



**Anaconda – Deer Lodge County Planning Board Agenda  
Monday, September 14th, 2020 @ 6 p.m.  
Anaconda Local Development Corporation (ALDC)  
Third Floor Conference Room**

Due to COVID-19 and social distancing guidelines, we are urging members of the public with interest in any of the below variances to please call in to Conference Call Phone.

**Dial-In Number: 425-436-6372**

**Access Code: 254398**

Please turn off or silence all cell phones and electronic devices.

Everyone is respectfully asked to follow these few Board Rules of Procedure:

- To address the Board, please approach the podium and state your name & address for the record.
- Please speak loud enough for the entire room to hear your comments.
- Please address all comments to the Board as you are not in a debate with other presenters or members of the audience.
- Please be respectful to other speakers, presenters and members of the audience.
- No sidebar conversations will be allowed. Private conversations and whispering in the audience during the meeting is very disruptive so please step out of the room for any such conversations.

I Call to Order with Roll Call  
Chairman, Rose Nyman

II Approval of Minutes from Last Meeting  
July 20<sup>th</sup>, 2020

III PUBLIC HEARING

PUBLIC HEARING on a Major Development Permit request by Gary Chilcott to construct and operate a 110 space, full-service RV resort featuring a camp lodge, rental casitas and a caretaker (manager) residence. The resort will be located to the north of Deer Lodge Drive at the northern terminus of Polk Street in Anaconda. Property is legally described as:

1. INDUSTRIAL PARK, S02, T04 N, R11 W, BLOCK 3, Lot AMENDED 3A, COS 292A
2. S02, T04 N, R11 W, ACRES 1.54, RR LOADING & UNLOADING YARD
3. INDUSTRIAL PARK, S02, T04 N, R11 W, BLOCK 3, Lot 2
4. INDUSTRIAL PARK, S02, T04 N, R11 W, BLOCK 3, Lot 1

Staff Report: Carl Hamming, Staff Report

Questions from the Board

Applicant Statement: Gary Chilcott / Joshua Garrison

Questions from the Board

Public Comment

*Discussion and/or action if necessary*



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**IV NEW BUSINESS**

1. David and Wendy Elias  
The applicants are requesting a 30-foot-wide easement across the parkland to Pauline Loop for utilities and access for future development of Lot 1A.
2. Ordinance Establishing Sign Regulations for Anaconda-Deer Lodge County

**V MISCELLANEOUS**

1. Matters from the Staff
2. Matters from the Board

**VI PUBLIC COMMENT**

This is the time for members of the public to comment on items not on the agenda that fall within the Planning Board's jurisdiction.

**VII NEXT MEETING**

To be determined

**VIII ADJOURNMENT**

Chairman, Rose Nyman



# Anaconda-Deer Lodge County Planning Department

## PLANNING BOARD MINUTES

Monday, July 20<sup>th</sup>, 2020

ADLC Courtroom

**Meeting called by** Rose Nyman,  
Chairperson  
**Type of meeting** Public Hearing /  
Monthly Meeting  
**Minutes taken by** Carlye Hansen

**Members Present:** Rose Nyman,  
Chairperson; Frank Fitzpatrick; Bob Wren;  
Craig Sweet; Annette Smith; Colleen Riley  
(via telephone)

**Members Present:** John Lombardi, Vice-  
Chair, excused Mary Kae Eldridge; Art  
Villasenor

**Staff:** Carl Hamming, Planning Director;  
Gayla Hess, Planner I; Carlye Hansen,  
Planning Department Secretary

**Guests Present:** See sign-in sheet and  
electronic call-in log

## AGENDA TOPICS

### Call to Order

Meeting was called to order at 6:02 pm by Rose Nyman, Chairperson, with Roll Call done by Carlye Hansen, Planning Department Secretary.

### Approval of Minutes

June 8<sup>th</sup>, 2020

*Motion was made by Bob Wren to approve the minutes from June 8th, 2020; seconded by Craig Sweet. Motion passes 6-0.*



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## Public Hearing #1

PUBLIC HEARING on a request by Mike Johnson of Show Me Anaconda, LLC, to develop a 74-unit hotel with convention center and an attached restaurant in Lot 1-A of the East Yards Frontage Minor Subdivision. Property is legally described as "S01, T04 N, R11 W, C.O.S. 456A, ACRES 4, TRACT 1-A EAST YARDS FRONTAGE."

### Staff Report

Carl Hamming, Planning Director, reviewed and presented the staff report put together by he and his office. There are recommendations of approval being asked for by the Planning Department (*please see attached*).

### Applicant Report

Mike Johnson, Show Me Anaconda, LLC, 12 Holley Lane, Butte  
Mr. Johnson stated that Mr. Hamming went through most of the documents in the package, and then stated that it has been a privilege to be able to get this far with this project development and working with the County has truly been a pleasure. He states that they have made a lot of progress in a very short period of time and he just wanted to thank everyone for their time and effort regarding this project. They are hoping to break ground as soon as the process is complete. They are hoping to be open within a year from now, hopefully by late spring 2021.

### Questions from the Board

At this time, there was a significant and extensive conversation held between Mr. Johnson and the ADLC Planning Board. At this time, with the social distancing aspects of this meeting due to Covid-19, and with having a venue as large as the ADLC Courtroom, it was very hard to discern most of the questions that were posed and the answers from Mr. Johnson, the Planning Board, and CEO Everett.

### Proponents to the Project

1. Bill Everett, Anaconda-Deer Lodge County CEO, 800 Main Street, Anaconda  
Mr. Everett made a statement and gives a history of the hotel, its location, and he presented the facts that he had about this area and in regards to the survival of the golf course. When they brought in managers to look at management of the golf course the first thing that each manager stated was that ADLC needs a place stay and that money cannot be made by folks playing just one round of golf per day. They stated you need to get them in for multiple days of golf, golf trips, golf tournaments, etc. He discussed that one of the things that Atlantic-Richfield took from the community when the Anaconda Smelter shut down was the economic value



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to the community and the tax base. What they paid in taxes paid for our schools, our streets, our lights, etc. Part of the settlement that we were able to reach with Atlantic-Richfield was that they would help to regenerate that tax base. Through that, hopefully many jobs and amenities will come forth, but really it is about replenishing the tax base. That is how Superfund negotiations work, they must replace what they took from you when they left. When they talked about the site, they stated that this was the site to build on. All of the experts were in and they all have an idea and they all have a way to spend your money. The great thing about this is that we didn't have to pay for this, Atlantic-Richfield brought in and paid for these experts, whether it was for land development, or having the experts, Atlantic-Richfield paid for this as they want this to be done correctly. There was money put into economic growth twenty some years ago and at this time there is nothing to show for it. They were all fly-by-night companies and none of them had a track record and their business plans were bad. These were all things that we made sure we have had accomplished before we brought forward the idea of the hotel. We put out the proposal and have been talking to Mr. Johnson now for a couple of years. Mr. Johnson offered everything that we asked for and we had one heck of a wish list, thinking that this would be shot down. Mr. Johnson matched everything that we asked for. The whole team has been working really hard, especially over the last several months trying to move this forward. Everything is looking fantastic. Everything is clicking along, however, we have no room to fail here. All of this is about timing and to be able to be open in the spring of 2021 and the items we need to do before now and then as a local government is huge. However, everything is going really well. We have an amazing team, they have a fantastic team, and Mr. Johnson stated that this is about the best group of people and County he has ever been able to work with. They have built multiple hotels, so they do know what they are doing in this regard. This is not their first hotel, and we are learning a lot as we go. This is the largest, non-utility project or government project in Anaconda in excess of fifty years. This is also new as far as planning, as they did not have a Planning Department fifty years ago to review plans for such large projects. The County is on-board with DEQ, the EPA, Department of Transportation, and he is feeling that that this will happen.

## Opponents to the Project

1. Alan Shewey, 202 1\2 Pennsylvania, Anaconda  
Mr. Shewey started out by saying that opponent does not seem to be the appropriate term as he is not necessarily against the hotel, the convention center, and/or the restaurant, but he has a lot of questions that he does not have answers for at this point. He is looking at the process and by way of background, he is just here as a private citizen and he does not represent any organization, and has no particular ax to grind. He did spend a year in a community as a Planning Director on a consulting basis, so he does have some feel about how an application for this sort of thing comes



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together and this has been a difficult one. He looked through the application and he finds this to be very brief. The plans are unreadable, and he states that those plans could be canned plans that may have built the other hotels in Great Falls or Bozeman. He couldn't even read anything with a magnifying glass. He then questioned a survey that was done and he does not know if this had been approved by the County Commission, or the staff, or just how that happened, but would like to look at the document on the Power Point. He is confused over the application as the application stated that Show Me Montana, LLC, has been given 20 acres, but then it states that they will do 3.99 for the hotel, but then that development is 13.7 acres, so he is not sure where the 6.2 acres is. Hence, this is why he is so confused on what has been submitted. Are we viewing the 3.99 acres, the 13.7 acres, the 20 acres, or all of them? He has questions also on who authorized this survey as there had been two prior surveys that were done by an organization called SCRC and there were a lot of issues in regards to land and he doesn't see any of that in this particular application. There is no reference anywhere to SCRC and there are overlapping lands. There was Commission authority to write up an agreement and he doesn't see any of that in this application packet

His second issue is he feels there is a curious fact in the packet in that Mr. Johnson signed as the owner of the property. He questioned Mr. Johnson on his ownership? Mr. Johnson stated that he does not officially own the land. Mr. Hamming responded that as part of the buy/sell agreement that is being worked out with the County, part of that is authorization for the future owner to be able to work through the permitting process, so that has been dealt with, and this is why he signed the documents.

His third issue is access to Hwy 1. He notes that there is a divided highway there and this is a major highway. Montana DOT is going to have a real interest in the number of parking spaces that there will be for this facility. There is a very strong chance that MDT will require an access permit, in fact, they will want to have access discussions. He is not sure if they have done that or not, but these access discussions will get them into issues associated with Polk Street and with the proposal for Filmore Street, which is at the end of that subdivision. He states that they could be very easily looking at warrants which is MDP's word for rationale for a signal there. There will be substantial traffic that will turning from West Bound Hwy 1 onto Polk Street initially with the hotel. He would like to know where the information is from MDT. The only information offered in the application relates to what the County's head of road crew stated in regards to three access points, but Mr. Shewey only sees the two, one off of Hwy 1, and one off of Polk Street. He is really wondering what



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the downside to the County is in terms of dollars. A full intersection signalization is \$500,000.00. He feels that if you look at this and then switch to utility relocations and he thinks that he has heard, and it sounds like he has read, that the sewer will tap into 24 inches on Hwy 1, storm drains still have to be worked out, but probably will need some sort of piping and ditching and some sort of soil treatment. There will be a looped waterline on Union Street, and there will be power relocation and gas relocation along with street construction. He looks at all of this and he sees no financial plan and no implementation study, no cost estimate, no feasibility study, but he does see the possibility that there is \$1,000,000.00 in utilities and signalization for this process and what he is wondering is whether the County is on the hook for all of this and if they are willing to pay the bill from economic development funds that they have coming in. He is asking himself whether or not the Commission is aware of that or the Planning Department, and he is wondering if they are willing to step up to the plate for the \$1,000,000.00. Again, he reiterated that he cannot read anything as it is so garbled on the application. He is wondering about an application that comes with plans that you cannot see. The plans have three sketches. There is a site plan, but no information on it. He just doesn't see how the Planning Department evaluates the proposal if you cannot read it.

He states that everyone on the Planning Board, including the Planning Director, have some understanding of the history while looking at these documents, but he wonders how the public can be expected to understand what is there. He found this whole application to be very brief, unreadable in terms of plans, he doesn't find a feasibility study, he does not see a cost estimate, he doesn't find a finance plan, he doesn't see a community impact analysis, doesn't know how many jobs are being created, doesn't know what the public/private partnership is or what the value of the \$3,000,000.00 allocated for the project is? He also doesn't see community and private investments. He is not sure who is putting money into this, other than the county. Is it just Mr. Johnson? What he is asking himself is whether or not this application is ready for the prime time. He thinks there are a lot of holes here and he guesses if the County is going to step up and say whatever the loose ends are, that we have Economic Development funds that we are getting from Atlantic-Richfield, will we fund this project with those? He feels that there needs to be a feasibility plan or at least a plan that would show what the market is, a market analysis, rather than an appraisal that truly states that there is room in this community, not only for this hotel/convention center and restaurant, but also for the other four hotels that are here. If the County is creating a tax base, what happens if the other four hotels go out of business? He feels that the tax base in Anaconda is going to be coming back naturally and if you look in the paper, see if you can find a house to buy in this town. He states that the values of



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the homes in ADLC are going to rise and that is the where the tax base will be, and that, he understands, is what Mr. Everett is so concerned about.

In summary, he just thinks that there is a whole lot of work that probably has been done, maybe some of this is not known to the public, but there are a lot of items out there that are more or less non-funded issues that we just don't know about. Again, he is for the hotel, and if the Planning Board thinks that this all looks good, and the Commission is willing to fund no matter what happens, even though we really don't know what the costs are or the feasibility is, which he states is not included in the packet, maybe everything is fine and this will just go forward and it will all be done and come out just fine.

He said that Mike Johnson seems like a very nice fellow and he seems like he has the hotel thing figured out, but allocation, based on a request for proposal with no information about the other parcels, much less the 20 acres, one would wonder whether that is a good use of the lands that are there in terms of an allocation or commitment.

2. Donna Shewey, 216 1\2 Pennsylvania, Anaconda, representing Smelter City  
Recreation Complex

The reason why Ms. Shewey is here is because her group does not understand why they are not part of the application process and she wanted to start by saying that they don't oppose the hotel. She thinks that they would be great partners, they want the hotel as a neighbor, and they would think the hotel would want them as a neighbor. They feel that it would be happy marriage if you look at the recreation center. For example, most hotels would give a punch card to go to the recreation center down the street so they don't need to build a swimming pool or a fitness center, etc. She also notes that the conference center for the hotel is able to manage 200 people. She noted that the recreation center could handle up to a maximum of a roughly 2,000. She feels that they would be a great partner to any sort of economic development brought in and could take overflow for the hotel. She is, however, taken back by this application. She stated that three years ago they started the process with the Planning Department and started in September of 2018 with a letter and request to the Planning Department. After that, towards the end of November, there were emails exchanged and there was a meeting with Chas Ariss, former Planning Director, and Bill Everett, CEO. On April 8<sup>th</sup>, 2019, they went before the Planning Board with a very extensive packet. It had a feasibility study, an impact study, cost estimates, business plan, had the number of jobs that would be created, and the payroll that the project would bring into this community, which was \$1.2



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million with twelve full-time jobs and roughly 25 part-time jobs. None of that information is included in the hotel packet, yet they were required to bring this before the Planning Board. She will mention that they are non-profit, and it was made clear to them by the County, that it is all about taxable profit, that it is not about non-profit, but it is about taxable income by having taxation on property. After the meeting with the Planning Board, the Board voted 10-0 to move the project forward to the Commissioners. In April of 2019, the property was advertised and in August of 2019, it was advertised again. The Warner's came in with a proposal and it was for a hotel project and some retail spaces. They all sat down and the decision was made that Smelter City Recreation had already been to the Planning Board and had already been through the process and they were not going to do anything in a joint effort with Mr. Warner, as this would hold up the process of Smelter City Recreation and that they were already there, having gone through the system. On August 6<sup>th</sup>, 2019, the Planning Board forwarded to the Commissioners, the plan. Again, this was the full packet of information. There was a land agreement, there was a letter of support given to the Complex. There were also 15 letters of support for the project and the packet for the hotel has none. They had everyone from the Job Corp, Community Hospital of Anaconda, the school district, and the list goes on and on, including several service organizations. At that time the Commissioners directed the CEO to work with the Smelter City Recreation Complex on a land agreement. It is now a year later and they have been working with the CEO and it has been held up. The first reason was that they asked for a reverter clause, and the CEO stated that he would not accept a reverter clause. Then it was a MOU (memorandum of understanding) and letter of agreement and this was rejected. The third time that they met, they were told they needed to show \$3 million dollars before the deed would be transferred. This has been sitting in an attorney's office for the last four or five months. Last week, at the Commission meeting, this was brought up, and it was stated that our CEO will have the new agreement before him from the attorney and that it would be forwarded on the County Commissioners. She states that the bottom line here is that three years later, thousands of hours of citizens volunteer time, and they have been treated differently than a developer. It is not that they don't love Mr. Johnson's project, they love the project and think they are great neighbors. When the Warner's came in, the Planning Department put us in a meeting together. We have asked for a meeting with the developer and have been told that the developer does not want to talk to them or having anything to do with them. So, what they are asking is, and they want it to go on record, is that they are not against the project, but the process is entirely different and there are millions and millions of dollars on the line and it seems like this has just been rubberstamped all along and they have been held up. The County doesn't even show where their property is. She asked if



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anyone can show them where Smelter City Recreation Complex's 30 acres, which the Commissioners gave them, 15 acres with another 15 contingent, located in the subdivision.

Mr. Hamming stated that he dug into the history of this a little bit today. He understands that the survey that we have here was a preliminary COS for an amended plat that Tom Moodry supplied for the Recreation Complex, however, this was never filed or reported.

Ms. Shewey stated that they were supposed to be exactly where the hotel is now to be located and they were asked to move and they did a survey. They paid for that survey, did a conceptual site plan for \$10,000.00 and the County came back and asked them to move. They then moved and again, there is a preliminary survey that was done. At that point, they were told that the entire site would be master planned before anymore development would come through and that our survey would become a part of that. Mr. Moodry did the preliminary survey that you see up there today. This is one of the questions.

Mr. Sweet interrupted and stated that from what he could recall was that the Board agreed to roughly 30 acres, or 15 and 15, His understanding was that it was back towards Smelter Drive, but that it was contingent on the Recreation folks raising the money. It had nothing to do with just giving them the land and there was a MOU and, yes, the land is there, and you can start fundraising knowing the land is there. There are a lot of acres out there and he stated that the Rec Center could go almost any place. He says that the 15 acres is probably a little more realistic than 30 acres, but there is plenty of area out there.

Mr. Hamming stated that 20 acres are conveyed to ARCO from the Settlement Agreement, and they are going to take a little bit of acreage along the slag pile for regrading. There will still be roughly 50 acres left for the Rec Complex.

At this point, the microphone may have been turned in a different direction, and Ms. Shewey could not be heard.

She then stated that they are 100% in support of the hotel and they just want to be included as part of this since they have been in the process first.



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3. Ed Delaney, 701 East 5<sup>th</sup> Street, Anaconda

Mr. Delaney is the current president of the Smelter City Recreation Complex. He said that the vision of this group is to create a facility that has a large arena that would be able to handle any event you could envision, an aquatic center, and a community center. All of these would be a tremendous asset to this community. Placing this next to a very nice hotel would make all the sense in the world. No one on the Recreation Complex Board is against the hotel. He noted that there were 15 letters of support from virtually every organization in the community, whether it be the Job Corp, Community Hospital of Anaconda, and the Elk's. They have completed two surveys, and they understood that the most valuable piece of property is where the hotel is going to be built and we didn't have a problem moving it and accepting a piece of ground below that. They then had an additional survey, both surveys of which they paid for. They spent \$10,000 on a conceptual drawing from architects in Seattle, WA, that showed how this would be laid out, what it would look like, and what the vision is. They spent another \$10,000 to Ballard and Associates out of Denver, CO, who did the feasibility study including a market analysis, the number of jobs anticipated, and the expected annual payroll. He did research of similar facilities to see what the fee structure should look like. They did their homework. Because or being put off, they are incurring the cost of a lawyer. He stated that they followed the rules as far as appearing before the Planning Board and getting their approval. They would ask that before you move the hotel application forward, that you tell us where the Smelter City Recreation Complex is to be built.

4. Alan Shewey

Mr. Shewey then approached the Board with a file of comments that he would like sent to the Planning Board and to the County Commissioners. This file was given to Carlye.

Questions from the Board

Ms. Smith spoke, but unable to pick up or understand her due to social distancing.

Mr. Sweet made comments in regards to economic development. He said that this hotel will not save Old Works. He feels that all of that discussion is not what we are voting on. He states that what we are voting on is whether or not this is a suitable location, whether the planning is right, environmental issues, etc. To him, there are so many loose ends and so many questions that need to be answered. There are a lot of things, information that he feels that the Planning Board needs, or that he needs, before he can vote yes. When they do vote, he will be voting no as he hates the idea of another hotel, doesn't think that we need a hotel. He just does not have enough



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information regarding the transportation issue and Hwy 1, an environmental assessment, and other loose ends where he can support this project. He feels that they need to take their time, do a little bit more work, and give us more of a complete package, so that the Board can make a good, informed recommendation to the County Commissioners.

Mr. Fitzpatrick spoke, but unable to pick up or understand him due to social distancing.

Mr. Wren spoke, but unable to pick up or understand him due to social distancing.

Ms. Nyman stated that for herself, it is her understanding that County tax dollars will help to pay for the infrastructure for the work that is being done in the East Yards and this funding is not coming out of the settlement money. She is just expressing what she is thinking. The former Planning Director made it very clear that the land is \$1000 an acre and that this was a bargain. We have two commissioners here and the CEO and she is asking them to think about donations to other projects that come forward for projects at the same \$1000 per acre and she is asking them to think about this.

She did pose a question to Mr. Hamming. She believes that he stated 50 acres were available. Mr. Hamming noted that it would be plus or minus 50 acres that would be available. We don't know at this point what the grading plan from ARCO will be and how it will affect the acreage involved with that. Once again, unable to pick up or understand her/him due to social distancing. Rose's personal opinion at this time is that there is a discrepancy with the land agreement, but she has felt that way since before the hotel project came forward, and she asked (unable to pick up or understand her due to social distancing).

## Staff Remarks

Mr. Hamming stated that obviously is new here in the community so he doesn't have the full history of the SCRC. He just wants to make sure that nobody feels that they will never get the opportunity to come in and sit down and talk with the Planning Department and he wants folks to know that the Planning Board does not take these things lightly, and that all have access to the Planning Department and their staff. (Unable to pick up or understand him due to social distancing).



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## Donna Shewey

Ms. Shewey stood up and spoke, but did not come forward, so unable to pick up or understand her due to social distancing.

Ms. Hess just wanted to say that she appreciated Mr. and Mrs. Shewey's comments and questions, as well as Mr. Sweet's concerns, but she would also like to say that not everything that was submitted by the developer was included in the packets.

We apparently lost Ms. Riley on the line due to connectivity issues.

Rose stated at this time that there would be four options for a motion:

1. To approve the Planning Department's recommendation to pass this onto the Commission with the conditions listed by the Planning Department.
2. To approve the MDP with the Planning Department's conditions and to add conditions.
3. Deny the Major Development Permit application.
4. Table this until all information is assembled.

*Motion was made by Frank Fitzpatrick to approve the Major Development Permit request by Mike Johnson of Show Me Anaconda, LLC, with the Planning Board Conditions that are listed in the staff report; seconded by Bob Wren. Motion passes 3-2 for approval of this motion.*



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## Public Hearing #2

PUBLIC HEARING on a request by Matt Smith and GW Septic Pumping to establish DEQ septage land application sites within the East Valley Development District (EVDD). The subject properties are located near MT Highway 10A and I-90, and are legally described as:

1. S24, T04 N, R10 W, C.O.S. 27A, ACRES 1.005, TRACT B, IN NW4SW4
2. S24, T04 N, R10 W, C.O.S. 27A, ACRES 1.806, TRACT C, IN NW4SW4
3. S24, T04 N, R10 W, C.O.S. 27A, ACRES 60.41, TRACT A, IN N2SW4

### Staff Report

Carl Hamming, Planning Director, reviewed and presented the staff report put together by his office. There are recommendations of approval being asked for by the Planning Department (*please see attached*).

### Applicant Report

Glen Wyant, 217 S. Dixon, Anaconda, MT 59711

Matt Smith, 213 Ayers, Anaconda, MT 59711 (landowner)

Mr. Wyant owns a local septic business in the area. Now that ADLC does not accept waste in their Wastewater Treatment Facility from out of the county and has taken 73% of his business, the only way that his business will make it through this year is to land apply the waste. It is a common activity everywhere in the State of Montana and around the world. It is not an out of the ordinary activity and Mr. Smith has provided a quality piece of land for less disruption to the community, it is out of site. If anywhere in this County, this is an ideal location, but unfortunately, he has to go through the MDP process, not sure why, as to him this is customary in agriculture. It is zoned, so he guesses they will go through the process. This is a very simple thing, it is screened, it is de-littered, it is turned into the earth, it should be pretty odorless, it is a DEQ application. He feels that he should be dealing with only the DEQ and not the County so much, but being a zoned area, we do need to go through this, so he feels that it is pretty simple process, pretty non-disruptive to the community.

Matt Smith then went on to state that he is the property owner. S&S Salvage that was out on MT 1 Interstate 90 exit by the gravel pits, this was owned by his father and this is the location. The first two little pieces would be straight across the old frontage road, the train tracks, and on the west side of the train tracks, the little triangular pie-shaped things you see on the map. The reason they are separated are because the railroad has an old spur so they own that little piece that separates the two pieces. Some of the concerns that he sees in here were from Atlantic Richfield. Neither of the pieces they are referring to belong to



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Atlantic Richfield. They settled out that whole Silver Bow Creek area with the DEQ before the DEQ dug it up. Atlantic Richfield did not dig out that area along Silver Bow Creek, DEQ did that. Atlantic Richfield just reclaimed the 60 acres on the east side of the tracks here in the last two years on the larger piece of property. Two miles away is the first residence where folks live down near Crackerville. The next closest thing would be the rest area, so as far as those sort of concerns, there should be no issues. 90% of the time, the wind blows across the highway and there should be no smell from this anyhow. He dumps this and then he has to turn around within six hours to delitter and incorporate this into the soil. It will essentially be buried and it is only liquid, not solids. There will be some sludge. There is a concern from the DOT in regards to the gravel pits and nothing will turn up in their gravel pits. It is a good 3/8 of a mile from the gravel pits. The way the water tables lay out there, there is no way that it could hit the gravel pit as it is uphill from any of the water tables. If you drive the old highway by the gravel pits and look at the railroad side, those pits are 30 feet deep. If you look at the interstate side they are 20 feet deep. A really weird water system runs through there, but it all runs down towards the intersection of MT 1 and interstate 90, so there should be no concern there. He sees Mr. Everett's concern of out of county waste and that it could be an issue. This has been considered a typical farming application way before any of us were ever alive. There are still countries where they will put raw waste right outside their back door into the crops, the same food that they eat. This is not raw and has been processed through a septic tank. The tanks are designed to start the process. This is just water and full of nitrates, is good for the ground. When he looks at DEQ, they do consider this as farming. When he looks at the MDP rules, the second rule states that typical farming is exempt, so he doesn't know how this could go any further than right here, and that this is up to the Planning Board. When he sees this written in a rule and it actually has a rule, it has a number 24-22-1B, he feels this is a law and it states that this is exempt. He feels that this should go no further than this meeting, but again, will see how this plays out. It is farming and this is not going to affect anyone and most states do this. In Mr. Wyant's case, he invested in this business and he bought it out of another County from another gentleman who ran it in all three counties, the same counties that Chad Lanes, our sanitarian, monitors. Mr. Wyant lives in Opportunity, he has a family with young kids. He wants to be able to go pick it up, go home, and if he doesn't want to dump that water that night, as he wants to be with his family, then he can go the next morning and dump this. This just makes sense to him. He sees no relevance in what County the waste comes from.

## Questions from the Board

At this time there was a significant an extensive conversation held between Mr. Wyant, Mr. Smith, and the ADLC Planning Board. At this time, with the social distancing aspects of this meeting due to Covid-19, and with having a venue as large as the ADLC Courtroom, it



# Anaconda-Deer Lodge County Planning Department

was very hard to discern most of the questions that were posed and the answers from Mr. Wyant and Mr. Smith,

## Proponents to the Project

None

## Opponents to the Project

None

## Questions from the Board

None

## Staff Remarks

None.

*Motion is made by Bob Wren to approve the MDP application for Matt Smith and GW Septic Pumping to establish DEQ septage land application sites within the East Valley Development District (EVDD) with Conditions listed and to move this on to the County Commission;; seconded by Frank Fitzpatrick. Motion passes 5-0.*

## Public Hearing #3

**PUBLIC HEARING** on a request by Jeff and Mary Rolquin to abandon the parkland dedication the open space/park land parcel of the Georgetown Vista Minor Subdivision. Applicants propose to use lot for residential and accessory use. Property is legally described as "S20, T05 N, R13 W, C.O.S. 442D, ACRES 1.41, GEORGETOWN VISTA MINOR OPEN SPACE/PARK LAND."

## Staff Report

Gayla Hess, Planner 2, reviewed and presented the staff report put together by her office. There are recommendations of approval being asked for by the Planning Department (*please see attached*).

## Applicant Report

Jeff Rolquin, applicant for the hearing on abandoning parkland dedication of the open space/parkland parcel of Georgetown Vista Minor Subdivision spoke in regards to this, however, at this time, with the social distancing aspects of this meeting due to Covid-19, and with having a venue as large as the ADLC Courtroom, it was very hard to discern



# Anaconda-Deer Lodge County Planning Department

statement that Mr. Rolquin was making in regards to this hearing. What could be made out is that he does not want to pay taxes on this parcel and would like to be relieved of this by the County purchasing the property from him.

## Questions from the Board

At this time there was a significant an extensive conversation held between Mr. Rolquin and members of the ADLC Planning Board. At this time, with the social distancing aspects of this meeting due to Covid-19, and with having a venue as large as the ADLC Courtroom, it was very hard to discern most of the questions that were posed by the Board and the answers from Mr. Rolquin

At this point, Mr. Rolquin became quite agitated and angry, and he left the meeting.

## Proponents to the Project

None

## Opponents to the Project

Shawn McNair, unable to pick up or understand her due to social distancing.

Terri McNair, unable to pick up or understand her due to social distancing.

Robert Logue had called in to make an opposition, however, we lost contact with him via conference call.

Gayla Hess then read two letters, one from Mr. .and Mrs. Logue, and one from Eric Hoiland, Treasurer, ADLC, both in opposition of this change.

## Questions from the Board

Mr. Sweet stated that he doesn't know a lot about real estate, but he does know that when you buy a piece of property or a house, that information that this is parkland is front and center in every discussion that you have. It is not brought up at the closing at the last minute. We are a small town but, we are not stupid. Mr. Sweet was going to recommend to him that instead of the County buying the land from him, that he makes a nice donation to Fish, Wildlife, and Parks for improved access at the lake or to the Anaconda Trails Society to help and maintain our trails, and then maybe we could lift the parkland dedication. He took off, so we will not add that to a motion or add it to anything. Other comments were unable to be picked up or understood due to social distancing.



# Anaconda-Deer Lodge County Planning Department

## Staff Remarks

None.

*Motion was made by Annette Smith to proceed by the guidelines stated by Eric Hoiland, Treasurer, and deny the request to abandon the parkland dedication and the open space/parkland parcel of the Georgetown Vista Minor Subdivision; seconded by Frank Lombardi. Motion passes 5-0.*

## New Business

None.

## Miscellaneous

## Matters from the Board

Mr. Fitzpatrick wanted to check on the status of several of the projects that we have discussed in the past. Again, unable to pick up or understand him due to social distancing.

Mr. Sweet asked about plans and the length of time for a permit and the costs associated with this. Mr. Hamming and Ms. Hansen explained the permitting processes that we are currently using, including the time in which they are valid.

Mr. Sweet asked if we had any resources or a map of any or all dedicated parkland, so we can look at a map and state that we have a parcel here, a parcel here, a parcel here, etc., and get an idea of where these areas are within the County. He states that it is a good tool to link certain geographic areas or resources. He also knows that we don't have the GIS type of capability yet, so his suggestion is to hire and intern to catalog all of this information and somehow link it together in a valuable way. He just wanted to throw this out there.

Ms. Nyman stated that she talked to the Planning Director this morning and that we are going to delay the conversation on the Neighborhood Stabilization Plan and the Sign Ordinance topics at this time.

## Matters from the Staff

Mr. Hamming stated that obviously, by the comments made by the Board, the packets are not satisfactory and he would like to find a better system. He feels that we need to perhaps change the system in which we are producing packets, and perhaps do parts of these electronically or via thumb drive, etc. He states that we are going to approach this and try to do paper packets as far as the staff reports, past minutes, etc., and then perhaps list other things on the website in order for folks to view these. He states that we hope to get some



# Anaconda-Deer Lodge County Planning Department

feedback from the Board in regards to their wishes in regards to this. Conversation was held in regards to this.

Ms. Nyman wanted to let everyone know that the Commission has scheduled a second Public Hearing on the proposed hotel on August 4<sup>th</sup>, 2020.

Mr. Wyant's/Mr. Smith's MDP will also move forward for another public hearing.

Since we denied Mr. Rolquin, nothing will go forward at this time. By denying the request outright, it pretty much ends right here.

None

Public Comment

TBD

Next Meeting Date

Adjournment

*Motion was made to adjourn the meeting by Frank Fitzpatrick; seconded by Bob Wren. Motion passes 5-0.*

Meeting was adjourned at 8:41 p.m. p.m.

Respectfully submitted,

*Carlye Hansen*

Carlye Hansen, Planning Department Secretary

ANACONDA-DEER LODGE COUNTY  
PLANNING DEPARTMENT  
800 South Main  
Anaconda, Montana 59711  
Phone No. (406) 563-4010



## PLANNING BOARD

<b><u>Report Date:</u></b>	<b>September 9, 2020</b>
<b><u>Meeting Date:</u></b>	<b>September 14, 2020</b>
<b><u>Permit Number:</u></b>	<b>MDP 20-04</b>
<b><u>Petitioner(s):</u></b>	<b>Gary Chilcott</b>
<b><u>Contractor/Operator:</u></b>	<b>Joshua Garrison (agent)</b>
<b><u>Staff:</u></b>	<b>Carl Hamming &amp; Gayla Hess</b>
<b><u>Development District:</u></b>	<b>Highway Commercial Development District</b>
<b><u>Address:</u></b>	<b>Not Assigned</b>
<b><u>Parcel Location:</u></b>	<b>INDUSTRIAL PARK, S02, T04 N, R11 W, BLOCK 3, Lot AMENDED 3A, COS 292A; S02, T04 N, R11 W, ACRES 1.54, RR LOADING &amp; UNLOADING YARD; INDUSTRIAL PARK, S02, T04 N, R11 W, BLOCK 3, Lot 2; INDUSTRIAL PARK, S02, T04 N, R11 W, BLOCK 3, Lot 1</b>
<b><u>Assessor Code:</u></b>	<b>0000314100, 0000314400, 0000314000, 0000313900</b>
<b><u>Geocode:</u></b>	<b>30-1285-02-4-06-11-0000, 30-1285-02-4-06-12-0000, 30-1285-02-4-06-13-0000, 30-1285-02-4-06-14-0000</b>
<b><u>Submitted Materials:</u></b>	<b>Application for MDP and supporting documentation</b>

1. Size and Location:

The proposed RV resort will be at the northern terminus of Polk St. on four lots currently owned by Anaconda Local Development Corporation (ALDC). Properties are located just south of Warm Springs Creek. (ALDC authorized Mr. Chilcott to pursue permits for the Park while the two parties worked through the superfund covenants encumbering the property).



2. Nature of Request:

To construct and operate the “Country Club RV Resort.” The County Club RV Resort (CCRV) will contain 14 rental casitas, 93 RV sites, 17 tent sites for a total of 124 sites. The CCRV will include a camp lodge and a caretaker or ‘Manager’s Residence’ that will be located to the south of the CCRV and east of Polk Street ([see mapping exhibits](#)).

3. Existing and Proposed Land Use and Zoning:

The existing land is vacant and exists within the Highway Commercial Development District (HCDD). Pursuant to Sec. 24-133 – Special Uses (4) RV parks are considered a special use and require the issuance of a Major Development Permit from ADLC. As stated in the DPS regulations establishing the HCDD, the HCDD is designed to provide, *“for the development of a wide variety of Retail and Commercial uses in suitable locations along arterial and collector roadways. Planning considerations for the HCDD include avoiding traffic congestion and improving the visual quality of the Anaconda community.”*

4. Surrounding Land Uses:

The surrounding land uses are a mix of commercial, recreational and vacant land. The Old Works golf course is located to the north across Warm Springs Creek. The Department of Transportation has a storage facility to the south as well as vacant

commercial land owned by Mr. Tommy Sawyer. There is a self-storage facility as well as the county-owned Charlotte Yeoman softball fields to the west and south. ALDC retains much of the land to the east for further future development.

5. Growth Policy Designations:

As described in Chapter 5 of the Growth Policy, the East Anaconda Reuse Guidelines (that was formally adopted by ADLC as a neighborhood plan), discusses the potential for further commercial development in the HCDD and the community's longtime, but unsuccessful, effort to develop an RV park. The report discusses the superfund covenants existing on the property that limit potential land uses for the ALDC property (such as residential). These covenants have been amended and are approaching final approval from ALDC, Atlantic Richfield, and the Environmental Protection Agency (EPA). Furthermore, in 2013 ALDC conducted a feasibility study to develop a RV park on their land near the golf course and the study concluded that a quality RV Resort could, "*could provide the economic development desired by expanding the length of stay in the area and providing additional high quality housing for golfers and other recreationists.*" (Anaconda RV Resort Property Entitlement Process, 2016).

In Chapter 5, Section 4 of the Growth Policy, the plan discusses ADLC's increasing bed tax revenues, but details how it lags other counties in southwestern Montana. The plan highlights this statistic as a sector that needs prioritization and further development. Apart from potential economic development from a RV Park, the Growth Policy does not discuss RV parks in detail.

6. Utilities and Services:

Necessary services (water, sewer, stormwater) will be installed and maintained by the CCRV. As required by the State for new RV parks, a DEQ submittal has been prepared and is being submitted for their review. Sarah Jones, of Deluxe Engineering, is reviewing the Municipal Facilitates Exemption on behalf of the County as a certified engineer and will sign off on the DEQ package to acknowledge

that ADLC has adequate capacity to serve the Resort. After installation, the CCRV will be responsible for ongoing maintenance of the service infrastructure.



7. Evaluation of the Request:

**Site Suitability:**

- a. Adequate Useable Space: The applicant has worked with ALDC to acquire enough acreage to install 124 sites. The relatively flat land near the creek is well suited for RVs and a campground.
- b. Adequate Access: Petitioner has legal access from Polk Street and Deer Lodge Drive. ALDC is currently petitioning the County to abandon the northern portion of Polk Street to enable CCRV to control and maintain the driveway into the Resort. Road Foreman Wayne Wendt is working with the CCRV to approve approaches on ADLC streets.
- c. Environmental Constraints: The petitioner has been working through the process to amend the superfund covenants and land restrictions on the property stemming from the conveyance from Atlantic Richfield to ALDC. The amended language is in the final stage of approval by the EPA, Atlantic Richfield and ALDC. The proposed property is located outside of the Warm Springs Creek Special Flood Hazard Area.

**Appropriate Design**

- a. Parking: Parking is offered for 93 RV sites. Parking will be provided in front of each casita for the guest as well as a minimum of one parking space located near each tent site.
- b. Traffic Circulation: Two exits onto Polk Street and Deer Lodge Drive. The RV sites are one directional to allow easy access for each site. Prior to ALDC selling the property, they executed an easement with ADLC for the walking trail that parallels Warm Springs Creek to ensure public access along the trail.
- c. Fencing and Screening: There will be a 6' privacy fence surrounding the entire property.
- d. Landscaping: The applicant will be installing a sprinkler system to water all grassy areas and applicant stated that they will be planting a combination of lilacs and willows and alders to keep the place green and fresh.
- e. Signing: Applicant stated that a sign will be constructed near the front entrance near Polk St., but the dimensions have not been determined yet.
- f. Lighting: There will be motion-detected lighting along the fenced perimeter and near the camping lodge for safety purposes.

### **Availability of and Impact on Public Services**

- a. Water: CCRV will be connecting into existing 8” water main running along Deer Lodge Drive and installing 6” water lines throughout the entire Resort (see Sheet 4.1).
- b. Sewer: CCRV will install 8” PVC-SDR 35 throughout the entire Resort (see Sheet 3.1).
- c. Storm Water Drainage: Stormwater will drain from west to east and be captured by a new ditch to be constructed on the east side of the property. The ditch will then transport water northward to connect into the Atlantic Richfield (AR) stormwater ditch (25-yr storm) that runs parallel to Warm Springs Creek. CCRV has received permission from AR to discharge stormwater into the 25-yr storm ditch. Water running along and Deer Lodge Drive and Polk Street will be discharged onto the open field near the caretaker’s residence.
- d. Schools: No comment.
- e. Parks and Recreation: No comment.
- f. Fire Protection: No comment. Resides in the Anaconda Fire District. CCRV will be installing three new fire hydrants each with a 400’ coverage area (see sheet 4.1).
- g. Police Protection: No comment
- h. Medical Services: No comment
- i. Ambulance: No comment

### **Neighborhood Impact**

- a. Traffic Generation: A traffic impact study was conducted in 2016 by W.E.T. when the County and ALDC were considering constructing a 126-acre RV Resort on all the property owned by ALDC. In summary, the analysis concluded that up to 1,900 vehicle trips per day could be generated at full build-out. Montana Department of Transportation concluded that existing approaches were sufficient, however, if full build-out occurred, then the intersection of Polk Street and Highway 1 may need to be reconfigured at that time. The current proposal consists of roughly 10.5-acres with an additional 2.5-acres for the caretaker’s residence.
- b. Noise: No residential neighbors reside near the proposed site.
- c. Dust, Glare or Heat: Apart from increased vehicle traffic in the HCDD, no excessive dust, heat, or glare should be created or caused.

- d. Smokes, Fumes, Gas or Odors: Similar to the previous response, smoke, gas and odors should not be an issue apart from increased vehicular traffic.
- e. Hours of Operation: Petitioner stated that normal business hours will be from 7am to 9pm with an option for emergency check-in with the on-site caretaker.

## 8. Comments from Nearby Property Owners and Interested Parties

As of September 10<sup>th</sup>, zero comments have been received by the Planning Department.

## 9. Findings

ALDC has been working to develop this land for decades and is just now on the cusp of selling the land for a suitable land use. Once the covenants on the land have been amended, the RV Resort will allow seasonal occupancy and provide a boost to the local tourism economy. Recreational Vehicles sales have been at unprecedented levels during the COVID-19 pandemic and the proposed Resort will capitalize on the trend by providing a clean and welcoming place for campers and visitors. With its proximity to the golf course, the Resort should also boost rounds played at the course as well as help other local businesses from retail to dining to medical.

The proposed site is well situated in a commercial area with substantial amounts of vacant land. There are no residential neighbors and apart from potential improvements to Polk Street at the Highway 1 intersection, the Resort should not burden existing services.

## 10. Summary, Recommendation, and Proposed Conditions

The community has been interested in developing a quality RV resort for decades and is finally nearing realization. The site is well situated to be a boost to the local economy without being a nuisance to any residential neighborhood. **Planning Department recommends that the Planning Board send a recommendation of approval to the Commission for Gary Chilcott to receive an MDP to construct and operate a 124-site RV Resort on the four lots of land he is purchasing from ALDC.**

Permit approval may include the following condition(s):

1. The petitioner abides by all representations, testimony, and materials submitted during the application and hearing processes, to the extent those items were not negated by the

- Planning Board, as well as they are not inconsistent with the spirit or letter of explicit conditions to the Development District Map Amendment.
2. Prior to conducting business, petitioner shall submit copies of all required permits from the State.
  3. Petitioner contact ADLC weed coordinator, Mike Marker, to determine if a vegetation management plan is required.
  4. Permit is valid for two years from the effective date for the applicant to construct and begin operating the RV Resort.
  5. Pay any remaining fees, including public hearing notice, notice to adjacent landowners, or any consulting fees.

Exhibits & Attachments:

All mapping exhibits and application attachments are available in the document center on the ADLC website ([linked](https://www.adlc.us/DocumentCenter/Index/126)). <https://www.adlc.us/DocumentCenter/Index/126>

Or one can view all documents at the Planning Department office at 800 Main Street in Anaconda, MT 59711.



**ANACONDA-DEER LODGE COUNTY  
ADMINISTRATIVE DEVELOPMENT APPLICATION (ADP)**

*(Please Fill Out Entire Application)*

**ABSOLUTELY DO NOT BEGIN PROJECT UNTIL ALL PAPERWORK IS FINALIZED AND  
PHYSICAL PERMIT HAS BEEN OBTAINED**

Date of Application: 08/26/2020 Admin. Development Permit #: \_\_\_\_\_

Permit Received By: Gayla Hess, ADLC Planning Dept. Date of Receipt: 08/26/2020

**PROPERTY OWNER CONTACT INFORMATION**

Property Owner: GARY W. CHILCOTT

Mailing Address: 745 CHILCOTT LANE City: DEER LODGE State: MT Zip: 59722

Phone/Mobile #: (406)-490-9768 E-Mail: chilcottgary9@gmail.com

Physical Address of Project Property: TBD, LOCATED AT POLK STREET & DEER LODGE DRIVE

**CONTRACTOR/DEVELOPER/PERSON DOING THE WORK CONTACT INFORMATION**

**CONTRACTOR MUST HAVE AN ACTIVE BUSINESS LICENSES IN ANACONDA-DEER LODGE COUNTY**

**DOES CONTRACTOR HAVE A BUSINESS LICENSE IN ADLC: Yes: \_\_\_ No: \_\_\_**

**Year License Last Renewed: \_\_\_ License #: \_\_\_**

Contractor: GARY W. CHILCOTT Self:

Mailing Address: 745 CHILCOTT LANE City: DEER LODGE State: MT Zip: 59722

Phone/Mobile #: (406)-490-9768 E-Mail: chilcottgary9@gmail.com

General Project Description: A LUXURY RV PARK FEATURING 93 FULL SERVICE RV SPACES,

14 CASITA CABINS, 17 TENT SITES, A CAMP LODGE, AND CARETAKERS' RESIDENCE

More Than One (1) Cu Yd. of Soil Disturbed: Yes  No \_\_\_

More than Five (5) Cu Yds of Soil Disturbed: Yes  No \_\_\_

Anticipated Start Date: OCTOBER 1ST, 2020 Anticipated Completion Date: MAY 15TH 2021

I do hereby acknowledge that all information on this application and on the attached plans is true and correct, and that the activity or development permitted will be conducted in full compliance with all ordinances of Anaconda-Deer Lodge County, as well as all state and federal laws. The activity or development will be in full compliance with any and all conditions imposed on the approval of this permit and that the permit and conditions imposed are binding on future owners of the subject property and on future building permits issued for this site.

DocuSigned by:

9/9/2020

Property Owner

Date



**ANACONDA-DEER LODGE COUNTY  
ADMINISTRATIVE DEVELOPMENT APPLICATION (ADP)**

*(Please Fill Out Entire Application)*

**ABSOLUTELY DO NOT BEGIN PROJECT UNTIL ALL PAPERWORK IS FINALIZED AND  
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**PROJECT DESCRIPTION CHECKLIST**

DESCRIPTION	YES	NO	ADDITIONAL COMMENTS/REMARKS
<b>Demolition</b>			
Buildings		X	
Infrastructure (Driveways, Sidewalks, Etc.)	X		DEMO OF POLK STREET AFTER DEER LODGE DRIVE
Trees/Shrubs	X		EXISTING APPLE TREE MAY NEED TO BE REMOVED
<b>Excavation</b>			
Footings	X		
Foundation	X		
Posts/Poles	X		
Install/Repair Water Line	X		
Install/Repair Well		X	
Install/Repair Sewer	X		
Install/Repair Septic System		X	
Install/Repair Electric Service	X		
Install/Repair Gas Line	X		
Install/Repair Telephone Line (Land Line)	X		
Other: _____			
<b>Grading</b>			
Access Road	X		
Driveway	X		
Sidewalks	X		
Parking Lot	X		
<b>Landscaping</b>			
Revegetation	X		
Sod	X		
Trees/Shrubs	X		
Garden for Food		X	
Irrigation System	X		
<b>Fencing</b>			
Removed/Installed/Both	X		INSTALLED ONLY
<b>Ground Signs</b>			
Removed/Installed/Both	X		INSTALLED ONLY
<b>Soils</b>			
Will Soil Be Removed From Site?	X		
If So, Where Will This Be Discarded?			SOIL REPOSITORY
How Much Soil Will Be Removed?			100CU.YD. +/-DEPENDING ON SPOILS FROM UTILITIES
Will Soil Be Brought To Site?	X		
If So, Where Will This Be Obtained?			COUNTY PIT, S&N PIT, GRADING CONTRACTOR TBD
How Much Soil Will Be Brought In?			PAVEMENT =2,205 CU. YD / ROAD BASE =6,620 CU. YD
<b>Additional Comments:</b>			NON STRUCTURAL FILL =135 CU. YD.

DS





**ANACONDA-DEER LODGE COUNTY  
ADMINISTRATIVE DEVELOPMENT APPLICATION (ADP)**

*(Please Fill Out Entire Application)*

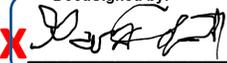
**ABSOLUTELY DO NOT BEGIN PROJECT UNTIL ALL PAPERWORK IS FINALIZED AND  
PHYSICAL PERMIT HAS BEEN OBTAINED**

**CONSENT FOR ACCESS TO PROPERTY FOR THE PURPOSE OF ENVIRONMENTAL SAMPLING**

In support of Anaconda-Deer Lodge County's (ADLC) Interim Institutional Controls Program, ADLC would like your consent to collect samples on your property. Please fill out the information below and return with your Administrative Permit Application.

I, GARY W. CHILCOTT (printed name), **property owner** of the property located at POLK STREET & DEER LODGE DRIVE, Anaconda, MT 59711, give my consent for employees

and/or representatives of ADLC to access my property for the purpose of collection of soil samples. **I understand that these actions are undertaken by EPA pursuant to its responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601 et seq (also known as Superfund).**

DocuSigned by:  
  
DE4DD04668B04A3...  
**Property Owner**

9/9/2020  
**Date**



**ANACONDA-DEER LODGE COUNTY  
ADMINISTRATIVE DEVELOPMENT APPLICATION (ADP)**

*(Please Fill Out Entire Application)*

**ABSOLUTELY DO NOT BEGIN PROJECT UNTIL ALL PAPERWORK IS FINALIZED AND  
PHYSICAL PERMIT HAS BEEN OBTAINED**

**ADMINISTRATIVE REVIEW (Staff Use Only)**

Legal Description of Property: \_\_\_\_\_

Geocode: \_\_\_\_\_

Assessor: \_\_\_\_\_

This permit will also require:

Building Permit:  X

Demo Permit:  X

Driveway Approach Permit:  X

Well Permit: \_\_\_\_\_

Septic Permit: \_\_\_\_\_

Fee Paid: \_\_\_\_\_

Receipt and/or Check #: \_\_\_\_\_

Payment Taken By: \_\_\_\_\_



**ANACONDA-DEER LODGE COUNTY  
ADMINISTRATIVE DEVELOPMENT APPLICATION (ADP)  
(Please Fill Out Entire Application)**

**ABSOLUTELY DO NOT BEGIN PROJECT UNTIL ALL PAPERWORK IS FINALIZED AND  
PHYSICAL PERMIT HAS BEEN OBTAINED**

**ANACONDA-DEER LODGE COUNTY SMELTER SUPERFUND SITE  
INSTITUTIONAL CONTROLS/COMMUNITY PROTECTIVE MEASURES PROGRAM**

**For Your Information**

**Incidental Mine Waste Notice**

Residents and property owners in Anaconda-Deer Lodge County need to be aware that the area includes many historic mining districts that may contain hazardous waste. These sites include the Anaconda Smelter Superfund and Georgetown Railroad Superfund sites as well as many other abandoned mined areas in the county. If during excavation and development activities you locate potential mine waste or suspicious materials, ADLC recommends you do the following:

- Cease all activities which might expose yourself, others, or your animals to potential waste until an investigation by a qualified professional is conducted and the site is determined to be safe.
- Contact the ADLC Superfund Department at (406) 563-7476 or the ADLC Planning Department at (406-563-4010). In the event, ADLC does not have jurisdiction of the site, you will be directed to the appropriate agency.
- Common smelting waste includes black slag and cinders, pale yellow and orange tailings, white/gray powdery ash material, and rocks with a scaly green deposit on the surface.

If you require further assistance, please contact the ADLC Planning Department at (406) 563-4010. ADLC's Superfund experts as well as other county staff will do their best to either assist you or direct you to the appropriate party for assistance.

**Superfund Soil Repository**

Some projects in Anaconda-Deer Lodge County may involve contaminated soil that may need to be placed in the Superfund Soil Repository. After reviewing your application, the county and Superfund will determine if special soils handling is required and you will be given written instructions by Superfund on how to handle the soils and they will guide you through the process.

Placement of soil in the repository must be part of an approved Administrative Development Permit and Institutional Controls Work Plan. The Superfund Coordinator (406) 563-7476, must be contacted at least 24 hours in advance of beginning excavation. The repository is generally open Monday through Friday, 7 a.m. to 4 p.m. and some seasonal hours may apply.

Only Superfund-related contaminated soil, mining millings, or smelting waste material may be placed in the repository.

A pre-entry briefing is required prior to placing soil and the Superfund Coordinator must be notified at the beginning and the end of each day's hauling activities.

Personal safety equipment is required for all drivers and passengers.

**ANACONDA-DEER LODGE COUNTY  
PLANNING DEPARTMENT**  
800 South Main  
Anaconda, Montana 59711  
Phone No. (406) 563-4010



## **PLANNING BOARD**

<b><u>Report Date:</u></b>	<b>September 10, 2020</b>
<b><u>Meeting Date:</u></b>	<b>September 14, 2020</b>
<b><u>Subject:</u></b>	<b>Easement Request</b>
<b><u>Petitioner(s):</u></b>	<b>David M. &amp; Wendy Elias</b>
<b><u>Staff:</u></b>	<b>Carl Hamming &amp; Gayla Hess</b>
<b><u>Development District:</u></b>	<b>Medium Density Residential</b>
<b><u>Address:</u></b>	<b>Not Assigned</b>
<b><u>Parcel Location:</u></b>	<b>TERESA ANN TERRACE, S02, T04N, R11W, BLOCK 2, PARECEL 1A OF COS 246-B</b>
<b><u>Assessor Code:</u></b>	<b>0000079311</b>
<b><u>Geocode:</u></b>	<b>30-1285-02-2-01-02-0000</b>
<b><u>Submitted Materials:</u></b>	<b>Easement Request, Property Ownership Report, Easement Photos 1 and 2, Neighbor's use photos 1 and 2</b>

1. Size and Location:

Parcel 1A (owned by David & Wendy Elias; Warranty Deed [Book 318, Page 640](#)) is a vacant lot located to the east of the Block 2 Teresa Ann Terrace Park.

2. Nature of Request:

The applicants are requesting a 30-foot-wide easement across the parkland to Pauline Loop for utilities and access for future development of Lot 1A.

3. Surrounding Land Uses:

Residential neighborhood with New Horizons assisted living facility to the northeast.

4. Utilities and Services:

Storm drain (purple) and sewer (green) lines are within the area. Water lines are shown in blue.



Figure 1: ADLC Emergency Services map aerial with streets and proposed easement area labeled

5. Evaluation of the Request:

**Site Suitability:**

- a. Adequate Useable Space: From the submitted site plan, applicant proposes to use 30 feet of eastern portion of the park space for access and utilities; park is 97 feet at the north end and 110 feet wide at the south end near Pauline Loop.

- b. Adequate Access: Petitioner has access from Christine Court via a documented 20-foot easement documented in deeds [Book 318, Page 640](#) and [Book 318, Page 642](#).
- c. Environmental Constraints: Apart from being located within the Superfund Overlay, no known environmental constraints exist.

### **Availability of and Impact on Public Services**

- a. Water: Access from Christine Court across existing easement would require 10-feet of separation from sewer or storm main lines; water line would possibly require utility easement from Pauline through the park based on existing line locations.
- b. Sewer: Access from Christine Court across existing easement.
- c. Storm Water Drainage: Line runs adjacent to property.
- d. Schools: No direct impact.
- e. Parks and Recreation: Parks Director Sladich was opposed to granting an easement through the public park.
- f. Fire Protection: Neighborhood is within the Anaconda Fire District. No comment received.
- g. Police Protection: No problems were identified with the proposed access by Chief Barkell.
- h. Medical Services: No comment received.
- i. Ambulance: No comment received.

### 6. Comments received from Nearby Property Owners:

#### **Proponents**

- None received.

#### **Opponents**

- [Krumm letter](#) (505 Caroline Ct)
- [Wyant letter](#) (925 Pauline Loop)
- [Linsted letter](#) (903 Pauline Loop)
- [White email](#) (NHA Investments)

### **Discussion**

The requested easement would greatly alter the park space within Block 2 of Teresa Ann Terrace. The parkland dedication was a result of the subdivision process to benefit the entire neighborhood

and community with open space. By granting the easement to benefit a single resident, it would set a dangerous precedent for all other county-owned parkland.

### **Summary, Recommendation, and Proposed Conditions**

The Planning Department recommends that the Planning Board does not send a recommendation of approval to the Commission for the physical and utility easement across the Teresa Ann Terrace Block 2 Park.

### **Attachments:**

1. Easement request (Elias)
2. Easement property history (Elias)
3. Easement Photo 1 and 2 (Elias)

### **Links to digital references ([folder](#))\*:**

1. Elias neighbor's use [Photos 1 and 2](#)
2. Certificates of Survey:
  - [057-A](#)
  - [144-B](#)
  - [234-B](#)
  - [241-A](#)
  - [246-B](#)
  - [475-A](#)
3. Deeds:
  - [book-116-page-9](#)
  - [MF-book-18-page-323](#)
  - [MF-book-54-page-286](#)
  - [MF-book-58-page-221](#)
  - [MF-book-58-page-223](#)
  - [MF-book-58-page-225](#)
  - [MF-book-72-page-263](#)
  - [MF-book-115-page-48](#)
  - [MF-book-220-page-989](#)
  - [MF-book-220-page-990](#)
  - [MF-book-318-page-640](#)
  - [MF-book-318-page-642](#)
  - [MF-book-335-page-205](#)
4. [Commission Minute excerpts](#)

\*Printed copies available upon request.



**David M. & Wendy Elias**  
**P O Box 494**  
**Anaconda MT 59711**  
**Ph: 406-563-2621**  
**e-mail: davidelias615@gmail.com**

July 22, 2020

To: The Honorable Commission Of Anaconda-Deer Lodge County  
and CEO Bill Everett

Re: Easement Request

Gentlemen:

Due to previous (1980s) re-configuration of the residential property located in Block 2 of Teresa Ann Terrace, Parcel 1 as shown on Certificate of Survey 57-A has become "land-locked". Wendy and I purchased Parcel 1 from Ray Langford, et.al. Per the attached report.

We have decided that our yard management responsibilities have grown to an unmanageable level and wish to either build a smaller home or sell the property.

To achieve either of the options of the paragraph above, the property needs physical and utility access. By this memo we desire to initiate evaluation and hopefully a grant of easement from our County for the stated purposes.

I am available either for on-site walk-through or other communication to answer your questions should you have any.

Respectfully Submitted,

David M. & Wendy Elias

**David M. & Wendy Elias**  
**P O Box 494**  
**Anaconda MT 59711**  
**Phone - cell: 406.560.7955, Hm: 406-563-2621**  
**e-mail: davidelias615@gmail.com**

July 20, 2018

Ref: Activity history for partial Block 2, Teresa Ann Terrace Subdivision, Anaconda Montana.

1. 1972-Sep-18 Bell Bottom Foundation causes referenced subdivision to be platted and filed as **Survey No. 144-B**. T D & H does platting and T.H. Thomas signs as licensed surveyor.
2. 1972-Oct-2 Book 116/Page 9 Anaconda Minerals (or Mining) Company deed the referenced subdivision property to Bell Bottom Foundation.
3. 1976-Oct-30 Sheriff's Deed MicroFilm 18/Page 323 Sheriff (grantor) to First National Bank (grantee). Same legal as Book 116/Page 9 with sold properties exception. [None in Block 2].
4. 1984-Aug-30 MicroFilm 54/Page 286 First National Bank has become Norwest Bank and deeds to the Assembly of God Church (AOG) for new church construction plan. Many lots in Block 2 but not all of the Block 2 lots.
5. 1985-Jul-24 Commission Book 29/Page 118 Anaconda-Deer Lodge County (ADLC) Board of Commissioners agrees with AOG to sell public lands to AOG.  
NOTE: At this time, the City of Anaconda and County of Deer Lodge have consolidated their respective local governments into a City-County local (chartered) government.  
The Board of Commissioners vacate the public park and other lands for the sale to AOG. **Survey 57-A** is prepared by AOG.
6. 1985-Aug-20 MicroFilm (MF) 58/Page 221 AOG deeds to ADLC Parcel 3 of **Survey 57-A**
7. 1985-Aug-20 MF 58/Page 223 ADLC deeds to AOG Parcel 1 of **Survey No. 57-A**
8. 1985-Aug-20 MF 58/Page 225 ADLC deeds to AOG Parcel 2 of **Survey No. 57-A**
9. 1988-Dec-30 MF 72/Page 265 AOG deeds to ADLC Parcel 2 of **Survey No. 57-A**

From this historic time and forward I will reference the deed info and include copies of said

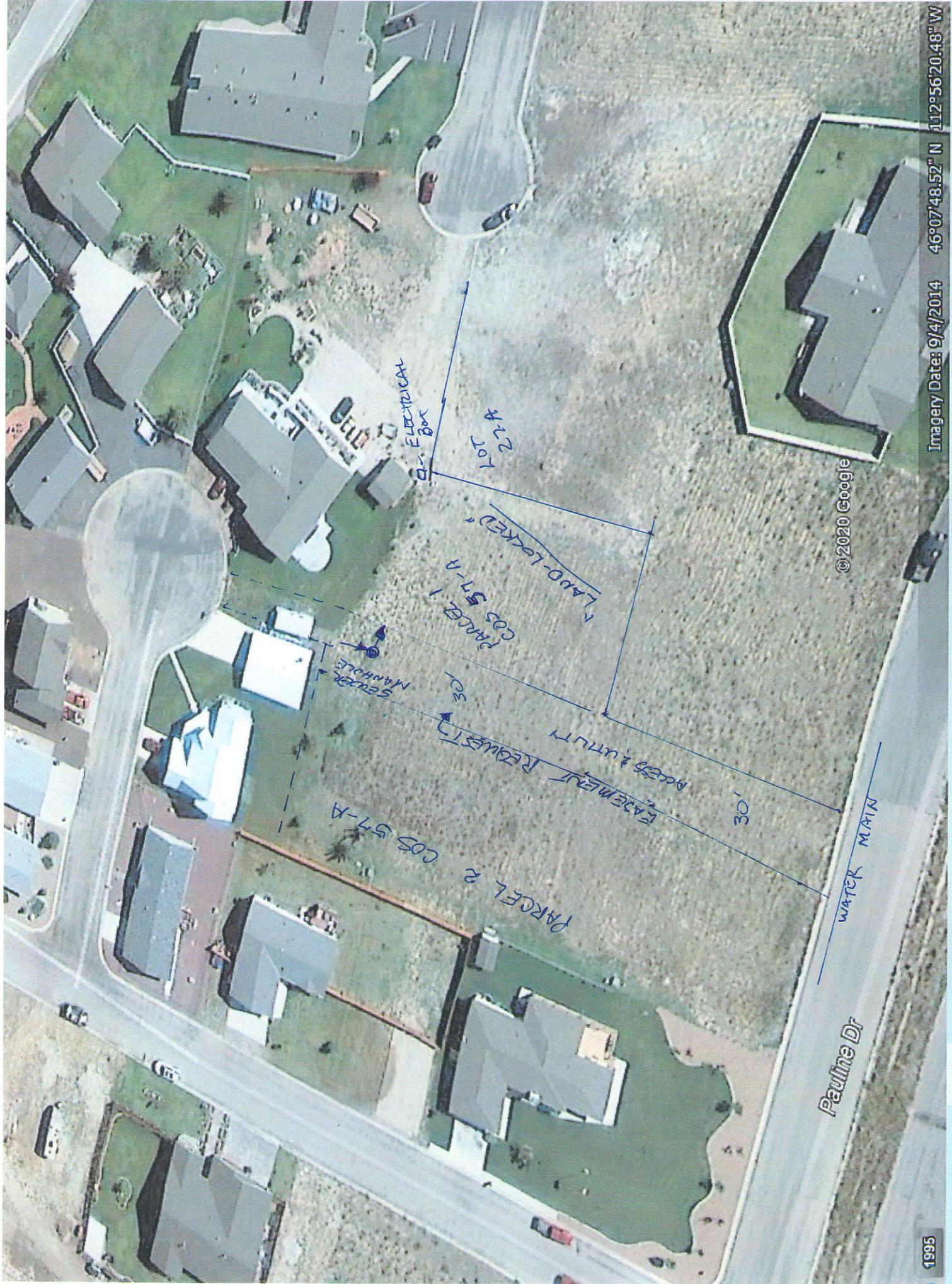
deeds. Additionally, all referenced Surveys will be included.

Some time in 1995-96 I (as County Engineer) convinced AOG to sell this residential property in exchange for about 7 acres of property elsewhere. This plan suited AOG and they received the 7ish acre tract from ADLC for about \$ 10,000 and sold their Teresa Ann Terrace (TAT) Block 2 properties for about \$ 350,000.

10. 1997-Oct-24 MF 115/Page 48 AOG deeds to Ray Langford and Gary Jorgenson all their Block 2 properties. Sale included Parcel 3 of **Survey 57-A** (which they did not own). Per the deed, the properties included herein are: Parcels 1 and 3 of **Survey 57-A** and Lots 8, 9, 10, 16 thru 19, and 25 thru 37, Block 2
11. 1998-Mar-25 **Survey No. 234-B** amended Lots 17, 18, and 19 of Block 2.
12. 1998-Aug-11 **Survey No. 241-A** amended Lots 30 thru 33, Block 2
13. 1998-Oct-26 **Survey No. 246-B** amended Lots 9, 25, 26, 27, 28, and 29 of Block 2.

*I believe this survey is improperly prepared and does not include Parcel 1 of **Survey 57-A** and cannot, therefore incorporate any portion of said Parcel 1A into Lot 27A.*

14. 2009-Nov-25 MF 220/Page 989 Langford/Jorgenson deed Lot 8 Block 2 to Wendy Elias. Note: referenced plat number is incorrect as **COS 246B**, it should be **144-B**.
15. 2009-Nov-25 MF 220/Page 990 Langford/Jorgenson grant utility easement to Wendy.
16. 2013-Aug-2 MF 318/Page 640 Langford/Jorgenson deed Parcel 1 Block 2 of Survey 57-A to David and Wendy Elias along with access and utility easement across the north 20-feet of Lot 27A of **Survey No. 246-B**
17. 2013-Aug-2 MF 318/Page 642 Langford/Jorgenson deed Lot 25A of Block 2 (Survey 246-B) to David & Wendy Elias along with an easement for access and utility over north 20-feet of Lot 27A of **Survey 246-B**.
18. 2015-12-15 MF 335/Page 205 Langford/Jorgenson "Quit Claim" Lot 27A of Block 2 per **Survey 246-B** to NHA Investments LLC.



© 2020 Google

Imagery Date: 9/4/2014 46°07'48.52" N 112°56'20.48" W

1995

ELECTRICAL  
Box

LOT  
27A

PARCEL 1  
COS 57-A

SEWER  
MANHOLE

SOI

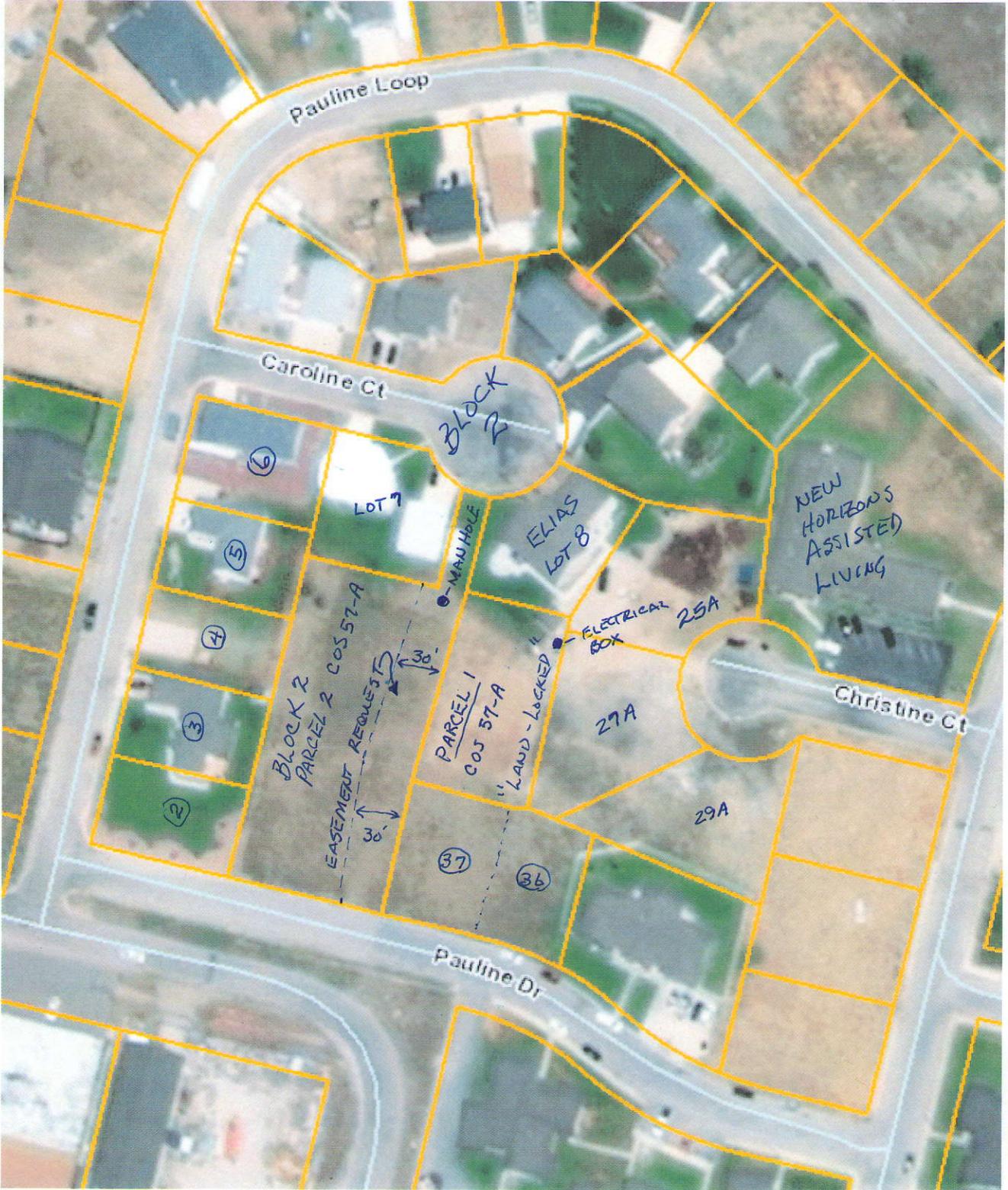
EASTMAN RIVERSIDE

PARCEL 2  
COS 57-A

OE

WATER MAIN

Pauline Dr



**ANACONDA-DEER LODGE COUNTY**  
**PLANNING DEPARTMENT**  
800 South Main  
Anaconda, Montana 59711  
Phone No. (406) 563-4010



## **BOARD MEMO**

September 10, 2020

To the Members of the Planning Board,

This memo is to serve as a cover sheet to the following signage ordinance in your Board packet. The ordinance language is from the former signage ordinance that was previously adopted by the County but discontinued at some point. Chairwoman Nyman has brought to this to the Board for your review and consideration any may speak to the history of the ordinance.

As members of the Planning Board, you have the opportunity to read through the proposed language and offer your own thoughts and comments. If the Board is interested in moving forward with a signage ordinance, we will will seek input from the community such as local business owners, before approaching the County Commissioners for their consideration.

Please let me, or Chairperson Nyman, know if you have any questions.

Thanks,

Carl Hamming  
Planning Director  
Anaconda – Deer Lodge County  
chamming@adlc.us  
Office: 406.563.4015  
Cell: 406.560.8437

**Ordinance No. \_\_\_\_\_**

**An Ordinance Establishing Sign Regulations for Anaconda-Deer Lodge County**

**Section 1. PRIOR ORDINANCES REPEALED OR AMENDED**

- A. All sign regulations previously adopted by the Anaconda-Deer Lodge Consolidated City-County government, City of Anaconda, and the County of Deer Lodge are hereby repealed, including Ordinance No. 137 that amended Ordinance No. 121 and established a new Appendix A (Performance Standards for Signs) and said Ordinance No. 121.
- B. Ordinance No. 137, a detailed Performance Standards for Signs of the Anaconda-Deer Lodge County Development Permit System – Appendix A is hereby deleted from the Anaconda-Deer Lodge County Development Permit System.
- C. Ordinance No. 121 is hereby amended so that all references therein to signs standards and definitions shall now reference this Ordinance.
- D. Ordinance No. 187 is hereby amended so that all references therein to sign standards and definitions shall now reference this Ordinance.
- E. Ordinance No. 206 is hereby amended so that all reference therein to sign standards and definitions shall now reference this Ordinance.

**Section 2. PURPOSE**

- A. The purpose of these sign regulations are:
  - i. To encourage the effective use of signs as a means of communication in the County;
  - ii. To maintain and enhance the aesthetic environment and the County's ability to attract sources of economic development and growth;
  - iii. To improve pedestrian and traffic safety;
  - iv. To minimize the possible adverse effect of signs on nearby public and private property;
  - v. To enable the fair and consistent enforcement of these sign regulations.
  - vi. To give all businesses an equal opportunity to have a sign that will help people find the services they need.
  - vii. To preserve the integrity of historic districts and individual listings on the National Register of Historic Places.

**Section 3. APPLICABILITY**

- A. A sign may be erected, placed, established, painted, created or maintained in the county only in conformance with the standards, procedure, exemptions and other requirements of this Ordinance.
- B. The effect of this Ordinance as more specifically set forth herein, is:
  - i. To provide for detailed performance standards for signs that shall be applicable to all signs within Anaconda-Deer Lodge County;
  - ii. To allow a variety of types of signs in commercial and industrial development districts, and a limited variety of signs in other development districts, subject to the standards and the permit procedures of this Ordinance and as applicable, the permit procedures of the Montana Department of Transportation;
  - iii. To provide for temporary banners over the public right-of-way;

- iv. To prohibit all signs not expressly permitted by this Ordinance;
- v. To provide for the enforcement of the provisions of this Ordinance

#### Section 4. INTERPRETATION and DEFINITIONS

- A. Words and phrases used in this Ordinance shall have the meanings set forth in this section.
  - i. Abandoned Sign - A sign which no longer identifies or advertises a business, lessor, service, owner, product, or activity, excluding signs of historical significance determined by the Historic Preservation Officer designated by the Anaconda-Deer Lodge County Commission
  - ii. Area of Sign – The area of a sign shall be computed by enclosing the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character together with any other material or color forming an integral part of the display or used to differentiate such sign from a building on which it is placed. The area of a sign having no such perimeter shall be computed by enclosing the entire area within parallelograms, triangles, or circles in size of such area. In the case of a two-sided sign, the area shall be computed as the sum of the area of the two faces. The supports or uprights on which any sign is supported should not be included in determining the sign area unless such supports or uprights are designed in such a manner as to form an integral background of the sign. In the case of any spherical, conical, or cylindrical sign, one-half of the total surface area shall be computed as the area of the sign.
  - iii. Awning – A temporary or permanent fabric shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework. An awning sign is an awning having a sign affixed by any manner to the awning.
  - iv. Banner – Any sign of lightweight fabric or similar material that is temporarily mounted to a pole or a building with no enclosing framework. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
  - v. Beacon – Any light with one or more beams directed into the atmosphere or directed at one or more points on the same property as the light source; also, any light with one or more beams that rotate or move.
  - vi. Billboard – A large panel sign which is designated to carry outdoor advertising used to advertise products, services, or business not necessarily located on the premises on which the sign is located.
  - vii. Canopy – A rigid structure attached to and part of a building that extends from a building; generally used to cover a walkway or entryway. A canopy sign is a sign affixed or attached in any way to a canopy.
  - viii. Changeable copy sign (automatic) - A sign on which the copy changes automatically on a lamp bank. or through mechanical means, e.g., electronic time and temperature units.
  - ix. Commercial Message - Any sign working, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
  - x. Directional Sign - An on-premise sign which is intended to convey information regarding the location of specific features of the site or to convey on-premise regulations including traffic circulation, points of access, the direction of travel, accessible parking spaces, direction to off-street parking and loading areas and provide direction to an off-highway use.

- xi. Directly Illuminated Sign - A sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source.
- xii. Flag - Any fabric containing colors, patterns, or symbols, used as a symbol or by a government, political subdivision, or other entity.
- xiii. Flashing or Blinking Signs - A sign which contains an intermittent or flashing light source.
- xiv. Ground Sign - A sign, which is erected on the ground, contains no free air space between the ground and the top of the sign.
- xv. Home Occupation Sign - A sign identifying home occupation.
- xvi. Incidental Sign - A sign, generally informational, that has a purpose secondary to the use of the property on which it is located. It shall indicate services, trading stamps, credit cards, hour of operation or other similar information which pertain to the premises where the sign is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives services. No sign with a commercial message, which is designed with the intent to be legible from a position off the property on which the sign is located, shall be considered incidental.
- xvii. Logo - A simple graphic symbol used to identify a use or product.
- xviii. Lot - Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record.
- xix. Maintenance - The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.
- xx. Marquee - Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- xxi. Moving sign - A sign which moves by mechanical or natural means.
- xxii. Mural - Any device, fixture, placard that uses any color, form graphic, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public which is applied to and made integral with a wall or ceiling surface.
- xxiii. Nameplate - A non-electric sign identifying only the occupants; profession, if any, telephone number and address.
- xxiv. Non-conforming Sign - A sign which does not comply with subsequently enacted sign restrictions and regulations.
- xxv. Off-Premise Sign - A sign advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished on the parcel upon which the sign is located.
- xxvi. Parapet - That part of the wall which extends above the roof. For the purposes of this title relating to signage, the top of the parapet shall be considered to be the roofline.
- xxvii. Pennant - Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- xxviii. Pole Sign - A freestanding sign which is supported by a column(s) or other structural member(s) that is permanently attached to the ground or a ground mounted structure and provides a minimum of eight (8) feet of visible, vertical clearance between the bottom of the sign and finished grade.

- xxix. Political sign - A temporary sign used in connection with a local, state or national election or referendum.
- xxx. Portable Sign - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A-or T-frames, balloons used as signs, umbrellas used for advertising, and signs attached to or painted in vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operation of the business.
- xxxii. Projecting Sign - A sign attached to the wall of a building and projecting more than six (6) inches beyond the surface of such building or wall that is perpendicular to the wall surface.
- xxxiii. Residential Sign - Any sign located in a district zoned for residential uses that contains no commercial message.
- xxxiv. Revolving Sign - Any sign which all, or a portion of, may rotate either on an intermittent or constant basis.
- xxxv. Roof Sign - A sign erected directly above any portion of the roof, of a building, supported by the roof structure, and extending vertically above any portion of the roof.
- xxxvi. Sidewalk/Sandwich Sign - A sign which rests on the ground or message delivery and is not permanently attached to the ground or any other structure.
- xxxvii. Sign - Any device, fixture, placard or structure that uses any color, form graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
- xxxviii. Special Event Sign/Banner - A temporary sign (approved through the Planning Department) which advertises special civic events and activities such as street fairs, community festivals, parades, farmers markets and charity benefits.
- xxxix. Suspended Sign - A sign that is suspended from the underside of a horizontal plane surface and is supported by such a surface.
- xl. Temporary - A time period unless specified elsewhere within this Ordinance equaling forty-five (45) calendar days.
- xli. Temporary Sign - A sign which is not permanently affixed to a permanent sign structure or building. "Temporary Signs" include but are not limited to:
  - a. Construction Signs. A sign which identifies a building under construction.
  - b. Political Signs. A sign which pertains to political candidate, position, or issue and directed toward the ultimate exercise of voting by the general public.
  - c. Real Estate Signs. A sign which indicates that the building or property on which they are placed is for sale, lease, or rent.
  - d. Yard Sale Signs. A sign which advertises the location of a sale of private/personal property.
  - e. Sandwich/sidewalk Sign.
- xlii. Traffic Control Sign - A sign used for the legal control of traffic.
- xliii. Visible Wall Area - That portion of a wall of a building visible from any public right-of-way. It shall be understood that portions of a wall may be visible from one public right-of-way and not another. The visible area shall be a summation of all visible wall portions with no wall portion being included more than once.

- xliii. Wall Sign - Any sign, painted on, attached to or erected against the wall of a building, structure, canopy or awning with the exposed face of the sign parallel to the plane of said wall or structure. The sign must be attached in a manner so that it does not extend six (6) inches beyond the wall.
- xliv. Window Sign - A sign. appearing within the frame, painted upon the glazing, or affixed directly to a window for the purpose of being visible from the exterior of the building.

#### SECTION 5. PERMIT-APPLICATION

- A. Application for a permit for the creation, construction, alteration or relocation of all permanent signs shall be made to Anaconda-Deer Lodge County upon a form provided by the County and shall include the following information.
  - i. Name and address of the owner of the sign;
  - ii. Street address of location of the property on which the sign is to be located, along with the name and address of the property owner;
  - iii. The type of sign or sign structure as defined and described in Section 4 herein;
  - iv. A scaled drawing and site plan showing the proposed location of the sign as well as the location and square footage areas of all existing signs on the same premises;
  - v. Specifications and scale drawings showing the materials, design, dimensions structural support and electrical components of the proposed sign.
  - vi. The appropriate fee as set by Section 15 herein or as modified by subsequent resolutions of the Anaconda-Deer Lodge County Commission.
  - vii. If a temporary/portable sign/banner; the time period for which the sign will be displayed.

#### SECTION 6. PROHIBITED SIGNS

- A. The following signs shall not be permitted in Anaconda-Deer Lodge County;
  - i. Flashing or Blinking Sign (A changeable copy sign is not considered a flashing or blinking sign)
  - ii. Roof Sign;
  - iii. Abandoned sign unless otherwise allowed by the Historic Preservation Officer;
  - iv. Any sign above thirty-five (35) feet in height;
  - v. No sign shall encroach into a public right-of-way unless an encroachment permit is obtained from the County or State of Montana Department of Transportation, depending on jurisdiction (if both apply then two permits are required);
  - vi. A sign which encroaches into the conical zone as defined by the Federal Aviation Administration in the vicinity of the Anaconda-Deer Lodge County airport;
  - vii. A sign that because of location, size, illumination, nature or type constitutes or tends to constitute a traffic hazard to safe and efficient operation of vehicles or creates a condition that endangers the safety of persons or property;
  - viii. A sign that creates undue glare on residents in a residential zone;
  - ix. A sign imitating or resembling official traffic or government signs or signals.
    - x. Beacons with the exception for the use at airports and for other emergency purposes.
    - xi. Revolving signs
    - xii. Stringed flags that have not been designated as being temporary
    - xiii. Portable signs (except as allowed under Section 9)

- xiv. Inflatable signs and tethered balloons including all blow up figures used for advertising purposes (except as allowed under Section 9)

#### SECTION 7. PLACEMENT OF SIGNS

- A. No sign shall be placed:
  - i. In or over a public right-of-way, except as provided for in Sections 6, 8, and 9;
  - ii. On a utility pole or structure, streetlight, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench or other location on public property except as otherwise provided for in these regulations;
  - iii. Where it creates a traffic safety hazard by obstructing vision at intersections, driveways or obscuring traffic control signs;
  - iv. On sidewalks and walkways that will interrupt or hinder the free use or in any manner endanger the safety of persons using such sidewalks and walkways.

#### SECTION 8. SIGNS IN PUBLIC RIGHT-OF-WAY

- A. Except as provided herein:
  - i. No permanent sign shall be placed in any public right-of-way, except traffic control signs and public notices placed by public agencies.
  - ii. No sign shall extend over a public right-of-way, except that awnings and projecting signs may extend up to four feet (4') over a public sidewalk. Suspended signs may hang over a public sidewalk that is covered by an arcade, awning, or canopy. Any sign extending over a public sidewalk shall have a clearance of ten feet (10').
    - a. Permits for temporary private non-commercial banners or decoration are prohibited with the exception of public agency placed decorations spanning over the public right-of-way.

#### SECTION 9. SIGNS PERMITTED

- A. Traffic control signs or public notices placed by the county or other public agencies.
- B. For Residential Uses:
  - i. Nameplate sign;
  - ii. Temporary signs such as construction, political, real estate and yard sale signs;
  - iii. Home occupation signs, (refer to Section 9, C-16);
    - a. One non-illuminated sign of no more than six (6) square feet.
- C. Signs for Church and Service Clubs
  - i. A church, service club, or youth organization which conducts regular meetings may erect and maintain signs which give the name of the organization and the time and place at which regular meetings are held subject to the following criteria:
    - a. Not more than a total of four (4) signs may be erected by anyone group, of which no more than three (3) can face in the same direction of travel
    - b. Signs may not be more than five (5) miles from where the meeting or functions are regularly held.
    - c. The size of each new sign shall not exceed one (1) foot by two (2) foot in dimension and all signage must be of a standard format with white lettering on a blue background.

- d. The activity advertised must be a regularly scheduled daily, weekly, monthly, or quarterly meeting, function or gathering which members of the traveling public using the highway will be likely to want to find and attend.
  - e. The normal prescribed permit application fee shall apply to church and service club signs. Public forests, public playgrounds and designated scenic areas shall be considered to be a conforming area "With respect to the erection of these signs".
  - f. This rule is not intended to cover advertising of annual events, such as county fairs, or activities which are continuously in existence such as a college or hospital. Further, it is not intended to cover advertising of sports events or other activities for which an admission fee is customarily charged.
- D. Signage located "Within a Historic District or on a property listed on the National Register of Historic Places";
- i. All signage proposed within a Historic District is subject to the approval of the Historic Preservation Officer.
  - ii. All proposals are subject to all applicable rules and regulations including but not limited to Design Review Guidelines available at the Planning Department and the Office of Historic Preservation.
  - iii. National Register of Historic Places signs are exempt from review.
- E. Commercial and industrial uses; (Refer to Section 10(b) for the total number of signs allowed)
- i. Directional and traffic signs required to provide for safe access to the site and safe circulation in parking or loading areas.
  - ii. A billboard sign shall be permitted only if the billboard sign has received a Special Use Permit (in accordance with the Anaconda-Deer Lodge County Development Permit System) approved by the Anaconda-Deer Lodge County Planning Board;
  - iii. A Canopy/Awning sign that is no more than sixteen (16) square feet in area and not encroaching on the street right-of-way;
  - iv. A Directional sign that is no more than six (6) square feet in area and cannot include advertising, promotional copy or logo.
  - v. Directly illuminated sign shall be permissible provided that the illumination is constant;
  - vi. Automated or manual changeable copy signs. These signs may not flash or blink;
  - vii. A Ground sign shall be no more than sixty-four (64) square feet per side and shall not exceed eight (8) feet in height above grade except that the ground signs requiring more area may be permitted (as a Special Use Permit in accordance with the Anaconda-Deer Lodge County Development Permit System) by the Anaconda-Deer Lodge County Planning Board;
  - viii. A Pole sign shall be no more than sixty-four (64) square feet in area and all components of the sign shall not exceed thirty-five (35) feet in height above grade.
  - ix. A Projecting sign shall be no more than sixteen (16) square feet in area per side.
  - x. Roof signs shall not be permitted pursuant to this ordinance.
  - xi. A Sandwich sign shall be no more than two (2) feet wide and four (4) feet in height. Such signs will not interrupt or hinder the free use or will in no manner endanger the safety of persons using such sidewalks or walkways. Sandwich signs shall be provided that:
    - a. No such sign may be lighted or use electricity;
    - b. No such sign shall be permanently attached to the ground or any other structure;
    - c. No such sign may hang in a manner which would allow any swing movement;

- d. Signs must be removed during hours which the business is not in operation;
  - e. Persons placing signs must obtain an encroachment permit from the County for signs that are placed within the public right-of-way.
  - f. Signs are located within ten (10) feet of the business except that written permission to locate at greater distances is granted by the affected property owner.
- F. A Wall Sign shall be limited to ten (10)% of the visible wall area (except that murals having up to one hundred (100)% coverage may be approved by the Board of Commission as a Special Use Permit in accordance with the Anaconda Deer-Lodge County Development Permit System;
- G. Window signs shall be limited to twenty-five (25)% of the window frame (except that murals and paintings advertising an event or installed as decorative element for a nationally registered holiday for a time period not to exceed ninety (90) days.
- H. Temporary Signs/Banners shall be allowed only as follows and must be approved through the Planning Office:
- a. Special Event Banners shall be installed up to twenty-one (21) days prior to the event and must be removed no later than five (5) days after said event.
  - b. Grand Opening banners may be displayed for a period not to exceed thirty (30) days. Only one (1) grand opening banner shall be permitted for the life of a business. A subsequent grand opening banner may be permitted when business ownership has transferred to another owner.
  - c. Any community wide sales event, whether sponsored by the local chamber, community service group or promoted by the city shall not count toward the allowable days in this section.
  - d. Temporary Advertising Banners shall be installed for a duration of a season or an event but no longer than thirty (30) consecutive days. Extensions may be granted by the Planning Department if deemed necessary.
  - e. The flag, pennant or insignia of any nation, organization or nations, state province, county, city, and religious, civic or fraternal organization or educational institution, providing the flag, pennant or insignia conform to the following limitations:
    - i. Flags, pennants and insignia shall be maintained in a clean and undamaged condition at all times.
- I. Temporary Signs shall be allowed only as follows:
- a. Garage sale signs must be removed within two (2) days after the end of the sale
  - b. Campaign and election signs not exceeding thirty-two (32) square feet, located on private property which are erected more than ninety (90) days prior to the election and removed not more than seven (7) days after the election.
  - c. See Section 9: C-12 for Sandwich sign specifications
  - d. Real estate "for sale", "for rent or lease" or "open house" signs which do not exceed six (6) square feet per face.
- F. Awnings may display the logo of the owner or operator and buildings with canopies or arcades may use one suspended sign of no more than four (4) square feet for each use or occupancy with access from the canopied area or arcade. The suspended sign must be nine (9) feet above ground surface unless otherwise approved by the Historic Preservation Officer.
- G. Illuminated signs shall be permitted provided that the illumination is constant. No flashing or blinking signs shall be permitted.

- H. Construction signs shall be permitted only during the construction period and located on the property on which the construction is taking place and shall not exceed thirty-two (32) square feet.

#### SECTION 10. SIGN SPECIFICATIONS

- A. Area of signs. The area of a sign shall be measured as the area of a straight-line geometric figure having right angles defined by and including the extreme limits of the copy or message on the sign. Contrasting frames or borders shall be measured as part of the copy.
- B. Number of Signs. No more than two (2) signs are allowed per property unless permitted through the Board of Adjustments.
- C. Identification of Signs. All off-site signs shall bear a weatherproof label identifying their owner, including the owner's name, mailing address, and telephone number. Identification labels may be attached to the sign or its supporting structure.
- D. Maintenance of Signs. All signs and their supporting structures shall be maintained so as not to create a health or safety hazard.
- E. Nonconforming Signs. No permit for any additional sign area shall be issued to any development that retains a non-conforming sign. A determination of legal nonconformity is made as follows: Existing signs which do not conform to the specific provisions of the ordinance may be eligible for the designation "legal nonconforming" provided that the signs was covered by a valid permit or variance or complied with all applicable laws on the date of adoption of this Ordinance.
- F. Loss of Legal Nonconforming Status. A legal nonconforming sign may lose this designation if:
  - i. The sign is relocated or replaced;
  - ii. The structure or size of the sign is altered in any way except towards compliance with this Ordinance. This does not refer to normal maintenance.
  - iii. The business that the sign is advertising has ceased for longer than six (6) months unless the sign has been deemed to have historical significance by the Historical Preservation Officer.
- G. Maintenance and repair of nonconforming signs. The legal nonconforming sign is subject to all requirements of this code regarding safety, maintenance and repair, however, if the sign suffers more than fifty (50)% appraised damage or deterioration, it must be brought into conformance with this code or removed within ten (10) days of a written notice to the property owner.
- H. Existing Signs. Any sign placed or installed prior to the effective date of this Ordinance shall not be subject to the rules and regulations of this Ordinance and may become a "legal non-conforming" sign in accordance with this Section.
- I. Illumination of Signs. Spotlights or other fixtures used for the indirect illumination of a sign shall be placed so as not to constitute a traffic hazard as defined by the Anaconda-Deer Lodge County Law Enforcement Department.
- J. Construction and Design Codes. All signs constructed or installed under this Ordinance must conform to the International Building Codes, this Ordinance and the State of Montana Department of Transportation Sign Regulations. The strictest provision in any of these Codes must be followed.

#### SECTION 11. REMOVAL OF SIGNS

- A. Political Signs. All political signs shall be removed within seven (7) days of any election.

- B. Removal of unsafe or un-maintained signs.
  - i. The designated County Officer {Code Enforcement Officer???) shall require the removal of any sign found to be unsafe and unmaintained. Before bringing such action to require the removal of an unsafe or unmaintained sign, the designated County Officer shall provide written notice to the owner of the sign or the owner of the premises upon which the sign is located. The notice shall specify that within thirty (30) days, the illegal sign shall be removed or brought into compliance with this section. The notice shall state the reasons for removal, specifying the deficiencies and violations; and such notice shall specify what repairs, if any, will make the sign and its support conform to the construction and maintenance requirements of this Ordinance. Notice shall be made personally to the owner or lessee by certified mail
  - ii. If the owner or lessee of the sign fails to remove the sign within the allowed time after receiving written notice, the designated County Officer shall take legal action to have the sign removed at the owner's expense.
- C. Removal of Abandoned Signs. Any person who owns or leases a sign shall remove the sign within thirty (30) days after it becomes an abandoned sign as defined by this Ordinance. The cost of removal shall be borne by the owner of the sign.
- D. Removal of Banners. All banners shall be removed within the specified time frame as indicated on the application. If the owner/persons who installed the banner fails to remove the sign within the specified time period, a designated County Official shall remove the banner at the owner/person's expense. The owner/person shall be assessed a removal fee.
- E. Removal of Non-conforming signs. Any non-conforming sign shall be removed at the owner or lessee expense. The owner or lessee of the non-conforming sign shall be given written notice by certified mail of such violation(s). The notice shall specify that within thirty (30) days the sign shall be removed or brought into compliance with this Ordinance. The notice shall state the reasons for such notice and specify corrective action necessary to comply. If the owner or lessee fails to comply within the allowed time after receiving the written notice, the designated County Officer shall take legal action to have the sign removed at the owner's expense.
- F. Immediate Removal of Dangerous Signs. If the designated County Officer finds that any sign or sign support is in violation of this Ordinance, and that by reason of its condition it presents an immediate danger to the public, he/she shall order the immediate repair or immediate removal. The designated County official shall take legal action to remove such sign if the person(s) responsible cannot be found or refuse to repair or remove the sign within ten (10) days.
- G. Failure to Comply with Notices. Failure to comply with any notice herein within the time specified (unless extended by reason of further proceedings) constitutes a violation which enables officers and employees of the County to enter upon the property for the specific purpose of abating the violation of this Ordinance and to access the property owner for the actual costs for the abatement. (Nonpayment of such assessment becomes a lien upon the property and is enforceable in the same manner as the nonpayment of property taxes.) (75-5-211, MCA)

## SECTION 12. PERMITS -PENALTIES AND VIOLATIONS

- A. Any person, firm, association, corporation or individual who shall erect, place, establish, paint or create a sign within Anaconda-Deer Lodge County without having first obtained a permit as

required herein or has refused after written notice to comply with this Ordinance shall be guilty of a misdemeanor.

#### SECTION 13. ADMINISTRATION and APPEALS

- A. The Anaconda-Deer Lodge County Chief Executive shall designate the County Official responsible for administration and enforcement of this Ordinance.
- B. The designated County Official shall define any ambiguous terms or statements contained herein. Definitions of words not specifically set herein shall be according to Webster's Collegiate Dictionary, Tenth Edition.
- C. Decisions by the designated County Official may be appealed to the Anaconda-Deer Lodge County Board of Adjustments. Decisions by the Anaconda-Deer Lodge County Planning Board may be appealed to the Anaconda-Deer Lodge County Board of Adjustments. The appeal process shall be the same as described within Ordinance No. 121 - the Anaconda-Deer Lodge County Development Permit System.

#### SECTION 14. VARIANCE PROCESS

- A. Any person, firm, corporation, etc. desiring to exceed the maximum specifications for signs may apply for a variance with the Board of Adjustments. The variance procedure shall be the same as the variance procedure contained within Chapter II, Section P of Ordinance No. 121-the Anaconda-Deer Lodge County Development Permit System.

#### SECTION 15. FEES

- A. The permit fees shall be' as follows:
  - i. For free standing signs the fees shall be in accordance with the construction fees contained within the International Building Code.
  - ii. For signs attached to or painted onto a building a fee of \$45.00
  - iii. For sandwich signs a fee of \$25.00
- B. Section 15, Part A may be amended by Resolution of the Anaconda-Deer Lodge County Board of Commissioners.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020

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Kevin Hart, Chairman  
Anaconda-Deer Lodge County Commission

Attest:

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Lori Sturm  
Clerk of the Commission

First Reading:

Public Hearing:

Final Adoption: