



# PLANNING BOARD AGENDA

February 21, 2023 – 10AM | Council Chambers, City Hall

1. **Call meeting to order** | Pledge of Allegiance.
2. **Approval of Minutes:**
  - a. Regular Meeting: January 18, 2023
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. Bielenberg Lot 4 Rezoning and Conditional Use Permit Application Public Hearing – Jordan  
Action Item: Vote on Recommendation of Rezoning and Conditional Use Permit
  - b. 619 Kentucky Major Home Occupation Public Hearing – Jordan  
Action Item: Vote on Recommendation of Major Home Occupation
5. **Reports:**
  - a. Economic Growth and Development:
  - b. Downtown Historic Preservation:
  - c. Chamber of Commerce:
6. **Continued Business:** - The Board accepts public comment at the end of each item.
  - a. Approve final Growth Policy Survey Documents – Jordan
7. **New Business:**
8. **Staff or Committee Comments:**
9. **Announcement of the next meeting:**
  - a. Monday, March 20, 2023 at 10am (if needed)
10. **Adjournment**

---

## Planning Board Mission Statement:

The Planning Board works to protect the health, safety, and welfare of the community of Deer Lodge in a responsible and equitable way. It accomplishes this through the gathering of local input, the desire for community vibrancy, and the knowledge that our decision-making today supports the future of the community.

Note: A plan with no action remains nothing more than a plan!

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

# **PLANNING BOARD MINUTES**

**January 18, 2023 – 10:00 AM | Council Chambers, City Hall.**

**Members Present:** Amber Brown, Amanda Cooley, Dan Sager, Dick Bauman, Kathy Bair  
**Member Absent:** Rand Dickson, Rick Buck  
**Mayor:** Absent  
**CAO:** Jordan Green  
**Council Member:** None  
**Staff:** None  
**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 – November 21, 2022 – No December Meeting

Member Bauman motioned to approve the minutes as presented. Member Sager seconded the motion. 5 Ayes, 0 Nos, 2 Absent. Motion Passed.

**3. Public Comment Non-Agenda Items:**

a. None

**4. Public Hearings:**

a. None

## 5. Reports:

### a. Economic Growth and Development:

Member Bauman stated we met on January 4<sup>th</sup>. John Henderson is the Chair for that committee. Discussed Christmas House Decoration Competition, Main Street Banners are ongoing discussion, Headwaters RC&D Comprehensive Economic Strategy.

### b. Downtown Historic Preservation:

Member Bair stated we are working on our Historic Preservation Ordinance with Jordan. Moving forward with the Rob Worth Historic Nomination. Discussing the ghost signs on Main Street. Next meeting February 8<sup>th</sup>. Will be filing our Main Street Quarterly Report. Hillcrest Cemetery on National Registrar. Could look at putting this in the Walking Tour Book. Member Cooley is working with Jacque Lavelle as they are trying to work with the State on the County/City getting notification from the State when Commercial construction is taking place on Main Street, so we are better informed of what's be approved at the State level. This will be helpful for the Planning Board and Historic Preservation when Conditional Use Approvals come across.

### c. Chamber of Commerce:

Jordan and Amanda were present. They are working on Pizza, Puzzles & Pubs night. Banquet is January 31<sup>st</sup> at Elks Lodge. They are officially a 501c3. Discussed Main Street decorations.

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

### a. None

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

### a. Review Preliminary Draft Community Survey from Great West – Jordan

This was presented to City Council looked at adding a few items and still needed presented to the Planning Board for their recommendations. Council's items they wish to incorporate are:

- i. Questions 5: Do You Think the City needs additional residential or commercial development? Recommendation was to split the question into two "What kind of Residential Development?" "What kind of Commercial Development?"
- ii. Questions 5, 6 & 9: Clearly indicate to check all boxes that apply.
- iii. Open Ended Question at the end(optional question): Anything else you'd like to see as a long range for the City. Or What would you like to see in the next 5 years within the City.
- iv. Question 11: What is your occupation? The hospital should be included in this. Timber Harvest should be changed to Timber Industry. Retired should have a "What type of Industry" or a drop down multiple answer selection.
- v. Member Cooley suggested adding: How long have you been living in Deer Lodge?
- vi. Jordan suggested: At the top of the Survey noting this survey is anonymous.
- vii. Top Three Questions should be 1, 6 & 9.
- viii. Another ranking to gather feedback on would be #10 Natural Resources, Parks & Trail was suggested.
- ix. Question 5, Put into "What type of housing" to cover the senior housing section.
- x. Under Occupation add Health Care, Construction Trade, Remote Work.

- b. 5-year Goals – Jordan and Council President Bauman  
Member Bauman discussed the New Growth Policy should be thoroughly read and reviewed by each Council Member especially any new members so they can all understand the guiding document for the City.

Goals Discussed

- 1. Create adequate housing to meet the demand currently in the City.
- 2. Provide greater opportunities for Infill Development.
- 3. Continue to make changes to Title 11 Zoning to accommodate community needs and desires.
- 4. Pursue Industrial Park for new Enterprise.
- 5. Support and Incentivize Historic Preservation.

**8. Committee Comments or Concerns:**

- a. Member Bauman, Powell County Museum Art Foundation Banquet will be held February 12st at the Elks Lodge. They need members to join!

**9. Announcement of the next meeting:**

- a. Tuesday, February 21, 2023, at 10AM. -Monday the 20<sup>th</sup> is a holiday.

**10. Adjournment:**

- a. The meeting was adjourned, by consensus at 11:17PM.

Prepared by Cyndi Thompson, City Clerk

---

Amber Brown, Chairperson

---

Date



# **REZONING AND CONDITIONAL USE PERMIT STAFF REPORT**

**Jordan Green – February 21, 2023**

## **Introduction –**

Robert and Vickie Fugle submitted a Rezoning Application and a Conditional Use Permit Application on January 6, 2023 to request a rezoning of their property at Lot 4 of the Woodward Minor Subdivision in Deer Lodge from the R-1, Residential Single-Family District to the R-2, Single Family and Manufactured Home District and to permit the lot as a Conditional Use to accommodate the placement of a 40-foot by 60-foot personal storage shed. Currently, new storage sheds are only allowed in the R-2 Zoning as a Conditional Use – no other zoning districts allow new storage shed in any capacity. The property is located in Section 03, Township 07 North, Range 09 West, Lot 4 of the Woodward Minor Subdivision, as shown on Plate #C-503 as recorded with the Powell County Clerk and Recorder. The lot is 0.677 acres and is bordered to the east by Interstate 90, the west by residential lots zoned as R-1, and the north and south by undeveloped lots. Currently the lot is undeveloped and is not addressed.

## **Analysis of Application – Rezoning**

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 not specifically addressed in the Growth Policy as being either a positive or negative change of use. However, it does allow the use of a privately-owned lot for the use that the owner feels is best.

### **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, allowing a personal storage shed will not impact the capacity of city infrastructure.

### **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, there is no additional impact on transportation systems by rezoning as a different type of residential to accommodate the petitioner's request. Furthermore, adopting the lot as a conditional use for the personal storage shed will not increase the impact on transportation systems.

### **The zoning amendment considers the promotion of compatible urban growth**

City Administration: The site is adjacent to other single-family residential structures and undeveloped lots. Its proximity to the highway makes residential development difficult. Having a personal storage shed will not bring in additional traffic to an otherwise low-trafficked residential district.

**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.

**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. Currently, the lots adjacent are undeveloped, and constructing a new structure will have no affect on the value of buildings.

**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, as well as sheds and the interstate, 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.

#### **Analysis of Application – Conditional Use**

The analysis of this application for a conditional use 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**

City Administration: City Administration feels that this conditional use is not specifically addressed in the Growth Policy as being either a positive or negative change of use. However, it does allow the use of a privately-owned lot for the use that the owner feels is best.

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

City Administration: City Administration feels that this use will not adversely affect nearby properties. The height and size of the structure is similar to adjacent residential structures, and as the proposed use is only for personal storage will not increase traffic to and from the lot. The proposed structure is newly developed and will be of high quality.

#### **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**


City Administration: Such use meets all requirements of the R-2 zoning district.

**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**

City Administration: Public notice was given in the February 8 and February 15, 2023 editions of the Silver State Post for public hearings to be held in front of the Planning Board on February 21<sup>st</sup> and the City Council on February 27<sup>th</sup>. Furthermore, 15 letters were sent to adjacent property owners concerning the application. At the time of this staff report, no comment has been received concerning the application.

**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-1 Residential Single-Family District to the R-2, Single Family and Manufactured Home District and to permit the lot as a Conditional Use to accommodate the placement of a 40-foot by 60-foot personal storage shed. City Administration recommends the Planning Board and City Council adopt the provision that the shed must only be used for personal storage and not as a commercial business, as a commercial business would further impact transportation networks and would not be aligned with the intent of residential zoning.

  
\_\_\_\_\_  
Chief Administrator/ City Planner

\_\_\_\_\_  
02/21/23  
Date



Location of Lot 4 of Woodward Minor Subdivision





# City of Deer Lodge

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

## REZONE APPLICATION

\$50 application fee



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): Robert + Vickie Fugle

Address: 1408 W 3rd St Anaconda, MT 59711

Email: vickst77@aol.com Telephone #: 406-498-4146

Property Address: lot 4

Assessor Code(s): \_\_\_\_\_ Geocode(s): \_\_\_\_\_

Authorized Agent Information: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Property Owner Signature: Robert Fugle Date: 1-6-2023

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

Tracts / COS# \_\_\_\_\_

Zoning District: \_\_\_\_\_ Overlay District: \_\_\_\_\_

Use of Structure or Property? \_\_\_\_\_

Adjacent Zoning & Land Uses: North: \_\_\_\_\_ Zoning Land Use

East: \_\_\_\_\_

South: \_\_\_\_\_

West: \_\_\_\_\_

What is the Requested Zoning for the Property? \_\_\_\_\_

What is Intended Use for the Property? personal storage

Authorized Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_



(406) 642-9600 - www.mqs barn.com  
3253 US Hwy 93 N Stevensville, MT 59870

## MQS, Inc. agrees to provide the project below:

Contract: pending  
Free Standing Building installed on your level site  
40' width x 60' length x 16' inside height  
Roof System: 4' o/c trusses Pitch: 4/12 Loading: 45-5-5 standard  
Walls: 8' o/c TR laminated load-bearing columns with uplift protection  
Siding: 29 gauge steel (Pro-Tech Old Town Grey)  
Trim Color (Pro-Tech Black)  
Siding: 200 lineal ft 4' Wainscoting (Pro-Tech Black)  
Roofing Type: 29 Gauge Painted Steel (Pro-Tech Black)  
Overhangs: 12" Boxed on 2-eaves & 2-gables (Pro-Tech Black) soffit and fascia  
Insulation: 2739 sqft of Microfoil Vapor Barrier on Roof  
2 - 12 X 14 steel-backed ins. (Midland Black) Overhead Door(s)  
2 - 12 X 12 steel-backed ins. (Midland Black) Overhead Door(s) with Hi-lift track  
2 - 3' X 6'8" Steel Flush Entry Door(s)  
4 - Framed Opening(s) (3'x4') for Window and installing customer's window  
60 lineal ft of 2' Sidelight Sidelight Belt  
1 - Crew A  
1 - Discount 10%  
Delivery to Zone 5  
Lean-to #1  
12 x 60 Open Below Eave Lean-to with 2/12 pitch  
Overhangs: 12" Boxed on 1-eave & 2-gables  
Liner Panel: 720 sqft of 29 gauge painted steel Liner Panel on Ceiling

## Customer Information

Purchaser: Robert Fugle  
Contract Date: December 15, 2022  
Home Address: 1408 W 3rd St  
City, State, Zip: Anaconda, MT, 59701  
Email: bob.fugle@gmail.com  
Phone (Home): 406-498-4146  
Phone (Cell):

Referral By:

Jobsite Address: ~~1408 W 3rd St~~ <sup>LOT 4</sup> NW Bierenburg  
City, State, Zip: ~~Anaconda~~ <sup>NEELUSGE</sup> MT, 59702

## Customer Responsibilities

- ☐ Acquisition and cost of Permits (if needed).
  - ☐ Cost of MQS provided engineered plans (if needed).
  - ☐ A level building pad (within 2in) 4ft larger than the building.
  - ☐ Adequate drainage away from the building
  - ☐ Mark the building location by staking out building corners.
  - ☐ Provide access to building site (MQS not responsible for ruts).
  - ☐ Buried electrical, water, gas lines, etc.
  - ☐ Final leveling and grading of building perimeter.
  - ☐ Disposal of trash.
  - ☐ Change Orders require payment up front and in full
- I agree to the above responsibilities RF OF

## Site Information

Electricity available within 200 ft? Y[ ] N[X]  
Inspections required? Y[ ] N[X] County: Powell  
Site level? Y[X] N[ ]  
Rock likely? Y[ ] N[X]

## No Required Pad for Concrete Floor

- ☐ A level building pad (within 2in) 4ft larger than the building.
- ☐ Adequate drainage away from the building
- ☐ 4 inches of gravel on top of pad.
- ☐ Providing base for final grade. Type      Amt

All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from the above specifications involving extra cost will be done only upon a written change order. The cost will become an extra charge over and above the contract.

You, the purchaser, may cancel this contract at any time prior to midnight three days after the date of this contract. Cancellations must be done in writing. If cancellation is made after the three day Buyer's Right to cancel has expired, you the customer become responsible for the cost of any and all non stock special order items that are in this contract.

Any and all requested starting or completion dates are exempt to items beyond the company's control such as strikes, accidents, weather conditions, supplier delays or any deviations from original contract.

Purchaser agrees to purchase the above mentioned project for \$100,960.00. Deposit received in the amount of \$20,192.00.

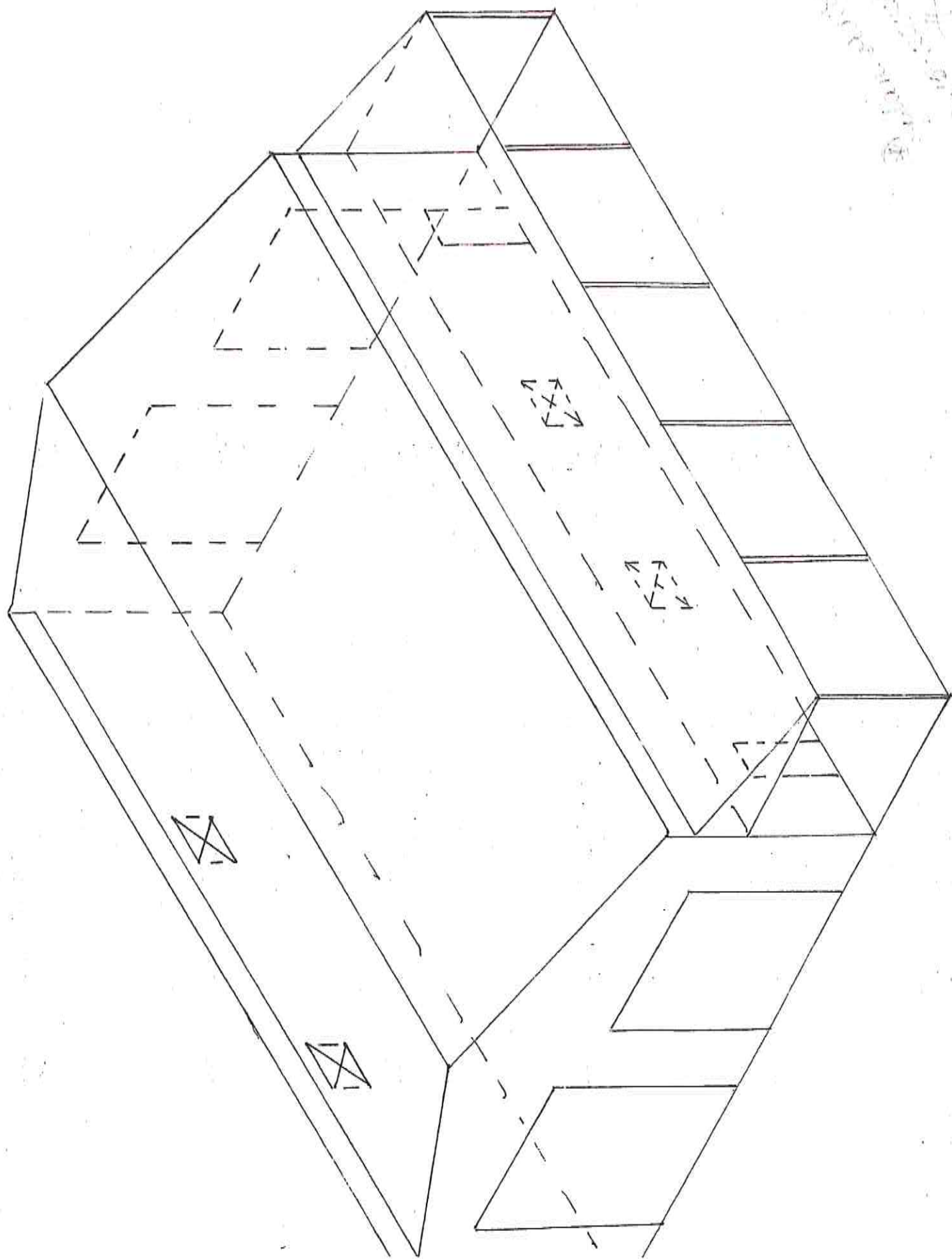
\$60,576.00 upon start of framing. The balance of \$20,192.00 to be paid upon contract completion.

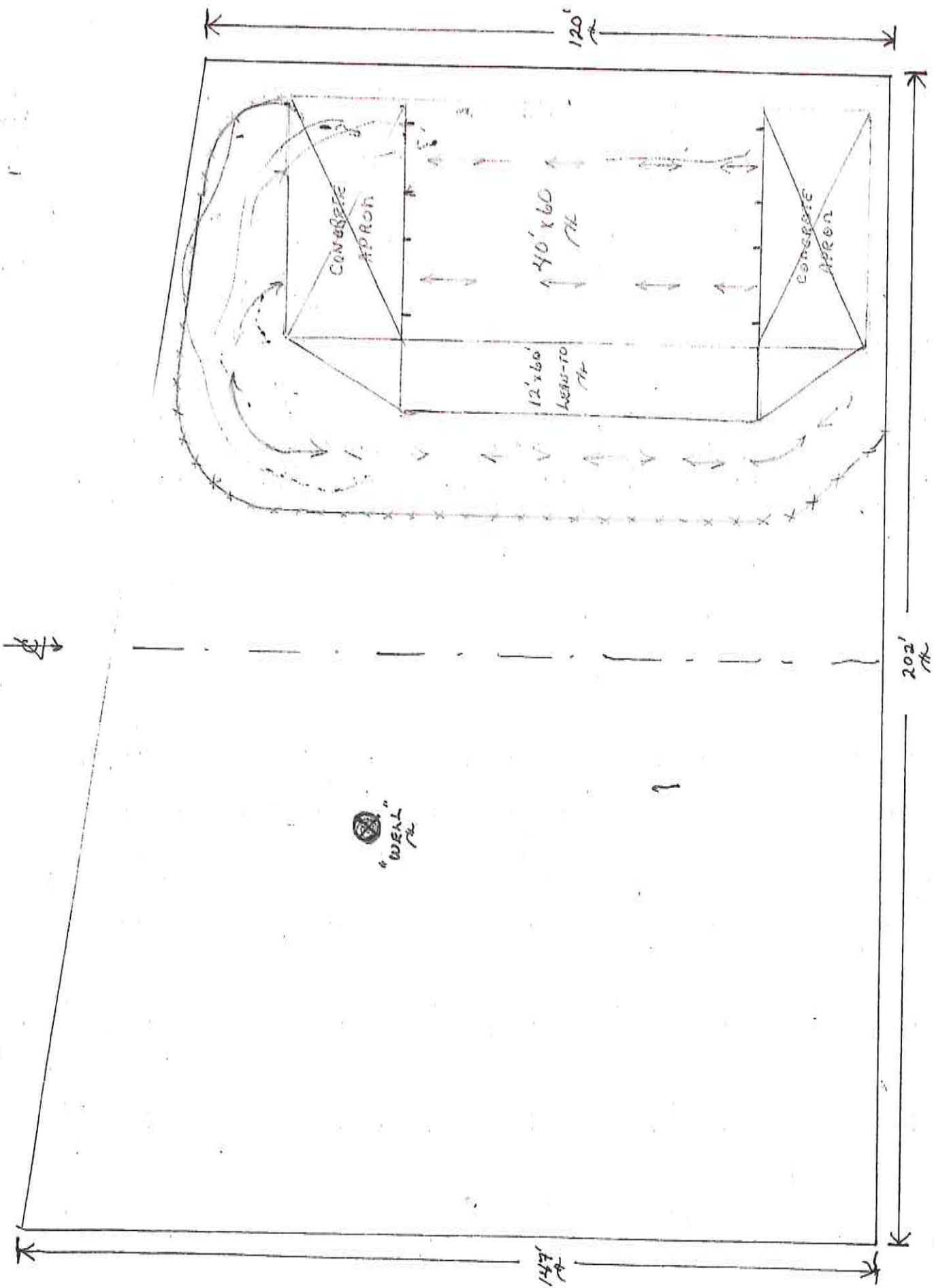
Purchaser agrees to pay extra costs should underground obstructions such as asphalt, concrete, debris, frost, rocks, etc. cause company to incur extra costs in course of digging post holes. The price for this project is based on current prices for materials and the builder is prepared to absorb some cost volatility, however; should there be a substantial increase for the materials not yet purchased for this project, the Purchaser agrees to pay that increase to the Builder. Any such claim by the Builder, shall require a Change Order to the Purchaser stating the increased cost of the project and materials. The Purchaser may then, either accept the Change Order and pay the increased cost, or may terminate the contract and receive their deposit refund for materials not yet purchased by providing within 3 business days a written notice of termination to the Builder. If the Purchaser refuses to accept the costs of the material price increase the Builder reserves the right to terminate the contract. Payment not received may result in stopped work and legal action. Any legal action being taken must conform to current laws of the state of Montana. Purchaser becomes responsible for all legal fees. Purchaser has read this building purchase agreement, the terms, and conditions and agrees that they fully understand and accept this building purchase agreement.

Signed Robert Fugle 12-15-2022 Signed Robert Fugle 12-15-22  
I agree to the above contract and acknowledge the receipt of \$20,192.00 as a deposit.  
Purchaser agrees to pay the material payment with the following payment method ☒ E-Check [ ] ACH Authorization (Signed Form Required)  
[ ] Bank Loan Payment Direct to MQS, Inc (Must Provide Bank Name, Contact Name, and Contact Phone Number) RF OF Purchaser Initials

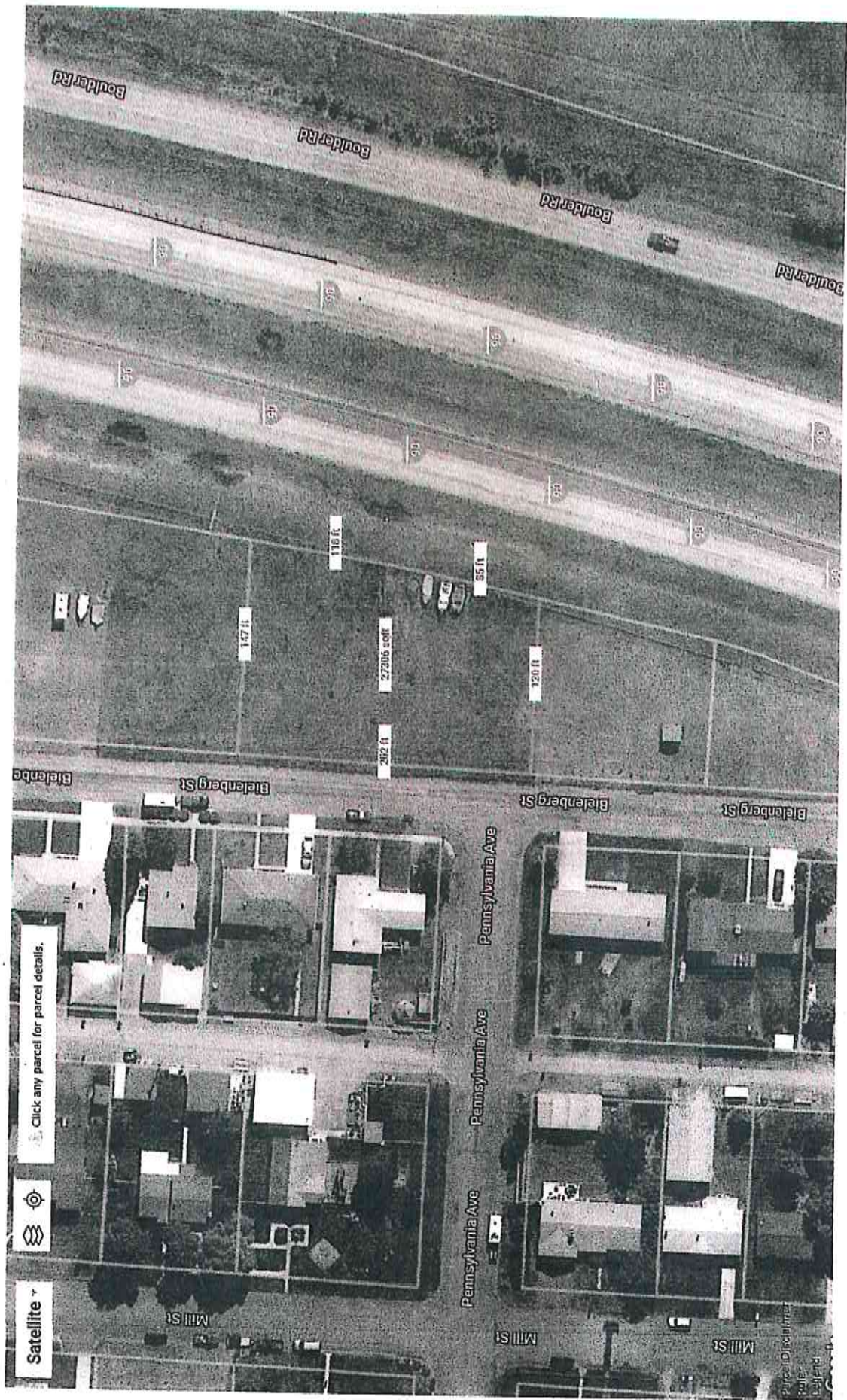
SALES REP 12-15-22 DATE











# **CONDITIONAL USE PERMIT APPLICATION FOR MAJOR HOME OCCUPATION STAFF REPORT**

**Jordan Green – February 21, 2023**

## **Introduction –**

Christopher Miner of 619 Kentucky Street submitted a Conditional Use Permit application on January 31, 2023, seeking permission to have a Major Home Occupation operate out of a garage at the property to perform low-volume automotive repair services.

The parcel is in Deer Lodge in Section 04, Township 07N, Range 09W, Block 4, Tract 40 x 60 in lot 7, Lots 18-19 (Traing Lot) 7 and 20 of the Batterton Addition of the City of Deer Lodge.. The parcel is located in the R-1, Residential Single-Family 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 applicants supporting documents and plan for the Major Home Occupation are attached to this staff report. 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 a low-volume automotive repair services garage has the potential to affect nearby properties. The noise associated with work, the potential for soil and groundwater contamination, the presence of 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 the requirements for a Major Home Occupation found in the City of Deer Lodge Zoning Ordinance, requirements of previous and similar Major Home Occupations that have been approved by the City Council, 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 applicant does not plan on changing the building footprints, adding any additions, or substantially renovating the property in such a way as to be considered a substantial improvement. Thus, the proposed use meets requirements of the code and any noncompliance is considered a non-conforming,



grandfathered use. Further changes to the building that may constitute substantial improvement must be approved at that time by the Planning Board and City Council.

**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 18 letters to adjacent property owners for to ask for comments for the Conditional Use public hearing. There has been one favorable written response at the time of this staff report, which is found in the Planning Board agenda packet for the February 21<sup>st</sup> meeting. The Silver State Post ran the required public hearing notice in February 8 and February 15, 2023 editions.

A public hearing for the Conditional Use Permit Application will be held for the Planning Board on February 21, 2023. The second public hearing for City Council will be held February 27, 2023, 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.
- 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 for longer than 72 hours, as required by City of Deer Lodge Code of Ordinances § 10.04.060(C).
- 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.
- Any renovations or additions to the garage will need the written approval of the City Administrator to confirm they conform with the City of Deer Lodge Zoning Ordinance. Any building renovations or additions that do not conform must be brought before the Planning Board and City Council for consideration and approval.
- 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.

*[Signature]*

Chief Administrator/ City Planner

02/21/23

Date

**Attachment: Parcel Location**





### **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.

# City of Deer Lodge


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

## CONDITIONAL USE PERMIT APPLICATION

The submission of this application acknowledges that all information is true and correct including all supporting documents and plans.

Site Plan - The plan must show parcel boundaries, existing and proposed structures, access from public road, parking areas, waterways & drainage structures, landscaping, and public infrastructure.

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

Applicant(s): CHRISTOPHER RAY MINER  
Address: 619 KENTUCKY ST. DEER LODGE MT. 59722  
Email: MINERCRC@HOTMAIL.COM Telephone #: 720-402-2052  
Property Address: 619 KENTUCKY ST. DEER LODGE MT. 59722  
Assessor Code(s): \_\_\_\_\_ Geocode(s): \_\_\_\_\_  
Authorized Agent Information: SAME AS APPLICANT.  
Address: "  
Email: " Telephone #: "  
Property Owner / Authorized Agent Signature:  Date: 01/31/23

Legal Description of Property (Subdivision / Addition and Blocks & Lots): R-1 RESIDENTIAL,  
SINGLE - FAMILY DISTRICT. LOW-DENSITY.  
SINGLE FAMILY DWELLING WITH DETACHED GARAGE

Zoning District: R1 Overlay District: \_\_\_\_\_

Use of Structure or Property? YES.

Describe the Request (Submit additional pages if necessary & all supporting documentation): PERFORM  
LOW-VOLUME AUTOMOTIVE REPAIR. PLEASE  
SEE ATTACHED LETTER.

Owner / Agent Initial: CR

Date: 01/31/23



### Introduction

Hello, I am Chris Miner, self-employed ASE Master Certified Automotive Technician, and owner/establishing member of Timberline Auto LLC. My wife Mary and I moved to Deer Lodge, MT. December 2022 from Denver, CO. In Denver I was self-employed by way of mobile automotive repair. My company was registered as "Miner's Mobile LLC". My goal in filing for a Major Home Occupation/Conditional Use Permit, is to perform high-quality automotive repair and maintenance at an affordable price for the citizens of Deer Lodge and the surrounding area, using my home garage as a place of business/Repair Facility.

### The Property and My Business Practices

The property at 619 Kentucky St., has upon it in the Northeast corner, an approximately 20' wide, 60' long, and 16' tall (from the ridge to the ground) garage with a 6:12 pitch gable style roof. The garage has a two-car width door facing west at the end of a 4 car-length, two car-width driveway, which enters from Kentucky Street, along the North side of the house. The garage will contain my automotive tools, specialty diagnostic equipment and light machine shop equipment. Automotive work will be performed on jackstands and ramps. At this time, there are no plans of installing an automotive lift, because the garage roof space is too short. No exterior modifications to the garage are currently planned.

The house, which faces the street, if allowed to conduct business, may (if deemed necessary) have an office in the front room/living room area, where customers can be checked in, and a small waiting area where they can rest for a while if the brevity of the repair allows them to wait, rather than to drop the car off. A restroom will also be made available to paying customers. No exterior modifications to the house, other than replacing the siding, trim, and paint have been planned. It may be a year or so before these house maintenance projects are set to occur.

If allowed to do business, I would like to place small sign within the property boundary with "Timberline Auto" or "Timberline Auto Clinic", the address, and the phone number of the business. The sign will be attractive but basic, and will be designed in an effort to be visible, but not gaudy or an eyesore, purely to let clients and potential clients know where to bring their vehicle.

Parking at the property is limited, and I will operate within the confines of what I can store reasonably. There are two spaces in front of the house, one of which is typically occupied by my wife's station wagon, the other will be used for temporary parking for guests/clients to pick up and drop off, but not for long term or storage parking. Neither of the front spaces overlap or constrict the sidewalk, which runs between the parking spaces and the fence of the front yard. The road sign will also not constrict or overlap the sidewalk. The sidewalk intersects the driveway. The portion of the driveway that intersects the walk will remain clear of vehicles. Vehicles, (customer or personal) requiring long term work will be contained inside the garage or near the garage door, and will never be visibly disassembled in view of the road, or neighbors, unless the vehicle is actively being worked on. I will not allow un-finished customer vehicles to accumulate on the property. If a vehicle is disassembled requiring long-term work, such as machining, parts back order, etc. I will have the vehicle towed to the client's house or an approved off-site storage facility to be stored until parts arrive, or machine work on removed parts is finished.

As an experienced technician and an advocate of environment responsibility, I take automotive waste and fluid containment and disposal very seriously, and I will dispose of all automotive waste through the appropriate avenues. There are no drains in the floor of the garage, so any and all spills of

any fluid will be contained, cleaned and disposed of promptly and properly. Old parts containing electronics will be taken to an electronics recycler, and metal parts will be taken to a metal recycler on a regular basis. Plastic, paper, and other typical non-hazardous materials will be disposed of via the Deer Lodge Waste Management system in accordance with their regulations. Old tires will be taken to the Les Schwab Tire Center for appropriate disposal.

Customer volume and traffic to and from the property will be kept at a minimum. Pick-ups, drop-offs and misc. customer visits are not anticipated to be in excess of 4 per day. Parts and fluids ordered online will arrive in the post or via Fedex, DHL, or UPS. The vast majority of parts and fluids will be obtained at the Deer Lodge NAPA store, via willcall.

My business hours of operation are 9am to 6pm Monday-Friday. Appointment by Call or Text to main business phone number will typically be required. Entrances and Exits to and from any customer-occupied space will remain unlocked during business hours, unless my wife or I are not home, in which case all doors will be locked once all customers have left.

#### Closing Statements

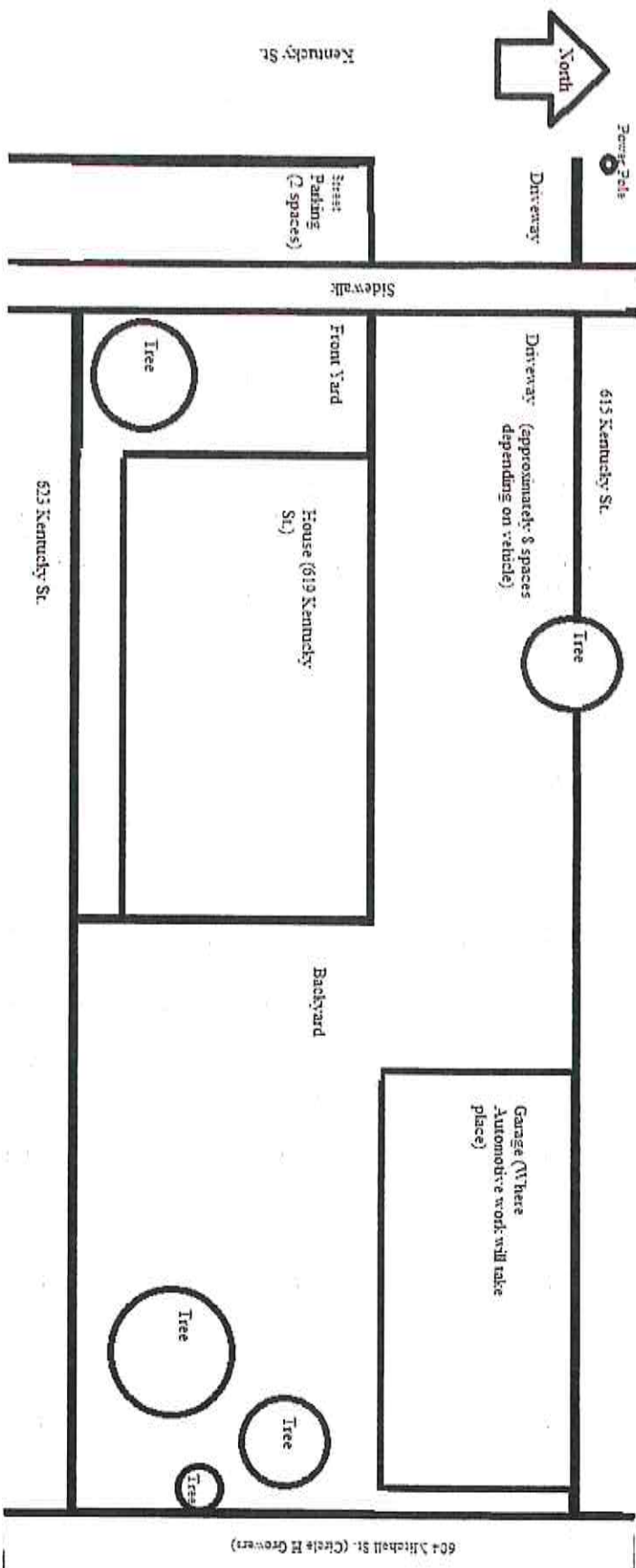
Even for having only lived here a month, my wife and I are greatly enjoying Deer Lodge as a community. We have already found a fantastic church, and gotten involved in many groups and made many friends. We are excited to create our new start, and to raise our children here (We're expecting our first baby in March!). I'm writing for the opportunity to offer honest, transparent, expert automotive services to the town of Deer Lodge, and beyond. Ultimately my goal is to build up capital through performing work at my home garage long enough to one day establish a full brick-and-mortar repair facility. Please Call, Text, or Email me with any additional questions, concerns, or recommendations.

Thank you.

Sincerely,

Christopher R. Miner  
Owner, Timberline Auto LLC  
720-402-2052 (Cell)  
[minercr@hotmail.com](mailto:minercr@hotmail.com)





## City of Deer Lodge

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

### BUSINESS LICENSE APPLICATION

1. City Ordinance requires ALL BUSINESSES operating within the Deer Lodge City obtain a Business License. Issued Business Licenses are valid for one year – July 1<sup>st</sup> through June 30<sup>th</sup>.
2. Application must be COMPLETE AND LEGIBLE. Please insert N/A if a requested line of information does not apply.
3. The City of Deer Lodge during the review of a Business License will conduct a property inspection to verify the property complies with Zoning and property maintenance provisions.
4. The City will process in five (5) to ten (10) working days unless the application is incomplete.
5. The City will not release the approved License before payment.
6. Applicant must submit a copy of photo identification.

Date: 01/25/23  
Name of Business Owner: CHRISTOPHER RAY MINER  
Business Owner's Home Address: 619 KENTUCKY ST. DEER LODGE MT. 59722

Phone Numbers: Business 720 402 2052 Home "  
Cell " Emergency "

Business Name: TIMBERLINE AUTO LLC  
Physical Address: 619 KENTUCKY ST. DEER LODGE MT 59722  
Mailing Address: " (SAME)

Is this a rental property? – if yes, name of the owner: NO

Brief description of the business (if necessary attached additional pages):

AUTO REPAIR

Home Based: Yes ☒ No ☐

Ownership Type: ☐ Corporation ☐ Partnership ☐ Sole Proprietor ☐ Trust ☒ LLC ☐ LLP  
☐ Non-Profit – Must attach IRS documentation of non-profit status

CONTRACTORS: State Registration No. N/A  
Please attach copy of state registration card.  
Workmen's Comp. No. N/A

ITINERANT/TRANSIENT VENDORS:

Brief description of merchandise and/or service offered: N/A

Date of arrival in City of Deer Lodge: \_\_\_\_\_

Date of departure from City of Deer Lodge: \_\_\_\_\_

City or County from which last Licensed: \_\_\_\_\_

Applicant

Signature [Signature] Title OWNER Date 01/25/23

Zoning District: \_\_\_\_\_ Property Violations: \_\_\_\_\_ State Health License: YES | NO  
Law Enforcement Background Check: \_\_\_\_\_ Montana State Registration: YES | NO  
Approved: YES | NO (Reason) \_\_\_\_\_  
Renewal: YES | NO Resident License: YES | NO Full Year: YES | NO Prorate: YES | NO  
Fee Paid: \$ \_\_\_\_\_ Check No.: \_\_\_\_\_ Cash: \_\_\_\_\_ Money Order: \_\_\_\_\_  
Date: \_\_\_\_\_ License Number: \_\_\_\_\_ City Official: \_\_\_\_\_

City staff may provide additional responses to a submitted request via a separate document(s)

Business License 12/2012

~~minercr~~  
minercr@hotmail.com



## MONTANA SECRETARY OF STATE

January 10, 2023

Christopher Miner  
minercr@hotmail.com

### CERTIFICATION LETTER

I, CHRISTI JACOBSEN, Secretary of State for the State of Montana, do hereby certify that

#### Timberline Auto LLC

filed its Articles of Organization for Domestic Limited Liability Company with this office and has fulfilled the applicable requirements set forth in law. By virtue of the authority vested in this office, I hereby issue this certificate evidencing the filing is effective on the date shown below.

**Certified File Number:** C1331314 - 15465796

**Effective Date:** January 8, 2023

You must maintain a Registered Agent for your company. Failure to do so will subject the business to administrative dissolution/revocation. Your company's annual report is due by April 15th of the next year and each consecutive year thereafter.

Thank you for being a valued member of the Montana business community. I wish you continued success in your endeavors.

A handwritten signature in cursive script that reads "Christi Jacobsen".

Christi Jacobsen  
Montana Secretary of State

February 10, 2023

301 Meadow Vista  
Deer Lodge, Mt 59722

City of Deer Lodge  
300 Main  
Deer Lodge, MT 59722

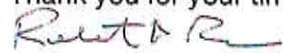
To Whom It May Concern:

JoHanna and I met Chris and Mary Minor about one month ago. They are people of integrity. They love Deer Lodge, and want to be involved in the community they have chosen to move to.

Currently Chris is trying to get approval from this committee to open an automotive repair shop at his home. He is a fully certified mechanic and would be a great asset to Deer Lodge.

We hope that you will grant Chris the necessary variance so that he can serve the citizens of Deer Lodge in a professional manner.

Thank you for your time and consideration.



Robert and Johanna Rase



## Economic Growth & Development Committee

1. Continued Business –
  - a. Banners – We will study current banners to get the process going, Jordan will look for grant for someone to create a mural.
  - b. Committee 5-year goals – 1. Business Improvement District, 2. Branding of Deer Lodge, 3. Trails, 4. Housing 5. Annexation
2. New Business – None
3. Committee Comments or Concerns – Jordan gave updates on the growth policy preliminary survey, Discover Deer Lodges building construction, Jordan also informed the committee on Capturing Tourism Dollars in the Local Economy workshop and a plan to purchase a historic Building Plaque For City Hall

Next meeting is scheduled for March 1st 2023, at 4:00 PM



*Montana's Undiscovered Treasure*

SCAN THIS CODE:



## City of Deer Lodge Wants To Hear From You!

The City is working on updating its community plan (Growth Policy). The Growth Policy is meant to be a guide for addressing the various issues and opportunities that City residents face. To ensure that the updated plan reflects your concerns and needs.

### ► **THINGS WE ASK ABOUT:**

How long you have lived in the City?  
What do you like about living in the City?  
What would you improve in the City?

### ► **THINGS TO KNOW:**

The survey will take less than 5 minutes.  
Your answers will be private and anonymous.  
Your answers will help us improve the community.

Please provide your input on the project by completing an online survey:

INSERT LINK WHEN READY TO GO LIVE

The survey will be available through:

INSERT DATE

You can also pick up a hardcopy version at The City of Deer Lodge:

300 Main Street  
Deer Lodge, MT 59722

For more information on this survey, please contact Jordan Green, the City's Chief Administrative Officer at (406) 594-1896 or [jgreen@cityofdeerlodgemt.govt](mailto:jgreen@cityofdeerlodgemt.govt)





## City of Deer Lodge Wants To Hear From You!

The City is working on updating its community plan (Growth Policy). The Growth Policy is meant to be a guide for addressing the various issues and opportunities that City residents face. To ensure that the updated plan reflects your concerns and needs, please complete the following community survey.

*This survey is anonymous but if you provide your email address in Question #17, results will be sent directly to you. Your email address will not be kept or sold.*

1. How would you rate Deer Lodge as a place to live?

- ☐ Excellent      ☐ Good      ☐ Average      ☐ Poor

2. Where do you live?

- ☐ Within City limits      ☐ Adjacent to the City      ☐ Elsewhere in Powell County      ☐ Elsewhere in Montana  
☐ Other (please specify):

3. How long have you lived in the City of Deer Lodge?

- ☐ 0-3 years      ☐ 4-10 years      ☐ 11-20 years      ☐ 21+ years  
☐ Not Applicable (I do not live in the City of Deer Lodge)

4. What is your age?

- ☐ Under 21 years of age      ☐ 21-35 years of age      ☐ 36-50 years of age      ☐ 51-65 years of age  
☐ Over 65 years of age

5. Do you rent or own your housing?

- ☐ Own      ☐ Rent



---

6. Do you think the City needs additional residential development?

- ☐ Yes ☐ No
- 

7. What type of residential development does the City need? Check all that apply.

- ☐ Single-family homes ☐ Duplexes, triplexes, and fourplexes ☐ Apartment buildings and complexes ☐ Senior housing
- ☐ Additional rental homes ☐ Additional homes for sale ☐ None of the above
- ☐ Other (please specify):
- 

8. Do you think the City needs additional commercial development?

- ☐ Yes ☐ No
- 

9. What type of commercial development does the City need? Check all that apply.

- ☐ Retail ☐ Grocery ☐ Automotive (repair and parts) ☐ Restaurants ☐ 21+ Entertainment (bars and casinos)
- ☐ Manufacturing/industry (factories and warehouses) ☐ Hotels/motels ☐ Sports facilities (sporting event centers and venues) ☐ Institutional (educational and learning facilities) ☐ Medical facilities
- ☐ Other (please specify):
- 

10. What do you like about living in Deer Lodge?

Please rank from 1-8, with 1 being your favorite reason for living in Deer Lodge.

- \_\_\_ Quality of life      \_\_\_ Sense of community      \_\_\_ Safe place to live      \_\_\_ Rural lifestyle
- \_\_\_ Recreation opportunities      \_\_\_ Services provided by the City      \_\_\_ Community events      \_\_\_ History of the community
- 

11. What do you think Deer Lodge's current identity is? For example, "prison town", historic community, declining, on the upswing, etc. In your own words, describe the City today.

---

12. What should Deer Lodge's identity be in the future? In a few words, describe what you think the City should become.

---

---

13. If given the opportunity, what would you improve about Deer Lodge?  
Please rank from 1-7, with 1 being your priority for improvement.

- |   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Job/business opportunities   | <input type="checkbox"/> Historic preservation<br>of downtown  | <input type="checkbox"/> Housing options  | <input type="checkbox"/> Infrastructure provided<br>by the City (sewer, streets,<br>water, stormwater, etc.) |
| <input type="checkbox"/> Parks and Recreation<br>(trails/sidewalks, entertainment,<br>gathering spaces, etc.) | <input type="checkbox"/> Community services<br>(emergency services, library,<br>law enforcement, etc.) | <input type="checkbox"/> Youth services (recreation<br>programs and facilities) |  |

---

14. Which of these topics are of greatest importance to you?  
Please rank them 1 through 9, with 1 being the highest importance.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Economic development<br>(new jobs and businesses)                        | <input type="checkbox"/> Residential development<br>(additional housing)                       | <input type="checkbox"/> City infrastructure<br>(water, sewer, streets)         |
| <input type="checkbox"/> Local services i.e. emergency services,<br>library, senior services etc. | <input type="checkbox"/> Maintaining and promoting<br>historic character of the City           | <input type="checkbox"/> Youth services<br>(programs and facilities)            |
| <input type="checkbox"/> Promote Deer Lodge as a great place<br>to live and work                  | <input type="checkbox"/> Parks and recreation<br>(entertainment, public gathering spaces etc.) | <input type="checkbox"/> Natural resources<br>(water, trees, community gardens) |

---

15. What is your primary occupation?

- |  |  |  |                                    |   |
|--|--|--|------------------------------------|---|
| <input type="radio"/> Agriculture                          | <input type="radio"/> Mining                     | <input type="radio"/> Lumber industry    | <input type="radio"/> Retail sales | <input type="radio"/> Government<br>(local, state, federal) |
| <input type="radio"/> Arts, entertainment<br>or recreation | <input type="radio"/> Food and<br>accommodations | <input type="radio"/> Construction/trade | <input type="radio"/> Healthcare   | <input type="radio"/> Remote Worker                         |
| <input type="radio"/> Montana Department of<br>Corrections | <input type="radio"/> Student                    | <input type="radio"/> Unemployed         | <input type="radio"/> Retired      |   |
| <input type="radio"/> Other (please specify):              |  |  |                                    |   |

---

16. Is there anything else you would like to see in the City's Growth Policy (community plan)?

---

17. If you would like to be kept informed about this project, please provide us with your email address:

---

For more information on this survey, please contact Jordan Green, the City's Chief Administrative Officer  
at (406) 594-1896 or [jgreen@cityofdeerlodgemt.gov](mailto:jgreen@cityofdeerlodgemt.gov)

---