

**CARBON COUNTY**  
**Planning Office**  
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**PROJECT MEMORANDUM**

TO: Members of the Carbon County Planning Board  
FROM: Forrest J. Mandeville, AICP – Contract Planner  
DATE: February 22, 2019  
RE: Lots 3-9, Woodlands on Rock Creek, Preliminary Plat Application –Staff Report and Findings

REQUIRED PLANNING BOARD ACTION: Review, receive public comment, and recommendation to approve, conditionally approve, or deny the proposed preliminary plat.

RECOMMENDATION: **Approval with Conditions**

RECOMMENDED MOTION: *Having reviewed and considered the application materials, project memorandum, public comments and all of the information presented, I hereby move to recommend **approval** of the Lots 3-9, Woodlands on Rock Creek, with the findings and conditions included in the project memorandum.*

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**Project/Application Summary:**

Engineering West, on behalf of Richard and Janice Stout (Woodlands on Rock Creek, LLC), have submitted a preliminary plat application to allow duplex or condominium development on seven lots in the Woodlands on Rock Creek Subdivision that were previously reviewed and approved for single-family houses with a guest house. 76-3-203, MCA, allows condominium developments to be exempt from subdivision review only if previous subdivision approval specifically contemplated such development, or zoning regulations allow the development. Therefore, this subdivision is subject to subdivision review, as the previous review only contemplated single-family development with a guest house.

The subject property is located on Woodlands Drive, just south of the intersection of Woodlands Drive and Two Mile Bridge Road, and approximately 1000 feet east of the intersection of Two Mile Bridge Road and Highway 212. The property is legally described as Lots 3-9, Woodlands on Rock Creek Subdivision, Plat 2200, located in Sections 16 and 22, Township 7 South, Range 20 East, P.M.M., Carbon County, Montana.

**Required Planning Board Action:**

Following a public hearing, the Planning Board shall make a recommendation to the County Commission to approve, conditionally approve, or deny the preliminary plat. The Planning Board may recommend conditions for approval intended to ensure compliance with the Subdivision Regulations and to mitigate any anticipated impacts of the subdivision.

**Subdivision Regulations – Compliance Review/Findings Summary:** (Section references are to the Carbon County Subdivision Regulations unless otherwise noted)

*a. Relevant evidence relating to the public health, safety, and welfare*

Wells are proposed for each lot; connections to Red Lodge municipal sewer are proposed. The subdivision will need to be submitted to and approved by the Montana Department of Environmental Quality (DEQ) and the Carbon County Sanitarian for review and approval (see condition number 1). The City of Red Lodge should also confirm available sewer capacity.

The property is accessed via Two Mile Bridge Road and Woodlands Drive. Two Mile Bridge Road is a County owned and maintained road; Woodlands Drive is owned and maintained by the Woodlands on Rock Creek Homeowners' Association. There are two turns on Two Mile Bridge Road in the vicinity of the subdivision, so as the area develops and more traffic is added to the road it may be appropriate to lower the speed limit and/or install signs advising of potential traffic congestion in the area.

*b. Summary of Probable Impacts*

Except where exempt by state law, all subdivisions must be reviewed for the impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety.

- Effect on agriculture: The site (approximately 30.32 acres) is not classified by the USDA as prime farmland (about 25% is classified as farmland of statewide importance). However, the property is not currently in agricultural production, and its location in a platted subdivision makes agricultural production unlikely. The impact to agriculture should be minimal.
- Effect on agricultural water user facilities: There are no irrigation ditches on the property and the subdivision should have no effect on agricultural water user facilities.
- Effect on local services: As this subdivision adds potential duplex/condominium development within an existing subdivision, the impact on local services is anticipated to be minimal.

The Carbon County Sherriff's office will provide law enforcement services to the subdivision. Sherriff McQuillan reports the ability to serve the subdivision with existing personnel and a response time of 15-20 minutes.

Bill Bullock, Commissioner for District #3, reports as the density increases a reduction in the speed limit may be warranted, and/or, a sign stating 'congested area ahead' or something similar may need to be considered. Commissioner Bullock also states that "It is a very narrow area with little to no escape routes. If there was a way to widen the road at no cost to the county, chip it and stripe it, it would be better still." These comments

were in response to both this subdivision and Lot 10 Amended, Plat No. 2200 RB 2, Woodlands on Rock Creek Subdivision.

The Red Lodge Fire District provides fire protection in the area. Chief Kuntz reports that the existing improvements within the subdivision are well maintained and are adequate to provide for the increase in lots. There is an existing fire suppression facility located within an easement on Lots 6 and 7. Existing easements will continue to exist.

The developer is proposing to utilize the City of Red Lodge sewer facilities. The original subdivision also utilized municipal sewer. However, with the addition of duplex/condominiums to the prior approval, evidence should be submitted showing the City approves of the plan to utilize its facilities, as well as approval from the State DEQ.

Northwestern Energy reports the ability to serve the site with both electricity and natural gas, and requests easements of at least 8 feet, but a preference of 10 feet, along the front of the lots.



#### **Examples of Possible Signage to Ensure Public Safety on Two Mile Bridge Road**

- Effect on the natural environment: Impacts to the natural environment are expected to be minimal. Review and approval of sewer, well, solid waste, and stormwater drainage is required by the Montana Department of Environmental Quality (DEQ).

The developer should submit evidence that a weed management plan has been reviewed and approved by the Carbon County Weed District.

The developer has submitted a predetermination letter from DNRC indicating that there is 10 acre feet/year remaining for each lot to use without a water right permit.

- Effect on wildlife: While wildlife does frequent the area, there are several similar uses on surrounding properties, and the development of this subdivision should not have a significant adverse impact on wildlife.

- Effect on wildlife habitat: The property is not located in mapped sage grouse habitat. The developer has submitted evidence that they have checked with the Montana Sage Grouse Habitat Conservation Program.

Some subdivisions in similar habitat report considerable and on-going problems with deer, elk, or antelope damaging landscaped shrubs, flowers, and gardens.

- Effect on public health and safety: The Carbon County Sheriff's office provides law enforcement service in the area and reports the ability to serve the subdivision.

The subdivision is located within the Red Lodge Fire District. Chief Kuntz reports that existing fire protection measures are sufficient for the additional lots.

DEQ approval of water, wastewater, storm water drainage, and solid waste disposal is required; the City of Red Lodge should also approve of the proposed municipal sewer connections.

*c. Whether the application and plat conform to the provisions of the following:*

- The Montana Subdivision and Platting Act: The Plat has been prepared and processed in accordance with the Montana Subdivision and Platting Act.
- The Carbon County Subdivision Regulations: The application conforms to the requirement of the adopted Subdivision Regulations. Section VI-A of the Subdivision Regulations exempts the subdivision from survey requirements. However, a final plat application and approval is required prior to conveyance.
- Applicable Zoning Regulations: Prior to construction, a Group 1 Development Permit must be obtained for residential construction.
- Other regulations in effect in the area of the proposed subdivision: There is an existing Homeowners' Association for the property.
- Whether DEQ has approved the proposed subdivision for proposed subdivision that will create parcels of less than twenty (20) acres: DEQ approval is required.
- Whether the subdivider has demonstrated that there is an adequate water source and at least one are for a septic system and a replacement drainfield for each lot for a proposed subdivision that will create one or more parcels containing twenty (20) acres or more: There are no proposed lots over 20 acres in the proposed subdivision.

*d. Planning Staff Recommendation:*

Planning Staff recommends approval of the Lots 3-9, Woodlands on Rock Creek Subdivision, pursuant to the following conditions:

1. Filing of the final plat shall be subject to the review and approval by the Montana Department of Environmental Quality.

2. Evidence shall be submitted showing the City of Red Lodge approves of the proposed sewer connections to the municipal system.
3. The developer shall work with the County to install signage on Two Mile Bridge Road warning of possible traffic congestion in the area.
4. A weed plan approved by the Weed District shall be in place prior to final plat.
5. The final plat shall be prepared and reviewed in accordance with Section IV-C and VI-A of the Carbon County Subdivision Regulations.