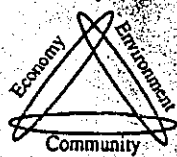


Beaverhead
County



Land Use and
Planning Coordinator

Beaverhead County Courthouse
2 S. Pacific
Dillon, MT 59725
PH: (406) 683-4868
FAX: (406) 683-5776

BOOK 279 1107

FINAL PLAT
ALTENBURG MINOR SUBDIVISION

May 8, 1995

The Beaverhead County Planning Staff recommends final plat approval of the Altenburg Minor Subdivision.

The conditions that were placed on this subdivision at the time of preliminary plat approval have been met and are reflected on the final plat.

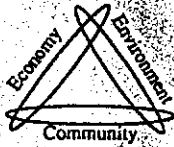
The final plat review fee of \$100 has been paid.

Sincerely,

Rick Hartz
Beaverhead County
Land Use and Planning Coordinator

:pt

Beaverhead
County



Land Use and
Planning Coordinator

Beaverhead County Courthouse
2 S. Pacific
Dillon, MT 59725
PH: (406) 683-4868
FAX: (406) 683-5776

BOOK 279 1108

November 4, 1994

STAFF REPORT

ALTENBURG MINOR SUBDIVISION

BACKGROUND

The proposed minor subdivision would create one 5 acre tract out of an existing 20 acre parcel.

Existing land use in the area is irrigated farm land with scattered residential tracts in the immediate vicinity along Highway 91 North

This proposed subdivision is located 4.5 miles north of Dillon on the west side of Highway 91 North.

The current owners of record are Dave and Mary Ann Altenburg.

FINDINGS OF FACT

The proposed subdivision's preliminary plat and supplements were reviewed to determine whether the proposed subdivision complies with the Montana Subdivision and Platting Act, the Beaverhead County Subdivision Regulations, the Beaverhead County Comprehensive Plan, and the Citizen's Guide to the Development of Land and Facilities.

In accordance with law the Planning Staff makes the following Findings of Fact, based on local government review criteria as set forth in Section 76-3-608 MCA (1993) and in local regulations specified above:

a) Effects On Agriculture

This subdivision will have a negligible affect on agricultural activities in the area.

The users of the West Side Canal Company have expressed concern with fencing and residential activity along the canal banks, and their ability to clean and maintain the irrigation ditch.

Altenburg Minor Subdivision -2-

November 4, 1994

b) Effect On Local Services

Law enforcement will be provided by the Beaverhead County Sheriff's Department. Fire protection will be provided by Fire District #2. The affect of providing these services is expected to be insignificant.

No County road services are expected as the tract is serviced by a private road off of a state highway. The Road Manager has reviewed the plat and his comments are addressed under public health and safety.

This proposed subdivision will use on-site water and sewage disposal, and existing covenants prevent further subdivision of the five acre lot.

c) Effect On The Natural Environment

No adverse affects are anticipated to the vegetation, soils, and the water quality or quantity in the area.

d) Effect On Wildlife And Wildlife Habitat

The land to be subdivided is agricultural with occasional use by small game animals and whitetail deer. It is not an area of significant wildlife use, and no adverse affects are expected.

e) Effect On Public Health And Safety

The area is not subject to potential natural hazards such as flooding, excess slope, etc., nor manmade hazards such as high voltage powerlines, high traffic volumes, or high pressure gas lines.

The West Side Canal runs across the east side of the property and potentially could be a problem for small children during the portion of the year that water is in it.

The private bridge across the canal is of railroad car construction and does not meet minimum County standards for width or design loading. (26 foot width and H-15 for loading) The bridge is 18 feet wide and can only legally be rated for five ton. The bridge does appear to be in good, sound, condition with a good deck.

There is a question of emergency access to the property should the bridge fail or become inadequate. There is a right-of-way on the west side of the canal from the north, but it is fenced off thus preventing direct access.

ACCESS

The proposed lot is accessed by an existing 60 foot easement across neighboring property from Highway 91 North. This access is recorded in Book 223, Page 1500.

The private road across this easement into the property is 18-20 feet wide and does not meet the County's minimum subdivision standard of 24 feet. The private road across the proposed lot to the remaining 15 acres of the Altenburg's property runs along a 30 foot easement which does not meet the County's minimum of 40 feet. Once again, this is a private road.

The Altenburgs should make sure that they have a recorded easement to their remaining land across this tract as well as one for the existing powerline into their home which also crosses the proposed five acre lot.

UTILITIES

Electric service to the parcel is provided by Vigilante Electric.

The Altenburgs will be contacting the U.S. Postal Service for mailbox location.

With the information available, it is unclear whether there is an easement for utilities to the parcel. The easement for the road right-of-way does not mention utilities.

PARK DEDICATION

The Beaverhead County Subdivision Regulations state that, "The park dedication and cash-in-lieu requirements do not apply to any division of land that creates only one additional lot". The lot is also five acres in size.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The General Land-Use Map indicates this proposed subdivision is in the Rural Residential Designation. This one lot minor subdivision does not conflict with the Comprehensive Plan for Beaverhead County.

STAFF RECOMMENDATION

Based on the above Findings of Fact, the Beaverhead County Land Use and Planning Department recommends approval of the preliminary plat of the Altenburg Minor Subdivision subject to the following conditions:

Altenburg Minor Subdivision -4-

November 4, 1994

1. Beaverhead County septic permits must be obtained prior to any new construction on any lot.
2. All driveway construction and building site preparation activities shall utilize adequate erosion control measures, and care shall be taken to control noxious weeds on disturbed sites.
3. All adopted State and County requirements and standards which apply to the proposed subdivision shall be met, unless otherwise waived for cause by the governing body.
4. The subdivision must be approved by the Montana Department of Health and Environmental Sciences (DHES) for water, sewer, solid waste, and drainage.
5. The governing body of the West Side Canal Company shall be contacted prior to the erection of any fence that encroaches on the canal easement and/or placement of an irrigation pump in the canal to guarantee the proper location of both. This will also lessen any impact on traditional agricultural activities in the immediate area.
6. A statement accompanying the deed at the time of conveyance stating that the road into and over the property as well as the bridge are private and that Beaverhead County accepts no responsibility for the maintenance of either.
7. The final plat shall be submitted to the County Planner with the appropriate review fee to ensure compliance with all conditions listed above prior to the approval by the County Commission and recording by the Clerk and Recorder.

The preliminary plat approval is for a period of not more than three or less than one calendar year from the date of approval by the County Commission. The applicant may request a time extension of preliminary plat approval, but such request must be received prior to the expiration date of this approval for due consideration of the request to occur.

Rick Hartz
Rick Hartz
Beaverhead County Planner

Spencer Hartzel
Chairman
Beaverhead County Commissioners

Marianne Altenburg
Developer/Owner

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES
WATER QUALITY DIVISION



ROOM A-201
1400 BROADWAY

STATE OF MONTANA

(406) 444-4549
FAX (406) 444-1374

April 28, 1995

PO BOX 200901
HELENA, MONTANA 59620-0901

Dave and Marianne Altenburg
33 North Washington
Dillon, MT 59725

RE: Altenburg Subdivision
Beaverhead County
E.S. #1-95-S9-553

Dear Mr. & Mrs. Altenburg:

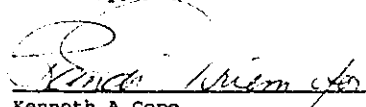
The plans and supplemental information relating to the water supply, sewage, solid waste disposal facilities, and storm drainage (if any) for the above-referenced division of land have been reviewed as required by Section 76-4-101 through 76-4-131, MCA and have been found to be in compliance with those acts.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed with the Plat at the office of the county clerk and recorder. The duplicate is for your personal records.

Your copy is to inform you of the conditions of the approval (Please note that you have specific responsibilities according to the plat approval statement, primarily with regard to informing any new owner as to inherent limitations which have been imposed). Since this property is in Beaverhead County, the Beaverhead County Health Department must be contacted before any water supply or sewage systems are installed or modified.

If you have any questions, please contact this office.

Sincerely,



Kenneth A Cope
Subdivision Program Manager
Water Quality Division


KAC/sj

cc: County Sanitarian
County Planning Board

PLAT. I

INDEXED
222131

STATE OF MONTANA - COUNTY OF BEAVERHEAD
Recorded on the 7 day of June
1995 at 11:26
of Book 279 Page 1099-1111
By  County Recorder
Deputy Recorder

 Altenburg Marianne Sub.

STATE OF MONTANA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
CERTIFICATE OF SUBDIVISION PLAT APPROVAL
(Section 76-4-101 through 76-4-131, MCA 1979)

TO: County Clerk and Recorder
Beaverhead County
Dillon, Montana

No. 1-95-S9-553
089R

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as Altenburg Subdivision

See Attached Exhibit "A" for location

consisting of two lots, have been reviewed by personnel of the Water Quality Division, and,

THAT the documents and data required by Section 76-4-101 through 76-4-131, MCA 1979 and the rules of the Department of Health and Environmental Sciences made and promulgated pursuant thereto have been submitted and found to be in compliance therewith, and,

THAT the approval of the Plat is made with the understanding that the following conditions shall be met:

THAT the lot sizes as indicated on the Plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT each lot shall be used for one single-family dwelling, and,

THAT the individual water system on Lot A2 will consist of a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 16, Chapter 16, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Health and Environmental Sciences, and,

THAT data provided indicates an acceptable water source at a depth of 60 feet, and,

THAT the individual sewage treatment system on Lot A2 will consist of a septic tank and subsurface drainfield of such size and description as will comply with Beaverhead County Septic System Regulations and Title 16, Chapter 16, Sub-Chapters 1, 3, and 6 ARM, and,

THAT the subsurface drainfield on Lot A2 shall have an absorption area of sufficient size to provide 220 square feet per bedroom, and,

THAT when the existing individual water supply system on Lot A1 is in need of extensive repairs or replacement it shall be replaced by a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 16, Chapter 16, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Health and Environmental Sciences, and,

Page 2 of 3
April 28, 1995

Altenburg Minor Subdivision
Beaverhead County
E.S. #1-95-S9-553

THAT when the present sewage treatment system is in need of extensive repairs or replacement it shall be replaced by a septic tank and subsurface drainfield of such size and description as will comply with Beaverhead County Septic System Regulations and Title 16, Chapter 16, Sub-Chapters 1, 3, and 6 ARM, and,

THAT the bottom of the drainfield shall be at least four feet above the water table, and,

THAT no sewage treatment system shall be constructed within 100 feet of the maximum highwater level of a 100 year flood of any stream, lake, watercourse, or irrigation ditch, nor within 100 feet of any domestic water supply source, and,

THAT water supply systems and sewage treatment systems will be located as shown on the approved plans, and,

THAT plans for the proposed water and individual sewage treatment systems will be reviewed and approved by the Beaverhead County Health Department before construction is started, and,

THAT all sanitary facilities must be located as shown on the attached lot layout, and,

THAT the developer and/or owner shall provide each purchaser of property with a copy of the Plat, approved location of water supply and sewage treatment system as shown on the attached lot layout, and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

THAT departure from any criteria set forth in the approved plans and specifications and Title 16, Chapter 16, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Health and Environmental Sciences.

Page 3 of 3
April 28, 1995

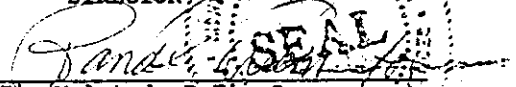
Altenburg Minor Subdivision
Beaverhead County
E.S. #1-95-S9-553

YOU ARE REQUESTED to record this certificate by attaching it to the
Plat filed in your office as required by law.

DATED this 28th day of April, 1995.

ROBERT J. ROBERTSON
DIRECTOR

By:


Jim Melstad, P. E., Supervisor
Drinking Water/Subdivision Section
Water Quality Division
Department of Health and
Environmental Sciences

Owner's Name: Dave and Marianne Altenburg

Exhibit "A"
Altenburg Minor Subdivision

LEGAL DESCRIPTION TRACT A1

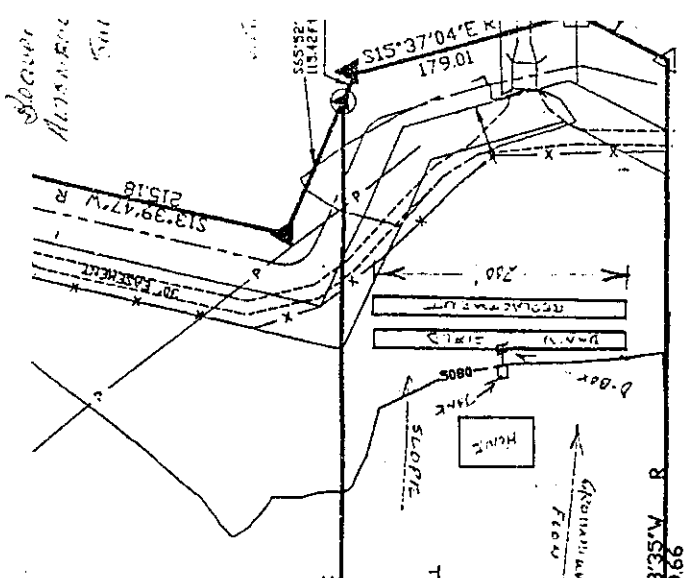
A TRACT OF LAND IN THE NE1/4SE1/4 AND SE1/4SE1/4 SECTION 25 TOWNSHIP 6 SOUTH, RANGE 9 WEST P.M.M. COMMENCING AT THE 1/4 CORNER OF SECTIONS 25/36, THENCE N49°36'07"E 1764.27 FEET TO A 5/8" REBAR WITH PLASTIC CAP MARKED 4473ES; THENCE N8°39'11"W 180.50 FEET TO A 5/8" REBAR WITH PLASTIC CAP MARKED 142ES; THENCE N1°42'33"E 750.02 FEET TO A 5/8" REBAR WITH PLASTIC CAP MARKED 8266ES, THE POB; THENCE N1°42'33"E 826.29 FEET TO A REBAR WITH PLASTIC CAP MARKED 8266ES; THENCE S89°23'35"E 630.56 FEET; THENCE S13°31'10"E 230.07 FEET; THENCE S13°40'23"W 161.50 FEET; THENCE S16°24'30"E 303.20 FEET; THENCE S13°39'47"W 215.18 FEET; THENCE S65°52'11"E 115.42 FEET TO A 5/8" REBAR WITH PLASTIC CAP MARKED 8266ES; THENCE S89°23'35"E 821.94 FEET TO THE POB.

SAID PARCEL CONTAINS 15.00 ACRES.

LEGAL DESCRIPTION OF TRACT A2

A TRACT OF LAND IN THE NE1/4SE1/4 AND SE1/4SE1/4 SECTION 25 TOWNSHIP 6 SOUTH, RANGE 9 WEST P.M.M. COMMENCING AT THE 1/4 CORNER OF SECTIONS 25/36, THENCE N49°36'07"E 1764.27 FEET TO A 5/8" REBAR WITH PLASTIC CAP MARKED 4473ES, THE POB; THENCE N8°39'11"W 180.50 FEET TO A 5/8" REBAR WITH PLASTIC CAP MARKED 142ES; THENCE N1°42'33"E 750.02 FEET TO A 5/8" REBAR WITH PLASTIC CAP MARKED 8266ES; THENCE S89°23'35"E 821.94 FEET TO A 5/8" REBAR WITH PLASTIC CAP MARKED 8266ES; THENCE S65°52'11"E 23.79 FEET; THENCE S15°37'04"E 179.01 FEET; THENCE S27°34'06"W 80.53 FEET; THENCE N89°23'35"W 829.66 FEET TO THE POB.

SAID PARCEL CONTAINS 5.00 ACRES.



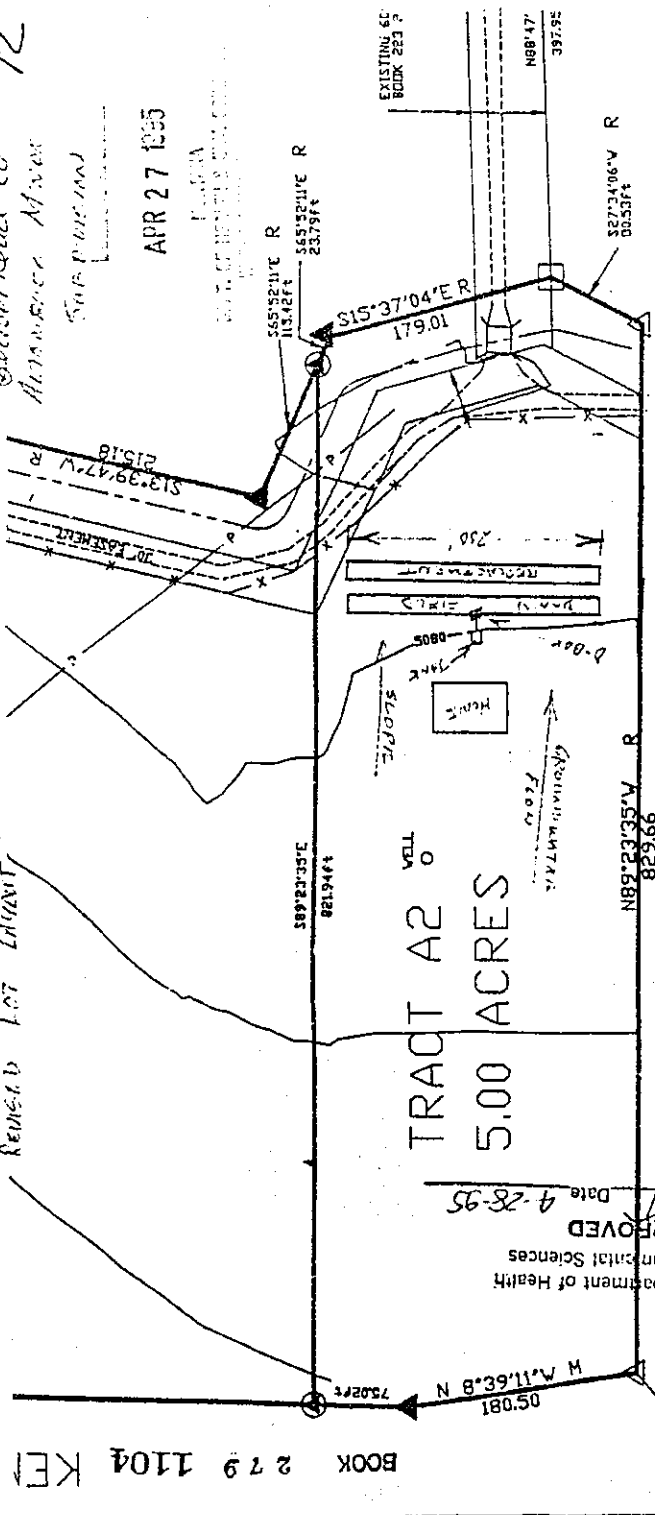
CHISLER
324
DEM
REBAR W/ PLASTIC CAP
REBAR W/ PLASTIC CAP



Boomer Lead Co
Manufacture Mixer
Sub-patent

APR 27 1995

Revised Lot Layout



TRACT A2
5.00 ACRES

APPROVED
Montana Department of Health
and Environmental Sciences
Date 4-28-95
Initials

BOOK 279 1104 KE

GEORGE SCHISLER
COS 324

DEMAR & JOAN

LEGEND



CORNER MONUMENT ESTABLISHED BY THIS SURVEY
5/8" DIA. REBAR W/ PLASTIC CAP MARKED RAY GROSS 8266ES

CORNER POINT ESTABLISHED BY PRIOR SURVEY
5/8" REBAR W/ PLASTIC CAP MARKED 4473 ES, COS 324

CORNER POINT ESTABLISHED BY PRIOR SURVEY
5/8" REBAR W/ PLASTIC CAP MARKED 142ES, COS 224



Scale 1" = 100'

CONTOUR INTERVAL 2 FOOT

S89°23'35"E R
638.66

Scale 1" = 100'

CANAL
RIGHT-OF-WAY

Montana Department of Health
and Environmental Sciences

APPROVED

Initials: *[Signature]* Date: 9-28-95

1001.31

N 1°42'33"E R
926.29ft

TRACT A1
15.00 ACRES

DAVE ALTENBURG
COS 324

RECEIVED

JAN 30 1995

MONTANA
DEPT. OF HEALTH & ENV. SCIENCES
WATER CONTROL DIVISION

S89°23'35"E
821.94ft

TRACT A2

WELL
O

5080

S13°11'07"E R
1003.2003

S13°40'25"V R
161.58

30' EASEMENT

CENTERLINE

30' EASEMENT FOR

S16°24'10"V R
303.21

S13°39'47"V R
215.18

2/2

7.02ft

N



Pioneer Federal
DEER LODGE & DILLON **Savings**
and Loan

BOOK 279 1106

TOM WELCH
CHIEF EXECUTIVE OFFICER

May 26, 1995

Rick Hartz
Land Use and Planning Coordinator
Beaverhead County Courthouse
Dillon, Montana 59725

RE: **Dave and Marianne Altenburg**

Dear Rick:

I am writing with respect to the proposed minor subdivision by Dave and Marianne Altenburg of their property located at 4787 Highway 91 North, Dillon. See the attached legal description.

As you are aware, this Institution is a lienholder on this property.

Please consider this letter as our consent, as required by State law, for this subdivision as outlined in the November 4, 1994 Staff Report on this subject.

Please let us know if questions arise or you have a need for further information with respect to this matter.

Thank you!

Sincerely,

Tom Welch
CEO

cc: **Dave and Marianne Altenburg** ✓

TW/pg