



PLANNING BOARD AGENDA

June 21, 2022 – 10AM | Council Chambers, City Hall

1. **Call meeting to order** | Pledge of Allegiance.
2. **Approval of Minutes:**
 - a. Regular Meeting: April 18, 2022
 - b. Regular Meeting: May 16, 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. 819 2nd St Rezoning Request – Jordan
 - i. Action Item: Vote on Recommendation of Rezoning Request
5. **Reports: Accept reports as presented in packet.**
 - 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. None
7. **Continued Business:**
 - a. 805 West Missouri Avenue Major Home Occupation Request – Jordan
 - b. Mission Statement Discussion - Jordan
8. **Staff or Committee Comments:**
9. **Announcement of the next meeting:**
 - a. July 18, 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

April 18, 2022 – 10:00 AM | Council Chambers, City Hall.

Members Present:	Amber Brown, Dan Sager, Dick Bauman, Rick Buck, Kathy Bair & Amanda Cooley
Member Absent:	Rand Dickson
Mayor:	None
CAO:	Jordan Green
Council Member:	None
Staff:	Cyndi Thompson
Guests:	None

1. Call Meeting to Order | Pledge of Allegiance

Chairperson Brown called the meeting to order at 10:02AM, all present recited the Pledge of Allegiance.

2. Approval of Minutes

a. Regular Meeting – March 21, 2022-Pg 4 b) 2nd line, remove word "State"

Member Bauman motioned to approve the minutes as amended. Member Sager seconded the motion. 6 Ayes, 0 Nos, 1 Absent. Motion passed.

3. Public Comment Non-Agenda Items:

a. None

4. Public Hearings:

a. None

5. Reports:

a. Economic Growth & Development – Dick Bauman

March 2nd - Discussed committee goals Dick Bauman reviewed his committee goals from the previous meeting including the survey of the people of Deer Lodge and added, looking into

new zoning that better suited the trend of smaller yards for the younger generation. The Committee was shown preliminary designs for the billboard south of town. John Henderson suggested that the committee investigate ways of making Deer Lodge a stop for hikers of the CDT trail. Dick Bauman revisited his idea of having a mission statement for Economic Growth & Development Committee.

b. Downtown Historic Preservation – Kathy Bair

Discussed their grant giving. Montana Main Street quarterly report is due.

c. Chamber of Commerce – Jordan Green

Was not able to attend.

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

a. Title 11: Zoning Amendments – Jordan

Discussed zoning standards that could be more applicable to Deer Lodge. Discussed sections of R1, R2, R3, R4 & R5 in the city code. Also discussed parking issues, health & safety inspections, duplexes, ADU's, residential housing, main street, lot coverages, setbacks, commercial and historical buildings.

b. Commercial Lighting and Fencing Regulation Discussion – Jordan

State does the permitting for commercial buildings. State requires a permit for fencing if it is 7 feet or taller. Setting requirements on commercial fencing to match what residential fencing says in the city code. Commercial lighting and lighted signs were discussed. Jordan suggests committee bring some ideas to the next meeting.

7. Continued Business:

- a. None

8. Committee Comments or Concerns:

- a. Chairperson Brown – Do we have any guidelines for electric car charging stations?
b. City clerk present reports in packet for Economic Growth & Dev, Historic Pres & Chamber.

9. Announcement of the next meeting:

- a. May 16, 2022, at 10:00 AM (if needed)

10. Adjournment:

- a. The meeting was adjourned, by consensus at 11:45AM.

Prepared by Cyndi Thompson, City Clerk

Amber Brown, Chairperson

Date

CITY OF DEER LODGE

PLANNING BOARD MINUTES

May 16, 2022 – 10:00 AM | Council Chambers, City Hall.

Members Present:	Amber Brown, Dan Sager, Dick Bauman, Rick Buck, Kathy Bair, Amanda Cooley & Rand Dickson
Member Absent:	None
Mayor:	None
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 – April 18, 2022-Deferred till June 21, 2022

3. Public Comment Non-Agenda Items:

- a. None

4. Public Hearings:

- a. 805 West Missouri Avenue Major Home Occupation Request – Jordan

Bo and Dene' Havens of 805 West Missouri Avenue submitted a Conditional Use Permit application on March 23", 2022. The petitioners are seeking permission to have a Major Home Occupation operate out of a garage at their property to do oil changes, minor vehicle service, and parts salvage. The City of Deer Lodge Zoning Ordinance requires the issuance of a Conditional Use Permit for all Major Home Occupations in residential districts in addition to a business license.

Based the 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 for a Major Home Occupation, which are listed at the end of this report.
- The applicants make all efforts to restrict noise, dirt, dust, and automotive contaminants from leaving the property boundary and prevent contaminants from affecting soil or groundwater.
- The applicants alert the City of Deer Lodge of any changes to the use of the parcel and get the City's written permission that the changes remain adherent to the provisions of the City of Deer Lodge Zoning Ordinance.
- All vehicles are contained on the property and are not stored on the City right-of-way.
- The applicants design privacy fences that will shield all salvage vehicles and promptly remove vehicles from their property after salvage.
- The applicants keep oil drums, salvage parts, automotive equipment, and any other items associated with their business organized and out of site from adjacent properties and the City right-of-way whenever possible.
- All potentially toxic materials are properly disposed of meeting state and federal regulations for automobile disposal.
- Any project that has the potential to generate light and noise are completed between 8AM and 6PM.
- The applicants obtain all necessary building permits from the City's building department and follow the regulations prescribed by the City's building inspector. The applicants will also be responsible for obtaining any variances necessary to allow for the construction of buildings.
- Failure to meet any of the above considerations should be considered grounds for immediate revocation of the petitioner's business license and ability to operate the Major Home Occupation.

Public Hearing opened at: 10:21am

Public comment concerns, privacy fencing, surveying their property, dust control, oil leaking into the ground, junk cars, contamination, noise control. When can they start? Conditions that need to be met before they can open for business.

Public Hearing closed at: 10:29am.

Member Dickson motioned to table the item till more work on the property is completed. Readdress with the owners and progress with pictures from the owner to see progress. Member Bauman seconded the motion. 8 Yeas, 0 Nos.

5. Reports:

a. Economic Growth & Development – Dick Bauman

Discussion with the Chamber of Commerce and Discover Deer Lodge and suggested that all 3 of our organizations try and get our mission statements as close together to create a united front. Community survey discussion. Jordan discussed the cost and delivery method of community survey. The committee welcomed questions from the Chamber of Commerce and Discover Deer Lodge. Discussed amended Goal List and Vision & Mission statement.

b. Downtown Historic Preservation – Kathy Bair

Discussed Grants, 502 Main Street, SHPO, awning for Masonic Temple, Rob Worth Nomination & Old Yellowstone signs.

c. Chamber of Commerce – Jordan Green

Discussed Chamber after hours. Trim the town, they decided not to do it again next year as they had an incredibly low turnout. In the process of planning Territorial Days. Will be changing up the Main Street decorations. Working on becoming a 501(C)(3). Deciding on a 4th of July Parade. Looking at doing a fundraiser "Pubs, Pizza, Puzzles."

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

a. Mission Statement Discussion– Jordan

Discussed mission statements from other groups and the value of having a vision & mission statement. This Board could brainstorm for a vision & mission statement. Bring Vision/Mission Statement ideas to the next meeting.

7. Continued Business:

- a. None

8. Committee Comments or Concerns:

- a. None

9. Announcement of the next meeting:

- a. June 20, 2022, at 10:00 AM (if needed)

10. Adjournment:

- a. The meeting was adjourned, by consensus at 11:20AM.

Prepared by Cyndi Thompson, City Clerk

Amber Brown, Chairperson

Date

REZONING STAFF REPORT

Jordan Green – June 21, 2022

Introduction –

Kimberly Fisk submitted a Rezoning Application on May 23, 2022 to request a rezoning of her property at 819 2nd Street in Deer Lodge to the R-2, Single Family and Manufactured Home District to accommodate the placement of a 1980 double-wide manufactured home to be operated as a rental. The property is currently zoned as R-3, High Density Residential, which does not allow any type of mobile or manufactured home. The property is located in Section 04, Township 07 North, Range 09 West, Block 48 and the west 84 feet of Lots 9 and 10. Directly to the east of the property at the address 207 Pennsylvania Avenue is the Mountain Sage Herbal Tea Shop, a business operated by Ms. Fisk. To the south is the Old Montana Prison Museum. To the north and west are more residential properties in the R-3, High Density Residential District.

Analysis of Application –

The analysis of this rezoning followed the requirements specified in Chapter 28 of the City of Deer Lodge Zoning Ordinance. The requirements and staff comments used in this analysis follow.

The zoning amendment is made in accordance with the Growth Policy

City Administration: City Administration feels that this rezoning is in accordance with the Growth Policy as it provides more housing, specifically rental housing, in the City of Deer Lodge. A lack of affordable rental housing is identified in the Growth Policy as a concern within the City. Objective 9.2 of the Growth Policy states that the City should “increase and preserve affordable housing options for people of all ages, abilities, and backgrounds and Objective 9.2 references the need to allow greater flexibility of housing options through amendments to the zoning code. By allowing the placement of a manufactured home on this lot, the City increases housing stock available to those who need rental properties in town.

The zoning amendment is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements

City Administration: There is no expected impact on the provision of transportation networks, water, sewerage, schools, parks, and other public requirements from the proposed rezoning. As the site is currently zoned for residential uses, a rezoning to another residential zone to allow for a manufactured home will have no additional impact on these systems.

The zoning amendment considers the effect on motorized and non-motorized transportation systems

City Administration: There is no expected effect on motorized and non-motorized transportation systems. As the site is currently zoned for residential uses, and is adjacent to other residential uses, there is no additional impact on transportation systems by rezoning as a different type of residential to accommodate the petitioner's request.

The zoning amendment considers the promotion of compatible urban growth

City Administration: The site is adjacent to other single-family residential structures, including several manufactured homes. Therefore, the rezoning is compatible with the surrounding urban patterns.

The zoning amendment is designed to promote public health, public safety, and the general welfare

City Administration: There is no impact on public health, public safety, and the general welfare expected from this proposed rezoning. There is the potential to promote greater public health and welfare by providing a high-quality rental home in the City, which currently has a shortage of such units.

The zoning amendment considers the reasonable provision of adequate light and air

City Administration: There is no expected impact on the provision of adequate light and air on adjacent properties due to the proposed rezoning.

The zoning amendment conserves the value of buildings and encourages the most appropriate use of the land throughout the jurisdictional area

City Administration: The rezoning will have little to no impact on the value of adjacent buildings. It encourages an appropriate use of the land in the City, as it is located adjacent to other single-family homes.

The zoning amendment considers the character of the district and its peculiar suitability for particular uses

City Administration: As the site is currently adjacent to other single-family homes and manufactured homes, the proposed rezoning is suitable for the character of the district. However, the petitioner should make efforts to place the structure in a way that makes it cohesive with the surrounding homes.

Recommendation –

Based on the above requirements, City Administration recommends the Planning Board recommend to City Council the rezoning of the subject property from the R-3 High Density Residential District to the R-2, Single Family and Manufactured Home District to accommodate the placement of a 1980 double-wide manufactured home.



Chief Administrator/ City Planner

6/21/22

Date

City of Deer Lodge

300 Main Street | Deer Lodge, MT | 59722 | 406.846.2238 | 406.846.3925 (f) | cityofdeerlodge.com

REZONE APPLICATION

The City of Deer Lodge considers an Application complete when all required (or requested) information is submitted.

Chapter #28, Section #1(3)(b) of the Zoning Ordinance requires the issuance of a notarized statement by at least one of the property owners of the property within the area proposed to be changed attesting to the truth and correctness of all facts and information presented with the application.

Please submit the completed Application, all supporting documents, and the appropriate fee to the Deer Lodge City Hall - 300 Main Street, Deer Lodge, MT 59722.

Applicant(s): Kimberly Fisk

Address: ~~819 2nd St., Deer Lodge~~ 3096 Burnt Hollow Rd, Deer Lodge

Email: Kimberlyfisk@yahoo.com Telephone #: _____

Property Address: 819 2nd St., Deer Lodge

Assessor Code(s): _____ Geocode(s): _____

Authorized Agent Information: _____

Address: _____

Email: _____ Telephone #: _____

Property Owner Signature:  Date: 23 May 2022

Legal Description of Property (Subdivision / Addition and Blocks & Lots): _____

Tracts / COS# _____

Zoning District: _____ Overlay District: _____

Use of Structure or Property? _____

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	_____	_____
East:	_____	_____
South:	_____	_____
West:	_____	_____

What is the Requested Zoning for the Property? to allow trailer home

What is Intended Use for the Property? residential

Authorized Agent Signature: _____ Date: _____

23 May 2022

To Whom It May Concern:

I am requesting permission to rezone the empty lot located at 819 2nd Street to allow placement of a double-wide, 1980 trailer house. I intend to use the location as a rental property.

Thank you for your consideration.

With regards,

A handwritten signature in black ink, appearing to be the name 'Kimberly Fisk', written in a cursive style.

Kimberly Fisk

Economic Growth & Development Committee
June 1, 2022

- New Business – Gary Chilcott is interested in leasing land on city property on Emery Road to be used for construction company. This created discussion on future expansion on the property. The committee moved to recommend it to council.
- Continued Business - Jesse Mullen gave an update on Discover Deer Lodge and shared preliminary results of a survey system which may help future businesses in Deer Lodge. Visions and Mission statements will be held off for the next meeting as Jordan did not have time to work on it.
- Committee Comments or Concerns – Dick Bauman talked about how beneficial the conference him and Jordan attended. John Henderson asked about welcome to Deer Lodge signs, a flag that Mr. Bauman is working on and asked Jordan about creating a presentation on a Main Street Improvement District.
- Next meeting is scheduled for July 6th at 4:00 PM

HISTORIC PRESERVATION

May 19, 2022

New Business:

- a. None

Old Business:

- a. Grants
- b. Masonic Temple Awning: We cannot use our grant money for this, it's considered maintenance.
 - i. Steve suggested we use our own money, cost is \$2,250.00.
- c. Robworth historic listing:
 - i. Kirby heard back from Jeannine Kalin. Cost around \$4,000-\$5,000. She would not be able to start until the fall.
 - ii. Jacque - update on owners of the Robworth and are they willing to be listed.
- d. 502 Main - SHPO says this is an allowable grant. Kate will push forward and might be able to do before May 31, our extension deadline. Otherwise, we could extend the deadline.
 - i. Emailed project summary descriptions that were sent to Kate.
- e. Yellowstone Trail education update.
- f. Conley Street Bridge sign update.
- g. Mission Statement
- h. Sent draft of HP Ordinance we were working on to Jordan.

CONDITIONAL USE PERMIT STAFF REPORT

Jordan Green – May 16, 2022

Introduction –

Bo and Dene' Havens of 805 West Missouri Avenue submitted a Conditional Use Permit application on March 23rd, 2022. The petitioners are seeking permission to have a Major Home Occupation operate out of a garage at their property to do oil changes, minor vehicle service, and parts salvage.

The parcel is in Deer Lodge in the Northwest Townsite, Section 32, Township 08N, Range 09W, Block 7, Lots 15-18. The parcel is located in the R-2, Single Family and Manufactured Home District of the City of Deer Lodge Zoning Ordinance. The location of the parcel is identified on the attached map.

The City of Deer Lodge Zoning Ordinance requires the issuance of a Conditional Use Permit for all Major Home Occupations in residential districts in addition to a business license.

Analysis of Application –

The analysis of this application followed the requirements specified in Chapter 12 of the City of Deer Lodge Zoning Ordinance. The requirements and staff comments used in this analysis follow.

Chapter 12, Section 2-1: The use conforms with the objectives of the Growth Policy and the intent of this Code

This use conforms with the Growth Policy by allowing a small, local business to operate within Deer Lodge. However, as the Growth Policy speaks primarily on Main Street, Parks, Annexation, and the Cottonwood Creek Corridor, there is little in the Growth Policy that directly impacts this petition.

Chapter 12, Section 2-2: Such use will not adversely affect nearby properties or their occupants

The operation of an oil change, minor service, and parts salvage garage has the potential to affect nearby properties. The noise associated with work, the potential for soil and groundwater contamination, the presence of junked vehicles and vehicle parts, and the increased traffic to the site are all issues that need to be addressed. Therefore, the City Planner recommends many conditions be attached to approval of this Conditional Use Permit Application, which are outlined in the Recommendation section of this staff report. These steps will mitigate the potential for adverse impact on nearby properties and are based on recommendations from neighbors, the requirements for a Major Home Occupation found in the City of Deer Lodge Zoning Ordinance, and testimony from the petitioners to the City Planner.

Chapter 12, Section 2-3: 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

The proposed use has the potential to exceed setback requirements in the R-2 Zoning District, and if the City Planner or Building Inspector find this to be the case, variances will need to be requested by the petitioners. Also, the intended use needs to follow the regulations for a Major Home Occupation as outlined in the City of Deer Lodge Zoning Ordinance.

Chapter 12, Section 2-4: 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

The City Administrator sent out 9 letters to adjacent property owners for to ask for comments for the Conditional Use public hearing. There have been three written responses at the time of this staff report to the Conditional Use application letters, which are found in the Planning Board agenda packet for the May 16th meeting. The Silver State Post ran the required public hearing notice in their April 13th and April 20th editions.

A public hearing for the Conditional Use Permit Application will be held for the Planning Board on May 16, 2022. The second public hearing for City Council will be held June 6, 2022, should the Planning Board give a favorable recommendation to City Council.

Recommendation –

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 for a Major Home Occupation, which are listed at the end of this report.
- The applicants make all efforts to restrict noise, dirt, dust, and automotive contaminants from leaving the property boundary and prevent contaminants from affecting soil or groundwater.
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- All vehicles are contained on the property and are not stored on the City right-of-way.
- The applicants design privacy fences that will shield all salvage vehicles and promptly remove vehicles from their property after salvage.
- The applicants keep oil drums, salvage parts, automotive equipment, and any other items associated with their business organized and out of site from adjacent properties and the City right-of-way whenever possible.
- All potentially toxic materials are properly disposed of meeting state and federal regulations for automobile disposal.
- Any project that has the potential to generate light and noise are completed between 8AM and 6PM.
- The applicants obtain all necessary building permits from the City's building department and follow the regulations prescribed by the City's building inspector. The applicants will also be responsible for obtaining any variances necessary to allow for the construction of buildings.
- Failure to meet any of the above considerations should be considered grounds for immediate revocation of the petitioner's business license and ability to operate the Major Home Occupation.



Chief Administrator/ City Planner

05/16/22

Date

Attachment: Parcel Location



Attachment: Photo of Area Petitioners Plan on Putting Slab and Garage



Requirements for Major Home Occupation – City of Deer Lodge Zoning Ordinance

1. The home occupation must be conducted entirely within the dwelling unit or associated accessory building
2. The person conducting the home occupation must reside on the premises on which the business operates and may have up to two non-resident employees.
3. The home occupation can occupy not more than twenty-five percent of the combined total floor area of the dwelling unit and the accessory buildings, included but not limited to the basement, garage, and upper floors of the dwelling unit.
4. The only signage is limited to a nameplate or sign not to exceed three square feet. No exterior alterations are permitted to a dwelling, except for the addition of a secondary entrance
5. The home occupation cannot generate any vibration, smoke, dust, odors, noise, electrical interference with radio or television or reception, or heat or glare which is noticeable at or beyond the property line of the premises upon which the home occupation is located.
6. No additional off-street parking can be created on the premises for the home occupation.
7. Business deliveries and business shipments can occur only between the hours of 8 AM and 5 PM, Monday through Friday.
8. No clients, pupils, or employee can be on the premises between the hours of 10 PM and 7 AM.
9. No more than one commercial vehicle can be used in conjunction with the home occupation or parked on the premises. A commercial vehicle means a vehicle having a combined gross vehicle weight rating greater than 12,000 pounds designed for transportation of commodities, merchandise, produce, freight, animals or passengers, and operated in conjunction with a home occupation.
10. The operation of any wholesale or retail business is prohibited unless it is conducted entirely by mail (U.S. Postal Service, United Parcel Service, or the like), or sales are transacted on the premises no more than one time per calendar month. Incidental sales of products shall be permitted.
11. No chemicals or substances which are physical, or health hazards as defined in the latest version of the Uniform Fire Code as adopted by the City can be used, sold, or stored on the premises in conjunction with the home occupation.