Anaconda-Deer Lodge County
Planning Department

PLANNING BOARD MINUTES

Monday, July 20th, 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 8th, 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 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 in 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 an 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 for 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 a 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 to the community

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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 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 things 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 Departments 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 had 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 with these. 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 up 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 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

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 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 in 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 job 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, and we will 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 is 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 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 8th, 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, the payroll that the project would bring into this community, which was $1.2 million

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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 6th, 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. We 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 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 anyone can show

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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.

3. Ed Delaney, 701 East 5th 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 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

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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. H 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).

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.

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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 disruptance 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

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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

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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 picked up or understand due to social distancing.

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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

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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 4th, 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.

Public Comment

None

Next Meeting Date

TBD

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

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Anaconda – Deer Lodge County Planning Board Agenda
Monday, July 20th, 2020 @ 6 p.m.
Anaconda-Deer Lodge County Courthouse Courtroom

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
June 8th, 2020

III PUBLIC HEARINGS

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: Gayla Hess, Planner 1

Applicant Statement: Show Me Anaconda, LLC

Public Comment

Discussion and/or action if necessary

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:

a. **S24, T04 N, R10 W, C.O.S. 27A, ACRES 1.005, TRACT B, IN NW4SW4**
b. **S24, T04 N, R10 W, C.O.S. 27A, ACRES 1.806, TRACT C, IN NW4SW4**
c. **S24, T04 N, R10 W, C.O.S. 27A, ACRES 60.41, TRACT A, IN N2SW4**

Staff Report: Gayla Hess, Planner 1

Applicant Statement: Matt Smith, Glen Wyant

Public Comment

Discussion and/or action if necessary

PUBLIC HEARING on a request by Jeff and Mary Rolquin to abandon the parkland dedication on 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 1

Applicant Statement: Jeff and Mary Rolquin

Public Comment

Discussion and/or action if necessary

IV Old Business, not otherwise addressed above

V New Business, not otherwise addressed above

VI Miscellaneous
- **Matters from the Staff**
- **Matters from the Board**
  - **Neighborhood Stabilization Plan, Rose Nyman**
  - **Sign Ordinance, Rose Nyman**

VII 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

VIII Next Meeting
TBD

IX Adjournment
Chairman, Rose Nyman

DRAFT MINUTES

June 8th, 2020

Anaconda-Deer Lodge County
Planning Department

PLANNING BOARD MINUTES

Monday, June 8th, 2020

ALDC Third Floor Conference Room

Meeting called by Rose Nyman, Chairperson

Type of meeting Public Hearing / Monthly Meeting

Minutes taken by Carlye Hansen

Members Present: Rose Nyman, Chairperson; John Lombardi, Vice-Chair; Frank Fitzpatrick; Mary Kae Eldridge; Bob Wren; Craig Sweet; Art Villasenor

Members Present: Annette Smith, excused

Staff: Gayla Hess, Planner I; Carlye Hansen, Planning Department Secretary

Guests Present: See sign-in sheet. Sone were signed in via Carlye Hansen, Planning Department Secretary as they phoned in via conference call

AGENDA TOPICS

Call to Order

Meeting was called to order at 6:01 pm by Rose Nyman, Chairperson, with Roll Call done by Carlye Hansen, Planning Department Secretary.

Introductions

Rose introduced the new Planning Director for ADLC, Carl Hamming, and she asked the Board to go around and introduce themselves, and then asked Mr. Hamming for a brief history of himself and the work he has done.

Approval of Minutes

March 23rd, 2020

Motion was made by Art Villasenor to approve the minutes from March 23rd, 2020; seconded by Frank Fitzpatrick. Motion passes 7-0.

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Anaconda-Deer Lodge County
Planning Department

Public Hearing

PUBLIC HEARING on a request by Town Pump of Anaconda, Inc. who is proposing an official development district map amendment to designate one single lot of residential property in the Medium Density Residential Development District (MDRD) as Highway Commercial Development District (HCDD). The subject property is located along the south side of West Park Street, east of Willow Street, at 807 West Park, and is legally described as Anaconda Original Townsite, S03, T04 N, R11 W, Block 46, Lot 3, E2 LT 3. It is being proposed for inclusion within the HCDD.

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

Applicant Report
Jeremy Salle, DOWL, 65 East Broadway, Butte, MT 59701
Mr. Salle congratulated Gayla on expanding on what the plans are for Town Pump. He stated:

- 30' wide residential lot and Town Pump plans to expand the existing convenience store by 20'.
- The wrap around driveway will be extended to the East for the carwash.
- There is currently a 4' high CMU wall that is being proposed between the residential lot and Town Pump with a 2' vinyl fence on top. This was hoping to make it look a little nicer rather than a 6' high block wall, and a CMU wall would give better noise deflection for the residential lot. Being 6' high would also be helpful in deflecting any type of headlights, etc.
- An approach permit has been sent to MDT and approved to move the driveway east along Park Street.
- There will be some additional storm drainage measures taken and there will be a new sewer service that will need to be installed to accommodate the addition.
- Landscaping will be extended and relocated.

Questions or Comment from the Staff:
Craig Sweet, Board Member, inquired about the house being demolished and whether or not this is in a historic district. He is a little confused as there is the Historic Downtown Anaconda District, and then there is the Butte/Anaconda Historic Preservation District. Gayla Hess responded by stating that we are in the Butte/Anaconda National Historic

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Landmark District. The property in question is included within the boundaries of the district and sometimes applicants just check "no" but this does not necessarily indicate that this is correct. There are three local neighborhoods in which Mr. Sweet is referring to, the Commercial Historic Neighborhood, West Side Historic Neighborhood, and the East Side Historic Neighborhood. Frank Fitzpatrick, Board Member, inquired why the Historic Board was not consulted before starting this process. Gayla discussed that the Historic Board is not always clued in at the beginning. They do have the opportunity to have discussions on demolition permits to maybe work with applicants on possible mitigation strategies should we lose a contributing resource to the community, but the board ordinance is not very strong so this is not a mandated part of the process, but it is something that we do try to incorporate into the demolition process and review. Rose asked it this has go through the State Historic Preservation Office. Gayla stated that they too have been clued into this application and it does not necessarily need to go before them, based on her understanding, since the applicant is one from a private organization, but she will be discussing this with the State Historic Preservation Office. Rose stated that all she has seen has been the inventory that was taken years ago and was just curious about this topic.

Craig wanted to know from Jeremy Salle how the discussion went regarding the wall with the vinyl top and was this something negotiated by the developer and the residential land owner? Dan Sampson, Town Pump, Inc., discussed the conversation actually went through CEO Everett, and that he went to them when the project was proposed with concerns, as the neighbors brought up some concerns about mitigation, etc. The original proposal was to relocate the existing block wall in its entirety, and there were concerns about what could be done to make this look nicer and look more like it belongs in a residential area rather than an industrial type setting. Through Mr. Everett's discussions with the neighbor, this was more preferable as a solid wall.

Bob Wren, Board Member, just verified that this was going to be a split face decorative on the CMU on the homeowner side. He also inquired whether they were planning on redoing the grading of the entire area and how they are handling the drainage. Dan Sampson, stated that there will be regrading of the driveway and the addition of some additional dry wells to address some of the storm water runoff. He doesn't know if there is anything left to highlight.

Jeremy Salle, confirmed what Dan Sampson stated e discussed the drainage being diverted away from Park Street and will be drained into a drywell. He also stated that there will be some regrading and rebuilding at the front of the store to make it ADA compliant. He then went on to explain the dry well process.

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Craig wanted to get back to the issue of the vinyl on top of the block fence. He knows one of the neighbors wasn't sure how this came about and he is wondering if there was any other discussion of vegetation instead of 4' high vinyl screen. Jeremy discussed that there really isn't the room to accommodate this. He thinks there could certainly be some vegetation on the residential side of the wall, but doesn't feel that there would be room on the commercial side.

Craig questioned Lonnie Zimmerman, residential home owner to the east, who was present via telephone, as to how he would feel about having some vegetation on his property, at the Town Pump's expense, to help with screening and buffering the wall. Dottie Zimmerman responded, as Lonnie was out of the room. Dottie didn't feel there would be an issue with this. Their biggest issue is the vinyl and how you would protect this with her three grandchildren living next door.

Bob asked if she would be acceptable to a 6' high block wall fence with a decorative on their side. He asked if this would suit the Zimmerman's needs better. She states that she would feel better in regards to this and Dan said that they were not opposed to going that route if that is their preference. She states that she would prefer that over a vinyl fence. Dan they are willing to do whatever their preference is in regards to the fence.

Frank Fitzpatrick, Board Member, confirmed that the Town Pump was going to remain strictly retail space, no machines or casinos. This was confirmed.

Art Villasenor, Board Member, stated that he got on-line and his main concern was with the vinyl fencing and the aesthetics, but with kids in the neighborhood, it would be a continual battle and fight and then there would be the battle of who would pay for any of this if it got damaged He feels that it should just be a 6' block wall and call it done. He hasn't heard any other concerns from any of the other residents, so he thinks that this would be agreeable and Dan stated that they are agreeable to this.

Craig stated that he took a walk and wandered around this area. He noted that the Zimmerman's have recently poured a concrete pad next to the alley and it appears the property line will be right up to the edge of the concrete pad and Dottie stated that she hoped that this would be the case. Craig asked if there would be any lighting along the wall or the driveway. Dan stated that there was not any planned lighting along that wall. The thought was from a security standpoint to put some down facing wall lights on the building and keep those with a cutoff so the light doesn't splash over to the adjacent

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property. Art asked about security cameras and this was confirmed that there will be security cameras.

Rose stated that it was noted in the packet that this project includes a casino and Dan was unsure where that came from and again, assured them that there will be no casino at this location.

Craig stated that he is very discouraged at the whole idea of fencing and vinyl was run through CEO Everett rather than the Planning Department. He doesn't feel that this should have happened at this stage of the project. Mr. Everett has his opportunity when this comes up for final approval if he wants to make changes, etc. He wanted to make a recommendation that a 4-ft masonry wall is put in with additional vegetation planted on the homeowner's side with trees spaced appropriately and selected appropriately by the ADLC Tree Board, in lieu of putting in the vinyl fence or the 6-ft wall. Bob wanted to again ask Dottie in regards to this.

Public Comment
Mike Grayson, Attorney-at-Law, 112 East Commercial, Anaconda, MT 59711
Mike Grayson is here for the second public hearing, but did state that he recalls when the carwash and building were built back in the 90s. He wanted to know if the carwash will be staying in the same place and whether or not the carwash is still on its own well. It was stated by Dan that it is still on its own well. Mike stated there were many issues with this back in the 90s as there was an ordinance stating no wells within the city. At this point, Mike was not able to be heard, as he was on the other side of the room and the microphone was unable to pick him up due to outside conversations.

Dan Sampson, Town Pump, Inc., 600 South Main Street, Butte, MT 59701
Dan wanted to address the comment made by Craig in regards to the adjacent landowner contacting the chief executive regarding the project and he stated that it was then turned over to the planning department and his understanding was that there was only a brief conversation between the Zimmerman's and CEO Everett.

Blake Hempstead, 803 West Park Street, Anaconda, MT 59711
Gayla then read a public comment received today by Blake Hempstead, whose family is living in the home adjacent to the Town Pump and is the subject of the better part of this evening's conversation. *(please see attached)*

Craig Sweet, Board Member, still wanted to make the additional condition that rather than a wall, that there be something that has foliage around it. He used several examples

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throughout town and he states that Anaconda is starting to look more commercial in nature and he feels that the proposal that he is making to make a 4-foot wall with a row of trees to provide buffers to the buildings, that this will soften and mitigates the problem that the town will be facing over and over again as the town grows. At this time, it was noted that Dottie does not want this, they are wanting the solid 6-ft wall and that is all, and this was confirmed by Frank. Art Villasenor, Board Member, commented that he was glad that the homeowners were present and that ultimately we need to base the decisions on what the residents prefer if this fits into the entire scope of issues. He feels that the CEO will play the middle man every now and again, which he feels is also his job as well. After hearing from Dottie, it is clear that she and her family wants the 6-ft wall and that Town Pump has agreed to forego the vinyl and just make this a 6-ft masonry wall.

There was a very extensive conversation in regards to this map amendment and the Town Pump project in general.

Motion was made by Art Villasenor, to recommend to the Commission, the approval of a development district map amendment to designate one single of residential property in the Medium Density Residential Development District (MDRD) as Highway Commercial Development District (HCDD). This also includes the expansion of the West End Town Pump Convenience Store with the following Proposed Conditions of Approval:

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. *Residential house at 807 W. Park Street must be demolished/relocated prior to map amendment taking effect.*
3. *Petitioner secures all necessary permits prior to map amendment taking effect. Permits include, but are not limited to: a demo permit, ADP, and building permit.*
4. *ADLC recommends that the petitioner aggregate lots for simplicity and tax purposes, but is not required by this approval.*
5. *Pay any remaining fees, including public hearing notice, notice to adjacent landowners, or any consulting fees.*
6. *There is to be a 6-ft concrete wall separating the residence East of the Town Pump and Town Pump, itself, for separation from the commercial buildings and to secure the residential property.*

This was seconded by Bob Wren. Motion passes 7-0.

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Public Hearing

PUBLIC HEARING on a request for proposed changes to Chapter 24 of the Anaconda-Deer Lodge County, MT Code of Ordinances; known as the Development Permit System (DPS Regulations). Proposed amendments relate to changes to the ADLC Superfund program arising from the 2020 Settlement Agreement between Atlantic Richfield and ADLC. Proposed DPS ordinance amendments are available for viewing in the ADLC Planning Department Office or at https://www.adlc.us/187/Planning

Applicant Report

There was a significant conversation in regards to this public hearing. There was much conversation by Mike Grayson, Attorney-At-Law, and Shane Ellingson, WET, in regards to the amendments being made to Chapter 24 of the DPS Regulations. There was a lot of history given in regards to the Superfund Agreement that was passed by the Commission recently. Mr. Grayson went over this history in detail. This goes back 30 years to 1992. Right now the DPS proposed amendments are very difficult to read. This is on the Planning Website and there is a link to Exhibit 3 on the Reimbursement Funding Agreement which is a 762-page document. He went through it and printed just the pages that were red-lined that were the proposed changes involving Chapter 24 of the DPS System. Eventually ARCO will be delisting Anaconda-Deer Lodge County as a Superfund site. He states that he encourages all the members to go through the changes and he had assumed that there would be no vote this evening as there is no super urgent rush that the Board needs to decide this at this time. If the Board decides to vote on this, then he will leave it to the Planning Board's own procedures and discretion. The other thing is that he would be willing to discuss any of the redline entries and again, he would urge them to wait until he finalizes some more of this and only deal with the issues at hand. There are not a lot of dramatic, big changes that he can see, but there are always folks on one side or the other. He states that the Planning Board can tweak this any way they want and they can go back to ARCO and state that they don't like certain areas of the document.

Comments and Questions from the Board

Bob Wren noted several grammatical and numerical errors within the document.

Frank Lombardi asked about the issue of soils control. Shane Ellingson discussed the soils handling in detail. Frank states that he sees this document as the one that has been scrubbed and he thinks that we have a definite interest in reviewing this from the Board's side of the table to be sure that it is everything we want and nothing introduced that we do not want. Mr. Grayson states that this is a compromised version as a result of their

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discussions with ARCO. Shane stated that we had to make compromises on commercial, but they fought long and hard to get the residential much more protective than it was.

Again, there was a very extensive conversation in regards to the proposed changes to Chapter 24 of the Anaconda-Deer Lodge County, MT Code of Ordnances

Public Comments

Mike Grayson, Attorney-at-Law, 112 East Commercial, Anaconda, MT 59711
Mr. Grayson states that he is a proponent of this DPS amendment and is very much in favor of this at this time. He states that it will need to go before the Commission along with a Public Hearing at that time also.

Janice Hagan-Delaney, 918 East Park Avenue, Anaconda, MT 59711
Janice is hoping that this would not be voted on tonight as it sounds like there are many different components. She tried to bring this up on her phone and she is coming up with something altogether different. She would hope that they would wait until there is a red line overview. She also feels that that wells that are currently in the city should be permanently grandfathered in.

The conversation then became quite confusing as Janice was not looking at Chapter 24, but was trying to look at the entire document (762 pages). Mike stated that everything else has already been approved by the Commission other than Chapter 24, which we are discussing tonight.

At this point, it became quite difficult to hear Janice, and it was determined that she would come up and get a copy of Chapter 24 from the Planning Department, as obviously, she has wrong information in front of her and cannot bring up anything else on her phone. It was discussed that a document this size cannot be brought up properly on a smart phone.

At this time, there was discussion with Shane Ellingson in regards to wells after some questions by John Lombardi.

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Motion was made by Art Villasenor, to recommend to the Commission, for a second public hearing, on a request to accept the proposed changes to Chapter 24 of the Anaconda-Deer Lodge County, MT Code of Ordinances; known as the Development Permit System (DPS Regulations). Proposed amendments relate to changes to the ADLC Superfund Program arising from the 2020 Settlement Agreement between Atlantic Richfield and ADLC; seconded by Bob Wren. Motion passes 7-0.

New Business

Recommendation of the Planning Board to the Board of Commissioners to appoint Colleen Riley as the 9th member of the ALDC Planning Board *(please see attached)*

Motion is made by Bob Wren to recommend to the Commission the appointment of Colleen Riley to the Planning Board; seconded by Frank Fitzpatrick. Motion passes 7-0.

Miscellaneous

Matters from the Staff:

Carl just wanted to thank Mike and Shane for presenting this evening and explaining what we are trying to do in regards to the DPS amendments and just wants to reiterate on what they touched on earlier. In regards to landscaping and parking or things that may have a little bit more controversy, he would like to get as much public input as possible. He states that we are going to have more ground swelling from the Board and the Planning Department as a whole on the DPS amendments and we are developing a lot of this on our own and will then seek input and take time to review these documents along the way and work through ultimate recommendations for Commission adoption. He wants to let everyone know that the door is always open to anyone if they want to tackle items, what we may need to improve on, or items that may be deficient. He states that he is new here and is still learning what works well here and what can be tweaked a bit, and what should be the priority of the Board here.

Matters from the Staff:

Craig also wanted to reiterate what he had stated before, that when folks have issues with things within a community, rather than running to the appropriate department head, they run immediately to their local politician, things are then discussed and some things get settled or resolved, but then it comes up in a public hearing and then the board is

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blindsided as well as the departments and staff involved. He thinks that there should not be any discussions unless they are out in the open and involve the departments that should have a say in this "at the table". He doesn't want the backchannel in which folks are going around a department for decision making.

Rose has discovered that the sign ordinance did not make the codification. She brought it up with the commission and Commissioner Hart agreed to take a stab at it and it was then handed off to the Code Enforcement Officer, Joe Ungaretti, who flat out told her that he wouldn't be able to get to it until January of this year. She is wondering if anyone knows of the status. Carl stated that he and Gayla have had some conversations in regards to revisiting the need for this ordinance and he states that this is something that should be addressed and with the blessing of the Planning Board, something that we should undertake sooner than later. Rose states that it needs to be addressed immediately. CEO Everett wants this to be a tourist town and she feels that signage is a huge part of tourism.

Rose Nyman stated that at the last Commission meeting, in reviewing claims, there was a $500 invoice for an appraisal of 220 Chestnut for Neighborhood Stabilization and it was billed to the Planning Department, so she was wondering if the department could give a brief update of that claim. Carl believes that this is done through the Code Enforcement Office. He has no more details on what that is about or if there is a mislabeling of the address. Craig stated that as he understood it, someone is looking at doing some housing. This refers to the Neighborhood Stabilization Program. Carl states that he will look into this. Gayla also stated the County and Local Development Corporation have recently received the Neighborhood Stabilization Funds from the Homeward Program and she is not aware of all the details, but it does sound as if a few new properties are of interest and that is why these appraisals are occurring. There is now an agreement with Local Development for these appraisal invoices.

Public Comment

None

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Next Meeting Date

TBD

Adjournment

Motion was made to adjourn the meeting by Art Villasenor; seconded by Craig Sweet. Motion passes 7-0.

Meeting was adjourned at 7:37 p.m.

Respectfully submitted,

Carlye Hansen

Carlye Hansen, Planning Department Secretary

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MAJOR DEVELOPMENT PERMIT (MDP) PER DPS REGULATIONS REVIEW

Sec. 24-27. - Major Development Permits (MDP).

In each ***Development District*** , for which both principal ***Permitted Uses*** and ***Special Uses*** are listed, ***Special Uses*** are authorized only through approval of an ***MDP,*** as set forth in Section 24-54 of these ***DPS Regulations*** . Other types of ***Development*** that require ***MDPs*** are listed in Section 24-21 of these ***DPS Regulations*** .

(1) The applicant shall request a pre-application conference with the ***Administrator*** . The primary purpose of this conference is to provide guidance to the applicant on the ***MDP*** review process, submittal requirements, and to identify any issues that the applicant may wish to address in the formal application. The ***Administrator*** shall make a record of this conference, and upon request shall provide this record to the applicant.

(2) The applicant shall submit an application for a ***MDP*** on a form supplied by the ***County*** , and shall remit the applicable fee. All material required on the application form must be submitted. Incomplete applications cannot be accepted by the ***Administrator*** .

(3) Once an application for a ***MDP*** is complete, the ***Administrator*** shall schedule the application for a public hearing before the ***Board*** at the next available regular or special meeting.

(4) Owners of land within 150 feet of the subject property (exclusive of rights-of-way) shall be notified of the application by first class mail sent no later than 15 days prior to the scheduled public hearing.

(5) A public notice shall be published in a newspaper of general circulation in the ***County*** at least 15 days prior to the scheduled public hearing. The public notice shall give the time, date, and location of the public hearing, and shall describe the nature of the ***Development Permit*** request.

(6) The ***Board*** shall conduct a hearing on the proposed ***MDP*** following the procedures outlined in the ***Board*** ' ***s*** adopted "Rules of Procedure".

(7) Following the public hearing, the ***Board*** may adopt a recommendation of approval, approval with conditions, or denial, and forward the request to the ***Commission*** for final action.

(8) In making a recommendation for approval of an ***MDP*** , the ***Board*** must make a finding that the following criteria and standards are each met in substance as they may apply to the ***Development Permit*** application:

(a) That the proposed ***Development*** or use is in compliance with the ***County*** 's ***Plan*** .

(b) That the proposed ***Development*** or use meets with the purpose and intent of the ***Development District*** in which it is located.

(c) That the site is suitable for the proposed ***Development*** or use in terms of size, location, access, and environmental constraints such as a floodplain or steep slopes.

(d) That the proposed ***Development*** , if located within the ***Superfund Overlay*** , has or will receive ***Response Actions*** in accordance with ***Superfund*** if required.

(e) That the proposed ***Development*** or use is consistent with the ***Scale*** , ***Character*** , and prevailing design of the surrounding neighborhood.

(f) That impacts to air and water quality, forest resources, wildlife, and other natural resources are minimized or mitigated.

(g) That potentially adverse impacts to the surrounding neighborhood such as noise, vibration, dust, smoke, glare, and odors are avoided or effectively mitigated.

(h) That pedestrian and vehicular circulation and access are adequate and safe for the proposed use, and that traffic impacts associated with the proposed ***Development*** will not be detrimental to the surrounding neighborhood or the community at large.

(i) That all necessary public services and facilities are adequate for the proposed ***Development*** , and that the ***Development*** will not place an inordinate demand on local services and facilities. Local services include, but are not necessarily limited to water, sewer, storm drainage, schools, parks and recreation, fire protection, law enforcement, EMS, and local medical services.

(j) That all screening, buffering, ***Landscaping*** , parking, loading, lighting, and other ordinance requirements are met.

(9) The ***Board*** may recommend reasonable conditions designed to avoid or mitigate any adverse impacts associated with the proposed use, and to ensure that the standards and criteria set forth above are substantially met.

(10) The ***Applicant*** shall be notified in writing of the ***Commission*** s' final action within ten (10) business days of the decision.

SHOW ME MONTANA, LLC MAJOR DEVELOPMENT PERMIT

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

PLANNING BOARD

Report Date:	**July 14, 2020**
Meeting Date:	**July 20, 2020**
Permit Number:	**MDP 20-04**
Petitioner(s):	**Show Me Anaconda, LLC**
Agent:	**Mike Johnson**
Staff:	**Carl Hamming & Gayla Hess**
Development District:	**Highway Commercial**
Address:	**Not Assigned**
Parcel Location:	**S01, T04 N, R11 W, C.O.S. 456A, ACRES 4, TRACT 1-A EAST YARDS FRONTAGE**
Assessor Code:	**0000525041**
Geocode:	**30-1285-02-4-01-07-0000**
Submitted Materials:	**Application, renderings, amended plat, building and site plans**

1. Size and Location:

   As part of the Settlement Agreement between Atlantic Richfield and ADLC, the County agreed to convey 20.0-acres to a developer committed to constructing a hotel and convention center in the East Yards Frontage Subdivision. Show Me Anaconda, LLC, intends to utilize 3.99-acres of the East Yards Frontage Subdivision Amended Plat to construct the hotel (see site plan and amended plat).

2. Nature of Request:

   Though hotels and motels are a permitted use in the Highway Commercial Development District (permitted uses only require an ADP) the DPS regulations include a requirement that all buildings to be constructed larger than 30,000 square feet must secure an MDP (Sec. 24-133(8)). Therefore, the Planning Board is tasked to review the proposal for an MDP to construct a hotel, restaurant, and convention center in the East Yards Frontage Subdivision.

3. Existing and Proposed Land Use and Zoning:

   The proposed hotel complex would be located in the HCDD. Sec. 24-132(3) of the DPS lists hotels, motels, rental cabins, bed and breakfast establishments, and tourist homes as permitted uses in the HCDD (as well as dining and drinking establishments).

4. Surrounding Land Uses:

   AWARE exists west of the proposed hotel on the west side of Polk Street. To the north, the Army National Guard Armory is situated on the north side of Highway 1. To the east and south, vacant property surrounds the proposed hotel site.

5. Growth Policy Designations:

   The East Yards properties are discussed throughout the Growth Policy with multiple references to East Anaconda Reuse Guidelines that was adopted as a Neighborhood Plan in 2008. Both the growth policy and the reuse plan discuss the potential for substantial commercial and/or industrial development on properties formerly owned by Atlantic Richfield. Properties along Highway 1 within the East Yards are highlighted as prime real estate for commercial development.

6. Utilities and Services:

   The County has committed to providing services for the East Yards via Union Avenue running west to east from Polk Street towards the slag pile (see site plans). The NorthWestern Energy gas line bisecting the property is scheduled to be relocated in late July and completed in early August. Water will be looped via Union

Avenue. The existing 24" sewer main running alongside Highway 1 will be tapped on the northern edge of the property. Pursuant to the 2015 DEQ approval of the East Yards Frontage Subdivision, stormwater will be required to be piped along Union Avenue and discharged in the stormwater ditch running along the western edge of the slag pile on the eastern edge of the East Yards property.

7. Evaluation of the Request:

Site Suitability:

a. Adequate Useable Space: From the submitted site plan, applicant has sufficient acreage.
b. Adequate Access: Petitioner currently has access via Polk Street from both Highway 1 to the north and Smelter Road from the south. County has committed to constructing Union Avenue to run eastward from Polk Street towards the slag pile before turning north for a new approach onto Highway 1 (future Fillmore Street). County plans to work with Montana Department of Transportation to establish a new approach onto Highway 1 that will run due south from Highway 1 in alignment with Landfill Road/Arbiter Plant Lane (Town Pump approach).
c. Environmental Constraints: Apart from Superfund status, no known environmental constraints exist.

Appropriate Design

a. Parking: The proposed 196 parking spaces and 8 ADA approved spaces is beyond what is required (134 spaces and 6 spaces).
b. Traffic Circulation: Three approaches onto Union Ave. shall be sufficient. Road Foreman Wayne Wendt has no concerns with the location of the three approaches in relation to the Polk Street intersection. Until an approach is established for Fillmore Street (across from Town Pump) there will be a temporary cul-de-sac at the future location of the intersection of Fillmore and Union Ave.
c. Fencing and Screening**:** There is no proposed fencing. For screening, see below.
d. Landscaping: A landscaping plan has been submitted in accordance with the County's Landscaping Regulations (C1.40).

e. Signing: Renderings indicate signage will be included on the hotel and restaurant. Additional signage will be reviewed during the Building Permit process. Any signage along Highway 1 will be permitted by MDT.
f. Lighting: Lighting plan (site plan sheets E1.10 through E1.13) has been submitted for the structure.

Availability of and Impact on Public Services

a. Water: To be provided via Union Avenue loop.
b. Sewer: To be tapped to the north via Highway 1 24" sewer.
c. Storm Water Drainage: As part of the Union Ave. construction, drainage pipe will be installed to drain eastward to the Atlantic Richfield ditch alongside the slag piles.
d. Schools: No direct impact.
e. Parks and Recreation: No comment received.
f. Fire Protection: Hydrants will be installed along Union Ave. Sprinkler system included as part of site plans. Hotel to be served by Anaconda Fire Department.
g. Police Protection: Anaconda PD.
h. Ambulance: Anaconda EMS.

Neighborhood Impact

a. Traffic Generation: A substantial amount of traffic will be created on Highway 1 and Polk Street. As an approach permit onto Fillmore Street is reviewed and considered by MDT, reconsideration of speed limits and reconfiguration of turning lanes on Hwy 1 might be required. Turn lanes from Polk Street onto Highway 1 are under design.
b. Noise: The proposed hotel will be a 24/7 operation creating noise impacts. However, subject property is in a commercial/industrial area with no residential neighbors within roughly 0.4 miles. (An existing motel is located roughly 0.3 miles to the west).
c. Dust, Glare or Heat: After construction is completed, should not cause significant dust, glare, or heat impacts on the neighborhood.
d. Smokes, Fumes, Gas or Odors: Proposed hotel should not cause adverse smoke, gas, or odors that are not already present at other motels and restaurants operating throughout Anaconda.

e. Hours of Operation: Unknown what the proposed hours of operation will be for the restaurant. Hotel is anticipated to be a 24/7 facility.

Comments from Nearby Property Owners

As of July 14th, no formal comments have been received from any neighbors or residents, though, several inquiries have been made to the Department. MDT stated that they wanted to be updated as the development plans progress and will conduct an internal analysis to study the systems impact of the proposed hotel.

Discussion

The Planning Board and Planning Department are tasked with reviewing the proposed hotel, convention center, and restaurant as an MDP application. Our scope is to review the proposed development on the 3.99-acres in the East Yards Frontage Subdivision. Previous agreements stemming from the 2020 Settlement Agreement between Atlantic Richfield and the County are outside the MDP review criteria.

As several improvements will be constructed by the County, but haven't been completed, it adds to the challenge of application review. Plans are in place to relocate the NorthWestern Energy gas line. Copper Environmental has submitted preliminary site plans for the construction of Union Ave. and are equipped to oversee the work. Atlantic Richfield is still developing their plans for regrading the slag pile that will relocate the stormwater ditch roughly 700 feet to the west. Atlantic Richfield is aware of the proposed development and they are committed to developing a plan for a temporary stormwater drain that will be approved by EPA and serve the entire East Yards properties until the ditch is relocated. In summary, there are numerous things that need to be completed or prepped before the hotel can develop the property, however, plans are in place to address these items.

The proposed hotel/convention center will join the AWARE building as two modern buildings occupying the western portion of the East Yards. With careful planning and execution, the East Yards could evolve into a major extension of Anaconda's commercial district and a business hub. Historically, other businesses have attempted to develop portions of the East Yards but have been stymied by Superfund concerns. To date, Show Me Anaconda, LLC, has demonstrated an understanding of the Superfund issues and shown a deep commitment to work with Atlantic Richfield, the EPA, and the County to move the project forward. After overcoming Superfund

restrictions, the vacant lots are well situated on Highway 1 for future commercial development. The proposed major development presents a unique opportunity to spur further development along the Highway Commercial Development District, championing a longtime goal of the ADLC Growth Policy and East Anaconda Reuse Guidelines.

Summary, Recommendation, and Proposed Conditions

The proposed hotel development is a permitted use within the Highway Commercial Development District. Affirming that the proposed development is constructed in a safe and proper fashion, **Planning Department recommends that the Planning Board send a recommendation of approval to the Commission for Show Me Anaconda, LLC, to receive an MDP for their hotel, convention center, and restaurant.** Through this review process, the Planning Board and Department has the opportunity to propose conditions of approval that enhance safe and secure access to the hotel, mitigate concerns from nearby property owners or residents, and promote a vibrant economy in the East Yards and by extension, the community of Anaconda.

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. Petitioner secure a building permit prior to the MDP taking effect.
3. Petitioner shall secure all other necessary permits and licenses prior to operating.
4. As stated in the DPS regulations, MDP is valid for two years.
5. Petitioner shall continue to work with ADLC to secure an Approach Permit onto Highway 1 at the proposed Fillmore Street location for future lot development.
6. Pay any remaining fees, including public hearing notice, notice to adjacent landowners, or any consulting fees.

Property Record Card

Summary

Primary Information

Property Category:RP

Subcategory: Government Property

Geocode:30-1285-02-4-01-07-0000

Assessment Code:0000525041

Primary Owner:

ANACONDA-DEER LODGE COUNTY

800 MAIN ST

ANACONDA, MT 59711-2950

PropertyAddress:

COS Parcel:

NOTE: See the Owner tab for all owner information

Certificate of Survey:456A

Subdivision:

Legal Description:

S01, T04 N, R11 W, C.O.S. 456A, ACRES 4, TRACT 1-A EAST YARDS FRONTAGE

Last Modified:7/9/2020 12:06:05 AM

General Property Information

Neighborhood:230.008

Property Type:EP - Exempt Property

Living Units:0

Levy District:30-0236-10C

Zoning:

Ownership %:100

Linked Property:

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:

General:0

Limited:0

Property Factors

Topography:8

Fronting:0 - None

Utilities:0

Parking Type:

Access:0

Parking Quantity:

Location:0 - Rural Land

Parking Proximity:

Land Summary

Land Type	Acres	Value
Grazing	0.000	00.00

Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0.000	00.00
Total Market Land	4.000	32,791.00

Deed Information:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type

Owners

Party #1

Default Information: ANACONDA-DEER LODGE COUNTY
800 MAIN ST

Ownership %: 100

Primary Owner: "Yes"

Interest Type: Conversion

Last Modified: 12/18/2007 10:42:02 PM

Other Names		Other Addresses
Name	**Type**	

Appraisals

Appraisal History

Tax Year	Land Value	Building Value	Total Value	Method
2020	32791	0	32791	COST
2019	32791	0	32791	COST

Market Land

Market Land Item #1

Method: Acre **Type:** Primary Site

Width: **Depth:**

Square Feet:00 **Acres:**4

Valuation

Class Code:2153 **Value:**32791

Dwellings

Existing Dwellings

No dwellings exist for this parcel

Other Buildings/Improvements

Outbuilding/Yard Improvements

No other buildings or yard improvements exist for this parcel

Commercial

Existing Commercial Buildings

No commercial buildings exist for this parcel

Ag/Forest Land

Ag/Forest Land

No ag/forest land exists for this parcel

ANACONDA-DEER LODGE COUNTY
MAJOR DEVELOPMENT PERMIT APPLICATION (MDP)/
URBAN AREA PLANNED UNIT DEVELOPMENT (UAPUD)
(Please Fill Out Entire Application)
ABOLUTELY DO NOT BEGIN PROJECT UNTIL ALL PAPERWORK IS FINALIZED AND PHYSICAL PERMIT HAS BEEN OBTAINED

Date of Application: 6-29-20 Major Development Permit #: _____

Permit Received By: _____ Date of Receipt: _____

Urban Area Planned Unit Development Permit #: _____

PROPERTY OWNER CONTACT INFORMATION

Property Owner: Show Me Anaconda, LLC

Mailing Address: PO Box 3897 City: Butte State: MT Zip: 59702

Phone/Mobile #: 406-490-9556 E-Mail: mike@showmemt.com

Physical Address of Project Property: _____

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: ____ IN PROCESS
Year License Last Renewed: _____ License #: _____

Contractor: AMI Self: _____

Mailing Address: 53 4th Ave EN City: Kalispell State: MT Zip: 59901

Phone/Mobile #: 406-270-9303 E-Mail: kevin@ami-mt.com

General Project Description: 74 unit hotel with Convention center and attached restaurant

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: 8-1-2020 **Anticipated Completion Date:** 7-1-2020

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.

X _____ 6/29/2020
Property Owner/Representative **Date**

ANACONDA-DEER LODGE COUNTY
MAJOR DEVELOPMENT PERMIT APPLICATION (MDP)/
URBAN AREA PLANNED UNIT DEVELOPMENT (UAPUD)
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PROJECT DESCRIPTION CHECKLIST

DESCRIPTION	YES	NO	ADDITIONAL COMMENTS/REMARKS
Demolition			Typical - Refer to Attached Schematic Drawings
Buildings		✓	
Infrastructure (Driveways, Sidewalks, Etc.)		✓	
Trees/Shrubs		✓	
Excavation			
Footings	✓		
Foundation	✓		
Posts/Poles	✓		
Install/Repair Water Line	✓		
Install/Repair Well		✓	
Install/Repair Sewer	✓		
Install/Repair Septic System		✓	
Install/Repair Electric Service	✓		
Install/Repair Gas Line	✓		
Install/Repair Telephone Line (Land Line)	✓		
Other: Stormwater	✓		
Grading			
Access Road	✓		
Driveway	✓		
Sidewalks	✓		
Parking Lot	✓		
Landscaping			
Revegetation	✓		
Sod		✓	Planned to seed
Trees/Shrubs	✓		
Garden for Food		✓	
Irrigation System	✓		
Fencing			
Removed/Installed/Both		✓	
Ground Signs	✓		
Removed/Installed/Both			
Soils			
Will Soil Be Removed From Site?	✓		
If So, Where Will This Be Discarded?			TBD - Suitable site
How Much Soil Will Be Removed?			Pending Geotechnical - likely several hundred yards
Will Soil Be Brought To Site?	✓		
If So, Where Will This Be Obtained?			TBD - Suitable Site
How Much Soil Will Be Brought In?			Pending Geotechnical - likely several hundred yards
Additional Comments:			

ANACONDA-DEER LODGE COUNTY
MAJOR DEVELOPMENT PERMIT APPLICATION (MDP)/
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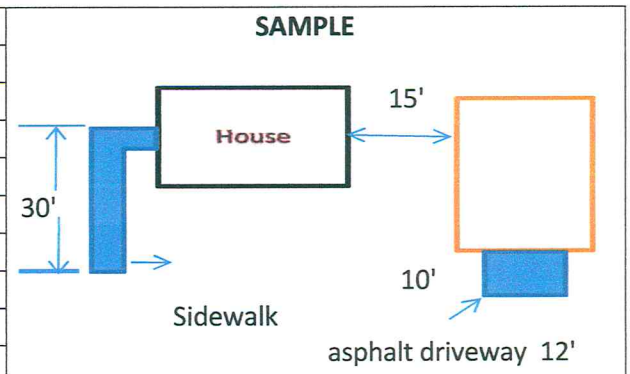
PLEASE REFER TO ATTACHED DRAWINGS

SITE PLAN DRAWING

DIMENSIONS MUST BE PROVIDED
IF BUILDING PERMIT IS NEEDED, ENGINEERED DRAWINGS WOULD BE ACCEPTED



N

1 square = _____

ANACONDA-DEER LODGE COUNTY
MAJOR DEVELOPMENT PERMIT APPLICATION (MDP)/
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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. Pease fill out the information below and return with your Administrative Permit Application.

I, MIKE JOHNSON (printed name), property owner of the property located at EAST YARDS DEVELOPMENT, 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).**

X _____ 6/29/20
Property Owner/Representative Date

ANACONDA-DEER LODGE COUNTY
MAJOR DEVELOPMENT PERMIT APPLICATION (MDP)/
URBAN AREA PLANNED UNIT DEVELOPMENT (UAPUD)
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ADMINISTRATIVE REVIEW (Staff Use Only)

Legal Description of Property: _____

_____

Geocode: _____

Assessor: _____

Development District(s): _____

Is the subject property impacted by a flood plain? Yes ____ No ____

This permit will also require:

Building Permit: _____

Demo Permit: _____

Driveway Approach Permit: _____

Well Permit: _____

Septic Permit: _____

ANACONDA-DEER LODGE COUNTY
MAJOR DEVELOPMENT PERMIT APPLICATION (MDP)/
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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, ALDC 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.

AMENDED PLAT EAST YARDS FRONTAGE SUBDIVISION

SECTIONS 1, 2, & 12, T.4N., R.11W., P.M., M.,
ANACONDA–DEER LODGE COUNTY, MONTANA
ANACONDA, MONTANA

PURPOSE OF SURVEY: RETRACEMENT SURVEY, TOPOGRAPHY AND ASBUILT UTILITY SURVEY OF EAST YARDS AREA TO AID AND ASSIST WITH AN AMENDED PLAT OF THE EAST YARDS FRONTAGE MINOR SUBDIVISION.

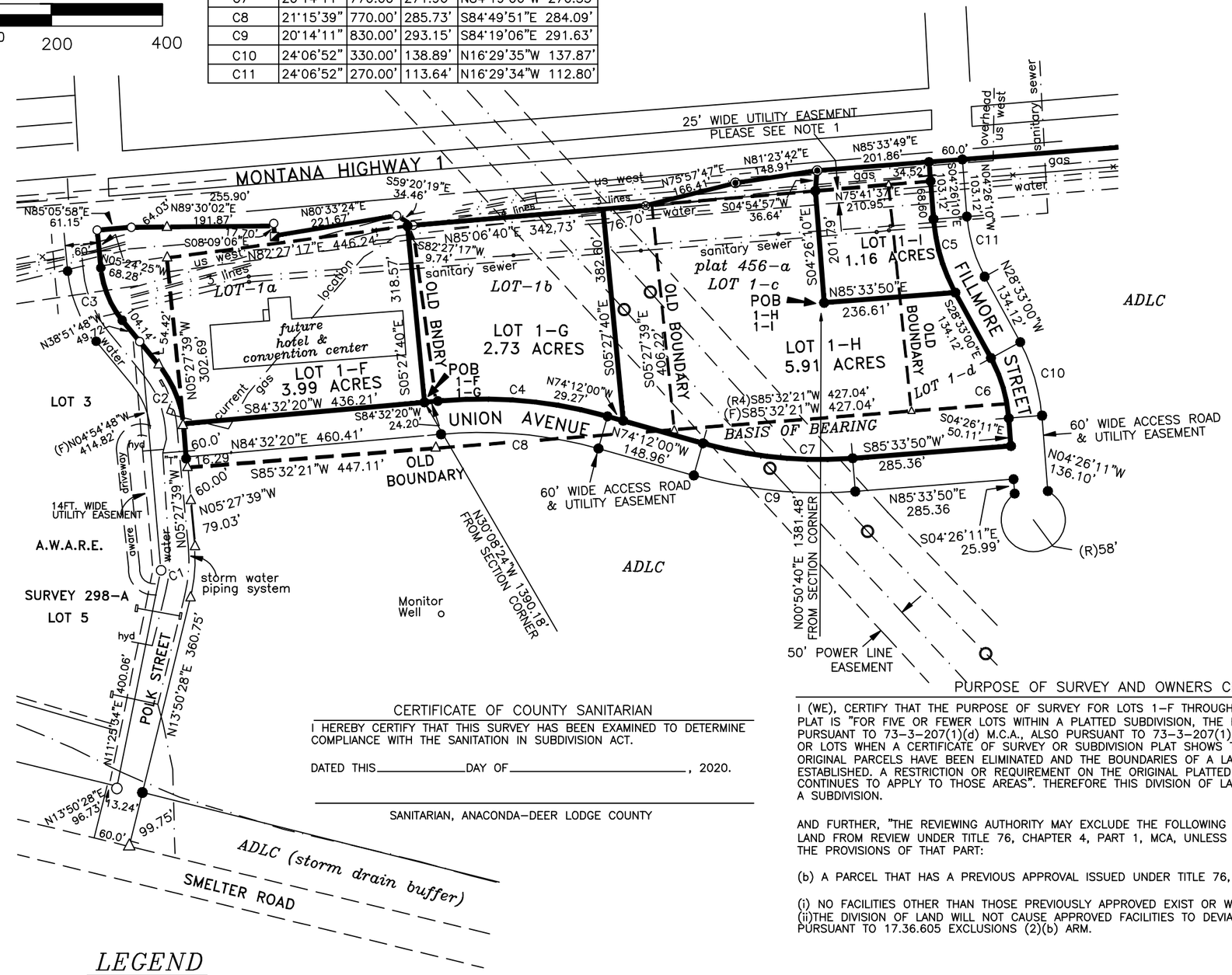
NORTH
SCALE
0 100 200 400

SIDELINE CURVE TABLE

CURVE #	Δ	RADIUS	LENGTH	chord
C4	21°15'39"	830.00'	307.99'	N84°49'51"W 306.23'
C5	24°06'52"	330.00'	138.89'	S16°29'34"E 137.89'
C6	24°06'52"	270.00'	113.64'	S16°29'36"E 112.80'
C7	20°14'11"	770.00'	271.96'	N84°19'06"W 270.55'
C8	21°15'39"	770.00'	285.73'	S84°49'51"E 284.09'
C9	20°14'11"	830.00'	293.15'	S84°19'06"E 291.63'
C10	24°06'52"	330.00'	138.89'	N16°29'35"W 137.87'
C11	24°06'52"	270.00'	113.64'	N16°29'34"W 112.80'

SIDELINE CURVE TABLE

CURVE #	Δ	RADIUS	LENGTH	chord	
C1	19°18'07"	287.07'	96.71'	N04°11'25"E 96.52'	
C2	33°24'09"	202.85'	118.26'	N22°09'43"W 116.59'	non–tangent
C3	33°27'23"	176.55'	103.09'	N22°08'06"W 101.63'	



LEGAL DESCRIPTION LOT 1–F, AMENDED PLAT EAST YARDS FRONTAGE MINOR SUBDIVISION

A TRACT OF LAND BEING A PORTION OF LOT 1–A OF SUBDIVISION PLAT 456–A, AND A PORTION OF THE SW1/4 OF SECTION 1, AND THE SE1/4 OF SECTION 2, TOWNSHIP 4 NORTH, RANGE 11 WEST, P.M. M., ANACONDA–DEER LODGE COUNTY, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 1, 2, 11 AND 12; THENCE N.30°08'24"W., 1390.18 FT.; TO THE TRUE POINT OF BEGINNING OF LOT 1–F, AMENDED PLAT, EAST YARDS FRONTAGE MINOR SUBDIVISION; SAID POINT BEING A POINT ON THE NORTH SIDELINE OF UNION AVENUE, WHICH IS COMMON TO THE SOUTH BOUNDARY OF THE TRACT HEREIN DESCRIBED; THENCE S.84°32'20"W., ALONG SAID SIDELINE AND BOUNDARY, 436.21 FT., TO A POINT ON THE EAST SIDELINE OF POLK STREET, WHICH IS COMMON TO THE WEST BOUNDARY OF THE TRACT HEREIN DESCRIBED; SAID POINT BEING A POINT OF CURVE, SAID CURVE HAVING A RADIUS OF 202.85 FT., DELTA ANGLE OF 33°24'09"., THE CHORD OF SAID CURVE BEARS N.22°09'43"W., 116.59 FT.; THENCE ALONG SAID BOUNDARY AND CURVE TO THE LEFT, 118.26 FT.; THENCE N.38°51'48"W., ALONG SAID BOUNDARY AND SIDELINE, 104.14 FT., TO A POINT OF CURVE, SAID CURVE HAVING A RADIUS OF 176.55 FT., DELTA ANGLE OF 33°27'23", THE CHORD OF SAID CURVE BEARS N.22°08'06"W., 101.63 FT.; THENCE N.05°24'25"W., ALONG SAID BOUNDARY AND SIDELINE, 68.28 FT., TO A POINT ON SOUTH RIGHT OF WAY OF MONTANA HIGHWAY 1, WHICH IS COMMON WITH NORTH BOUNDARY OF THE TRACT HEREIN DESCRIBED; THENCE EASTERLY ALONG SAID RIGHT OF WAY AND BOUNDARY, THE FOLLOWING 5 (FIVE) COURSES: N.85°05'58"E., 61.15 FT.; N.89°30'02"E., 255.90 FT.; S.08°09'07"E., 17.70 FT.; N.80°33'24"E., 221.67 FT., AND S.59°20'19"E., 34.46 FT.; THENCE S.82°27'17"W., 9.74 FT.; THENCE S.05°27'40"E., ALONG THE EAST BOUNDARY OF SAID TRACT HEREIN DESCRIBED, 318.57 FT., TO THE POINT OF BEGINNING, CONTAINING 3.99 ACRES (173,673 SQ. FT.) OF LAND. ALL ACCORDING TO THIS AMENDED PLAT OF THE EAST YARDS FRONTAGE MINOR SUBDIVISION.

LOT 1–F IS SUBJECT TO ALL OR ANY EASEMENTS AND RIGHTS OF WAY AS SHOWN HEREON, EXISTING OR OF RECORD.

LEGAL DESCRIPTION LOT 1–G, AMENDED PLAT EAST YARDS FRONTAGE MINOR SUBDIVISION

A TRACT OF LAND BEING A PORTION OF LOT 1–A AND LOT 1–B OF SUBDIVISION PLAT 456–A, LOCATED IN THE SW1/4 OF OF SECTION 1 AND THE SE1/4 OF SECTION 2, TOWNSHIP 4 NORTH, RANGE 11 WEST, P.M. M., ANACONDA–DEER LODGE COUNTY, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 1, 2, 11 AND 12; THENCE N.30°08'24"W., 1390.18 FT.; TO THE TRUE POINT OF BEGINNING OF LOT 1–G, AMENDED PLAT, EAST YARDS FRONTAGE MINOR SUBDIVISION; THENCE N.05°27'40"W., ALONG THE WEST BOUNDARY OF THE TRACT HEREIN DESCRIBED, 318.57 FT.; THENCE N.82°27'17"E., ALONG THE NORTH BOUNDARY OF SAID TRACT HEREIN DESCRIBED, 9.74 FT.; THENCE N.85°06'40"E., ALONG THE SOUTH RIGHT OF WAY OF MONTANA HIGHWAY 1, 342.73 FT.; THENCE S.05°27'40"E., ALONG THE EAST BOUNDARY OF SAID TRACT HEREIN DESCRIBED, 382.60 FT; THENCE N.74°12'00"W., ALONG THE NORTH SIDELINE OF UNION AVENUE, WHICH IS COMMON WITH THE SOUTH BOUNDARY OF SAID TRACT HEREIN DESCRIBED, 29.27 FT., TO A POINT OF CURVE, SAID CURVE HAVING A RADIUS OF 830.00 FT., DELTA ANGLE OF 21°15'39"., THE CHORD OF SAID CURVE BEARS N.84°49'51"W., 306.23 FT.; THENCE ALONG SAID BOUNDARY AND CURVE TO THE LEFT, 307.99 FT.; THENCE S.84°32'20"W., ALONG SAID BOUNDARY AND SIDELINE, 24.20 FT., TO THE POINT OF BEGINNING, CONTAINING 2.73 ACRES (119,089 SQ. FT.) OF LAND. ALL ACCORDING TO THIS AMENDED PLAT OF THE EAST YARDS FRONTAGE MINOR SUBDIVISION.

LOT 1–G IS SUBJECT TO ALL OR ANY EASEMENTS AND RIGHTS OF WAY AS SHOWN HEREON, EXISTING OR OF RECORD.

LEGAL DESCRIPTION LOT 1–H, AMENDED PLAT EAST YARDS FRONTAGE MINOR SUBDIVISION

A TRACT OF LAND BEING A PORTION OF LOT 1–C AND LOT 1–D OF SUBDIVISION PLAT 456–A, LOCATED IN THE SW1/4 OF SECTION 1 AND THE SE1/4 OF SECTION 2, TOWNSHIP 4 NORTH, RANGE 11 WEST, P.M. M., ANACONDA–DEER LODGE COUNTY, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 1, 2, 11 AND 12; THENCE N.00°50'40"E., 1381.48 FT.; TO THE TRUE POINT OF BEGINNING OF LOT 1–H, AMENDED PLAT, EAST YARDS FRONTAGE MINOR SUBDIVISION; THENCE N.85°33'50"E., 236.61 FT.; TO A POINT ON THE WEST SIDELINE OF FILLMORE STREET, WHICH IS COMMON TO THE EAST BOUNDARY OF THE TRACT HEREIN DESCRIBED; THENCE S.28°33'00"E. ALONG SAID SIDELINE AND EAST BOUNDARY, 134.12 FT., TO A POINT OF CURVE, SAID CURVE HAVING A RADIUS OF 270.00 FT., DELTA ANGLE OF 24°06'52"., THE CHORD OF SAID CURVE BEARS S16°29'36"E., 112.80 FT.; THENCE ALONG SAID BOUNDARY AND CURVE TO THE RIGHT, 113.64 FT.; THENCE S.04°26'11"E., ALONG SAID BOUNDARY AND SIDELINE, 50.11 FT.; THENCE S.85°33'50"W., ALONG THE NORTH SIDELINE OF UNION AVENUE, WHICH IS COMMON TO THE SOUTH BOUNDARY OF SAID TRACT HEREIN DESCRIBED, 285.36 FT., TO A POINT OF CURVE, HAVING A RADIUS OF 770.00 FT., DELTA ANGLE OF 20°14'11"., THE CHORD OF SAID CURVE BEARS N.84°19'06"W., 270.55 FT.; THENCE ALONG SAID BOUNDARY AND CURVE TO THE RIGHT, 271.96 FT.; THENCE N.74°12'00"W., ALONG SAID BOUNDARY AND SIDELINE, 148.96 FT.,; THENCE N.05°27'40"W., ALONG THE WEST BOUNDARY OF SAID TRACT HEREIN DESCRIBED, 382.60 FT.; THENCE EASTERLY, ALONG THE SOUTH RIGHT OF WAY OF MONTANA HIGHWAY 1, WHICH IS COMMON WITH THE NORTH BOUNDARY OF SAID TRACT HEREIN DESCRIBED, THE FOLLOWING 3 (THREE) COURSES: N.85°06'40"E., 76.70 FT.,; N.75°57'47"E., 166.41 FT., AND N.81°23'42"E., 148.91 FT.; THENCE S.04°54'57"W., 36.64 FT.; THENCE S.04°26'10"E., 201.79 FT., TO THE POINT OF BEGINNING, CONTAINING 5.91 ACRES (257,503 SQ. FT.) OF LAND. ALL ACCORDING TO THIS AMENDED PLAT OF THE EAST YARDS FRONTAGE MINOR SUBDIVISION.

LOT 1–H IS SUBJECT TO ALL OR ANY EASEMENTS AND RIGHTS OF WAY AS SHOWN HEREON, EXISTING OR OF RECORD.

LEGAL DESCRIPTION LOT 1–I, AMENDED PLAT EAST YARDS FRONTAGE MINOR SUBDIVISION

A TRACT OF LAND BEING A PORTION OF LOT 1–C AND LOT 1–D OF SUBDIVISION PLAT 456–A, LOCATED IN THE SW1/4 OF OF SECTION 1 AND THE SE1/4 OF SECTION 2, TOWNSHIP 4 NORTH, RANGE 11 WEST, P.M. M., ANACONDA–DEER LODGE COUNTY, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 1, 2, 11 AND 12; THENCE N.00°50'40"E., 1381.48 FT.; TO THE TRUE POINT OF BEGINNING OF LOT 1–I, AMENDED PLAT, EAST YARDS FRONTAGE MINOR SUBDIVISION; THENCE NORTHERLY, ALONG THE WEST BOUNDARY OF THE TRACT HEREIN DESCRIBED, THE FOLLOWING 2 (TWO) COURSES, N.04°26'10"W., 201.79 FT., AND N.04°54'57"E., 36.64 FT.; THENCE N.85°33'49"E., ALONG THE SOUTH RIGHT OF WAY OF MONTANA HIGHWAY 1, WHICH IS COMMON WITH THE NORTH BOUNDARY OF THE TRACT HEREIN DESCRIBED, 201.86 FT.; THENCE S.04°26'10"E., ALONG THE WEST SIDELINE OF FILLMORE STREET, WHICH IS COMMON WITH THE EAST BOUNDARY OF SAID TRACT HEREIN DESCRIBED, 103.12 FT., TO A POINT OF CURVE, SAID CURVE HAVING A RADIUS OF 330.00 FT., DELTA ANGLE OF 24°06'52"., THE CHORD OF SAID CURVE BEARS S.16°29'34"E., 137.87 FT.; THENCE ALONG SAID BOUNDARY AND CURVE TO THE LEFT, 137.89 FT.; THENCE S.85°33'50"W., ALONG THE SOUTH BOUNDARY OF SAID TRACT HEREIN DESCRIBED, 236.61 FT., TO THE POINT OF BEGINNING, CONTAINING 1.16 ACRES (50,611 SQ. FT.) OF LAND. ALL ACCORDING TO THIS AMENDED PLAT OF THE EAST YARDS FRONTAGE MINOR SUBDIVISION.

LOT 1–I IS SUBJECT TO ALL OR ANY EASEMENTS AND RIGHTS OF WAY AS SHOWN HEREON, EXISTING OR OF RECORD.

CERTIFICATE OF COUNTY SANITARIAN

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN EXAMINED TO DETERMINE COMPLIANCE WITH THE SANITATION IN SUBDIVISION ACT.

DATED THIS_____DAY OF_____, 2020.

SANITARIAN, ANACONDA–DEER LODGE COUNTY

PURPOSE OF SURVEY AND OWNERS CERTIFICATION

I (WE), CERTIFY THAT THE PURPOSE OF SURVEY FOR LOTS 1–F THROUGH 1–I AS SHOWN ON THIS AMENDED PLAT IS "FOR FIVE OR FEWER LOTS WITHIN A PLATTED SUBDIVISION, THE RELOCATION OF COMMON BOUNDARIES"; PURSUANT TO 73–3–207(1)(d) M.C.A., ALSO PURSUANT TO 73–3–207(1)(f) M.C.A. "AGGREGATION OF PARCELS OR LOTS WHEN A CERTIFICATE OF SURVEY OR SUBDIVISION PLAT SHOWS THAT THE BOUNDARIES OF THE ORIGINAL PARCELS HAVE BEEN ELIMINATED AND THE BOUNDARIES OF A LARGER AGGREGATE PARCEL ARE ESTABLISHED. A RESTRICTION OR REQUIREMENT ON THE ORIGINAL PLATTED LOT OR ORIGINAL UNPLATTED PARCEL CONTINUES TO APPLY TO THOSE AREAS". THEREFORE THIS DIVISION OF LAND IS EXEMPT FROM REVIEW AS A SUBDIVISION.

AND FURTHER, "THE REVIEWING AUTHORITY MAY EXCLUDE THE FOLLOWING PARCELS CREATED BY DIVISIONS OF LAND FROM REVIEW UNDER TITLE 76, CHAPTER 4, PART 1, MCA, UNLESS THE EXCLUSION IS USED TO EVADE THE PROVISIONS OF THAT PART:

(b) A PARCEL THAT HAS A PREVIOUS APPROVAL ISSUED UNDER TITLE 76, CHAPTER 4, PART 1, MCA, IF:

(i) NO FACILITIES OTHER THAN THOSE PREVIOUSLY APPROVED EXIST OR WILL BE CONSTRUCTED ON THE PARCEL; AND
(ii)THE DIVISION OF LAND WILL NOT CAUSE APPROVED FACILITIES TO DEVIATE FROM THE CONDITIONS OF APPROVAL", PURSUANT TO 17.36.605 EXCLUSIONS (2)(b) ARM.

CEO, ANACONDA–DEER LODGE COUNTY DATE

ATTEST, ANACONDA–DEER LODGE COUNTY CLERK AND RECORDER DATE

NOTARY PUBLIC:

BEFORE ME, THE INDIVIDUAL(S) WHOSE NAME(S) ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AND DID PERSONALLY APPEAR.

NOTARY (PLEASE PRINT)_____

NOTARY (SIGNATURE)_____
IN WITNESS WHEREOF I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL

NOTARY PUBLIC FOR THE STATE OF _____
RESIDING AT_____
MY COMMISSION EXPIRES_____

CERTIFICATE OF COUNTY TREASURER

I HEREBY CERTIFY, PURSUANT TO 76–3–207(3)(a) M.C.A., THAT ALL REAL PROPERTY TAXES AND SPECIAL ASSESSMENTS ASSESSED AND LEVIED ON THE LAND TO BE DIVIDED HAVE BEEN PAID.

DATED THIS_____DAY OF_____, 2020.

TREASURER, ANACONDA–DEER LODGE COUNTY, MONTANA

CERTIFICATE OF EXAMINING LAND SURVEYOR

APPROVED_____ , 2020.

EXAMINING LAND SURVEYOR MONTANA REGISTRATION #

REVIEWED PURSUANT TO 76–3–611(2)(a) M.C.A.

LEGEND

- FOUND SECTION CORNER AS NOTED
- SET No.5 REBAR X 24" LONG WITH 1 1/2" DIAMETER YELLOW PLASTIC CAP MARKED "T. MOODRY 13105 LS"
- FOUND No.5 REBAR WITH 1 1/2" DIAMETER YELLOW PLASTIC CAP MARKED "T. MOODRY 13105 LS"
- FOUND No.5 REBAR WITH 1 1/2" DIAMETER YELLOW PLASTIC CAP MARKED "PTS–THOMPSON 8795 LS"
- FOUND No.5 REBAR WITH 1 1/2" DIAMETER RED PLASTIC CAP MARKED "B. THOMPSON 8795 LS"
- FOUND No.5 REBAR WITH 1 1/2" DIAMETER RED PLASTIC CAP, MARKED "PTS–THOMPSON 8795 LS"
- No.5 REBAR WITH 1 1/2" DIAMETER YELLOW PLASTIC CAP, MARKED "HOWARD 8376 S"
- FOUND No.5 REBAR–NO CAP
- 1 1/4" DIAMETER YELLOW PLASTIC CAP, HAMMOND 3711 S

PROTRACTED OR PROJECTED SURVEY LINES
SURVEYED LINES AND LINES OF CONTROL
SURVEYED UTILITY LINES
PROPERTY BOUNDARIES, THIS SURVEY

(R1) CERTIFICATE OF SURVEY 99–A (PARCEL E), DJ&A, 1994
(R2) EAST YARDS SUBDIVISION 298–A, THOMPSON 8795 LS
(R3) EAST FOURTH STREET SUBDIVISION 200–A, THOMPSON 8795 LS
(R4) EAST YARDS FRONTAGE MINOR SUBDIVISION 456–A, T. MOODRY 13105 LS, MSTS, 2015

BASIS OF BEARING
BETWEEN FOUND MONUMENTS ALONG THE SOUTHERN BOUNDARY OF LOT 1–C, AS SHOWN ON PLAT 456–A

S2 S1
S11 S12
FOUND SECTION CORNER
ALUM CAP HOWARD "8376 LS"

MOODRY SOUTHWEST TECHNICAL SURVEYING
TOM J. MOODRY, PLS
921 W. 4TH ST.
ANACONDA, MONTANA 59711
(406) 563–9782
SURVEYING SOUTHWEST MONTANA FOR 41 YEARS

CERTIFICATE OF LAND SURVEYOR

I HEREBY CERTIFY THAT THIS AMENDED PLAT IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PERFORMED UNDER MY DIRECT SUPERVISION DURING THE MONTH OF JULY, 2020.

TOM J. MOODRY DATE
MOODRY SW TECHNICAL SURVEYING
MONTANA LICENSED PROFESSIONAL LAND SURVEYOR No. 13105 LS

SURVEY COMMISSIONED BY:
ADLC

AMENDED PLAT EAST YARDS FRONTAGE MINOR SUBDIVISION

T.4N., R.11W.

S2	S1
S11	S12

CERTIFICATE OF CLERK & RECORDER

STATE OF MONTANA
COUNTY OF ANACONDA–DEER LODGE

FILED ON THE _____ DAY OF _____, 2020.
AT _____ O'CLOCK, ____.M.

COUNTY CLERK & RECORDER

BOOK _____ PAGE _____
INSTRUMENT No. _____

AMENDED PLAT No. _____

SHEET ONE OF ONE

PROJECT: ADLC–HOTEL; DRAWING FILE: ADLC–EYARDSSLDWG; COORDINATE FILE: EYARDS.CRD; SURVEYOR/DRAFTSMAN: T. MOODRY, PLS

IF ALLOWED TO RUST (CORE-TEN)
TOTALLY THIS IS MORE
THE END RESULT.

SINCE 1969 P.C.
JACKOLA
Engineering, Architecture, Surveying, Land Use Planning
P.O. Box 1134 • Kalispell, MT 59903
406-755-3208 • www.jackola.com

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406-755-3208 • www.jackola.com

ANACONDA HOTEL

SHOW ME ANACONDA

ANACONDA, MONTANA

SITE LOCATION PLAN

ANACONDA, MT

PROJECT INFORMATION:

OWNER / DEVELOPER

SHOW ME ANACONDA
PO BOX 3287
BUTTE, MT 59702
ATTN: MIKE JOHNSON
EMAIL: MIKE@SHOWMEANACONDA.COM
TEL: (406) 690-8200

CIVIL

JACKOLA ENGINEER & ARCHITECTURE, P.C.
3220 HWY. 86 SOUTH
PO BOX 1180
KALISPELL, MT 59903
ATTN: TONY MONTOYA
TEL: (406) 752-6308
FAX: (406) 752-8318

ARCHITECT

JACKOLA ENGINEER & ARCHITECTURE, P.C.
139 WEST VIGILANTE 37 STE 86
ATTN: KALLISA STEWART
TEL: (406) 389-0707
FAX: (406) 752-8318

STRUCTURAL

JACKOLA ENGINEER & ARCHITECTURE, P.C.
3220 HWY. 86 SOUTH
PO BOX 1180
KALISPELL, MT 59903
ATTN: KURT HERSHOLT
TEL: (406) 752-6308
FAX: (406) 752-8318

MECH./PLUMBING

JACKOLA ENGINEER & ARCHITECTURE, P.C.
3220 HWY. 86 SOUTH
PO BOX 1180
KALISPELL, MT 59903
ATTN: COURTNEY CURRIER
TEL: (406) 752-6308
FAX: (406) 752-8318

ELECTRICAL

JACKOLA ENGINEER & ARCHITECTURE, P.C.
3220 HWY. 86 SOUTH
PO BOX 1180
KALISPELL, MT 59903
ATTN: THOR JACKOLA
TEL: (406) 752-6308
FAX: (406) 752-8318

INTERIOR DESIGNER

JACKOLA ENGINEER & ARCHITECTURE, P.C.
3220 HWY. 86 SOUTH
PO BOX 1180
KALISPELL, MT 59903
ATTN: BILLI PETRINI
TEL: (406) 752-6308
FAX: (406) 752-8318

SURVEYOR

JACKOLA ENGINEER & ARCHITECTURE, P.C.
3220 HWY. 86 SOUTH
PO BOX 1180
KALISPELL, MT 59903
ATTN: BOB ERICKSON
TEL: (406) 752-6308
FAX: (406) 752-8318

GEOTECHNICAL ENGINEER

COMPANY
STREET ADDRESS
CITY, STATE ZIP CODE
ATTN: NAME
EMAIL:
TEL: (XXX) XXX-XXXX
FAX: (XXX) XXX-XXXX

BUILDING DEPARTMENT

CITY OF ANACONDA
500 MAIN STREET
ANACONDA, MT 59711

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GENERAL CONDITIONS

1. THE GENERAL CONTRACTOR IS TO GUARANTEE ALL WORK INCLUDING WORK DONE BY SUBCONTRACTORS FOR A PERIOD OF ONE (1) YEAR COMMENCING WITH THE SUBSTANTIAL COMPLETION OF THE CONTRACT.
2. ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH ALL GOVERNING CODES, ORDINANCES AND AUTHORITIES HAVING JURISDICTION. GENERAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING AND PAYING FOR ALL REQUIRED BUILDING PERMITS.

THE GENERAL CONTRACTOR IS TO HAVE A FULL TIME QUALIFIED
3. SUPERVISOR ON THE SITE AT ALL TIMES WHILE WORK IS BEING PERFORMED.

ALL MATERIALS SPECIFIED IS TO BE NEW & INSTALLED IN
4. ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS AND SPECIFICATIONS. GENERAL CONTRACTOR IS TO CONSTRUCT PROJECT IN ACCORDANCE WITH THE DOCUMENTS. ANY DEVIATION FROM THE INTENT OF THE DOCUMENTS, WITHOUT ARCHITECT OR ENGINEER'S APPROVAL, ARE AT THE CONTRACTOR'S OWN RISK AND MAY RESULT IN THE WORK BEING DONE OVER AT CONTRACTOR'S EXPENSE (MATERIALS AND LABOR).

GENERAL NOTES

1. CONTRACTOR TO REVIEW AND BECOME FAMILIAR WITH ALL EXISTING CONDITIONS PRIOR TO COMMENCING WORK. ANY CONDITIONS NOT INDICATED ON CONTRACT DOCUMENTS ARE TO BE REPORTED TO THE ARCHITECT PRIOR TO BEGINNING WORK.
2. CONTRACTOR TO CONTACT LOCAL UTILITIES, IF NECESSARY, SUBMIT ALL APPLICABLE PERMIT DOCUMENTS, QUALIFICATIONS, ETC., AND BE RESPONSIBLE FOR ALL FEES ASSOCIATED WITH PERMITS, UTILITY EXTENSIONS, TAP-INS, ETC.
3. THE CONTRACTOR SHALL REPAIR ALL DEBRIS AS A RESULT OF THIS PROJECT. THE CONTRACTOR SHALL REMOVE EXISTING EQUIPMENT, FIXTURES, ETC. WITHIN SHOP PRIOR TO CONSTRUCTION AND RELOCATE PER OWNER.
4. THE CONTRACTOR SHALL SCHEDULE ALL WORK AND MATERIAL AND EQUIPMENT DELIVERIES SO AS NOT TO INTERFERE WITH THE DAILY OPERATIONS OF THE BUSINESS OF THE FACILITY.
5. THE CONTRACTOR SHALL PROTECT EXISTING FACILITIES, EQUIPMENT, FIXTURES, ETC. FROM DAMAGE DURING THE COURSE OF CONSTRUCTION.
6. ALL DAMAGES AND/OR FINISHES DAMAGED AS A RESULT OF AND ADJACENT TO THE WORK SHALL BE REPAIRED AND FINISHED TO THEIR ORIGINAL CONDITION.
7. EACH SUBCONTRACTOR IS RESPONSIBLE TO COORDINATE AND SCHEDULE HIS WORK WITH THE GENERAL CONTRACTOR AND ALL OTHER SUBCONTRACTORS WHOSE WORK WILL BE AFFECTED.
8. USE DETAILS MARKED TYPICAL (TYP) WHEREVER APPLICABLE.
9. ALL ITEMS REQUIRED BY THE DRAWINGS AND SPECIFICATIONS SHALL BE PERFORMED IN A WORKMANLIKE MANNER BY PERSONS SKILLED IN THEIR RESPECTIVE TRADE AND WHO NORMALLY PARTICIPATE IN THE WORK OF THAT TRADE.
10. WORDS WHICH HAVE WELL KNOWN TECHNICAL OR TRADE MEANINGS ARE USED IN THE DRAWINGS AND SPECIFICATIONS IN ACCORDANCE WITH SUCH RECOGNIZED MEANINGS.
11. WITHIN THE DRAWINGS AND RELATED SPECIFICATIONS THERE SHALL BE THE FOLLOWING PRECEDENCE:

A) ADDENDA OR MODIFICATIONS TO THE DRAWINGS AND SPECIFICATIONS TAKE PRECEDENCE OVER THE ORIGINAL WHEN ISSUED BY THE ARCHITECT.

B) SPECIFICATIONS SHALL TAKE PRECEDENCE OVER DRAWINGS.

C) WITHIN THE DRAWINGS THE LARGER SCALE TAKES PRECEDENCE OVER THE SMALLER. FIGURED DIMENSIONS OVER SCALED AND NOTED MATERIALS OVER GRAPHIC INDICATIONS.

12. THE ARCHITECT OR ENGINEER SHALL BE THE FINAL AUTHORITY ON THE MEANING OF THE DRAWINGS AND SPECIFICATIONS WITH REGARD TO THEIR MEANING OR INTENT.
13. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES AND PROCEDURES.
14. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL ASPECTS OF SAFETY DURING BUILDING CONSTRUCTION.

1-A1.02D

- DENOTES BUILDING NUMBER (EXIST ON SINGLE BUILDING PROJECTS)
- DENOTES SPECIFIC DISCIPLINE
- DENOTES SHEET TYPE
- DENOTES DRAWING PLANS (EXIST ON NON DRAWING SHEETS)
- DENOTES SHEET COUNT
- DENOTES BUILDING LEVEL (0 IS BASEMENT, DP IS DEPTHS, UR IS 1.5, ETC.) OR (0 IF NO LEVEL APPLICABLE)

JACKOLA

DESIGN DEVELOPMENT

NOT FOR CONSTRUCTION

THE INFORMATION CONTAINED HEREIN IS PROPRIETARY. THIS DOCUMENT MAY NOT BE USED OR REPRODUCED WITHOUT THE WRITTEN CONSENT OF JACKOLA ENGINEER & ARCHITECT, P.C.

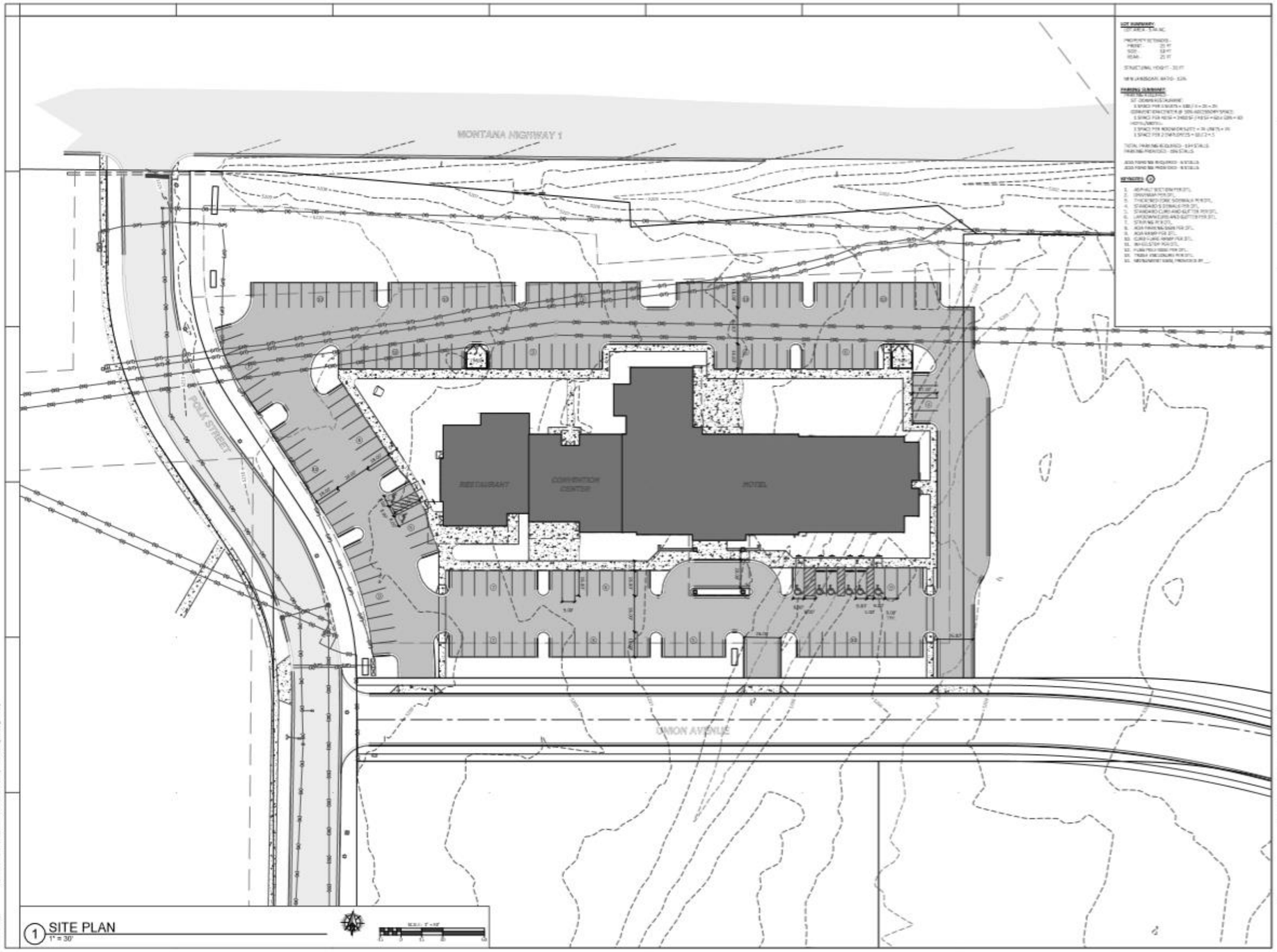
SHOW ME ANACONDA
ANACONDA HOTEL
ANACONDA, MONTANA

DRAWN: IST CHECKED: MKS
DATE: 07/17/2020

REVISIONS:

TITLE SHEET

T0.00



1 SITE PLAN
1" = 30'

SCHEMATIC DESIGN

NOT FOR CONSTRUCTION

THE INFORMATION CONTAINED HEREIN IS PROPRIETARY. THIS DOCUMENT MAY NOT BE USED OR REPRODUCED WITHOUT THE WRITTEN CONSENT OF JACKOLA RIVER & ARCH, P.C.

SHOW ME ANACONDA
ANACONDA HOTEL

ANACONDA, MONTANA

DRAWN: ENS CHECKED: TLM

DATE: 06/26/2020

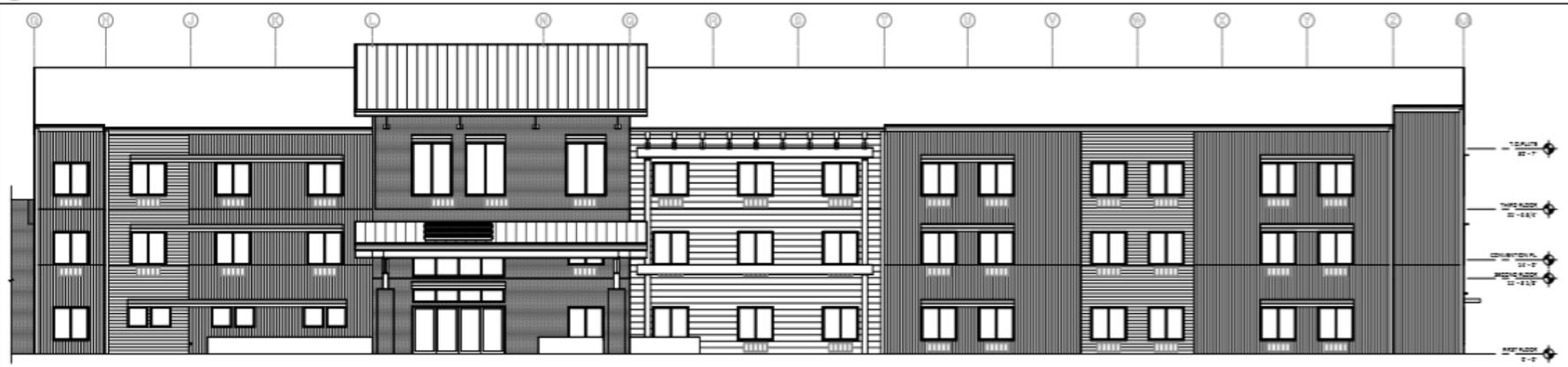
REVISIONS:

SITE PLAN

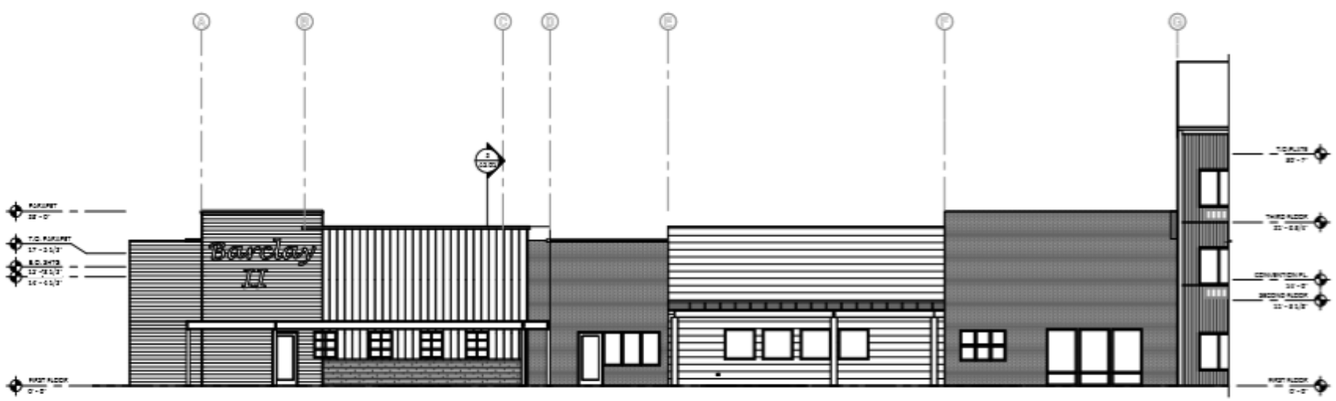
C1.10

ELEVATION KEYNOTES A4.00

1 SOUTH ELEVATION
1/16" = 1'-0"



2 SOUTH HOTEL ELEVATION
1/8" = 1'-0"



3 SOUTH REST./CONV. ELEVATION
1/8" = 1'-0"

DESIGN DEVELOPMENT

NOT FOR CONSTRUCTION

THIS INFORMATION CONTAINED HEREIN IS PROPRIETARY. THIS DOCUMENT SHALL NOT BE USED OR REPRODUCED WITHOUT THE WRITTEN CONSENT OF JACKOLA PARK & JACKOLA, P.C.

SHOW ME ANACONDA
ANACONDA HOTEL
ANACONDA, MONTANA

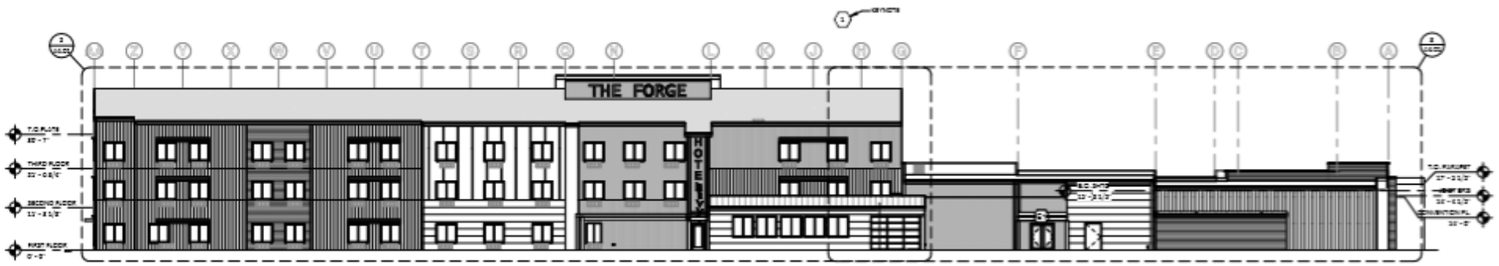
DRAWN: JST CHECKED: MKS
DATE: 07/17/2020

REVISIONS:

EXTERIOR ELEVATIONS

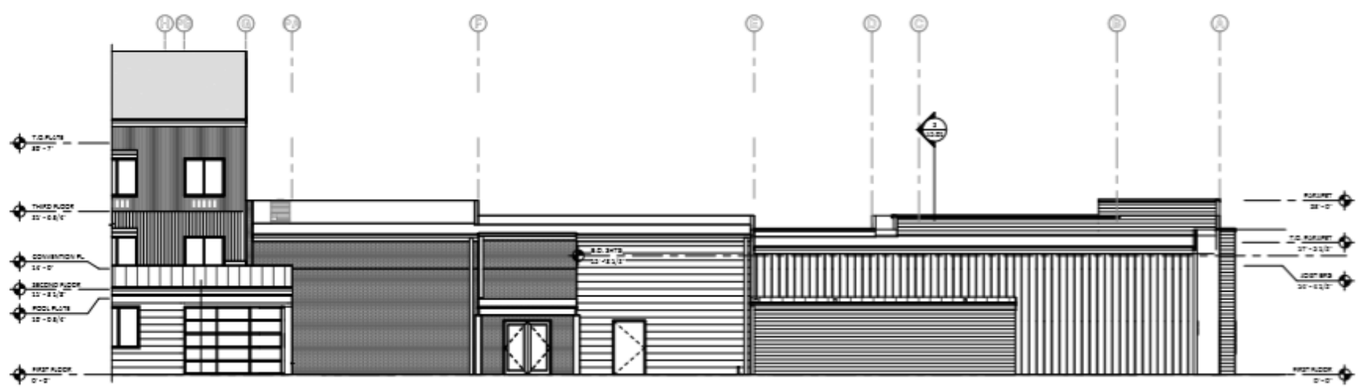
A4.00

ELEVATION KEYNOTES A4.00



1 NORTH ELEVATION
1/16" = 1'-0"

2 NORTH HOTEL ELEVATION
1/8" = 1'-0"



3 NORTH REST./CONV. ELEVATION
1/8" = 1'-0"

JACKOLA

DESIGN DEVELOPMENT

NOT FOR CONSTRUCTION

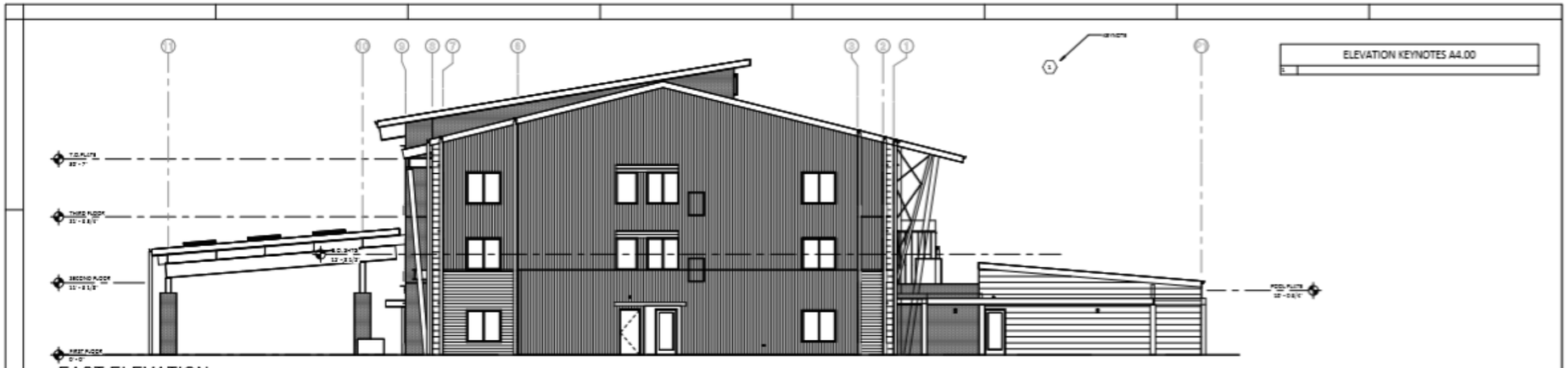
SHOW ME ANACONDA
ANACONDA HOTEL
ANACONDA, MONTANA

DRAWN: IST CHECKED: MKS
DATE: 07/17/2020

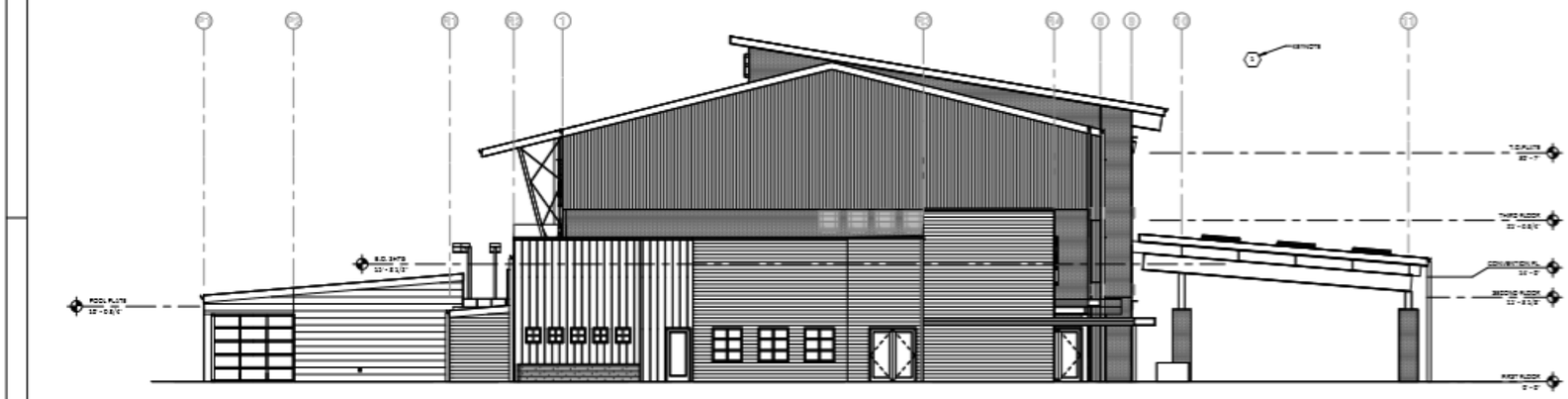
REVISIONS:

EXTERIOR ELEVATIONS

A4.01



1 EAST ELEVATION
1/8" = 1'-0"



2 WEST ELEVATION
1/8" = 1'-0"

DESIGN DEVELOPMENT

NOT FOR CONSTRUCTION

SHOW ME ANACONDA
ANACONDA HOTEL
ANACONDA, MONTANA

DRAWN: IST CHECKED: MKS

DATE: 07/17/2020

REVISIONS:

EXTERIOR ELEVATIONS

A4.02

MATT SMITH/GW SEPTIC MAJOR DEVELOPMENT PERMIT

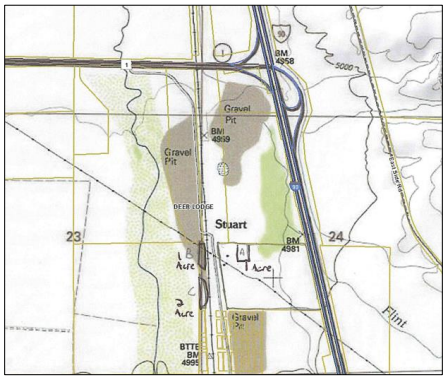
ANACONDA-DEER LODGE COUNTY
PLANNING DEPARTMENT
800 South Main
Anaconda, Montana 59711
Phone No. (406) 563-4010

PLANNING BOARD

Report Date:	**July 14, 2020**
Meeting Date:	**July 20, 2020**
Permit Number:	**MDP 20-03**
Petitioner(s):	**Matt Smith**
Contractor/Operator:	**Glen Wyant of GW Septic Pumping**
Staff:	**Carl Hamming & Gayla Hess**
Development District:	**East Valley Development District**
Address:	**Not Assigned**
Parcel Location:	**S24, T04 N, R10 W, C.O.S. 27A, ACRES 1.005, TRACT B, and ACRES 1.806, TRACT C, IN NW4SW4**
Assessor Code:	**0000311500, 0000311500**
Geocode:	**30-1286-24-3-01-10-0000 & 30-1286-24-3-01-15-0000**
Submitted Materials:	**Application for MDP and DEQ Application**

1. Size and Location:

   1680 Old Highway 10 in Anaconda, near the old Stuart Townsites. Roughly four (4) acres in total. (Roughly .75 miles south of the I-90 interchange and rest area).



2. Nature of Request:

   Montana Department of Environmental Quality (DEQ) requires that septage land application businesses secure zoning approval from the County prior to issuing a permit to operate the business.

3. Existing and Proposed Land Use and Zoning:

   The existing land is vacant. As stated in the DPS regulations establishing the East Valley Development District (EVDD), the primary purpose of the EVDD is to *implement the Plan through limiting substantial Development in areas without services and to preserve open spaces, a quality rural living environment, and Family -owned working Agriculture*. Sec. 24-282(2) of the Regulations states that, *Typical and customary agricultural activities including but not necessarily limited to pasturing, crops, and the raising and caring for livestock. Such activities are exempt from ADP requirements pursuant to Section 24-22(1)(b) of these DPS Regulations.*

   Further, the exceptions referred to in Section 24-22(1)(b) state that, "*Typical and customary agricultural activities in rural Development Districts (BHDD, EVDD, LCDD, etc.), including but not necessarily limited to pasturing, crops, and the raising of and caring for livestock, provided said activities do not take place within a stream bank or lakeshore protection area identified in these DPS Regulations . This exemption does not include slaughtering/packing operations or Concentrated Animal Feeding Operations (CAFO) at any Scale. In addition, barns, silos, and similar structures supporting legal agricultural operations are not subject to structural height standards in the applicable development district.*"

4. Surrounding Land Uses:

   Primarily vacant and pastureland. MDT has an old gravel pit and borrow pond on their lots within the Stuart townsites.

5. Growth Policy Designations:

   As the Growth Policy states, the East Valley is characterized by open rangeland and working agriculture, and has only sparse development. According to the Growth Policy, the East Valley residents place a high value on the peace, quiet, and open

spaces that their rural environment affords. They are proud of the family-owned working ranches and like the fact that neighbors watch out for each other.

6. Utilities and Services:

   The subject property is served by the Opportunity Rural Fire Department. No other services are required.

7. Evaluation of the Request:

Site Suitability:

a. Adequate Useable Space: Operator has suitable acreage to lease from Mr. Smith.
b. Adequate Access: Petitioner currently has legal access via Old Highway 10.
c. Environmental Constraints: Some remediation work has been completed by Atlantic Richfield. Chief Executive Officer Bill Everett stated that Atlantic Richfield would have concerns about the proposed ground disturbance that would occur on the property. Applicant states that the subject properties are 550' and 240' from the nearest surface water.

Appropriate Design

a. Parking: NA
b. Traffic Circulation: NA
c. Fencing and Screening**:** Applicant states that the site will be fenced and signed.
d. Landscaping: NA
e. Signing: Applicant states that the sites will be fenced and signed.
f. Lighting NA

Availability of and Impact on Public Services

a. Water: NA
b. Sewer: NA
c. Storm Water Drainage: NA
d. Schools: NA
e. Parks and Recreation: NA
f. Fire Protection: Resides within the Opportunity Rural Fire District.

g. Police Protection: No comment
h. Medical Services: No comment
i. Ambulance: No comment

Neighborhood Impact

a. Traffic Generation: Unknown how many trips will be generated per week. Applicant estimates that 60,000 gallons of septage, 5,000 gallons of portable/vault toilet waste and 5,000 gallons of graywater will be applied annually.
b. Noise: No residential neighbors reside near the proposed application site.
c. Dust, Glare or Heat: Apart from dust generated by truck traffic, should be minimal.
d. Smokes, Fumes, Gas or Odors: Odor is a likely side effect of the application business, however, as previously stated, no residential properties exist in the vicinity.
e. Hours of Operation: Unknown but anticipate typical business hours for the hauling.

Comments from Nearby Property Owners and Interested Parties

As of July 14th, three comments have been received. MDT stated that they're interested in the proposed business and want to ensure that DEQ do a thorough analysis so that nitrates are not seeping into their adjacent gravel pit/borrow pond.

Chief Executive Officer, Bill Everett, is concerned about the proposed operation and does not want septage from other counties being hauled to Deer Lodge County.

Chad Lanes, County Sanitarian, communicated that as the Sanitarian, he serves as an extension agent of DEQ. Septage land application operations are subject to DEQ review and approval, and part of that process is ensuring they receive zoning approval for the business.

Findings

A differing point of view argues that a septage land application operation should not be reviewed by the Planning Board as it should be considered a standard agricultural operation. However, the Planning Department prefers to set a good precedent that ensures the public an opportunity to comment on operations such as these. Further, the fact that the DEQ regulates septage land application operations, suggests that the practice is beyond normal agricultural practices and requires additional review and permitting.

The proposed land is situated a good distance away from residential neighbors. Primarily, the land is surrounded by public lands (much of the remediated Silver Bow Creek corridor) and vacant pastureland. As far as potential impacts to County residents, the proposed location is ideal to be of minimal impact.

Due to the superfund status of the land, Atlantic Richfield would be notified of the soils disturbance to allow them to draft a plan with the landowner to ensure compliance with the EPA. EPA would also ensure that previous contracts between Atlantic Richfield and the landowner are being adhered to as far as vegetation regrowth and soils removal.

Summary, Recommendation, and Proposed Conditions

For potential septage application sites in the County, the proposed location is well situated to be of minimal impact to residents. Superfund issues would need to be addressed and the DEQ would conduct an analysis of the proposed location to ensure environmental degradation does not occur. **Planning Department recommends that the Planning Board send a recommendation of approval to the Commission for Matt Smith and GW Septic Pumping to receive an MDP for septage land application operation.**

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 proof of DEQ approval to the Planning Department.
3. Prior to conducting business, petitioner shall submit proof of Superfund compliance to the Planning Department and ADLC Environmental Coordinator.
4. Permit is valid for two years.
5. Pay any remaining fees, including public hearing notice, notice to adjacent landowners, or any consulting fees.

Property Record Card

Summary

Primary Information

Property Category:RP **Subcategory:**Non-Qualified Ag

Geocode:30-1286-24-3-01-01-0000 **Assessment Code:**0000311500

Primary Owner: **PropertyAddress:**1680 MT HIGHWAY 10A

SMITH MATT ANACONDA, MT 59711

902 RICKARDS ST **COS Parcel:**

ANACONDA, MT 59711-9354

NOTE: See the Owner tab for all owner information

Certificate of Survey:27A

Subdivision:

Legal Description:

S24, T04 N, R10 W, C.O.S. 27A, ACRES 60.41, TRACT A, IN N2SW4

Last Modified:12/20/2019 2:04:06 PM

General Property Information

Neighborhood:230.008.D **Property Type:**IMP_R - Improved Property - Rural

Living Units:0 **Levy District:**30-7236-910

Zoning: **Ownership %:**100

Linked Property:

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:

General:0 **Limited:**0

Property Factors

Topography:1 **Fronting:**8 - Frontage Road

Utilities:7, 8 **Parking Type:**

Access:3 **Parking Quantity:**

Location:0 - Rural Land **Parking Proximity:**

Land Summary

Land Type	Acres	Value
Grazing	0.000	00.00

Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	60.410	3,112.00
Total Ag Land	60.410	3,112.00
Total Forest Land	0.000	00.00
Total Market Land	0.000	00.00

Deed Information:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
2/11/2020	372	969	2/14/2020	706862	Termination of Joint Tenancy by Death
2/2/2018	354	141	2/15/2018	201679	Bargain & Sale Deed
2/1/2018	353	903	2/2/2018	201619	Bargain & Sale Deed
5/26/1989	73	549			
5/23/1989	73	553			

Owners

Party #1

Default Information: SMITH MATT
902 RICKARDS ST

Ownership %: 100

Primary Owner: "Yes"

Interest Type: Conversion

Last Modified: 9/5/2018 1:51:00 PM

Other Names | Other Addresses

Name **Type**

Appraisals

Appraisal History

Tax Year	Land Value	Building Value	Total Value	Method
2020	3112	28010	31122	COST
2019	3112	28010	31122	COST

2018	2908	24150	27058	COST

Market Land

Market Land Info

No market land info exists for this parcel

Dwellings

Existing Dwellings

No dwellings exist for this parcel

Other Buildings/Improvements

Outbuilding/Yard Improvement #1

Type: Residential **Description:**RRG3 - Garage, frame, detached, unfinished

Quantity:1 **Year Built:**1980 **Grade:**4

Condition: **Functional:** **Class Code:**3301

Dimensions

Width/Diameter:32 **Length:**60 **Size/Area:**1920

Height: **Bushels:** **Circumference:**

Commercial

Existing Commercial Buildings

No commercial buildings exist for this parcel

Ag/Forest Land

Ag/Forest Land Item #1

Acre Type:NQ - Non Qualified Ag Land **Irrigation Type:**

Class Code:1701 **Timber Zone:**

Productivity

Quantity:0 **Commodity:**

Units: Non Qual

Valuation

Acres:60.41 **Per Acre Value:**51.51

Value:3112

ANACONDA-DEER LODGE COUNTY
MAJOR DEVELOPMENT PERMIT APPLICATION (MDP)/
URBAN AREA PLANNED UNIT DEVELOPMENT (UAPUD)
(Please Fill Out Entire Application)
ABOLUTELY DO NOT BEGIN PROJECT UNTIL ALL PAPERWORK IS FINALIZED AND PHYSICAL PERMIT HAS BEEN OBTAINED

Date of Application: _____ Major Development Permit #: _____

Permit Received By: _____ Date of Receipt: 05/29/2020 gm

Urban Area Planned Unit Development Permit #: N/A

PROPERTY OWNER CONTACT INFORMATION

Property Owner: Matt Smith

Mailing Address: 213 Ayers City: Anaconda State: MT Zip: 59711

Phone/Mobile #: 406 539 6211 E-Mail: mattsmith1955@hotmail.com

Physical Address of Project Property: 1680 Old Hwy 10

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: 2020 License #: 1612

Contractor: GW Septic Pumping Glen Wyant Self: _____

Mailing Address: 217 So. Dixon City: Anaconda State: MT Zip: 59711

Phone/Mobile #: 406 563 5062 E-Mail: GWSEPTICPUMPING@gmail.com

General Project Description: Land Application

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: June 1 2020 **Anticipated Completion Date:** _____

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.

X Glen Wyant 5-26-20
Property Owner/Representative **Date**

ANACONDA-DEER LODGE COUNTY
MAJOR DEVELOPMENT PERMIT APPLICATION (MDP)/
URBAN AREA PLANNED UNIT DEVELOPMENT (UAPUD)
(Please Fill Out Entire Application)
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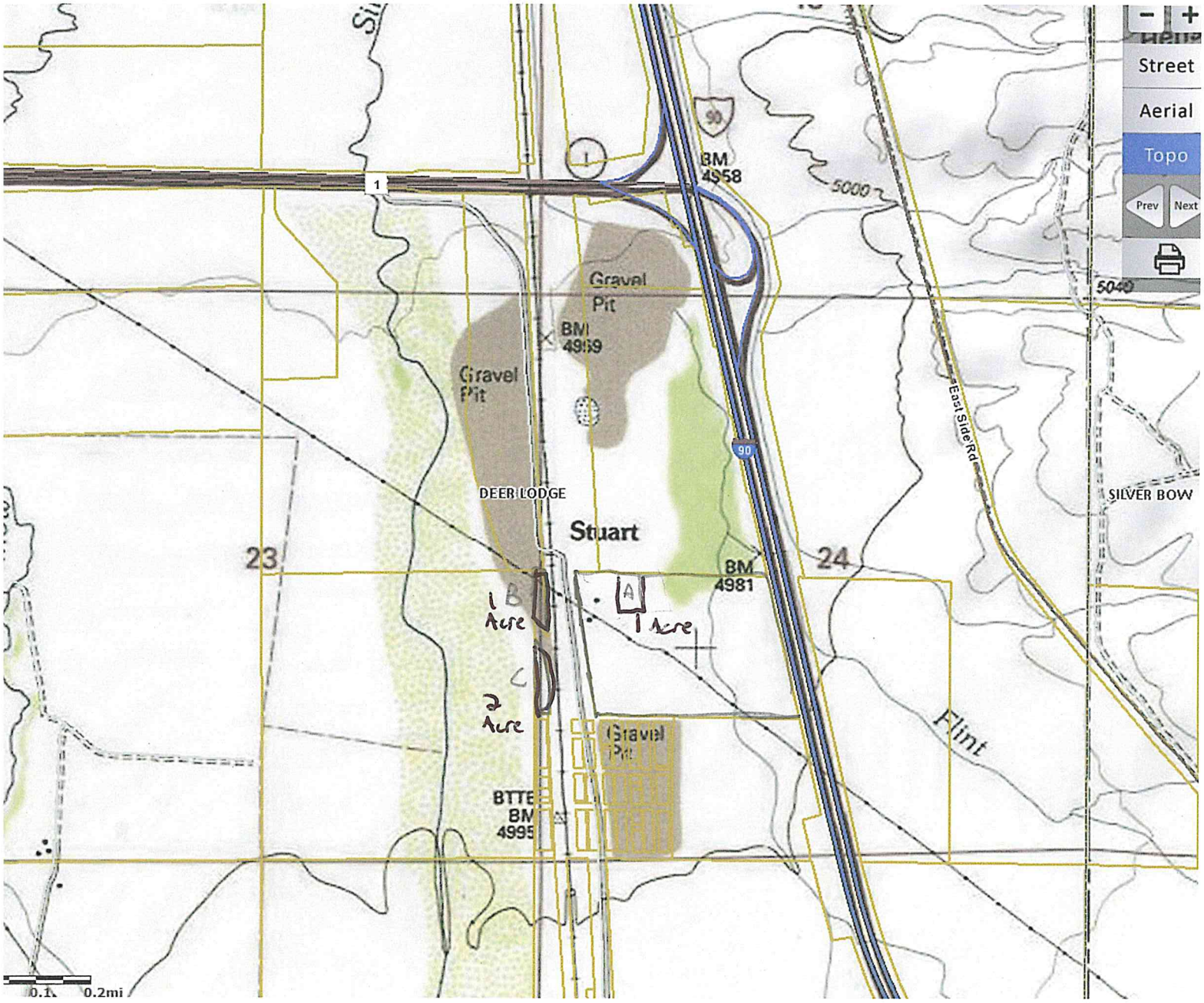
PROJECT DESCRIPTION CHECKLIST

DESCRIPTION	YES	NO	ADDITIONAL COMMENTS/REMARKS
Demolition		✓	
Buildings		✓	
Infrastructure (Driveways, Sidewalks, Etc.)		✓	
Trees/Shrubs		✓	
Excavation		✓	
Footings		✓	
Foundation		✓	
Posts/Poles		✓	
Install/Repair Water Line		✓	
Install/Repair Well		✓	
Install/Repair Sewer		✓	
Install/Repair Septic System		✓	
Install/Repair Electric Service		✓	
Install/Repair Gas Line		✓	
Install/Repair Telephone Line (Land Line)		✓	
Other: _____			
Grading			
Access Road		✓	
Driveway		✓	
Sidewalks		✓	
Parking Lot		✓	
Landscaping			
Revegetation		✓	
Sod		✓	
Trees/Shrubs		✓	
Garden for Food		✓	
Irrigation System		✓	
Fencing			
Removed/Installed/Both		✓	
Ground Signs			
Removed/Installed/Both		✓	
Soils			
Will Soil Be Removed From Site?		✓	
If So, Where Will This Be Discarded?		✓	
How Much Soil Will Be Removed?		✓	
Will Soil Be Brought To Site?		✓	
If So, Where Will This Be Obtained?		✓	
How Much Soil Will Be Brought In?		✓	
Additional Comments:			



B 650' From garage 550' from nearest water

C 350' From garage 240' from nearest water

ANACONDA-DEER LODGE COUNTY
MAJOR DEVELOPMENT PERMIT APPLICATION (MDP)/
URBAN AREA PLANNED UNIT DEVELOPMENT (UAPUD)
(Please Fill Out Entire Application)
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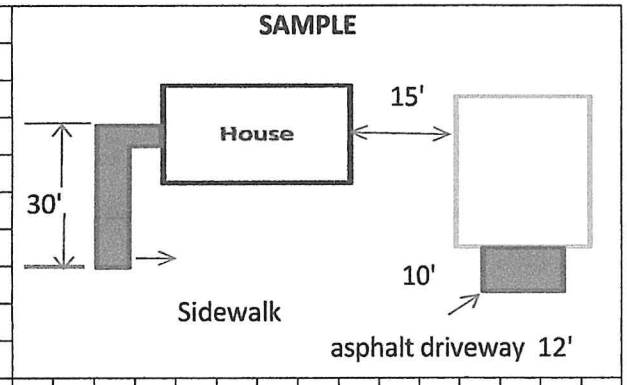
SITE PLAN DRAWING

DIMENSIONS MUST BE PROVIDED
IF BUILDING PERMIT IS NEEDED, ENGINEERED DRAWINGS WOULD BE ACCEPTED



N

1 square = _____

ANACONDA-DEER LODGE COUNTY
MAJOR DEVELOPMENT PERMIT APPLICATION (MDP)/
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(Please Fill Out Entire Application)
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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. Pease fill out the information below and return with your Administrative Permit Application.

I, Matt Smith (printed name), property owner of the property located at 1680 Old Hwy 10, 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).**

X Matt Smith
Property Owner/Representative

5-29-20
Date

ANACONDA-DEER LODGE COUNTY
MAJOR DEVELOPMENT PERMIT APPLICATION (MDP)/
URBAN AREA PLANNED UNIT DEVELOPMENT (UAPUD)
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ADMINISTRATIVE REVIEW (Staff Use Only)

Legal Description of Property: _____

_____

Geocode: _____

Assessor: _____

Development District(s): _____

Is the subject property impacted by a flood plain? Yes ____ No ____

This permit will also require:

Building Permit: _____

Demo Permit: _____

Driveway Approach Permit: _____

Well Permit: _____

Septic Permit: _____

ANACONDA-DEER LODGE COUNTY
MAJOR DEVELOPMENT PERMIT APPLICATION (MDP)/
URBAN AREA PLANNED UNIT DEVELOPMENT (UAPUD)
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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, ALDC 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.

WASTE MANAGEMENT AND REMEDIATION DIVISION
WASTE AND UNDERGROUND TANK MANAGMENT BUREAU
PO BOX 200901
HELENA, MT 59620-0901
406-444-5300

SEPTIC TANK, CESSPOOL, AND PRIVY CLEANER
NEW DISPOSAL SITE APPLICATION FORM

(Complete one form for EACH new disposal site)

Section 1

APPLICANT INFORMATION (Please Print)

Name of Applicant: Glen Wyant	Name of Business: GW Septic Pumping		DEQ License Number: 51093 ☐ *New Applicant*
Business Address: 217 South Dixon	City: Anaconda	State: MT	Zip: 59711
Mailing Address: 217 South Dixon	City: Anaconda	State: MT	Zip: 59711
County: Deerlodge	Phone Number: 406 563 5062	Fax Number: NA	
Location of Business Operation Records: 217 South Dixon Anaconda MT			

Section 2

DISPOSAL SITE INFORMATION (Complete as applicable – use one form for EACH site)

Method of Disposal: *(Check all that apply)*		
☒	Land Application Site	Complete Sections 3 & 5 of the application
☐	Wastewater Treatment Facility	Complete Sections 4 & 5 of the application
☐	Septage Processor or Composter	Complete Sections 4 & 5 of the application
☐	Licensed Class II Landfill	Complete Sections 4 & 5 of the application

Waste Category: *(Check all that apply)*		***Estimated total gallons during license year:***
☒	Septage	60,000
☒	Portable toilet/Vault toilet type waste	5,000
☐	Grease Trap Waste	
☐	Sump Pumpings (specify type below)	
	☐ *Automatic Car Wash Bay Sump*	
	☐ *Attended Car Wash Bay Sump*	
	☐ *Unattended Car Wash Bay Sump*	
	☐ *Other Sump (specify type)* _____	
☒	Graywater	5,000

Section 3

LAND APPLICATION SITE INFORMATION (Complete ALL of Section 3 for Land Application sites)

Property Owner Full Legal Name: (ARM 17.50.803(5)a)) Mathew L Smith	Property Owner Business/Organization Name as filed or registered with the Montana Secretary of State office: (ARM 17.50.803(5)(a))
Property Owner Phone Number: 406 539 6211	Property Owner FEDERAL TAX ID #: (Required if property owner is a business)

Section 5

CERTIFICATIONS

APPLICANT CERTIFICATION

I Glen Wyant, have completed this application for a specific disposal site. I hereby declare that the information provided is true and correct to the best of my knowledge, and that I have made reasonable inquiries where necessary to confirm such information.

SIGNATURE OF APPLICANT: Glen Wyant DATE: _____

HEALTH OFFICER CERTIFICATION

I, _____ am the Health Officer or Designated Representative of the County. I certify that this disposal site meets the physical requirements of Montana laws and rules governing septage disposal, and any applicable local health requirements.

SIGNATURE: _____ DATE: _____

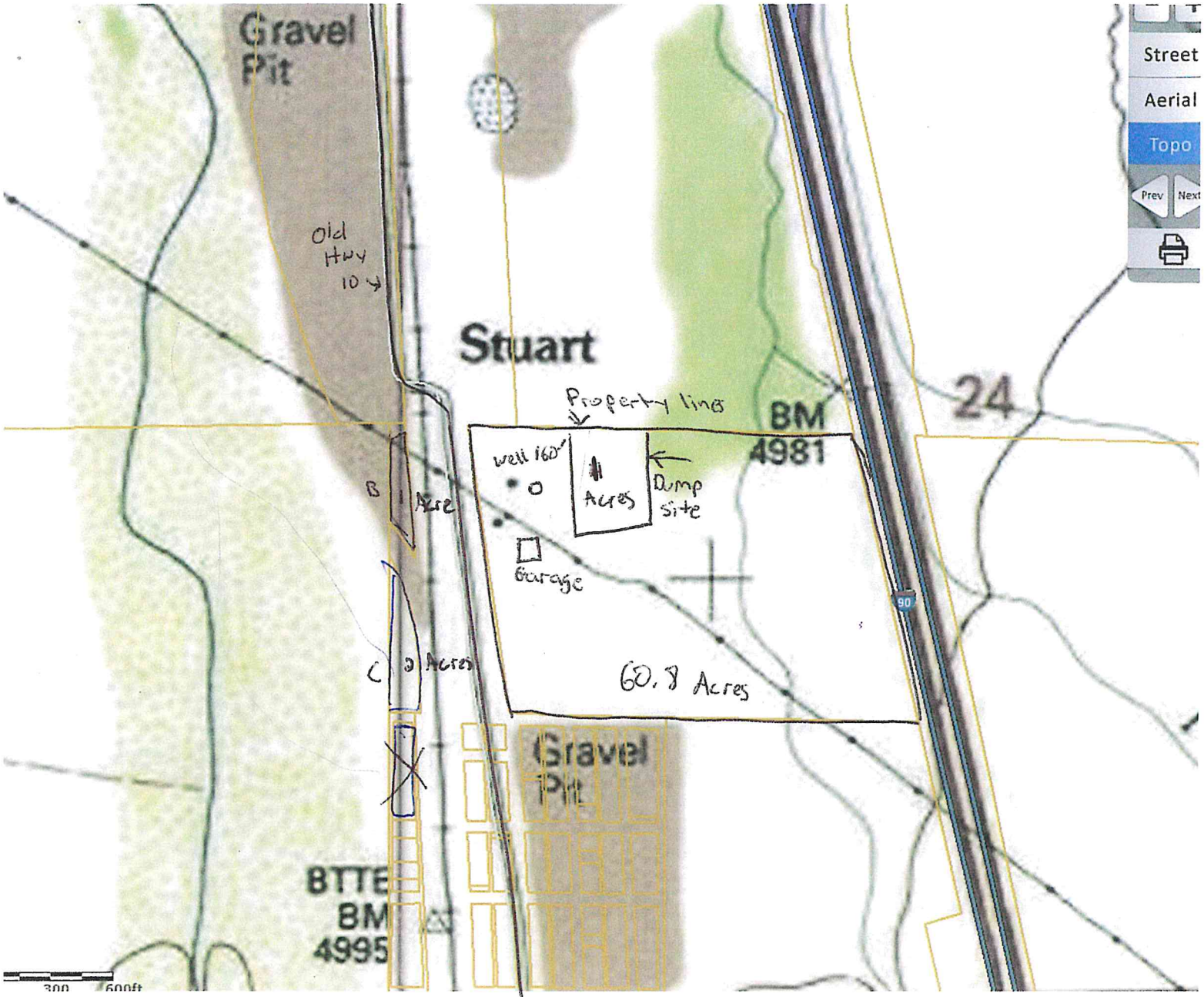
TITLE: _____

ZONING CERTIFICATION (*if required*)

I, _____, an official with knowledge of the zoning district covering the proposed disposal location, certify that the use of the site is in conformance with local zoning regulations.

SIGNATURE: _____ DATE: _____

TITLE: _____



Slope 0%

old Hwy 10

B - 650' From Building 550' from Silver Bow Cr

C - 350' From buildin 240' from Silver Bow Cr

OPERATION AND MAINTENANCE PLAN

A. Site access controls- The site is fenced and signed. Areas B&C are fenced signed and gated.

B. Types and sources of waste- Septic tanks, portable toilet/vault toilet waste, and graywater.

C. Vector attraction, pathogen reduction measures- Pumpings will be screened, disked, or harrowed where applicable, and dragged.

D. Applicable animal grazing and crop harvesting restrictions- There will be no animal grazing or crop harvesting while the site is active.

E. Equipment- Pumpings will be screened and disked or harrowed.

Gmail

Glen Wyant <gwsepticpumping@gmail.com>

Re: Historical search

Murdo, Damon <dmurdo@mt.gov> Tue, May 19, 2020 at 3:28 PM
To: Glen Wyant <gwsepticpumping@gmail.com>

Big Sky. Big Land. Big History.
Montana
Historical Society

May 19, 2020

Glen Wyant

GW Septic

217 South Dixon

Anaconda MT 59711

RE: GW LAND APPLICATION SITE FOR SEPTIC, DEER LODGE COUNTY. SHPO Project #: 2020051904

Dear Mr. Wyant:

I have conducted a cultural resource file search for the above-cited project located in Section 24, T4N R10W. According to our records there have been a few previously recorded sites within the designated search locale. In addition to the sites there have been a few previously conducted cultural resource inventories done in the areas. I have attached a list of these sites and reports. If you would like any further information regarding these sites or reports, you may contact me at the number listed below.

It is SHPO's position that any structure over fifty years of age is considered historic and is potentially eligible for listing on the National Register of Historic Places. If any structures are to be altered and are over fifty years old, we would recommend that they be recorded, and a determination of their eligibility be made prior to any disturbance taking place.

As long as there will be no disturbance or alteration to structures over fifty years of age, we feel that there is a low likelihood cultural properties will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should structures need to be altered or if cultural materials be inadvertently discovered during this project, we would ask that our office be contacted, and the site investigated.

If you have any further questions or comments, you may contact me at (406) 444-7767 or by e-mail at dmurdo@mt.gov. I have attached an invoice for the file search. Thank you for consulting with us.

Sincerely,

Damon Murdo
Cultural Records Manager
State Historic Preservation Office

File: DEQ/AWW/2020

---

3 attachments

Reports.pdf
28K

Sites.pdf
30K

2020051904.pdf
166K

STATE HISTORIC PRESERVATION OFFICE
Montana Cultural Resource Database
CRABS Township,Range,Section Results

Report Date:5/19/2020

ownship:4 N Range:10 W Section: 24

GRAY DALE M.

1/1/1994 SILVER BOW CREEK STREAMSIDE TAILINGS

RABS Document Number: SB 6 16611 Agency Document Number:

ownship:4 N Range:10 W Section: 24

DICKERSON KEN

)/31/2003 CULTURAL RESOURCE INVENTORY OF THE STUART PIT WETLAND FEASIBLITY STUDY. DEER LODGE COUNTY, MONTANA

RABS Document Number: DL 4 26447 Agency Document Number: STPX 12 (11), CONTROL #4730

ownship:4 N Range:10 W Section: 24

ROSSILLON MITZI

/22/2011 INVENTORY OF THE GRIFFITH FARMSTEAD NEAR OPPORTUNITY, MONTANA

RABS Document Number: DL 6 24711 Agency Document Number:

STATE HISTORIC PRESERVATION OFFICE
Cultural Resource Information Systems
CRIS Township, Range, Section Report

Report Date:5/19/2020

ite #	Twp	Rng	Sec	Qs	Site Type 1	Site Type 2	Time Period	Owner	NR Status
4DL0457	4N	10W	24	SE	Historic Railroad, Stage Route, Travel		Prehistoric More Than One Period	No Data	Undetermined*
4DL0459	4N	10W	24	SW	Historic Exploration Settlement	Historic Building Foundation	1880-1889	No Data	Undetermined*
4DL0460	4N	10W	24	SW	Historic Homestead/Farmstead		1860-1869	No Data	Undetermined*
4DL0728	4N	10W	24	NW	Historic Road/Trail		Historic More Than One Decade	Other	Unresolved
4DL0729	4N	10W	24	NW	Historic Trash Dump		Historic More Than One Decade	MDOT	Ineligible
4DL0779	4N	10W	24	comb	Historic Railroad, Stage Route, Travel		Historic Period	Private	Eligible
4DL0115	4N	10W	24	SE	Historic Homestead/Farmstead		Historic More Than One Decade	Private	Undetermined*
4DL0866	4N	10W	24	Comb	Historic Energy Development		Historic More Than One Decade	Private	Undetermined*
4DL0880	4N	10W	24	SW	Historic Trash Dump		1890-1899	Private	Undetermined*
4DL0892	4N	10W	24	SW	Historic Dug-Out		Historic Period	Private	Undetermined*
4DL0894	4N	10W	24	SW	Historic Railroad Building/Structure		Historic More Than One Decade	Private	Undetermined*

(Section 3 – continued)

MAP - *A sketch or map MUST BE INCLUDED that provides the following:*

(a) Property lines and boundary lines of :
- **(i)** acreage available for land application, and
- **(ii)** the acreage proposed for use during the license year; **and**

(b) All roads, homes, buildings, water wells, surface waters, canyons, ravines, and floodplains within 500 feet of the property boundary

State Historic Preservation Office (SHPO) – A cultural resource file search must be requested on the proposed land application site. SHPO charges a fee for this search. The "File Search Request Form" can be found online at SHPO's web page: http://mhs.mt.gov/Portals/11/shpo/docs/FSRF.xlsx.
Provide the following:

(a) A copy of the SHPO file search results.

Is the proposed site located in a Sage Grouse core, habitat, or connectivity area? Yes ☐ No ☒

If yes, attach a copy of the recommendation letter from DNRC's Sage Grouse Habitat Conservation Program. (To begin the evaluation process with the Sage Grouse Habitat Conservation Program, visit https://sagegrouse.mt.gov/projects/.)

PROPERTY OWNER SIGNATURE/CERTIFICATION

I, Matt Smith, hereby certify that I am the Property Owner or Designated Representative of the Property Owner (***CIRCLE ONE***) of the proposed disposal location and the applicant has my permission to use the site. By signing this form, I further certify that the applicant has provided me notification of the restrictions for crop harvesting and animal grazing following the land application of septage on the property.
(SIGNATURE MUST BE NOTARIZED AND INCLUDE PROOF OF OWNERSHIP)

SIGNATURE: Matt Smith DATE: 5-25-20

TITLE: _____

JEFF AND MARY ROLQUIN PARKLAND ABANDONMENT

ANACONDA-DEER LODGE COUNTY PLANNING DEPARTMENT
STAFF REPORT

PREAPPLICATION MEETING
ABANDONMENT OF PARKLAND DEDICATION REQUEST
AMENDED SUBDIVISION PLAT

GEORGETOWN VISTA MINOR SUBDIVISION
JULY 20, 2020

The Planning Department received a request from Jeff & Mary Rolquin to abandon the parkland dedication on the open space/parkland parcel of the Georgetown Vista Minor Subdivision. The Georgetown Vista Minor is comprised of 2-lots, the 1.41-acre parkland, and a 6-acre remainder.

A preapplication meeting with the Planning Board will discuss and identify potential conditions and requirements for the abandonment of a parkland dedication and requirements for an amended subdivision plat.

Public notice of this unique request has been published in the Anaconda Leader and letters were sent to neighbors to ensure an opportunity for public participation.

BACKGROUND:

Applicant: Jeff and Mary Rolquin
174 RR Lake View Drive
Anaconda, MT 59711

A. **Project Description:** The applicants, owners of the open space/parkland parcel in the Georgetown Vista Minor Subdivision, propose to abandon the parkland dedication for residential use.

B. **Size & Location:** This parcel is located near the Lakehouse Restaurant (formerly the Brown Derby) and Elk Meadows Subdivision in the Georgetown Lake area. The open space lot is 1.41-acres. Parcel is accessed from Elk Meadows Lane. The area is legally described as "S20, T05 N, R13 W, C.O.S. 442D, ACRES 1.41, GEORGETOWN VISTA MINOR OPEN SPACE/PARK LAND"

Figure 1: Aerial from MT Cadastral with parkland outlined in blue

C. Existing Land Use: The property lies in the Georgetown Lake Development District of ADLC. The parkland is currently vacant and has large rock in the area of the former railroad bed.

Figure 2: Google street view photo (2012) taken from MT-1 with views of Brown Derby Lane, RR Lake View Dr, the 1.41-acre parkland, and Elk Meadows Lane

D. Proposed Land Use: Residential and accessory use

E. Adjacent Land Uses: North: Rural residential
West: Silvicultural/Rural residential
South: Commercial, Silvicultural, or Rural residential
East: Silvicultural/Rural residential

F. Utilities & Services:

Sanitary restrictions apply to this lot. DEQ approval is required for water (individual well) and sewer (individual septic system).

NorthWestern Energy services the area.

Fire & 1st Response EMT: Georgetown Lake Volunteer Fire District

REVIEW AND FINDINGS OF FACT:

This request is being evaluated for ADLC parkland abandonment and for requirements for a future amended subdivision plat.

A. Neighborhood Comments Received: Notice of the change of land use request was published in legal notices in the Anaconda Leader on July 3rd, 2020 and July 15th, 2020. No public comments were received by 12PM, July 15th, 2020.

B. Compliance with ADLC Development Permit System (DPS): The property is within the Georgetown Lake Development District. The proposed changed of use would change parkland to residential use. Any development of the parcel would be subject to ARTICLE XVIII - GLDD of the DPS.

C. Conformance with the Growth Policy: Area is designated as residential/recreational area in the Growth Policy.

D. Effects of Health and Safety:

Access: Elk Meadows Lane would be the used for access to the property. Parcel includes an access easement for RR Lake View Drive (formerly Kestrel Lane).

Fire: The property is within the Georgetown Lake Volunteer Fire District and is within the DNRC wildfire protection area.

Flooding: According to the Flood Insurance Rate Maps, the property is in Flood Zone D, areas of undetermined but possible flood hazards per panel 3000170015B. There are no known flood hazards on the property.

Superfund: A railroad bed previously traversed this parcel. Removal of the railroad bed materials and revegetation cleanup was performed in this area between 2007-2009 for the Georgetown Railroad Site.

E. Effects on Wildlife and Wildlife Habitat: Property is located within the Elk Winter Range.

F. Effects on the Natural Environment:

Water quality: No surface water or wells exist on this site. Montana Department of Environmental Quality (DEQ) approval is required to lift sanitary restrictions on this parcel. Permits for well installation will require Tri-County Health approval and ADLC permits.

Sewage disposal: DEQ approval would be required for any septic system. Permits for any septic system require Tri-County Health approval and ADLC permits.

Weed control plan: A weed control agreement with the current owners is not on file with ADLC weed department.

G. Effects on Local Services:

Water and Sewer: N/A to municipal services

Roads: Elk Meadows Lane may provide access in the northeast corner of the lot. Elk Meadows Lane is maintained by the county under an RSID. Private roads or driveways are the responsibility of the property owners.

Schools: N/A

Parks: Parkland space was dedicated with Georgetown Vista Minor Subdivision approval. Change of land use will result in a loss of dedicated open park space within ADLC.

Police Protection: N/A; within service area of the ADLC Police Department

Fire Protection: Site is located within the Georgetown Lake Volunteer Fire District. Property is accessible from Elk Meadows Lane by the GLVFD.

Refuse Disposal: N/A; Refuse disposal by owner or contract haul

Medical Services: N/A; Medical services are available at the Anaconda Community Hospital, which is approximately fifteen (15) miles from the site. Ambulance services are also available. Georgetown Lake Volunteer Fire District is first response.

H. Effects on Agriculture and Water User Facilities: Abandonment of the parkland dedication will have no effect on agriculture or agricultural water user facilities. The 1.41-acre parcel is the site of an old railroad bed and would not be suitable for agricultural use.

SUMMARY OF FINDINGS

1. The proposed change of land use is in compliance with the Anaconda-Deer Lodge Growth Policy.
2. The request is generally in compliance with the Anaconda-Deer Lodge County Development Permit System.
3. Individual water and individual sewer systems require approval from Montana Department of Environmental Quality and Tri-County Health.

PROPOSED CONDITIONS FOR ANY AMENDING PLAT AND SUBSEQUENT FUTURE DEVELOPMENT

1. Amended plat will be reviewed per Sec. 16-96 of ADLC Subdivision Regulations.
2. DEQ approval is required to remove sanitary restriction.
3. Weed control plan shall be developed with the ADLC Weed Supervisor.
4. Planning Department recommends a cash donation equivalent to appraised value of the land for loss of open space.

Attachments:

1. Rolquin Request email (06/29/2020)
2. Georgetown Vista Minor Subdivision 419-A (2009)
3. Amended Plat Georgetown Vista minor Subdivision 442- D (2013)
4. GRS Southern Cross Project Location Map
5. Email correspondence (07/08/2020 and 07/14/2020)

Gayla Hess

From: Carl Hamming
Sent: Wednesday, July 08, 2020 7:53 AM
To: Gayla Hess
Subject: FW: Request to lift Park Land restrictions on our property that is unusable
Attachments: IMG_3950.jpg; IMG_3951.JPG

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

From: jlrolquin@gmail.com <jlrolquin@gmail.com>
Sent: Friday, June 19, 2020 6:01 PM
To: Carl Hamming <chamming@adlc.us>
Cc: jeffandmaryus@gmail.com
Subject: Request to lift Park Land restrictions on our property that is unusable

To ADLC Planning Department

Re: We would like to request lifting the open space parkland restriction from our 1.41 acre tract and amend the plat that we are currently paying taxes on.

As it currently exists, this is land that was set aside through the subdivision approval process and (on paper) exists as park space for the public to enjoy. The current status of the property is in no way a possible spot for the public to enjoy whatsoever given its current state of being filled with left over Rail Road rocks and is basically unusable for either a parkland property and or personal use. Our adjacent property is on six acres around the corner on a sloped lot, it is our intention to be able to clear off the Rail Road rocks and level off the property to be used as a boat house/snow plow storage with a small apartment residence, aka mother in law garage apartment.

We own this property and pay taxes on it but, can't use it which I thought does not benefit either the county or us. It was mentioned that the County has the authority to require a cash donation for the loss of park land (referenced in MCA 76-3-621), this would not be a viable option for us given we just paid for unusable parkland and the potential of making a donation would not be feasible or make sense given we have to spend an estimated $10,000 to remove all the rail road rocks and level off the property with fill, put in a well and septic and build.

We are willing to submit plans and go through the normal process to secure permitted use and after the build the county can assess a value and gain yearly taxes from the 1.41 acres.

Attached are photos of the property in its current unusable state

We really appreciate the ADLC Planning Departments assistance on this and look forward to working with you to lifting the parkland restrictions on our 1.41 acre tract.

Sincerely,

Jeff and Mary Rolquin
174 RR Lake View Drive
Anaconda, MT 59711

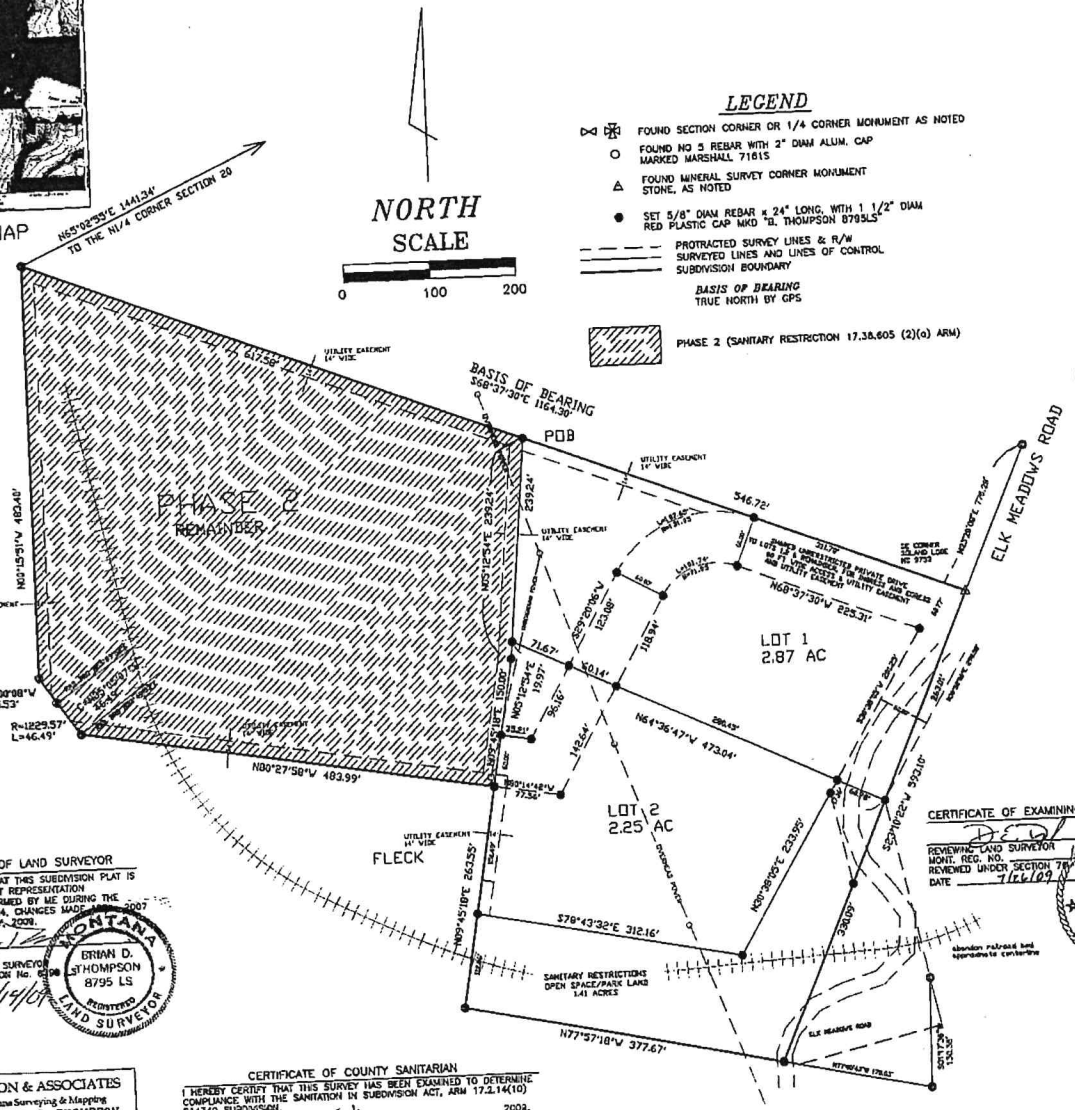
406 640 1005

FINAL PLAT
GEORGETOWN VISTA MINOR SUBDIVISION

TRACT M, NW1/4, SECTION 20, T.5N., R.13W., P.M.,M.
ANACONDA-DEER LODGE COUNTY, MONTANA

PURPOSE OF SURVEY: MINOR SUBDIVISION

VICINITY MAP



LEGAL DESCRIPTION GEORGETOWN VISTA MINOR SUBDIVISION

A TRACT OF LAND, LOCATED IN THE NW1/4, SECTION 20, T.5N., R.13W., P.M.,M., ANACONDA-DEER LODGE COUNTY, MONTANA, DECSRIBED AS FOLLOWS:

COMMENCING AT THE N1/4 CORNER OF SAID SECTION 20; THENCE S.65°02'55"W., 1441.34 FT.; THENCE S.68°37'30"E.; 617.58 FT. TO THE TRUE POINT OF BEGINNING OF THE GEORGTOWN VISTA SUBDIVISION; THENCE S.68°37'30"E., 546.72 FT.; THENCE S.23°10'22"W., 593.10 FT.; THENCE N.77°57'18"W., 377.67 FT.; THENCE N.09°45'18"E., 263.55 FT.; THENCE N.09°45'18"E., 150.00 FT.; THENCE N.05°12'18"E., 259.24 FT., TO THE POINT OF BEGINNING.
CONTAINING 6.53 ACRES OF LAND. ALL ACCORDING TO THIS SUBDIVISION PLAT.

SUBJECT TO ANY EASEMENT OF RECORD.

LEGEND

- FOUND SECTION CORNER OR 1/4 CORNER MONUMENT AS NOTED
- FOUND NO 5 REBAR WITH 2" DIAM ALUM. CAP MARKED MARSHALL 7161S
- FOUND MINERAL SURVEY CORNER MONUMENT STONE, AS NOTED
- SET 5/8" DIAM REBAR x 24" LONG, WITH 1 1/2" DIAM RED PLASTIC CAP MKD "B. THOMPSON 8795LS"
- PROTRACTED SURVEY LINES & R/W
- SURVEYED LINES AND LINES OF CONTROL
- SUBDIVISION BOUNDARY
- *BASIS OF BEARING* TRUE NORTH BY GPS
- PHASE 2 (SANITARY RESTRICTION 17.38.605 (2)(a) ARM)

CERTIFICATE OF DEDICATION

I(WE) THE UNDERSIGNED PROPERTY OWNERS, DO HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED, AND PLATTED INTO LOTS 1-2, AS SHOWN HEREON AND IT IS TO BE KNOWN AND DESIGNATED AS GEORGETOWN VISTA MINOR SUBDIVISION.

FURTHER, I (WE) HEREBY GRANT UNTO EACH AND EVERY PERSON, FIRM OR CORPORATION, WHETHER PUBLIC OR PRIVATE, PROVIDING OR OFFERING TO PROVIDE A PUBLIC UTILITY, IE., TELEPHONE, POWER, GAS, WATER, SEWER, ECT., TO THE PUBLIC, THE RIGHT OF JOINT USE OF AN EASEMENT TO THE PUBLIC, THE RIGHT OF JOINT USE OF AN EASEMENT FOR CONSTRUCTION, MAINTENANCE, REPAIR, AND REMOVAL OF THEIR LINES, IN, OVER, ACROSS, UNDER AN AREA BEING 14 FT. WIDE, ALONG THE PERIMETER OF SAID SUBDIVISION AND 7 FT., EACH SIDE OF THE THE INTERIOR LOT LINES, AND WITHIN THE RIGHT-OF-WAY OF ELK MEADOWS ROAD AND THE PRIVATE ACCESS EASEMENT AS SHOWN HEREON.

ALSO; THE AREA DESIGNATED OPEN SPACE, BEING 1.41 ACRES, IS HEREBY GRANTED AND PROVIDED TO THE PUBLIC AS OPEN SPACE. A SANITARY RESTRICTION ON SAID AREA APPLIES.

FURTHER THE PHASE 2 IS EXEMPT FROM SANITARY REVIEW, PURSUANT TO 17.38.605 EXCLUSIONS (2)(a) ARM

"A PARCEL THAT HAS NO EXISTING FACILITIES FOR WATER SUPPLY, WASTEWATER DISPOSAL, AND SOLID WASTE DISPOSAL, IF NO NEW FACILITIES WILL BE CONSTRUCTED ON THE PARCEL" PURSUANT TO 17.36.605 EXCLUSIONS (2)(a) ARM.

SALLY CANNATA — DATE 7/15/09

BRIAN CANNATA — DATE 7/15/09

NOTARY PUBLIC:
BEFORE ME, THE INDIVIDUAL(S) WHOSE NAME(S) ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AND DID PERSONALLY APPEAR.
IN WITNESS WHEREOF I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL.
NOTARY PUBLIC FOR THE STATE OF Montana
RESIDING AT Anaconda, Montana
MY COMMISSION EXPIRES 1/31/2012
SEAL

JONATHAN OWENS
NOTARY PUBLIC-MONTANA
Residing at Anaconda, Montana
My Comm. Expires April 10, 2012

ANACONDA-DEER LODGE COUNTY CONDITIONS/RSTRICTIONS/REQUIREMENTS 1/27/05

1) ALL ADDRESSES SHALL BE VISIBLE FROM THE ROAD AT THE DRIVEWAY ENTRANCE.
2) ALL UTILITIES SHALL BE PLACED UNDERGROUND.
3) ALL AREAS DISTURBED DURING DEVELOPMENT OF STRUCTURES AND DRIVEWAYS SHALL BE REVEGETATED IN ACCORDANCE WITH A PLAN APPROVED BY THE COUNTY WEED DEPARTMENT.
4) THE PROPERTY OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE INTERNAL SUBDIVISION ROAD. ROADS SHALL BE MAINTAINED, INCLUDING NECESSARY REPAIRS AND SNOW REMOVAL, TO ENSURE SAFE ALL WEATHER TRAVEL FOR TWO-WAY TRAFFIC UNITS. BUILT TO THE STANDARDS OF THE ANACONDA-DEER LODGE COUNTY SUBDIVISION IMPROVEMENT DISTRICT IS INCLUDED WITH ANACONDA-DEER LODGE COUNTY.
5) LOT OWNERS ARE ADVISED THAT THEY ARE LIVING IN AN URBAN-WILD LAND INTERFACE AREA.
6) LOT OWNERS ARE RESPONSIBLE FOR:
   A. THE DIVERSION AND CONTROL OF FIRE-RETARDANT SPACE AROUND ALL HOME SITES AND STRUCTURES.
   B. THE CREATION AND MAINTENANCE OF FIRE-RETARDANT SPACE AROUND ALL HOME SITES AND STRUCTURES.
7) LOT OWNERS ARE ADVISED THEY ARE LOCATED IN AN AREA KNOWN TO SUPPORT WILDLIFE. OWNERS ARE ENCOURAGED TO CONTACT MONTANA FISH, WILDLIFE AND PARKS FOR ADVICE ON LIVING WITH WILDLIFE.
8) ONLY CLASS A AND CLASS B FIRE RESISTANT ROOFING MATERIALS ARE ALLOWED. WOOD SHAKES SHINGLES, TREATED OR OTHERWISE ARE PROHIBITED.
9) FIRE-RETARDANT SPACE STANDARDS SHALL BE INCORPORATED AROUND ALL PRIMARY STRUCTURES, AS DESCRIBED IN THE FIRE-RETARDANT SPACE STANDARDS AVAILABLE FROM THE DEPARTMENT OF NATURAL RESOURCES.
10) THE EXISTING RAIL BED LOCATED ON THE PLAT SHALL NOT BE DISTURBED FOR ANY TYPE OF DEVELOPMENT PRIOR TO THE PROPER RECREATION AND OR RECLAMATION OF THE RAIL.
11) ALL LOT OWNERS RETAIN THE RIGHT TO PROTEST EXTENDING INTO A RURAL SUBDIVISION IMPROVEMENT DISTRICT WHEN ONE HAS BEEN ESTABLISHED.

CERTIFICATE OF COUNTY TREASURER

I HEREBY CERTIFY, PURSUANT TO 76-3-611(1)(b), THAT ALL REAL PROPERTY TAXES AND SPECIAL ASSESSMENTS ASSESSED AND LEVIED ON THE LAND TO BE DIVIDED HAVE BEEN PAID.
DATED THIS 31st DAY OF July 2009.

TREASURER, ANACONDA-DEER LODGE COUNTY, MONTANA 441060

CERTIFICATE OF FINAL PLAT APPROVAL

THE COUNTY COMMISION OF ANACONDA-DEER LODGE CO., MONTANA DOES HEREBY CERTIFY THAT IT HAS EXAMINED THIS SUBDIVISION PLAT AND HAVING FOUND THE SAME TO CONFORM TO LAW, APPROVED THIS 31st DAY OF July, 2009.

Rebecca Cirenza
CHIEF EXECUTIVE, ANACONDA-DEER LODGE COUNTY

ATTEST: Marie Hatcher
CLERK AND RECORDER

CERTIFICATE OF EXAMINING LAND SURVEYOR

REVIEWING LAND SURVEYOR
MONT. REG. NO. 14733LS MONTANA
REVIEWED UNDER SECTION 76-3-611 MCA
DATE 7/16/09

DANIEL E. DENGEL 14733LS LICENSED LAND SURVEYOR

FOR: SALLY CANNATA

GEORGETOWN VISTA MINOR SUBDIVISION

T.5N., R.12W.

SEC 20

CERTIFICATE OF LAND SURVEYOR

I HEREBY CERTIFY THAT THIS SUBDIVISION PLAT IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PERFORMED BY ME DURING THE MONTHS OF OCT., 2004, CHANGES MADE MAY, 2007 AND COMPLETED JULY, 2009.

BRIAN D. THOMPSON
PROFESSIONAL LAND SURVEYOR
MONTANA REGISTRATION No. 8795LS
7/14/09

MONTANA BRIAN D. THOMPSON 8795 LS REGISTERED LAND SURVEYOR

THOMPSON & ASSOCIATES
Montana Surveying & Mapping
BRIAN D. THOMPSON
2700 MEADE AVENUE
406-533-0526
BUTTE, MONTANA

CERTIFICATE OF COUNTY SANITARIAN

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN EXAMINED TO DETERMINE COMPLIANCE WITH THE SANITATION IN SUBDIVISION ACT, ARM 17.2.14(10) S14340 SUBDIVISION.
DATED THIS 30th DAY OF July 2009.

SANITARIAN, ANACONDA-DEER LODGE COUNTY

CERTIFICATE OF CLERK & RECORDER

STATE OF MONTANA
COUNTY OF ANACONDA-DEER LODGE
FILED ON THE 31st DAY OF July, 2009.
AT 3:22 O'CLOCK P.M.

Marie Hatcher
COUNTY CLERK & RECORDER

BOOK ____ PAGE ____
INSTRUMENT No. 183967

SUBDIVISION PLAT No 419-A
SHEET ONE OF ONE

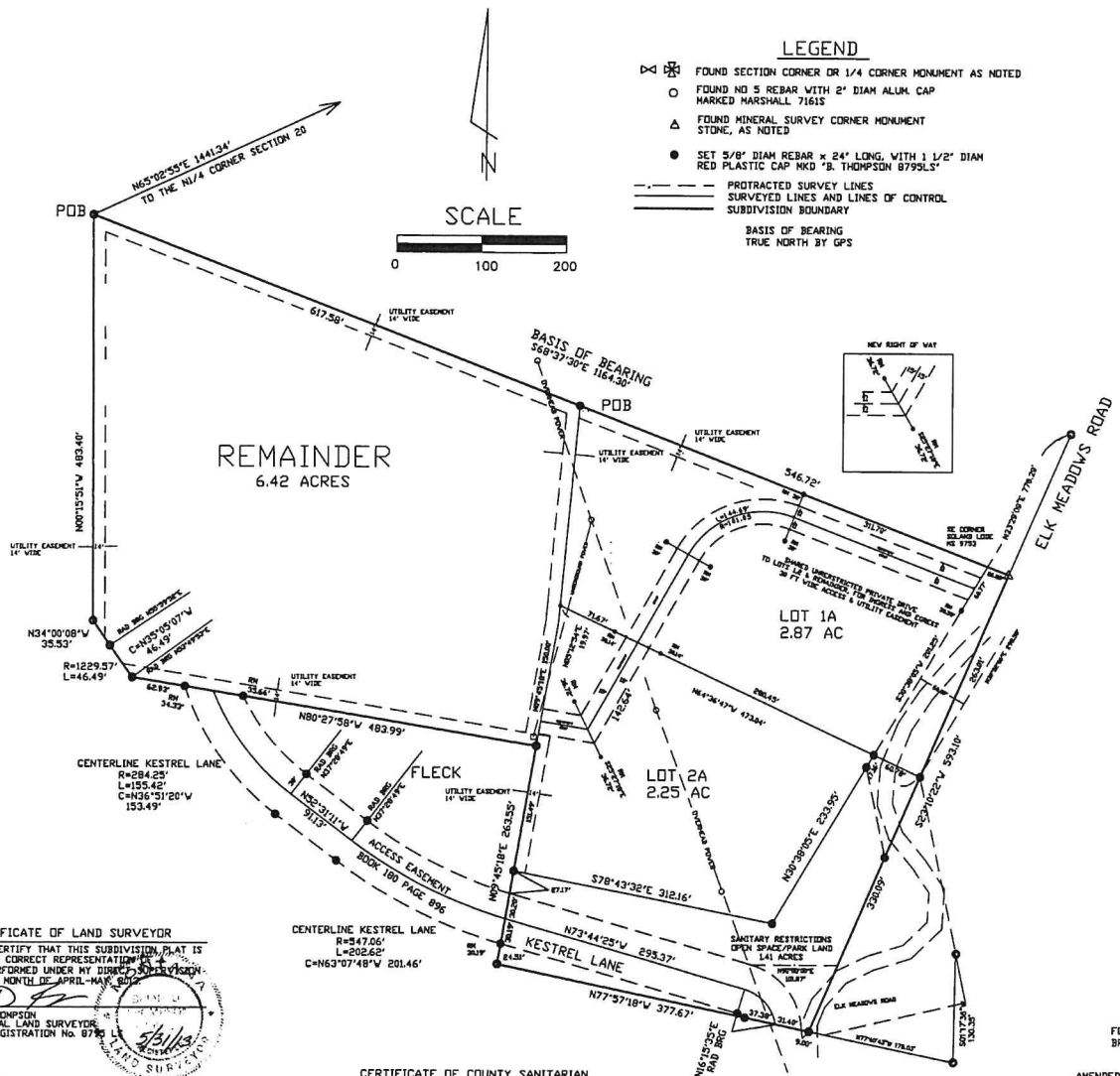
$40.00

AMENDED PLAT GEORGETOWN VISTA MINOR SUBDIVISION

NW1/4, SECTION 20, T.5N., R.13W., P.M.,M., PLAT NUMBER 419-A

ANACONDA-DEER LODGE COUNTY, MONTANA

PURPOSE OF SURVEY: AMENDED PLAT TO SHOW LOCATION OF NEW AND REVISED ACCESS EASEMENTS



LEGEND

- FOUND SECTION CORNER OR 1/4 CORNER MONUMENT AS NOTED
- FOUND NO 5 REBAR WITH 2" DIAM ALUM. CAP MARKED MARSHALL 7161S
- FOUND MINERAL SURVEY CORNER MONUMENT STONE, AS NOTED
- SET 5/8" DIAM REBAR x 24" LONG, WITH 1 1/2" DIAM RED PLASTIC CAP MKD "B. THOMPSON 8795LS"
- PROTRACTED SURVEY LINES
- SURVEYED LINES AND LINES OF CONTROL
- SUBDIVISION BOUNDARY

BASIS OF BEARING
TRUE NORTH BY GPS

LEGAL DESCRIPTION GEORGETOWN VISTA MINOR SUBDIVISION

A TRACT OF LAND, LOCATED IN THE NW1/4, SECTION 20, T.5N., R.13W., P.M.M., ANACONDA-DEER LODGE COUNTY, MONTANA, BEING GEORGETOWN VISTA, PLAT NUMBER 419-A, FILED OF RECORD AT THE CLERK AND RECORDER'S OFFICE, DEER LODGE COUNTY, MONTANA, CONTAINING 12.60 ACRES OF LAND.

ANACONDA-DEER LODGE COUNTY CONDITIONS/RESTRICTIONS/REQUIREMENTS 1/27/05

1) ALL ADDRESSES SHALL BE VISIBLE FROM THE ROAD AT THE DRIVEWAY ENTRANCE.
2) ALL UTILITIES SHALL BE PLACED UNDERGROUND.
3) ALL AREAS DISTURBED DURING DEVELOPMENT OF STRUCTURES AND DRIVEWAYS SHALL BE REVEGETED IN ACCORDANCE WITH A PLAN APPROVED BY THE COUNTY WEED DEPARTMENT.
4) THE PROPERTY OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR MAINTAINANCE OF THE INTERNAL SUBDIVISION ROAD. ROADS SHALL BE MAINTAINED, INCLUDING NECESSARY REPAIRS AND SNOW REMOVAL, TO ENSURE SAFE ALL WEATHER TRAVEL FOR TWO-WAY TRAFFIC UNTIL SUCH TIME THAT A RURAL SUBDIVISION IMPROVEMENT DISTRICT IS IMPLEMENTED WITH ANACONDA-DEER LODGE COUNTY.
5) LOT OWNERS ARE ADVISED THAT THEY ARE LIVING IN AN URBAN-WILD LAND INTERFACE AREA. AS SUCH, THEY ARE RESPONSIBLE FOR
   1. THE EMASCULATION AND CONTROL OF NOXIOUS WEEDS UPON THEIR PROPERTY.
   2. THE CREATION AND MAINTAINANCE OF FIRE-RESTRICTABLE SPACE AROUND ALL HOME SITES AND STRUCTURES.
6) LOT OWNERS ARE ADVISED THEY ARE LOCATING IN AN AREA KNOWN TO SUPPORT WILDLIFE. OWNERS ARE ENCOURAGED TO CONTACT MONTANA FISH, WILDLIFE AND PARKS FOR ADVICE ON LIVING WITH WILDLIFE.
7) ONLY CLASS A AND CLASS B FIRE RESISTANT ROOFING MATERIALS ARE ALLOWED. WOOD SHAKES SHINGLES, TREATED OR OTHERWISE ARE PROHIBITED.
8) DEFENSIBLE SPACE STANDARDS SHALL BE INCORPORATED AROUND ALL PRIMARY STRUCTURES AS DESCRIBED IN THE FIRE PROTECTION GUIDELINES FOR WILD LAND RESIDENTIAL INTERFACE DEVELOPMENT AVAILABLE FROM THE DEPARTMENT OF NATURAL RESOURCES.
9) THE EXISTING BARN, BED LOCATED ON THE PLAT SHALL NOT BE DISTURBED FOR ANY TYPE OF DEVELOPMENT PRIOR TO THE PROPER REMEDIATION AND OR RECLAMATION OF THE AREA.
10) ALL LOT OWNERS RESERVE THE RIGHT TO PROTEST ENTERING INTO A RURAL SUBDIVISION IMPROVEMENT DISTRICT IF/WHEN ONE HAS BEEN ESTABLISHED.

CERTIFICATE OF OWNERS

I(WE) THE UNDERSIGNED PROPERTY OWNERS, DO HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED, THIS PLAT AMENDMENT FOR LOTS 1A AND 2A AND REMAINDER, AS SHOWN HEREON, AMENDED PLAT OF GEORGETOWN VISTA MINOR SUBDIVISION.

"CHANGES THAT MATERIALLY ALTER ANY PORTION OF A FILED PLAT, ITS LAND DIVISIONS OR IMPROVEMENTS, OR THAT WILL MODIFY THE APPROVED USE OF THE LAND WITHIN THE SUBDIVISION, MUST BE MADE BY FILING AN AMENDED PLAT SHOWING ALL ALTERATIONS. ANY ALTERATION WHICH ... ABANDONS OR ALTERS A PUBIC ROAD RIGHT-OF-WAY OR PARKLAND DEDICATION MUST BE REVIEWED AND APPROVED BY THE GOVERNING BODY." PURSUANT TO ANACONDA DEER LODGE COUNTY SUBDIVISION REGULATIONS II-B-8 AMENDED FILED PLATS AND 76-3-207(2)(a)MCA.

BRIAN & SALLY CANNATA — DATE 6/3/2013

NOTARY PUBLIC

BEFORE ME, THE INDIVIDUAL(S) WHOSE NAME(S) ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AND DID PERSONALLY APPEAR.

IN WITNESS WHEREOF I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL — SEAL

Pamela Owen

NOTARY NAME PRINTED

NOTARY PUBLIC FOR THE STATE OF Montana
RESIDING AT Missoula, MT
MY COMMISSION EXPIRES December 16, 2013

PAMELA L. OWEN
NOTARY PUBLIC for the State of Montana
Residing at Missoula, MT
My Commission Expires December 16, 2013

CERTIFICATE OF EXAMINING LAND SURVEYOR

I HEREBY CERTIFY, THAT I HAVE EXAMINED AND REVIEWED THIS AMENDED PLAT "FOR ERRORS AND OMISSIONS IN CALCULATION AND/OR DRAFTING" PURSUANT TO 76-3-611(2)(a) MCA
DATED THIS 17 DAY OF June, 2013.

EXAMINING LAND SURVEYOR
MONTANA LICENSE NUMBER 14733LS

MONTANA — DANIEL E. DENGEL 14733LS — LICENSED LAND SURVEYOR

CERTIFICATE OF COUNTY TREASURER

I HEREBY CERTIFY, PURSUANT TO 76-3-611(1)(b), THAT ALL REAL PROPERTY TAXES AND SPECIAL ASSESSMENTS ASSESSED AND LEVIED ON THE LAND TO BE DIVIDED HAVE BEEN PAID. DATED THIS 15th DAY OF July, 2013.

TREASURER, ANACONDA-DEER LODGE COUNTY, MONTANA

CERTIFICATE OF FINAL PLAT APPROVAL

THE COUNTY COMMISSION OF ANACONDA-DEER LODGE CO., MONTANA DOES HEREBY CERTIFY THAT IT HAS EXAMINED THIS SUBDIVISION PLAT AND HAVING FOUND THE SAME TO CONFORM TO LAW, APPROVED THIS 16 DAY OF July, 2013.

CHIEF EXECUTIVE, ANACONDA-DEER LODGE COUNTY

ATTEST: CLERK AND RECORDER

CERTIFICATE OF LAND SURVEYOR

I HEREBY CERTIFY THAT THIS SUBDIVISION PLAT IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION DURING THE MONTH OF APRIL-MAY 2012.

BRIAN D. THOMPSON
PROFESSIONAL LAND SURVEYOR
MONTANA REGISTRATION No. 8795LS

5/31/13

BRIAN D. THOMPSON, SURVEYOR
Montana Surveying & Mapping
THOMPSON & ASSOCIATES LLC
2700 MEADE AVENUE
406-533-0526
BUTTE, MONTANA

CERTIFICATE OF COUNTY SANITARIAN

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN EXAMINED TO DETERMINE COMPLIANCE WITH THE SANITATION IN SUBDIVISION ACT, ARM 17.2.14(10) S14340 SUBDIVISION.
DATED THIS 17th DAY OF June, 2013.

SANITARIAN/ ANACONDA-DEER LODGE COUNTY

FOR:
BRIAN CANNATA

AMENDED PLAT GEORGETOWN VISTA MINOR SUBDIVISION

T.5N., R.12W.

SEC 20

CERTIFICATE OF CLERK & RECORDER

STATE OF MONTANA
COUNTY OF ANACONDA-DEER LODGE

FILED ON THE 18th DAY OF July, 2013.
AT 1:35 O'CLOCK, P.M.

COUNTY CLERK & RECORDER

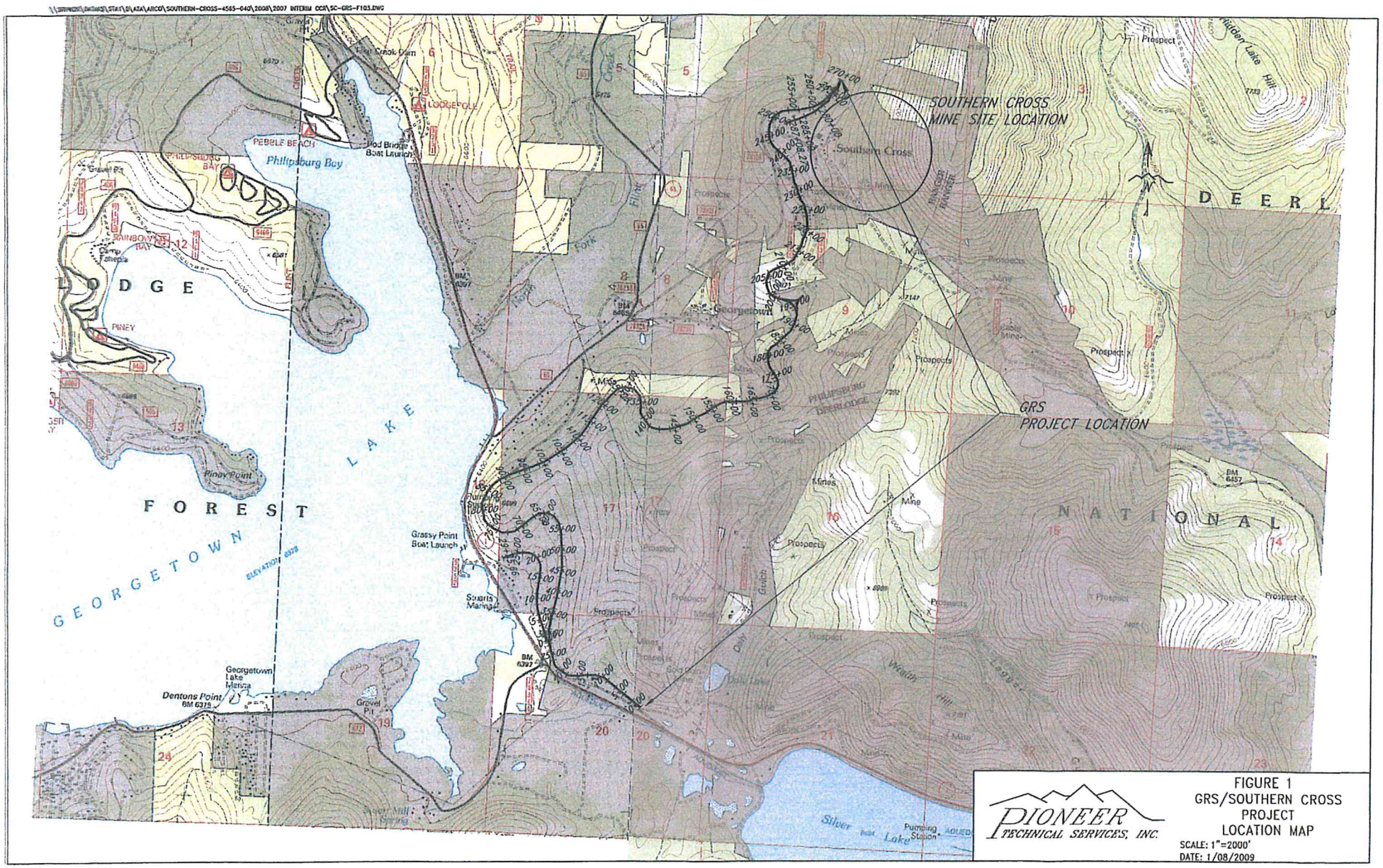
BOOK _____ PAGE _____
INSTRUMENT No. 71664

AMENDED PLAT No 419-D

SHEET ONE OF ONE

D:\Documents and Settings\Brian Thompson\My Documents\Drawing Files\CANNATABELE.dwg 5/31/2013

$40.50



PIONEER TECHNICAL SERVICES, INC.

FIGURE 1
GRS/SOUTHERN CROSS
PROJECT
LOCATION MAP

SCALE: 1"=2000'
DATE: 1/08/2009

Gayla Hess

From: Gayla Hess
Sent: Tuesday, July 14, 2020 3:51 PM
To: Meyer, Michael
Subject: FW: ADLC Planning Board agenda item- Parkland Abandonment request
Attachments: 442 D- Brian & Sally Cannata 2013.tif; FW: Request to lift Park Land restrictions on our property that is unusable

Mike,

Thank you for listening to the quick summary about this request in your wildfire protection area. Please let me know if you have any comment in advance of the meeting or would like to further discuss. Take care.

-Gayla

From: Gayla Hess
Sent: Wednesday, July 08, 2020 8:16 AM
To: anacondafirechief@gmail.com; Chad Lanes <clanes@adlc.us>; fbjorklund@juno.com; Lynette Williams <lwilliams@adlc.us>; Michael Marker <mmarker@adlc.us>; Wayne Wendt <wwendt@adlc.us>
Cc: Tim Barkell <tbarkell@adlc.us>; Carl Nyman <cnyman@adlc.us>; Shane Ellingson <sellingson@waterenvtech.com>; Paul Puccinelli <ppuccinelli@adlc.us>; cameron.rasor@usda.gov; shrose@state.mt.us; jgoebel@mt.gov; Carl Hamming <chamming@adlc.us>; Eric Hoiland <ehoiland@adlc.us>
Subject: ADLC Planning Board agenda item- Parkland Abandonment request

Hello all:

Jeff and Mary Rolquin have submitted a request to abandon the parkland dedication on the open space/park land parcel of the Georgetown Vista Minor Subdivision within the Anaconda-Deer Lodge County (ADLC) Georgetown Lake Development District. The owners propose to use this lot for residential and accessory uses. The property is legally described as "S20, T05 N, R13 W, C.O.S. 442D, ACRES 1.41, GEORGETOWN VISTA MINOR OPEN SPACE/PARK LAND." Lot is accessed from Elk Meadows via Brown Derby Ln. The request from the owners and subdivision plat have been attached for review.

The Planning Board meeting will be held Monday, 07/20/2020 at 6PM in the Courthouse Courtroom. Participants may also attend via conference call (Dial-In Number: 425-436-6372 with Access Code:254398). Please submit any comments by 12PM on Wednesday,07/15/2020 for inclusion in the staff report, and feel free to reach out if you would like to discuss or would like additional information.

Thank you.

Gayla Hess
Planning Department
Anaconda-Deer Lodge County
T: 406-563-4012 | M: 406-479-4710

Property Record Card

Summary

Primary Information

Property Category: RP
Subcategory: Residential Property
Geocode: 30-1375-20-2-02-06-0000
Assessment Code: 0000441110
Primary Owner:
VERTEX INVESTMENTS LLC
2206 MIDDLE BEAR CREEK RD
VICTOR, MT 59875-9602
NOTE: See the Owner tab for all owner information
PropertyAddress:
COS Parcel:
Certificate of Survey: 442D
Subdivision:
Legal Description:
S20, T05 N, R13 W, C.O.S. 442D, ACRES 1.41, GEORGETOWN VISTA MINOR OPEN SPACE/PARK LAND
Last Modified: 12/20/2019 2:04:06 PM

General Property Information

Neighborhood: 230.013.E
Property Type: NVS - Non-Valued with Specials
Living Units: 0
Levy District: 30-3236-3
Zoning:
Ownership %: 100
Linked Property:
No linked properties exist for this property
Exemptions:
No exemptions exist for this property
Condo Ownership:
General: 0
Limited: 0

Property Factors

Topography: 8
Fronting: 0 - None
Utilities: 0
Parking Type:
Access: 3
Parking Quantity:
Location: 0 - Rural Land
Parking Proximity:

Land Summary

Land Type	Acres	Value
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0.000	00.00
Total Market Land	1.410	18,186.00

Deed Information:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
12/19/2019	371	708	12/20/2019	206493	Warranty Deed
10/9/2015	334	681	11/13/2015	196563	Quit Claim Deed

Owners

Party #1

Default Information: VERTEX INVESTMENTS LLC
2206 MIDDLE BEAR CREEK RD

Ownership %: 100

Primary Owner: "Yes"

Interest Type: Fee Simple

Last Modified: 11/18/2015 11:20:47 AM

Other Names

Name	Type

Other Addresses

Appraisals

Appraisal History

Tax Year	Land Value	Building Value	Total Value	Method
2020	18186	0	18186	COST
2019	18186	0	18186	COST
2018	15943	0	15943	COST

Market Land

Market Land Item #1

Method: Acre

Type: Non-Buildable

Width:

Depth:

Square Feet: 00

Acres: 1.41

Valuation

Class Code: 2160

Value: 18186

Dwellings

Existing Dwellings

No dwellings exist for this parcel

Other Buildings/Improvements

Outbuilding/Yard Improvements

No other buildings or yard improvements exist for this parcel

Commercial

Existing Commercial Buildings

No commercial buildings exist for this parcel

Ag/Forest Land

Ag/Forest Land

No ag/forest land exists for this parcel