



# MINUTES

ADLC Planning Board

ADLC Courthouse, 3<sup>rd</sup> Floor Courtroom

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Monday, June 20th, 2022, at 6:00 pm | Meeting called to order at 6:03 pm by Rose Nyman, Chairperson

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## Attendance

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Members Present: Rose Nyman, Chairperson; John Lombardi, Vice-Chairperson; Bob Wren; Frank Fitzpatrick; Art Villasenor; Dan Reardon; Colleen Riley; Annette Smith

Members Absent: Christine Klanecky, excused

Staff Present: Carl Hamming, Planning Director; Gayla Hess, Planner II; Carlye Hansen Planning Department Secretary

Guests Present: Please see sign-in sheet. **Please see attachment**

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## Approval of Minutes

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March 21<sup>st</sup>, 2022

Motion was made by Art Villasenor to approve minutes from March 21<sup>st</sup>, 2022, with corrections as noted; seconded by John Lombardi. Motion passes 8-0.

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## Public Hearings

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### MDP (Major Development Permit) BrightNight

PUBLIC HEARING on a Major Development Permit (MDP) application submitted by BrightNight to construct a solar energy project on property owned by Atlantic Richfield in the area known as the Opportunity Ponds. Subject property is in the East Valley Development District and is in:

Sections 03, 04 T04N R10W and Sections 25, 26, 34, 35, 36 T05N, R10W

Pursuant to Ch. 24-283, an MDP is required for any proposed special land use.

### Staff Report

At this time, Carl Hamming, Planning Director, asked that the applicant be allowed to speak first and then the staff will give their report, recommendations, and conditions at that time.

### Applicant Report

Todd Haynes is here this evening as a representative of BrightNight, to give a brief description about the project they are looking to do in the area of the Opportunity Ponds. He gave a brief history on himself and his career and what brought him here to this point with BrightNight. The company was founded in 2019 and they are developing projects across the US, Australia, and Southeast Asia. He states that BrightNight has a focus on power over energy. They want to be able to supply power to the grid when power is most in demand rather than just when the sun is shining or when the wind is blowing. To do this, they incorporate energy storage into all their projects.

Currently, they are proposing on building a 200 mega-watt solar facility at the Opportunity Ponds Superfund site. He states that he really likes this location and rather than taking useful agricultural land out of service, they are taking an area that was previously disturbed and going to be making this into an asset for the entire Anaconda community. The project will create more than 250 construction jobs, about 5 permanent jobs, and will create a stable tax base for the 40-year life of the job. A tax consultant estimated that the project would generate approximately \$107M in tax revenue for the local schools and other local infrastructure.

Mr. Hayes reviewed several visual posters of the plan out in the Opportunity Ponds area. There were handouts of a Power Point that were given to everyone here this evening to see exactly what they are doing and where the panels will be located and how they will be arranged.

The cost of solar panels has dropped significantly over the past ten years. They are going to need an intense geotechnical investigation regarding the soils in that area.

### Questions from the Board

John Lombardi asked what the expectations are as far as residential accommodations. Mr. Haynes discussed that the 250 folks will be needed for construction jobs only and that these are temporary jobs. The permanent jobs would only be around 5 permanent jobs.

Colleen Riley stated that regardless, they are still going to need some place to stay.

### Christopher Wissel-Tyson, VP Development and Analytics, Pacific Northwest Development

He states that when he has been involved in other renewable energy projects, they are usually filling up every hotel within a wide radius and he assumes that this will continue to be the case with this project. He also stated that a lot of folks stay in their RV's out in RV parks, so he would not anticipate a need for any permanent housing at this time. Ms. Riley stated that 250 workers are a lot in a community like ours with only three or four hotels at best. Mr. Haynes stated that they would go on availability and sometimes it has turned out that the workers will end up staying 60 to 100 miles away and that just happens, unfortunately. Ms. Riley is concerned about basically ending up with RV parks on the streets and that is what comes to mind to her when these numbers are brought up.

Bob Wren wanted to confirm that the life of the project is to go on for 40 years and this was confirmed.

Dan Reardon asked about the tiers in the Opportunity Pond. He is wondering if the highest tier is closer to the highway or on the south side of the project. Mr. Wissel-Tyson verified that the highest tier is the one that will be closest to town, and they then step down as they get closer to I-90. Mr. Reardon asked about who is responsible for the cost of the transmission lines from Mill Creek to this location and Mr. Wissel-Tyson stated that it is the responsibility of BrightNight to maintain these lines. Mr. Reardon asked if there is a contract to sell this power at this time to Northwestern and Mr. Wissel-Tyson stated that they do not have a contract yet with Northwestern, but they are working with them and other potential buyers, but no active contracts. Mr. Reardon asked if the project would go forward if there were not a contract to sell power to either a utility or a co-op and Mr. Wissel-Tyson stated this is correct.

### Tuba Avcisert, VP Development and Origination, Pacific Northwest Development

Ms. Avcisert stated that there is the physical ability to take power out of Montana, they can stay with Northwestern Energy, or transact with any third-party. They have identified 20 to 25 customers that would be interested in the solar power, and they are currently in negotiations. Northwestern Energy is in negotiations, but their timeline could be different than the project timeline. She states that there is a lot of networking out there, but it just takes time to make sure what is the best fit for the project and for the community as well. They are, however, wanting to do this locally if possible. Mr. Reardon asked about a timeline with Northwest Energy and Mr. Wissel-Tyson and Ms. Avcisert are talking to other companies and are hopefully looking at a near future commitment.

Bob Wren asked about the letter in the packet from Fish, Wildlife, and Park, and interruption with the elk that migrate to that area, and he is wondering if there were any discussions that have taken place. Mr. Wissel-Tyson stated that they have been working directly with ARCO on that will defer these questions to ARCO. They will talk to FWP as the project gets closer and will work with them in coordination of the corridors.

Annette Smith asked about the reading of the letter from FWP, that it stated that the elk would be displaced and looking for other places to go. She states that we have deer, elk, and antelope in the area. She is also wondering about the triangle that is being used and she knows of another business that uses that part of the

roads, but Missouri River is bringing things in from the sites at Warm Springs and Galen and she wants to know how this will interrupt their business model.

Loren Bruemeister, Atlantic Richfield

Stated that he would like to start first regarding the animals. They have been working with FWP regarding the management of the elk herd that is currently out in that area. This is in a location where they cannot easily provide local access to local hunters and such, so they are trying to come up with a creative solution to get the numbers down in that area and start to redisperse these to other areas in a way that is safe in that they don't have to cross highways or adversely impact the neighbors, but they have been working with Joe and others from FWP to come up with a solution from everyone regarding the elk. There is also another issue with the reestablishment of the antelope herds in the area. One of things that BrightNight is incorporating is these passageways. The white-tail deer are more near the Country Club and not generally in the area in question. Regarding the Missouri River group and other companies working on site, they are doing clean-up work on behalf of the State of Montana for the Clark Fork River and the area is cut out as a development area and that this is an active repository. This is outside the footprint of this operation.

Frank Fitzpatrick is asking about material availability. He is wondering if they have stock on hand or whether they are going to deal with the same issues of shortages that we now must deal with around the country. They do have equipment and some things stored, so he doesn't think this will be a huge issue regarding contracting and he feels they can make that target. Mr. Fitzpatrick asked about what they will be doing regarding access roads. He is wondering where the access to the property will be from. There are several defined access points already. They can access from Hwy 48. He is wondering if they will be using the access road where Missouri River is accessing their area for the repository. The two locations that were indicated are one road that is located next to their offices and then down right near the railroad, there is a good are that will provide a good, safe entry. This is quite a way from the fishing ponds. Annette Smith asked exactly where the fishing ponds are at, and this was clarified for her.

Rose Nyman asked what the skill level will be of the five employees they will be employing. They state that all the technicians will be moving towards engineering degrees. There will be general maintenance with a cross section of skill. They will also be hoping to offer apprentice programs and education.

Staff Report

Carl Hamming, Planning Director, reviewed and presented the staff report put together by he and his office. All content can be located on the ADLC website. He discussed the nature of the request as permitting BrightNight to install solar arrays on 1,500-acres of Atlantic Richfield Company property within the Opportunity Ponds region.

He did receive one letter back and that was from MDT, and they had no comment on this project. There was also a letter from FWP, but this was addressed in earlier conversation.

The Planning Department does recommend that the Planning Board send a conditional approval of the Major Development permit submitted by BrightNight on to the ADLC Commission. There are four (4) proposed conditions listed in the staff report.

It is disclosed that on June 11<sup>th</sup>, Mr. Con Malee and Mr. John Stopper did meet with a member of the Planning Board on June 11<sup>th</sup> at the library, and they gave a primary preview of the packet. This also was confirmed by Frank Fitzpatrick, Art Villasenor, Colleen Riley, and Dan Reardon. Annette Smith and Bob Wren were the only two that did not meet previously with Mr. Stoppler and/or Mr. Malee.

**PUBLIC HEARING**

Proponents

Kevin Orrino, 903 Marcus Daly Drive

Wanted to express his support for the project.

Susan Malee, 141 Anavista Road

Wanted to express her support for the project, and on behalf of Tammy Mattson from the Forge Hotel. She also had spoken with Linda Johnson and Mike Thatcher, and they too, have also given their support.

Con Malee, 141 Anavista Road

Wanted to note that he has been working on this project with Mr. Stopper for roughly five years. He just wanted to address that they have overcome a lot of hurdles and still have many to get over assuming they will get a customer to take this over in the end. He also went on to note that Colstrip #3 and #4 will be set for retirement in 2025. All those folks are taking energy out of Colstrip, and someone will need replacement power. It is also notable that this project will have battery back-up.

Loren Bruemeister, Atlantic Richfield, 317 Anaconda Road, Butte, MT

He is here to speak in support of this project as the property owner. He is excited that they will be able to lose this land beyond the Superfund clean-up projects.

Opponents

None.

Questions/Comments from the Board

Frank Fitzpatrick is stating that the concern about the wildlife is being handled, so he is supportive of the project.

Annette Smith is also concerned about the wildlife as they are being pushed so much as it is. She is also concerned regarding the cost after all of this regarding Northwestern Energy, what the cost to the community will be. She is also thinking about the construction workers needing room for 250 places to stay, and that some of them may need to travel from as far as 100 miles away and there is the issue with the increased cost of gasoline at this time, and to a worker, that may be a point of not working, so hence a shortage on workers being able to work on this project. She is also thinking that they should find another area due to the animals.

Art Villasenor stated that this is a great project and that a lot of the issues have been addressed. He is in support of this.

Dan Reardon believes that the animals should not be an issue and he is in support of this project.

Colleen Riley is in support of this project but is worried and concerned about folks making promises that they cannot keep and would like to see a buyer before this project is started.

Bob Wren is in support of the project. He does state that the wildlife is a problem, and he feels that the elk should be thinned out.

Motion

*John Lombardi made a motion to approve the MDP application by BrightNight LLC, to construct a solar energy project on property owned by Atlantic Richfield in the area known as the Opportunity Ponds, with the proposed conditions (4), and move this on to the ADLC Commission; seconded by Art Villasenor. Motion approved 8-0.*

**District Map Amendment – Arbiter Plant**

PUBLIC HEARING on a Development District Map Amendment request by Anaconda-Deer Lodge County to designate the county-owned land surrounding the Arbiter Plant as Light Industrial Development District (LIDD), a change for a portion of the property that is currently designated as Public/Semi-Public Development District (P/SPD). The subject property is located on either side of Landfill Road, north of Montana Highway 1. Pursuant to Sec. 24-41 of the DPS, a public hearing is required before the Planning Board for their consideration to recommend approval to the ADLC Commission. Property is legally described as:

S01, T04 N, R11 W, C.O.S. 474-B, PARCEL B, ACRES 204.35

### Staff Report

Gayla Hess, Planner II, reviewed and presented the staff report put together by she and her office. All content can be located on the ADLC website. She discussed the nature of the request as a map amendment to support the county's major subdivision. Amending this area from Public/Semi-Public to the Light Industrial Development District will align the develop district map with current land use, the surrounding area, and change of ownership.

The Planning Department does recommend that the Planning Board send a recommendation of approval to the Commission to amend the development district map for a portion of parcel B of COS 474-B. There are two (2) proposed conditions listed in the Staff Report.

### Questions From the Board

Colleen Riley just wanted to verify that the only lots that will be amended will be lots 5, 7, 8, and 9 specifically.

### PUBLIC HEARING

#### Proponents

None

#### Opponents

None

#### Board Discussion

None

#### Motion

*Motion is made by Bob Wren to approve the map amendment request by ADLC and designate the county-owned land surrounding the Arbiter Plant as Light Industrial Development District, a change for a portion of the property that is currently designated as Public/Semi-Public Development District; seconded by Colleen Riley. Motion approved 8-0.*

### **District Map Amendment – East Yards**

PUBLIC HEARING on a Development District Map Amendment request by Anaconda-Deer Lodge County to designate the county-owned land within the East Yards as Highway Commercial Development District property. Land is currently designated as Railroad Transitional Development District. The subject property is located south of Montana Highway 1 between Polk St. and the Main Granulated Slag Pile. Pursuant to Sec. 24-41 of the DPS, a public hearing is required before the Planning Board for their consideration to recommend approval to the ADLC Commission. Property is legally described as:

S01, T04 N, R11 W, C.O.S. 456A, ACRES 91.08, TRACT 1-E EAST YARDS FRONTAGE LESS COS 476D

### Staff Report

Carl Hamming, Planning Director, reviewed and presented the staff report put together by he and his office. All content can be located on the ADLC website. He discussed the nature of the request as a map amendment to support the county's major subdivision. Amending this area from Railroad Transitional to Highway Commercial Development District will align the development district map with nearby properties including The Forge Hotel and an under construction Murdochs store

The Planning Department does recommend that the Planning Board send a recommendation of approval to the Commission to amend the development district map for a portion of COS 456A, Acres 91.08, most recently shown on the East Yards Major Subdivision preliminary plat. There are two (2) proposed conditions listed in the Staff Report.

## Questions From the Board

None

## PUBLIC HEARING

### Proponents

None

### Opponents

None

### Board Discussion:

Bob Wren inquired about the 30 acres that will be left against the slag pile and Mr. Hamming states that at this time that is unclear, so this will be left as is at this time.

### Motion

*Motion is made by Colleen Riley to approve the map amendment request by ADLC and designate the county-owned land within the East Yards as Highway Commercial Development District property. This would exclude the 30 acres on the East side, Lot 17, against the slag pile; seconded by Annette Smith. Motion passes 8-0.*

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## New Business

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### **Subdivision Preapplication meeting – James Anderson**

Gayla Hess, Planner II, reviewed and presented the staff report put together by she and her office. All content can be located on the ADLC website. She discussed the nature of the request as Mr. Anderson and his wife wanting to subdivide an 80+ parcel south of North Cable Road. Owners wish to create a new 1.52-acre residential lot and retain 79 acres for themselves and sell the 1.52 acres to friends. There are three (3) conditions for approval currently. These were reviewed. This is only a preapplication meeting and at this time no Public Hearing is required until they are moving forward with the subdivision application. They are working with Sara Jones for the DEQ approvals for well and septic sites. They have been in contact with the West Valley Fire District, so they are starting to work on any concerns for a fire protection plan.

### Applicant Report

Jim Anderson, 2807 North Cable Road, Anaconda, MT

Mr. and Mrs. Anderson stated that their friends have great interest in this piece of property, and they would like to construct a new house and they are welcome to the area. He went on to thank the Planning Board for their time.

### Board Questions and Comments

John Lombardi just wanted to know what kind of home this will be, and it will be a single-story home with a walk-out basement. He is also asking about DEQ approval. Mr. Hamming addressed this and discussed the process. Jodi Lechman, who is the potential buyer of the subdivided property, stated that she believed that it is roughly 60 a minimum of 60 days, and Carl confirmed that they can continue resetting the clock for as long as they wish.

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## Board Questions and Comments

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Rose Nyman discussed the March meeting and whether, according to Robert's Rules of Order, whether his is a moot point or not. Mr. Hamming did discuss this and currently, this is a moot point.

The only thing we need to do now is treat this as a procedural maneuver with a 5-minute recess and refer to the bylaws and then go with that information.

The second issue that Ms. Nyman just wanted to know what the question was that Christine asked at the Board training regarding meetings outside of the venue in which the meeting is being held. There was some back-and-forth conversation and Ms. Smith was unaware of how the question was handled and that there was some back and forth and that Christine was supposed to get back to the gentleman from Bozeman.

Bob Wren just wanted to thank Colleen Riley for the hospitality that she and her family shared the HRB speaker series. HE stated that it was a great event with a lot of great information.

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### Staff Questions and Comments

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None

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### Public Comment

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None

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### Next Meeting

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Monday, August 10<sup>th</sup>, 2022 (currently there is nothing tentative to have this meeting again in July)

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### Adjournment

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*Motion was made to adjourn by Art Villasenor; seconded by John Lombardi; Motion passes 8-0.*

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### Final Minutes Approved

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09/12/2022

Respectfully Submitted,

Carlye Hansen

ADLC Planning Department Secretary

Attachments: Guest Sign in Sheet

**Planning Board**  
**Anaconda-Deer Lodge County**  
**June 20<sup>th</sup>, 2022**  
**ADLC Courthouse**  
**3<sup>rd</sup> Floor Courtroom**  
**6 p.m.**  
**Sign-In Sheet**

Name Susan Malee

Address 141 Inavista Rd

E-Mail Address smalee17@gmail.com  Yes  No

Name Car Malee

Address 141 Inavista Rd

E-Mail Address cmalee21@gmail.com  Yes  No

Name Todd Haynes

Address 3523 N Mt View Dr

E-Mail Address Todd@brightlight.com  Yes  No

Name Patricia Williams

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E-Mail Address patwill@anacondalibrary.org  Yes  No

Name Wesley Turkmusee Parker

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E-Mail Address awhite@aspectivision.com  Yes  No

Name Levin Brown

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E-Mail Address lewinb@anacondalibrary.org  Yes  No

Are you an attorney or legal representative?