



PLANNING BOARD AGENDA

August 28, 2023 – 10AM | Council Chambers, City Hall

1. **Call meeting to order** | Pledge of Allegiance.
2. **Approval of Minutes:**
 - a. Regular Meeting: July 17, 2023 – No June Meeting
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:** See report in packet and receive additional information from committee member.
 - 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. None
7. **New Business:**
 - a. Growth Policy Working Draft Review – Jordan & Great West
 - b. Fence Ordinance Height Review - Jordan
8. **Staff or Committee Comments:**
9. **Announcement of the next meeting:**
 - a. September 18, 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

CITY OF DEER LODGE

PLANNING BOARD MINUTES

July 17, 2023 – 10:00 AM | Council Chambers, City Hall.

| | |
|-------------------------|---|
| Members Present: | Dan Sager, Rick Buck, Dick Bauman, Kathy Bair, Amber Brown, Amanda Cooley |
| Member Absent: | Rand Dickson |
| Mayor: | Absent |
| 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 – May 15, 2023 – No June Meeting

Member Bauman motioned to approve as presented. Member Sager seconded the motion.

4 Ayes, 0 Nos, 1 Absent, 2 Abstained. Motion passed.

3. Public Comment Non-Agenda Items:

4. Public Hearings:

a. 414 2nd Street Conditional Use Permit Application – Jordan

Action Item: Vote on Recommendation of Conditional Use Permit

Matt Jackman, lessee of 414 2nd Street in Deer Lodge, submitted a Conditional Use Permit application on June 9, 2023. The property, currently owned by Andy Fincher, who is aware of the application, contains a residential structure foundation and a garage at the rear of the property. The petitioner seeks approval to remove the foundation, level and gravel the property, put up a

fence, keep the existing garage, and use the lot for private surface vehicle parking. The property is located in the B-1, Central Business District. The City of Deer Lodge Zoning Ordinance requires a Conditional Use Permit to operate surface parking as a primary property use.

Based on the information, the City Administration recommends the Planning Board send an unfavorable recommendation of the CUP application to the City Council. Should the Planning Board choose to send a favorable recommendation, staff recommends attaching the following conditions to approval:

- The applicant abides by all relevant laws of the State of Montana and ordinances of the City of Deer Lodge, specifically but not limited to: accumulation of junk and junked vehicles, regulation of noise, and other public nuisance ordinances. Further, that failure to remediate violations within a timely fashion following notification will result in the revocation of the conditional use permit and the discontinuation of said use on the property.
- Applicant installs a privacy fence or other type of fence that shields view of the property from public rights-of-way.
- Applicant adheres to all setback requirements in the B-1 District for the boundary of the fenced parking area. Lot coverage requirements would not apply.
- The applicant or any other persons may not live on the property, either in structures or vehicles.
- The applicant abides by all testimony as presented in the application and testimony presented during the public hearing.
- Change of use of the property will need further approval by the City Council.

Member Bauman: Asked about Fence Setback requirements.

Matt Jackman outlined what the Conditional Use Permit is for and the storage of his company concrete vehicles.

Member Cooley: Is this only for storage or will clients be visiting you there? Mr. Jackman replied, it will only be used for parking for his concrete business.

Public Hearing Opened at: 10:14AM

- Gail Duncan: Owns the 3 houses to the right of the property. Not in favor of having a storage yard for vehicles.
- Tana Bignell: Runs a property management office in town, instead of making the property vehicle storage why not place a home there for a potential renter.
- Angel Lampert: Owns the home to the left of the property. Provided a written statement outlining the impact of health & safety for all residents. Lots are too narrow to have a vehicle storage spot due to excessive exhaust fumes, increased noises from engines and an increase for potential fire. Not in favor of the proposed conditional use permit.
- David Byers: Not in favor of vehicle storage for the property. This will be an eyesore for the neighborhood.

Public Hearing Closed at: 10:20AM

Member Cooley: asked about the history of the site and why there wasn't a home there.

Member Buck: asked about addressing the owner to clean up the property. What does City Code say?

Chairperson Brown: stated she is not in favor of the Condition Use Permit.

Member Bauman motioned not to send a favorable recommendation to City Council. Member Sager seconded the motion. 6 Ayes, 0 Nos. Motion passed.

5. Reports:

a. Economic Growth and Development:

Council Member John Henderson:

- **Public Comment** – Greg Larkin suggested that the EG&D study Butte's success with 2 new companies coming in.
- **Continued Business** – *Main St. Banners* – No update.
- **New Business** – *Arrowstone Park Billboard* – The Committee approved the message (D.L. Welcomes You) and given Jordan permission to pick the picture. *Main Street Painting Application* – The application was approved by the committee with couple changes.
- **Committee Comments or Concerns** – Member Bauman reported that over 500 people attended the Grand Opening of the new exhibit building at the museum. Jordan gave updates on the Living Local App, Member Bauman suggested that the EG&D should be more directly involved with the community survey.
- Next meeting is scheduled for July 5th, 2023, at 5:00 PM

b. Downtown Historic Preservation:

Meeting is on July 20th. Rob Worth is now on the Historic Registrar. Discussed new grants.

c. Chamber of Commerce:

Discussed Territorial Days and Christmas Stroll.

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 Open House Poster from Great West – Jordan

Great West did an open house on Territorial Days and received minimal feedback. Some residents did stop and speak with Great West. Presented the poster boards from Territorial Days to the Planning Board for their review. No motion required.

b. Growth Policy Progress Update – Jordan

Great West is currently working on a draft. Will present the draft to the Planning Board once its available. No motion required.

8. Committee Comments or Concerns:

a. Chairperson Brown: Asked about the skatepark landscaping.

b. Member Bauman: July 23rd Community Garden Tour.

9. Announcement of the next meeting:

- a. Monday, August 21, 2023, at 10AM.

10. Adjournment:

- a. The meeting was adjourned by consensus at 11:04AM.

Prepared by Cyndi Thompson, City Clerk

Amber Brown, Chairperson

Date

Economic Growth & Development Committee July 2023

Economic Growth & Development – John Henderson

July 5th – No continued business. New Business: Reviewed the results of the City Survey from Great West.

Historic Preservation July 2023

Historic Preservation – Curt Fjelstad

Quick meeting. Only half of the people were in attendance.

Chamber of Commerce July 2023

Chamber of Commerce – John Henderson

John Henderson was absent. Jordan stated they did their reports. Discussed Territorial Days. Working on the Christmas Stroll.

SUPPLEMENTARY REGULATIONS

§ 11.01.040.010 VISIBILITY AT INTERSECTIONS.

To ensure sufficient vision at intersections, no fence, wall, hedge, shrub, structure or other obstruction to view which exceeds 42 inches in height shall be erected, installed or maintained within a triangle formed by the property line immediately adjacent to a residential drive, local street, principal thoroughfare or railroad right-of-way according to the following distances.

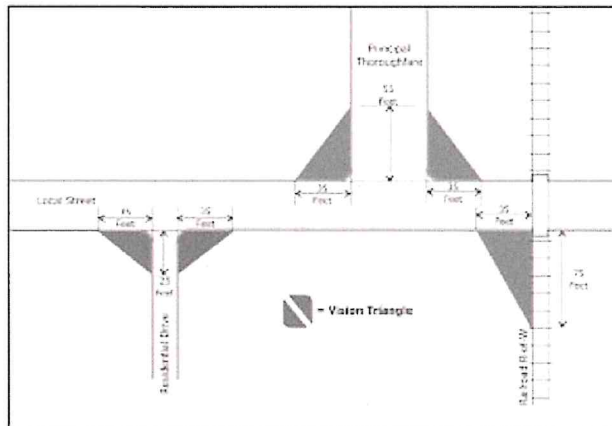
| Street/Road Type | Required Distance from Intersections |
|------------------------|--------------------------------------|
| Local street | 35 feet |
| Principal thoroughfare | 55 feet |
| Railroad right-of-way | 75 feet |
| Residential drive | 25 feet |

(Prior Code, § 11.01.040.010) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.040.020 ACCESSORY BUILDINGS.

No accessory building shall be in any required front yard. Placement of an accessory building on any property shall comply with current Building Code.

(Prior Code, § 11.01.040.020) (Ord. 2021-15, passed 12-20-2021)



§ 11.01.040.030 PRINCIPAL STRUCTURES.

In any district, more than one structure housing a permitted and customary use may be erected on a single lot or tract of land; provided that yard, utility, and other requirements of this code shall be met for each structure as though it were on an individual lot.

(Prior Code, § 11.01.040.030) (Ord. 2021-15, passed 12-20-2021; Ord. 2022-4, passed 11-7-2022, effective 12-8-2022)

§ 11.01.040.040 EXCEPTIONS TO HEIGHT REGULATIONS.

The height limitations contained in any district regulations do not apply to spires, belfries, cupolas, chimneys, water tanks, ventilators, elevator housing, grain elevators or other agriculture buildings, except where prohibited by federal aviation regulations.

(Prior Code, § 11.01.040.040) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.040.050 STRUCTURES TO HAVE ACCESS.

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe convenient access for servicing, fire protection and required off-street parking.

(Prior Code, § 11.01.040.050) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.040.060 FALLOUT SHELTERS.

Fallout shelters to protect human life during periods of danger may be constructed in or under any required yard, except that if constructed in a front yard or side yard, none of it may protrude above the average grade of the lot.

(Prior Code, § 11.01.040.060) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.040.070 OUTDOOR LIGHTING.

Outdoor lighting of trees, bushes, fountains, swimming pools or grounds of residences shall not illuminate or be reflected upon any adjacent property.

(Prior Code, § 11.01.040.070) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.040.080 OUTSIDE STORAGE; ENCLOSURE REQUIRED.

All salvage dealers or other persons accumulating, depositing, or storing salvage, raw material, manufacturing material, building material, or other materials within the city limits when the accumulating, depositing or storing thereof shall be without a building or not within a building, either now stored, deposited or accumulated, or hereafter so deposited, stored or accumulated, shall fence surrounding said materials with a sight obscuring fence at least six feet high, to enclose said materials from public view from outside the enclosure and must comply with all regulations within the district in which it is located.

(Prior Code, § 11.01.040.080) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.040.090 CORNER LOTS.

(A) When a lot faces more than one street and front yard setbacks have been established or in all probability, will be established on both streets, corner lot setbacks shall be at least as great as established for each street.

(B) When a lot faces more than one street in any residential zone, the yard setback established, in said respective zone by this title, the front yard setback shall exist on the primary street and the yard setback on the secondary or cross street shall be one-half that of the front yard setback. The determination of the primary street will be that of the street paralleling an existing alley, when no alley exists the primary street will be determined by the amount of daily road traffic of each street.

(Prior Code, § 11.01.040.090) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.040.100 PROTECTION OF STREET RIGHT-OF-WAY.

No building permit shall be issued in street right-of-way. City officials have the authority to issue approvals for the installation of public utilities and traffic-control devices within street right-of-ways.

(Prior Code, § 11.01.040.100) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.040.110 FENCES, WALLS AND HEDGES.

(A) Fences, walls and hedges in any district may be located on lot lines; provided such fence, walls and hedges do not exceed six feet in height. Fences exceeding six feet in height shall be subject to the minimum yard requirements of the district in such said fences are located.

(1) However, no fence, walls and hedges shall exceed four feet in any front yard as defined in this code.

(2) An exception to the height restriction located in §11.01.040.110 shall be granted for fences used in an agricultural pursuit to retain stock animals in Zoning District AS.

(B) (1) Except for AS Districts, no barbed wire or other sharp materials, and no electrically charged fences shall be erected or maintained in any district created by this code.

(2) When electrically charged fences are used in AS District, such fence shall be posted with warning signs at intervals not to exceed 150 feet, where such fences are adjacent to public right-of-ways.

(C) In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

(Prior Code, § 11.01.040.110) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.040.120 LOTS IN TWO DISTRICTS.

Where a district boundary line as established in this code divides a lot, the more strict requirements applying to lot under this code shall be considered as extending to the entire lot, the use so extended shall be deemed to be conforming.

(Prior Code, § 11.01.040.120) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.040.130 SWIMMING POOLS.

No public or private swimming pool in any district shall be located in any required front yard; however, if no more than six feet in height, such use may be located in any required side yard or rear yard.

(Prior Code, § 11.01.040.130) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.040.140 YARD ENCROACHMENTS.

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward, except as follows:

(A) Cornices, chimneys, canopies, eaves, balconies or other similar features may extend into a required setback area not more than three feet; and

(B) Open, unwallled, uncovered steps and entrance landings may extend into a required setback area not more than five feet.

(Prior Code, § 11.01.040.140) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.040.150 STOP ORDER.

Whenever any building work is being done contrary to the provisions of this code, the Building Inspector/Code Enforcement Officer shall order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized to proceed with the work.

(Prior Code, § 11.01.040.150) (Ord. 2021-15, passed 12-20-2021)