



CITY COUNCIL OPERATIONS AGENDA

April 8, 2024 – 5:00 PM | Council Chamber, City Hall

1. **Call Meeting to order:**
2. **Approval of Minutes –**
 - a. Regular Meeting: March 11, 2024
3. **Public Comment – (Limit to three minutes per person)**
4. **Old Business (Public Comment period prior to each topic)**
 - a. None
5. **New Business (Public Comment period prior to each topic)**
 - a. Planning Forms Review – Jordan
 - b. Local Government Review FAQ Sheet - Jordan
6. **Staff or Committee Member Concerns or Comments:**
7. **Announcement of the Next Meeting**
 - a. Regular Meeting: Monday, May 13, 2024 at 5pm.
8. **Adjournment**

City Council Operations Committee

City Code | Council Bylaws and Policy

Members

Rob Kersch (Chair) | Curt Fjelstad | Rian King-Chavez

City Council Operations

MINUTES

March 11, 2024 - 5:00PM | Council Chambers, City Hall

Members Present:	Rob Kersch, Curt Fjelstad, Rian King-Chavez
Members Absent:	None
Mayor:	Absent
CAO:	Jordan Green
Staff:	Cyndi Thompson
Public:	None

1. Call Meeting to Order:

- a. Chairman Kersch called the meeting to order at 5:00PM

2. Approval of Minutes:

- a. Regular Meeting: February 26, 2024

Member King-Chavez motioned to approve as presented. Member Fjelstad seconded the motion. 3 Ayes, 0 Nos. Motion passed.

3. Public Comment - Limit to three minutes per person.

- a. None.

4. Old Business

- a. None

5. New Business

- a. Local Government Review: Forms and Powers of Government – Rob Discussed Alternative Form of Government MCA codes and creating a FAQ Sheet. Discussion and informational meeting. No motion made.

6. Staff or Committee Comments/Concerns:

- a. City Clerk inquired about bringing Committee Bylaws to review as an agenda item on next meeting.
- b. Member Fjelstad inquired about passengers riding in a City vehicle.

7. Announcement of Next Meeting:

- a. Monday, April 8, 2024, at 5:00PM

8. Adjournment:

- a. The meeting was adjourned at 5:38PM by consensus.

Prepared by: Cyndi Thompson, City Clerk

Rob Kersch, Chairperson

Date

**City Council Operations Committee
Members**

Rob Kersch (Chair) | Curt Fjelstad | Rian King-Chavez

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): _____

Address: _____

Email: _____ Telephone #: _____

Property Address: _____

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

Authorized Agent Information: _____

Address: _____

Email: _____ Telephone #: _____

Property Owner / Authorized Agent Signature: _____ Date: _____

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

Zoning District: _____ Overlay District: _____

Use of Structure or Property? _____

Describe the Request (Submit additional pages if necessary & all supporting documentation): _____

Owner / Agent Initial: _____

Date: _____

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CONDITIONAL USE PERMIT APPLICATION

Section #2 of Chapter Twelve of the Zoning Ordinance contains the following approval criteria for the granting of a Conditional Use Permit. The petitioner(s) must provide full and complete responses.

- (1) The use conforms to the objectives of the Growth Policy and the intent of this Code;
- (2) Such use will not adversely affect nearby properties or their occupants;
- (3) Such use meets density, coverage, yard, height and all other regulations of the district in which it is to be located, unless otherwise provided for in this Code; and
- (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 decision process includes the minimum of two separate public hearings with the first before the Planning Board, and the second before the City Council. The Planning Board has the responsibility to hear the request before making a recommendation for the City Council to consider.

The City Council will conduct their public hearing not less than fifteen days from the Planning Board's hearing to comply with the noticing requirements of a public hearing.

The petitioner(s) has the responsibility that the subject property and use complies with all regulations of the City of Deer Lodge, and will be in full compliance with any and all conditions attached to the Permit. Note, attached conditions are binding.

Contact for assistance:

Brian P. Bender, AICP CEP, CFM
City Administrator
406.846.2238 ext. 307
bbender.deerlodge@gmail.com

City of Deer Lodge

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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): _____

Address: _____

Email: _____ Telephone #: _____

Property Address: _____

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

Authorized Agent Information: _____

Address: _____

Email: _____ Telephone #: _____

Property Owner Signature: _____ Date: _____

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

Tracts / COS# _____

Zoning District: _____ Overlay District: _____

Use of Structure or Property? _____

Zoning

Land Use

Adjacent Zoning & Land Uses: North: _____

East: _____

South: _____

West: _____

What is the Requested Zoning for the Property? _____

What is Intended Use for the Property? _____

Authorized Agent Signature: _____ Date: _____

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REZONE APPLICATION

The City of Deer Lodge's Planning Board requires responses to the following review criteria as specified by Chapter #28, Section #2 of the Zoning Ordinance and State Law. The petitioner(s) must provide full and complete responses.

- (1) Whether the zoning is made in accordance with the Growth Policy;
- (2) Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- (3) Whether the zoning considers the effect on motorized and non-motorized transportation systems;
- (4) Whether the zoning considers the promotion of compatible urban growth;
- (5) Whether the zoning is designed to promote public health, public safety, and the general welfare;
- (6) Whether the zoning considers the reasonable provision of adequate light and air;
- (7) Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area; and
- (8) Whether the zoning considers the character of the district and its peculiar suitability for particular uses.

According to the contents of Chapter #28, Section #3 of the Zoning Ordinance, the decision process includes the minimum of two separate public hearings with the first before the Planning Board, and the second before the City Council. The Planning Board has the responsibility to hear the request before making a recommendation for the City Council to consider.

The City Council will conduct their public hearing not less than fifteen days from the Planning Board's hearing to comply with the noticing requirements of a public hearing.

Contact for assistance:

Brian P. Bender, AICP CEP, CFM | ICMA-CM (Candidate)
City Administrator
406.846.2238 ext. 307
bbender.deerlodge@gmail.com

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EXEMPT FROM SUBDIVISION REVIEW APPLICATION

Please provide all the requested information – an incomplete application will delay its review.

Applicant(s): _____ Date: _____

Site Address: _____

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

Surveyor / Engineer

Name _____

Company _____

Address _____

Email _____

Telephone # _____

Exemption Type

- MCA 76-3-201(1)(b) A division of land created for mortgages, liens, or trust indentures.
- MCA 76-3-207(a) Divisions made outside platted subdivision for common boundary realignment between adjoining parcels.
- MCA 76-3-207(b) Division made outside of a platted subdivision for gift or sale to immediate family.
- MCA 76-3-207(c) Division made outside of a platted subdivision for agricultural purposes.
- MCA 76-3-207 (d) For lots within a platted subdivision, relocation of common boundaries and/or aggregation of lots.

List of all prior divisions of land of the subject tract since 1973 that utilized exemptions in MCA 76-3-201 or 76-3-207.

Total number of lots prior to the exemption request? _____

Total number of lots proposed with the request? _____

Justification for the exemption? _____

Any Certificate of Survey that is exempt from Subdivision Review must have acknowledgement from the Chief Administrator Officer / City Planner that the exemption is applicable.

The use of any exemption set forth in MCA 76-3-201 and 76-3-207 for the purpose of evading Subdivision Review, City Zoning provisions, or the installation of infrastructure is prohibited.

Property Owner / Authorized Agent Signature: _____

Date: _____

Formal submission includes the following:

1. A completed Application with the fee.
2. Submit a 11 by 17-inch copy and a digital (PDF) copy of the COS to the City of Deer Lodge.
3. Submit a digital version of the COS to the Examining Land Surveyor.
Robert Everly PE & PLS
P.O. Box 603
Butte, MT 59703
robert@everlyengineering.com
4. Copies of transfer deeds or deeds for the created lots (all deeds must have a Realty Transfer Certificate).
5. The Recording Set must consist of two Mylars and three paper copies.
6. The applicant is responsible for the ELS fee.

EXEMPT FROM SUBDIVISION REVIEW APPLICATION

The following information must be shown on the Certificate of Survey or amended plat.

1. Provide the name(s) of property owner(s) (including sellers if under a contract-for-deed).
2. Provide a title block with the location of the property (Quarter-Section, Section, Township, and Range, etc.), a scale not exceeding one hundred feet per inch, a north arrow, legend, date of preparation, and the name of preparer.
3. An amended subdivision plat must cite the subdivision that is being amended and identify the blocks and lots being amended (i.e., prior lot boundaries must be shown with a dashed line with a notation, new or retained lot boundaries must be shown in a solid line with a notation).
4. Designate each new lot with numbers or combination of numbers and letters.
5. Provide the dimensions and area of each new lot or tract.
6. Provide a narrative legal description.
7. Identify the location of all section corners or legal subdivision corners of sections pertinent to the subdivision boundary, all monumentation and basis of bearing.
8. Identify all adjacent streets and alleys including R-of-W width.
9. Identify legal and physical access to a public street.
10. Show the location of all existing utility and access easements of record, and any other proposed public easements, including description of their width and purpose.
11. These signatures on the first sheet:

Certificate of County Treasurer

Certificate of Surveyor

Certificate of Exemption

Certificate of City Planner

Certificate of Mayor

Certificate of Examining Land Surveyor

Certificate of property owner acknowledgement

Certificate of County Sanitarian / MT DEQ Exemption

Certificate of County Clerk and Recorder

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ZONING PERMIT

The issuance of a Zoning Permit acknowledges the proposed activity or property improvements comply with site development requirements - parking, landscaping, & signage. The following situations require a Zoning Permit.

1. When any entity intends to occupy a vacant space in all business and industrial districts, but is not doing any improvements requiring a Building Permit or a Conditional Use Permit.
2. When there is a change in activity or use at a property located in the business and industrial districts. The issuance of the Zoning Permit complements Business Licenses.
3. All on-site signs permitted as accessory uses in all business and industrial districts.

Applicant(s): _____

Address: _____

Email: _____ Telephone #: _____

Property Address: _____

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

Authorized Agent Information: _____

Address: _____

Email: _____ Telephone #: _____

Property Owner / Authorized Agent Signature: _____ Date: _____

Description of Use: _____

Business Name: _____ Hours of Operation: _____

Does the property have active Water / Sewer / Trash Accounts? Yes No

Number of on-site parking spaces? _____

Does the property comply with Landscaping Requirements? Yes No

Does the property comply with On-site, Signage Requirements? Yes No

***** Site, Landscaping, and/or Signage Plans are necessary to satisfy the last three items.

Owner / Agent Initial: _____ Date: _____

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ZONING PERMIT

For Official Use Only

Zoning Permit Complete? _____

Fees Paid?

Yes

No

Zoning District: _____

Floodplain Zone: _____

Historic Preservation District: _____

Superfund Overlay District: Yes No

If yes, MT DEQ Contacted? _____

Business License #: _____

Building Permit #: _____

Building Inspector Comments: _____

Fire Chief Comments: _____

City Sanitarian Comments (for food services): _____

Staff Comments:

Zoning Permit Issued By: _____

Date of Issuance: _____ Permit #: _____

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VARIANCE APPLICATION

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

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Applicant(s): _____

Address: _____

Email: _____ Telephone #: _____

Property Address: _____

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

Authorized Agent Information: _____

Address: _____

Email: _____ Telephone #: _____

Property Owner / Authorized Agent Signature: _____ Date: _____

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

Zoning District: _____

Use of Structure or Property? _____

Describe the Requested Variance(s) & Cite Ordinance Provision(s): _____

Owner / Agent Initial: _____

Date: _____

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VARIANCE APPLICATION

Before any variance can be granted, the board shall make findings of fact based upon evidence produced at a public hearing setting forth and showing that the following circumstances exist:

- (a) In considering all proposed variances to the ordinance, the board shall, before making any findings in a specified case, first determine that the proposed variance will not amount to a change in the use of the property to a use which is not permitted within the district;
- (b) That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other lands in the same district and that literal interpretation of the provision of this ordinance would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this ordinance;
- (c) That the special conditions and circumstances do not result from the actions of the applicant;
- (d) That granting the variance requested will not confer a special privilege to the subject property that is denied other lands in the same district;
- (e) That granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated;
- (f) The Board of Adjustment shall further make a finding that the reasons set forth in the Application of Appeal justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land;
- (g) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- (h) The fact that property may be utilized more profitably will not be the sole element of consideration before the Board of Adjustment.

The applicant must submit replies to these criteria as a means to establish special conditions and circumstances are unique to the subject property. The Board of Adjustment can only grant a variance(s) after acknowledging the existence of special conditions and circumstances.
