



PLANNING BOARD AGENDA

February 22, 2022 – 10AM | Council Chambers, City Hall

1. **Call meeting to order** | Pledge of Allegiance.
2. **Approval of Minutes:**
 - a. Regular Meeting: November 15, 2021 – No Meeting December 2021 & January 2022
3. **Public Comment Non-Agenda Items** – Members of the audience may comment on any non-agenda item. State Statute prohibits the City Council from discussing any introduced item. The Council limits each person to three minutes to ensure there is sufficient time for all comments. The Council respects all comments and will have staff follow up any questions.
4. **Public Hearing:(s)**
 - a. None
5. **Reports:**
 - a. Economic Growth and Development:
 - b. Downtown Historic Preservation:
 - c. Chamber of Commerce:
6. **New Business:** - The Board accepts public comment at the end of each item.
 - a. Committee Chair Appointment – Jordan
 - b. Committee Vice Chair Appointment - Jordan
 - c. Review Bylaws and Meeting Time and Approve Bylaws – Jordan
 - d. Conflict of Interest Forms - Jordan
 - e. Prior Project Update – Jordan
 - f. Committee Goals – Jordan
7. **Continued Business:**
 - a. None
8. **Staff or Committee Comments:**
9. **Announcement of the next meeting:**
 - a. March 21, 2022, at 10AM. (if needed)
10. **Adjournment**

Planning Board for the City of Deer Lodge meets in the Council Chambers.
300 Main Street, Deer Lodge, MT 59722

For Further Information Contact

CAO | Jordan Green
jgreen@cityofdeerlodgemt.gov | 406.846.2238

CITY OF DEER LODGE

PLANNING BOARD MINUTES

November 15, 2021 – 10:00 AM | Council Chambers, City Hall.

Members Present:	Amber Brown, Dan Sager, Kathy Bair, Rick Buck
Member Absent:	Rand Dickson, Dick Bauman
Mayor:	Diana Solle
CAO:	Jordan Green
Council Member:	None
Staff:	Cyndi Thompson
Guests:	See Sign in Sheet

1. Call Meeting to Order | Pledge of Allegiance

Chairperson Brown called the meeting to order at 10:00AM, all present recited the Pledge of Allegiance.

2. Approval of Minutes

a. Regular Meeting – October 18, 2021

Member Sager motioned to approve the minutes as presented. Member Buck seconded the motion. 4 Ayes, 0 Nos, 2 Absent. Motion passed.

3. Public Comment Non-Agenda Items:

a. Member of the public asked about the marijuana dispensary.

4. Public Hearings:

a. Cutler Bro BNB Conditional Use Permit Application – CAO Green - Action Item: Vote on recommendation to City Council.

CAO Green stated Dean Kippenhan of Fine Line Construction, representing Cutler Bros. Productions, submitted a Conditional Use Permit application on October 29, 2021. The petitioner is seeking permission to convert the Cutler Bros. theater at 301 Main Street into a Bed and Breakfast style business that would house 4 lodging units.

The parcel is in Deer Lodge in the Original Addition, Section 33, Township 08N, Range 09W, Block 11, Lots 1-2. The parcel is located in the B-1, Central Business District of the City of Deer Lodge Zoning Ordinance.

According to the City of Deer Lodge Zoning Ordinance Chapter 19, Section E(3), residential and lodging uses within the B-1, Central Business District must be permitted as a conditional use.

The proposed use meets all other regulations of the district in which it is to be located. There are no parking requirements, setback requirements for structures on Main Street, or any other regulations which are affected by this proposed change in use. However, the applicants need to be aware that there are state regulations for this use that may be required for the issuance of a building permit. These requirements should be followed as closely as possible for the conditional use permit to remain valid.

The City Administrator sent out 24 letters to adjacent property owners for to ask for comments for the Conditional Use public hearing. There have been no responses at the time of this staff report to the Conditional Use application letters. The Silver State Post ran the required public hearing notice in their November 3rd and November 10th editions. There has been no remonstrance to this petition since the public notices have been legally given.

A public hearing for the Conditional Use Permit Application will be held for the Planning Board on November 15, 2021. The second public hearing for City Council will be held December 6, 2021, should the Planning Board give a favorable recommendation to City Council.

Based on the above information as well as the provided preliminary plan documents, the City Administration recommends the Planning Board send a favorable recommendation of the CUP application subject to the following considerations:

- The property remains adherent to the provisions of the City of Deer Lodge Zoning Ordinance requirements, including but not limited to the chapters on Conditional Use Permitting and the B-1 Zoning District.
- The applicant alerts the City of Deer Lodge of any changes to the use of the structure and get the City's written permission that the changes remain adherent to the provisions of the City of Deer Lodge Zoning Ordinance.
- The applicants secure all required state building permits for renovating the structure to lodging. All building code requirements provided during the permitted process will be followed in order to maintain local conditional use approval.

Public Hearing opened at 10:13AM. – Public comment stated about this being a short-term rental and the city really needs long term rentals.

Public Hearing closed at 10:14AM.

Member Bair asked how long the CUP stays open. CAO Greens response there is no specific timeline for a CUP.

Member Sager motioned to approve the Cutler Bro BNB Conditional Use Permit Application and recommend it to Council. Member Buck seconded the motion. 4 Ayes, 0 Nos, 2 Absent. Motion passed.

5. Reports:

a. Economic Growth & Development – CAO Green

CAO Green summarized, we discussed the Successful Deer Lodge program that Headwaters had applied for a grant for us to do housing and workforce study. We discussed Charter Government and the Skate Park.

b. Downtown Historic Preservation – Kathy Bair

Member Bair stated they are meeting on the 16th at 6pm. No report. Member Buck discussed the Hotel Deer Lodge.

c. Chamber of Commerce –

No Report.

6. New Business | The Board accepts public comment at the end of each item.

a. None

7. Continued Business:

a. None

8. Committee Comments or Concerns:

- a. CAO Green updated the committee about a skate park. We were approached by two benefactors that would like to put a \$200,000 skate park in the City of Deer Lodge at no cost to the city. This has been discussed in all other committees and wanted to bring this forward to update this committee. Items discussed was bathrooms & security cameras.
- b. Member Sager stated MSU training tonight at 7PM at the Community Center.
- c. Member Sager introduced the new County Planner Amanda Cooley.
- d. Mayor Solle would like to extend and offer to be apart of the Planning Board.

9. Announcement of the next meeting:

- a. December 20, 2021, at 10:00 AM (if needed)

10. Adjournment:

- a. The meeting was adjourned, by consensus at 10:35AM.

Prepared by Cyndi Thompson, City Clerk

Amber Brown, Chairperson

Date

Bylaws of the City of Deer Lodge Planning Board

Approved by the Planning Board: May 28, 2019

Adopted by the City Council: June 17, 2019

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ARTICLE I
NAME AND LOCATION

Section 1. Name

The name of this Board shall be the City of Deer Lodge Planning Board (hereinafter referred to as the Board).

Section 2. Location

The Board Offices are located at 300 Main Street, Deer Lodge, Montana.

ARTICLE II
DEFINITIONS OF TERMS

As used in these Bylaws:

1. Board: The City of Deer Lodge Board of Planning
2. City: Deer Lodge
3. City Council: The governing body of the City of Deer Lodge.
4. County: Powell, Montana
5. County Commissioners: The governing body of Powell County.
6. Town: Deer Lodge
7. Growth Policy: As defined by Section 76-1-601 Montana Codes Annotated.
8. Planning Director: That individual so designated by the City Council.
9. Plat: A subdivision of land into lots, streets, and areas marked upon the earth and represented on paper and includes re-plats and amended plats.

ARTICLE III

AUTHORITY, POWERS, AND DUTIES

Section 1. Authority

The City of Deer Lodge Planning Board is authorized under Section 76-1-101 through 76-1-104 and 76-1-111 Montana Codes Annotated.

Section 2. Powers and Duties

A. Role of the Board:

To assure the promotion of Public Health, safety, convenience, order, or the general welfare and for the sake of efficiency and economy in the process of community development, the Planning Board shall prepare a Growth Policy and shall serve in an advisory capacity to the local governing body establishing the Planning Board.

1. The Board may also propose policies for:
 - a. Subdivision plats;
 - b. The development of public ways, public structures, and public and private utilities;
 - c. The issuance of improvement location permits on platted and unplatted land;
 - d. The laying out and development of public ways and services and to platted and unplatted lands;
 - e. Long range plans;
 - f. Floodplain and floodway area;
 - g. Review Conservation easements;
2. The role of the Board shall be to recommend planning policy to the City of Deer Lodge City Council.

3. The Board may prepare a Growth Policy for the jurisdictional area, as defined in Section 76-1-601 Montana Code Annotated.
4. The Board shall perform other planning related functions:
 - a. Prescribe uniform rules pertaining to Board meetings and Public Hearings.
 - b. Adopt bylaws, which set forth the board's policies and procedures.
 - c. Recommend an annual work program.
 - d. Keep an accurate and complete record of all proceedings.
 - e. Serve as Subdivision Review Board.
 - f. Serve as Zoning Commission.
5. The Board may occasionally comment upon plans and planning related policies subject to review or adoption by Federal or State Agencies, and/or may recommend that the County and City make appropriate comment on the same.

ARTICLE IV

JURISDICTIONAL AREA

Section 1.

The jurisdictional area of the Board will include all the area in the City of Deer Lodge.

ARTICLE V

OBJECTIVES AND POLICIES

The objectives of the Board as established by State Law are to enable units of local government within the City of Deer Lodge to cooperate in

promoting the orderly development of those units and their environs by planning for the improvement of the present health, safety, convenience, and welfare of their citizens and the future development of their communities to the end that roadway systems be carefully planned, that new community centers grow only with adequate roadway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community be commensurate with the promotion of the efficient and economical use of public funds.

ARTICLE VI

MEMBERSHIP AND TERMS OF APPOINTMENT

Section 1. Composition

The Board shall consist of citizen members and may include elected officials.

Section 2. Membership

Membership of the Board shall be pursuant to the City Ordinance.

Section 3. Terms

Members of the Board shall be appointed to 2 years terms pursuant to Section 76-1-203 MCA, and City Ordinance.

Section 4. Absences and Removal

- a. Each member shall inform the Director of Planning (or designee) at least one day before the meeting of his/her inability to attend a Board or Committee meeting. Such an absence shall be considered an excused absence.

- b. If any Board member accrues three (3) or more consecutive unexcused absences from regular meetings, notice of which has been given at his/her usual place of work or residence, or by announcement at a meeting attended by him/her, the President may call such absences to the attention of the Board which may then recommend to the appointing authority that such member be asked to resign and that another person be appointed to serve out the unexpired term.

Section 5. Vacancies

Vacancies occurring on the Board shall be filled by the governing body having appointed them for the unexpired term.

ARTICLE VII

BOARD OFFICER, TERMS, AND DUTIES

Section 1. Officers

The officers of the Board shall consist of a Chair, Vice Chair, and Executive Secretary (or designee).

Section 2. Election of Officers

The Chair and Vice Chair shall be Elected by majority of the Board Members present and voting at the First regular scheduled meeting in January. The terms of office of the Chair and Vice Chair shall commence on February 1st.

Section3. Board Chair

The Chair (President) shall preside over all regular and special meetings of the Board and may vote in the case of a tie or to create a tie. The Chair shall also sign such documents and communications on behalf of the Board, as the Board may authorize and are of a nature to require the signature of the Chair. The Chair may, in absence, delegate such

responsibility to the Vice Chair. The Chair shall have the authority to appoint in ARTICLE IX Committees. The Chair shall be an "ex-officio" member of all Committees, except the nominating committee, and shall retain voting rights on these committees and shall be counted as a member for the purpose of comprising a quorum.

Section 4. Board Vice Chair

The Vice Chair (Vice President), in absence of the Chair, shall preside over any regular or special meeting of the Board and at the direction of the Chair, sign documents and communications on behalf of the Board, as the Board may have authorized the Chair to sign.

Section 5. Office Vacancy

If the office of the Chair becomes vacant, the Vice Chair shall fill the unexpired term. On assuming this office, the Board shall seek nominees to fill the position of Vice Chair.

Section 6. Offices Absences

If the Chair and Vice Chair are absent from any regular meeting, the Executive Secretary shall call the meeting to order and a quorum of members shall elect a temporary Chairperson for the meeting.

Section 7. Removal of Officers

If the Board votes no confidence in an Office, a motion to remove said officer shall be brought before the Board at its next meeting. Should the motion pass, a new officer shall be elected to serve the remainder of the term of office.

Section 8. Terms of Office

All officers shall serve a term of one year. Any officer may serve for successive terms.

Section 9. City Planner

The Director of Planning (or designee) duties may include:

- a. Keeping true and correct copies of the minutes for all regular and special Board meetings, as well as the minutes of any Committee meetings.
- b. Administering the affairs of the Board in accordance with adopted Board policies and procedures of the County.
- c. Recommending policies, ordinances, or resolutions which may be necessary to accomplish the objectives of the Board and implement the goals of the Growth policy.
- d. Representing the Board before any other board, commission or committee, or citizen's organization.
- e. Preparing, in the name of the Board, any correspondence, official notices, and agendas.
- f. Signing all plats and affixing the official seal of the Board thereon, only after such plat has been approved in accordance with the requirements of the Subdivision Regulations, adopted policies and procedures of the Board and only after all requirements have been satisfied.
- g. Reporting, at the Board's request, the progress and status of any program or project for which the Board has responsibility and changes

in State or Federal guidelines which may affect any of the Board's programs or status.

- h. Preparing an annual report; this shall include a summary of the Board's activities during the previous year.

ARTICLE VIII

MEETINGS, QUORUMS, AND PROCEDURES

Section 1. Regular Meetings

A regular monthly meeting shall be held on the Tuesday of the fourth week of each month at 3:30 PM in the Council Chambers, unless a different time and/or place is posted at the City Hall at least forty-eight (48) hours prior to the meeting. Meetings of the Board and its Committees are open to the public and testimony and correspondence may be received from any citizen at any public meeting. Regular and special meetings shall be recorded, and all records shall be available for public inspection during normal business hours at City Hall.

Section 2. Quorums

- a. A majority of voting members shall constitute a quorum.

- b. No action of the Board is official, however, unless authorized by a majority of voting members in attendance of the Board at a regular or properly called special meeting. Official action can only be conducted when there is a quorum present at any meeting.

Section 3. Special Meetings

Special meetings of the Board may be called by the Chair or by any two members upon request to the Executive Secretary three (3) working days prior to the date of the special meeting. The Executive secretary shall then notify all Board members of the special meeting and the topic(s) to be considered.

Section 4. Agendas

The agenda for a regular meeting will be closed at 5 PM, three (3) working days prior to the date of the meeting. To take formal action on an item brought before the Board under "Unscheduled Business", the item must be placed on the agenda by motion and majority vote of the members present. Agendas and copies of the minutes of all regular meetings shall be mailed to each member of the Board no later than the Friday preceding the next meeting date. The agenda consists of the following headings:

1. Call meeting to order | Pledge of Allegiance
2. Approval of Minutes
3. Reports
4. Old Business
5. Public Hearings
6. New Business
7. Public Comment
8. City Planner & Staff Comments
9. Announcement of the next meeting
10. Adjournment

Section 5. Public Hearings

The Board shall cause to be published a Notice of Public Hearing, containing the date, time, location, and purpose pursuant to statutory

requirements in a newspaper of general circulation for each hearing held by the Board. At the beginning of each meeting, the public shall be given the opportunity to address the Board on any item that is not on the current agenda.

A. Public Hearings for Subdivisions

1. When a preliminary plat application is set for a Public Hearing pursuant to a public notice, the matter shall be heard even though no one in favor or opposition to the application appears at the hearing, unless the Board has received a written request from the sub divider, twenty four (24) hours prior to the Public hearing, to continue such hearing at a later time due to good and sufficient reason, or to withdraw or postpone the application for reason that is approved by the Board.
2. Each person who speaks at the Public Hearing shall stand and provide his/her name and address to the Board and shall thereby become a part of the record.
3. Each preliminary plat application shall be heard in the following order:
 - a. The City Planner shall summarize pertinent data and present or amplify the recommendations of staff and Department heads.
 - b. The applicant or their representative shall present the application to the Board and summarize the proposed subdivision and, if applicable, the following criteria of public interests:
 1. Effects on Agriculture
 2. Effects on Local Services
 3. Effects on Natural Environment
 4. Effects on Wildlife Habitat and Wildlife

5. Effects on Public Health and Safety
6. Effects on Agricultural Users Facilities

- c. Persons in favor or opposed to the application shall be heard or written comments received up and until the time of the close of the Public Hearing.

B. Conditional Use Permit Hearings

The applicant(s) must provide appropriate responses to the following approval criteria:

- (1) The use conforms to the objectives of the Growth Policy and the intent of this Code.
- (2) Such use will not adversely affect nearby properties or their occupants.
- (3) Such use meets density, coverage, yard, height and all other regulations of the district in which it is to be located, unless otherwise provided for in this Code.
- (4) Public hearings have been held, after the required legal notices have been given and the public has been given a chance to be heard upon the matter.

C. Other Public Hearings

1. All other Public Hearings shall be conducted in accordance with the following procedure, unless the Board determines by a majority vote to follow a different procedure.
 - a. The Board shall first hear a report on the subject item from the City Planner and may include a recommendation as to the action to be taken by the Board.

- b. The Board shall then hear and/or receive written or oral statements from the public in the following order:
 1. Proponents of the Proposal
 2. Opponents of the Proposal
 3. Members of the public who, being neither proponents nor opponents of the proposal, wish to make a general statement or comment regarding the same.
 4. The Board shall then hear any brief rebuttal to previous comments, testimony, or statements.
 5. The Board shall then hear any brief final comments, statements, or recommendations from the City Planner.
 6. Any person wishing to speak a second time may do so only during the proper course of the proceedings, only after all persons wishing to speak have been heard, and only with the permission of the Chair or the approval of the majority of the Board members.
2. Prior to hearing and/or receiving oral statements, comments, or testimony from the public, the Board may, by majority vote, impose reasonable and prudent limitations on the time allotted for each person's statement, comments, or testimony.
3. The Board or any member thereof may, at any time, question any person about his/her statements, comments, or testimony.
4. After hearing any and all statements, comments and testimony as above provided, the Chair shall close the public testimony portion of the hearing. After closure, and after such discussion as may be appropriate, the Board may vote upon a recommendation for the item under consideration.

5. The Board needs to compose findings-of-fact (and if necessary, conclusions of law) to support their hearing decisions.

6. Subject to any time constraints imposed by the law, the Board may, at any stage of a Public Hearing or proceeding, continue the same to a later date in order to allow or facilitate full public participation, to obtain additional information, to properly consider or deliberate any matter, or for any other lawful reason. In the case of such continuance, the time and place of all further proceedings in regard thereto, shall be immediately fixed and announced to the City Planner and the public, in which case no further legal notice of the hearing need be given.

B. Informal Hearings

The Board, by majority vote, may follow other procedures for the conduct of hearings.

ARTICLE IX

COMMITTEES AND ADVISORY COMMITTEES

Section 1. Committees

The Chair is responsible for selecting the Chairperson and individual members of the Committee.

A. Special Committees

Special Committees, for any purpose, may be appointed by the Chair or created by motion of the Board to direct the Chair to appoint its members.

Section 2. Advisory Committees

Citizen Advisory Committees may be established. The purpose of the Committees is to provide advice to the Board on planning related matters of interest to their areas.

Article X
LEGAL ASSISTANCE

The Board shall seek legal assistance from the Attorney for the City of Deer Lodge as needed.

ARTICLE XI
FINANCING

Section 1. Board Financing

As provided through MCA 76-1-306, the governing body shall assign staff employed by the governing body to assist the Planning Board in conducting its duties. The Planning Board may delegate to assigned staff, the authority to perform ministerial acts in all cases except when final action of the Board is necessary. The governing body may make contracts for special or temporary services and any professional service. The following MCA sections also govern the fiscal administration of the Planning Board:

76-1-401. Fiscal Administration

(1) To effectuate the purpose of this chapter, the Board shall Have the power and duty to:

- a. Supervise the fiscal affairs and responsibilities of the Board.

b. Prepare and submit, to the governing bodies represented on the Board, an annual budget in the same manner as other departments of the City and County governments and shall be limited in all expenditures to the provisions made thereof by the governing bodies represented upon the Board.

(2) The Planning Board shall have authority to expend, under regular City or County procedure as provided by law, all sums appropriated to it for purposes and activities authorized by this chapter.

76-1-402. Funding of Board Operation

(1) After a City Council has, by ordinance, created a Planning Board, the governing body represented upon such Board may appropriate funds to carry out the duties of the Planning Board.

(2) When a Planning Board has been created by agreement of more than one governmental unit, the governing bodies of the governmental units which have created the Board shall agree upon the proportion of expenditures to be borne by each unit and may budget and appropriate the funds necessary for the respective shares thus agreed upon.

Section 2. Financial Summary

The City Planner shall provide a financial summary of the Departmental budget to the Board as requested.

ARTICLE XII

MISCELLANEOUS

Section 1. Conflict of Interest

Any member(s) having a financial or personal interest in a matter before the Board for discussion or vote shall publicly disclose the nature and extent of such interest and absent themselves from the meeting until discussion on the matter has ended and a vote, if any, is taken. In such circumstances, the Secretary shall note in the minutes that a conflict of interest was acknowledged and the Board member(s) was absent during the discussion and voting.

Section 2. Travel

Authorization of travel of any Board member to attend a conference, convention, or other meetings necessary to carry out the affairs of the Board must be approved by the Board and the City of Deer Lodge represented by the Board member. Upon return, the Board member must submit a written summary of the expenditures and activities.

Section 3. Distribution of Planning Studies

Pertinent studies of interest to certain entities may be distributed to interested parties and local media. Additional copies may be made available to the public at the cost of publication or duplication.

Section 4. Plan Study and Adoption

The Board shall formally adopt all plans or studies by resolution. Such resolution shall clearly state the authorization for the particular plan or study, and the findings of fact which necessitated its preparation and the recommendation to the respective governing bodies relative to action necessary to implement the objects of the plan or study.

Section 5. Bylaw Amendments

Amendments to the Bylaws of the City of Deer Lodge Planning Board may be initiated by any member of the Board. Such amendments must be submitted, in writing, at a regular meeting and approved by a two-thirds vote of the members present.

PLANNING BOARD GOALS

FEBRUARY 2022

SIX MONTH GOALS:

ONE YEAR GOALS:

LONG-TERM GOALS: