

**Anaconda-Deer Lodge County
Planning Board
ADLC Third Floor Courtroom
April 13, 2015 – 6:00 p.m.**

I. Call to order: Chair Adam Vauthier

II. Roll Call: A Quorum is present.

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

Members Absent: Mary Murphy

Others Attending: Doug Clark – Planning Director, Bob Horne – Planning Consultant

Guests: See sign in sheet

III. Approval of Minutes: No approval of minutes at this board meeting.

IV. Development Permit System Revisions

Review: Doug Clark and Bob Horne:

Staff Report:

- Bob Horne introduced himself.
- Final working draft was ready by summer 2014.
- Public meetings were held in the various development districts. Final work draft begins the phase of the adoption process of the draft DPS.
- The DPS is county wide development permit system.
- There has not been a comprehensive re-write since 1992.
- The DPS is tied to the Growth Policy and sets standards for development.
- The amendment increases options for property owners and now includes lists of permitted uses and includes services off all types. The amendments provide flexibility to encourage development.
- There are no design standards in the DPS that are imposed on residents.

Doug Clark Overview:

- Rural Planning Areas: Reviewed map.
- The amendments have added permitted uses that can be achieved through an ADP rather than the process of a MDP.
- The rural planning areas historically would be subject to a MDP if the use is other than residential or open space.
- Use standards, density standards, animal keeping standards. Domestic sheep may be prohibited in areas where the Mountain Sheep exists.

Questions from the Board Members:

- Parking standards for urban development district will be reviewed prior to the DPS draft going to the Commission Meeting.
- There is one official public comment submitted by Jerry Patterson by way of petition.

V. Public Hearing Opened:

Jerry Patterson: 419 Elm and Galen Road

- The petition was developed after the first community meeting. The 20 acre minimum would rather be 5 acre minimum. Many residents want to subdivide larger parcels to give to their children/family.
- Fire destruction of a home would require meeting setback standards for a new structure. Would a home that burned be able to meet the septic system requirements if setback standards had to be met? The DPS does not address this specific issue which is covered by the Environmental Health Department. The septic size would have to stay the same due to the high water table.
- Hoofed animals: An enclosed structure must have a roof drain that does not drain into the structure.
- (Note to Bob: Need the definition of enclosure.)
- Restrictive Covenants. Page 3: The County will defer to covenants when they are stricter than the county standards that support an active HOA. The county does not *enforce* covenants.
- Minimum lot size: Staff looked at the flavor of the area which is broad vistas, open areas. The majority of the lots are 20 acres. Over 100 parcels were over 20 acres.
- East Valley: Family transfer of a smaller lot for residential reasons, the family transfer is exempt from subdivision review is still subject to zoning standards. The larger lot minimums were in line with what people expressed in the Growth Policy of 2010. Lots smaller than 20 acres are subject to state DEQ review for well and septic.
- 775 parcels in the East Valley were at a median acre size of 22 acres.

Neil Warner 709 Chestnut: In research that Mr. Warner has done by talking with other commissioners shows that people do not want to maintain 20 acres. ADLC has a lot of land that is not buildable due to superfund issues. Expansion cannot take place to the west or east. The county would be limiting itself to business expansion in the future.

Jim Davison: ALDC

- Central Business District: Highway Commercial: Residential setbacks, Goosetown neighborhoods, design standards, landscaping standards with input from the tree board. Fencing standards: is it for law enforcement? Jim will provide written comments.

- Staff will revisit the fencing standards. Pounding post holes versus digging post holes. Fencing standards were developed when medical marijuana became a current issue.

Carl Nyman: There is guidance so that no one exposes themselves to contaminated soils. There is now a superfund management process. Institutional controls are in place for waste control area. Soils handling process would be required if someone would like to develop in these areas. Regardless of the negotiations, there is a process in place.

Neil Warner: He believes cluster development is good but asks how many subdivisions have active HOA's. Bob Horne mentioned that open space should be naturalistic. A good number of the subdivisions have weed problems. Hoofed animals: there are too many requirements for even one hoofed animal. Growth Policy and DPS are two separate documents. Neil believes the growth policy has stricter standards.

Clarification: Weed issues may be addressed in the subdivision standards. There is a difference between watching animals for a friend than a boarding facility. Boarding facilities could be an ADP rather than a MDP. The GP wants to maintain open spaces. How does staff maintain those open space standards?

Neil and Doug will meet regarding these open areas.

Jim Walrod: 709 Stewart Street Opportunity.

- Has concerns regarding one acre for animals. Jim kept an animal for a friend over the winter on less than one acre. The one acre standard may be revisited. Vehicles will not be addressed in the DPS. Setback standards: A developer can always apply for a variance if they feel the request is warranted.

Rob Noteboom – 1216 Stewart Street: Hobby ranching clarification: Agriculture is already allowed without any restrictions.

Wes Wyant, 1944 Powel Vista: Who decides the building conditions and on what basis. Page 145 – interflow creeks – who is determining this? The standards must be objective so staff can utilize the same objectives.

The east yards and opportunity triangle were developed for commercial and light industrial uses. A variance can be utilized in the rural areas.

Tom Rice – 110 North Leslie: Believes section seven should not apply to Opportunity.

Standards for structures: building maintenance standards; need the same objectives.

Discussion:

East Valley: Many of the subdivisions have less than 20 acres lots. In the last 20 years the approved subdivisions have lessened with the housing market down-turn.

Building maintenance standards refer to residential buildings rather than out buildings. The board of public health may have statutes that can enforce residential standards.

Audrey Aspholm made a motion to continue the planning board meeting to April 20 to review those items that were identified.

Part B of the standard 1-6 deals with surface water quality and may not have registered with the residents. The DPS may have to add language to clarify the need for water quality maintenance.

The way the ordinance is written, the people with an animal are in violation. A definition of enclosure has to be clarified/defined.

Jay Slocum seconded the motion. Motion carried.

Public Comment:

VI. Miscellaneous Matters / Public Comments

Matters from the board: None

Matters from the staff: None

Public comment: None

Next meeting: April 20, 2015

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

Respectfully Submitted,

Paula R. Arneson

Paula R. Arneson, Planning Department Secretary

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