus military equipment. Part of the stipulations for the County being able to acquire this equipment is that it will be used to support local law enforcement. Use of the equipment for this project will help us meet those stipulations.

### **V. Public Hearing: Closed**

**Motion:** **Jay Slocum** made the motion to approve MDP 15-05 with staff the eight (8) conditions that were placed on the MDP and conditions made by staff. **Annette Smith** seconded the motion.

**Board Discussion:** Jay Slocum has been working with County staff to find the best location for the shooting range. A lot of County ground has been looked at. There have been many iteration of what the board is seeing tonight. Much work has been done to make the safest location, minimize impacts while still maintaining the purpose.

The access gate was knocked over by a vehicle. Access control will not be an issue because there are perimeter fences. Jay recommends a keyed lock rather than a combination.

Will roads be plowed for access during the winter? There is a great number of military equipment that can be utilized for maintenance work.

The grading plan should be sufficient. What if fill needs to be brought in if there is not enough to create the full 10' berm. Can a condition be added that would address having to taper off the berm due to cost issues?

If the facility is closed for a certain amount of time during the winter, the road would not have to be plowed. Administration can make those decisions to call the road shop if it did need to be plowed.

There are 16 officers on staff. Parking is available in most area but vehicles should be parking on gravel for weed control and to prevent rutting.

**Amendment:** Jay Slocum made the motion to approve MDP 15-05 with the eight (8) conditions presented in the staff report, with the amendments of allowing the site plan to be modified by administrative action as appropriate; and, to allow administrative changes to condition two and three as appropriate to stay within the County budget with the aim of providing the shooting range.

**Annette Smith seconded the motion. Motion Carried.**

**Old Business:**

## **VII. Miscellaneous Matters / Public Comments**

Matters from the board: Board members recommending copies of adopted DPS.

Matters from the staff: Official training will be scheduled. January or February would be preferable. Staff is currently reviewing an MDP for the Pinter Vista HOA boat slip extension that the Planning Board will be reviewing at their next meeting.

Public comment: None

**Adjourn:** A motion was made and seconded to adjourn. Motion carried.

Next meeting: December 14, 2015

Respectfully Submitted,

*Paula R. Arneson*

Paula R. Arneson, Planning Department Secretary

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