

**REGULAR MEETING OF THE CARBON COUNTY PLANNING
BOARD**

MARCH 19, 2024

TUESDAY 7:00 PM

**CARBON COUNTY PERSONAL SERVICES BUILDING
10 OAKES AVENUE SOUTH
RED LODGE, MT**

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF MINUTES OF PREVIOUS MEETING

January 16, 2024

D. PUBLIC HEARINGS

None

E. REGULAR BUSINESS

McMurray Subdivision – Discussion and Recommendation
to Commission

F. PETITIONS & COMMUNICATION FROM AUDIENCE

G. WRITTEN COMMUNICATIONS

**H. REPORTS FROM PLANNING BOARD MEMBERS AND
COMMITTEES**

I. STAFF REPORTS

J. ADJOURN

Carbon County Planning Board
January Meeting
1-16-24

- A. Call Meeting to Order, 7:00 pm, Gordy Hill – Chairperson

- B. Roll Call
 - Present: Gordy Hill, Clinton Giesick, Betsy Scanlin, Clint Peterson, Dean Webb, Angela Kallevig, Mike Hayes, Forrest Mandeville
 - Audience: see attached sign-in sheet

- C. Election of Officers
 - Betsy moved to retain current officers by acclamation. Dean second.
 - Motion passed unanimously
 - Gordy Hill – *Chairperson*
 - Betsy Scanlin – *Vice Chairperson*
 - Clinton Giesick – *Executive Secretary*

- D. Approval of 10-17-23 Minutes
 - Dean moved to approve. Clint second.
 - Motion passed unanimously

- E. Public Hearings
 - *See Regular Business*

- F. Regular Business
 - *Narrow Gate Subdivision*
 - 2 lot subdivision
 - 33.77 acres total
 - Located near south end of Bus Lane, .57 miles from intersection with White Horse South Road
 - Lot 2 already has existing well and septic in place (well fills shared cistern)
 - Lot 1 will require DEQ approval
 - Whitehorse and Mason Canal easements are already in place
 - Lot 2 will have irrigation water rights, not Lot 1
 - Existing dry hydrant already serves neighboring Rio Vista Subdivision
 - New road branching off Bus Lane is the only feasible access
 - Betsy Scanlin
 - Irrigation water rights are handled by DNRC

- DEQ needs conditional approval at the county level before the process can move along any further
- Planning Board does not address water issues. Those approvals must be granted by DNRC or DEQ, depending on the issue.
- Clint Peterson
 - Discussion of current well on Lot 2 serving 4 houses
 - Discussion of existing dry hydrant maintenance
 - Who monitors well output after DEQ approval is granted?
- Forrest Mandeville
 - Water quantity and quality issues are addressed by DEQ
- Betsy moved to recommend Commissioner's approval. Clinton second.
 - Motion passed unanimously

G. Audience Communication

- *Narrow Gate Subdivision*

- Travis West – Engineering West
 - Current well serving 4 homes shows a well log of 35 gpm
 - 30 ft deep aquifer is currently recharged by irrigation
 - As of now, access to proposed lots as not been granted by Rio Vista HOA
 - Proposed lot owners are willing to share road maintenance costs
 - Any further division of lots would require additional approval
 - 10 gpm would meet peak demand of the shared cistern
 - Additional water storage is in place to meet peak demand if issues arise
- Joanna Bell
 - Concern about water availability with additional wells being drilled
 - Who is responsible if existing wells are impacted?
- Evan Bell
 - What if road access is not granted through Rio Vista Subdivision?
- Jim Spitzer – Rio Vista Subdivision
 - Multiple homes use the existing well on Lot 2
 - Will the new proposed lots pay for maintenance costs on Bus Lane and Quinn Way?
- Burns Davison
 - Stated the shared well serving 4 homes is for domestic use only, no irrigation
 - Any irrigation water needs to be provided by Whitehorse Canal, not a shared domestic well
 - Felt that the shared well serving 4 homes is not producing 35 gpm as stated by the Engineer

- Roy Zimmerman

- Water availability concern if additional wells are drilled. Does not want to haul water.
- Stated the shared well serving 4 homes is for domestic use only, no irrigation.

H. Written Communication

- Letter from Evan & Joanna Bell stating water availability concerns
- Letter from Burns Davison stating water availability concerns
- Letter from Roy & Lynne Zimmerman stating water availability concerns

I. Committee Reports

- Carbon County Conservation District
 - Still pursuing fines for unpermitted streambed work performed after June, 2022 flooding

J. Staff Reports

- Discussion of Two Mile Bridge roundabout
- Proposed highway improvements from Red Lodge to Boyd
- Updated Development Regulations are moving along smoothly

K. Adjourn Meeting

- 8:35 pm

CARBON COUNTY
Planning Office
P.O. Box 466, Red Lodge, MT 59068
Main: (406) 446-1694
Fax: (406) 446-2640

PROJECT MEMORANDUM

TO: Members of the Carbon County Planning Board
FROM: Forrest J. Mandeville, AICP – Contract Planner
DATE: March 7, 2024
RE: McMurray Subdivision 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 McMurray Subdivision, with the findings and conditions included in the project memorandum.*

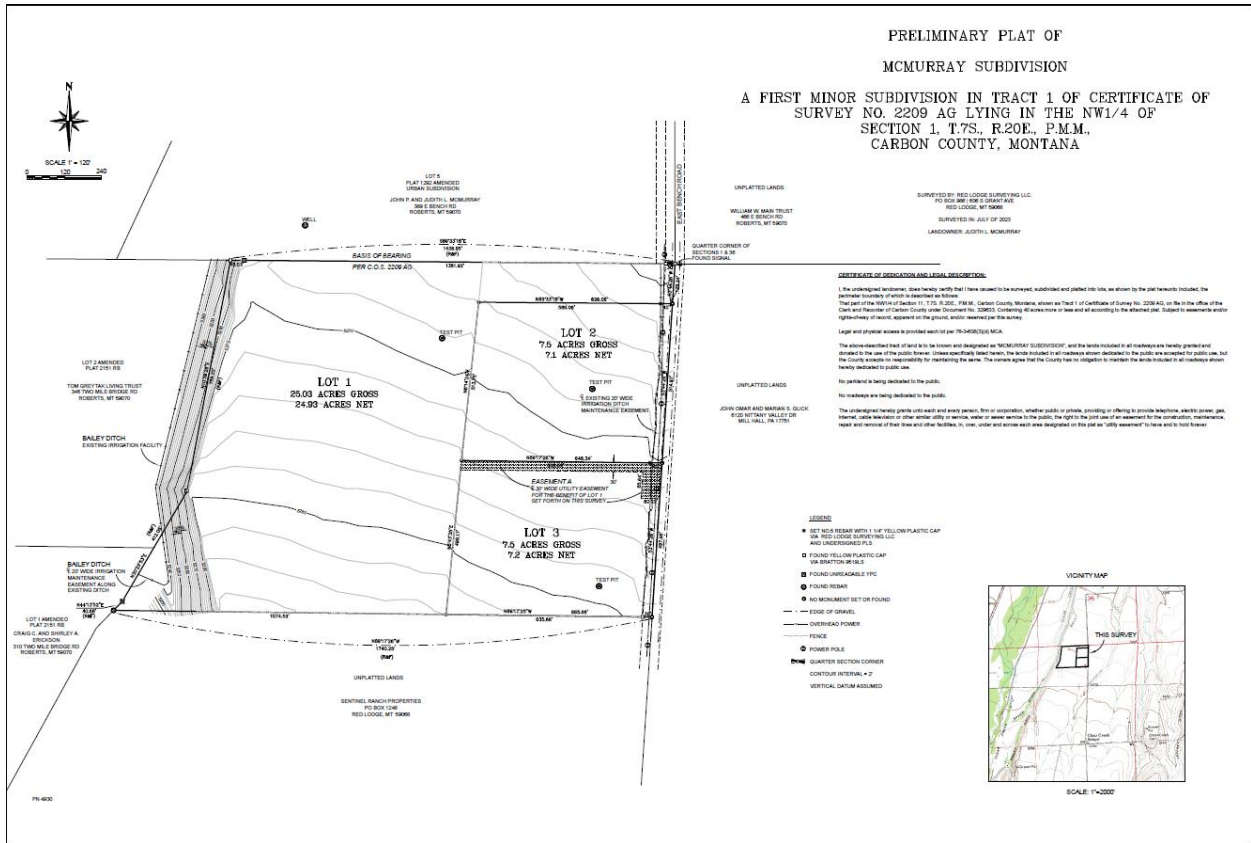
Project/Application Summary:

Red Lodge Surveying, on behalf of Judith McMurray, has submitted a preliminary plat application for a 3-lot minor subdivision. The subdivision area is approximately 40 acres; proposed lots are 25.03, 7.5, and 7.5 acres in size. The property was created using an agricultural covenant exemption; this subdivision will lift the covenant and allow non-agricultural development. Engineering West is the engineer on the project.

The subject property is located on East Bench Road, approximately 1 mile north of the intersection with Clear Creek School Road. The property is legally described as Tract 1 of COS 2209 AG, lying in the NW of Section 1, Township 7 South, Range 20 East, P.M.M., Carbon County, Montana.

Required Planning Board Action:

During a public meeting, 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.



Preliminary Plat

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

Each lot is proposed to utilize individual drainfields located on the lot it serves. Lot 1 is proposed to utilize a cistern and Lots 2 and 3 are proposed to share a new well for potable water supply. Lots 2 and 3, being under 20 acres in size, are subject to review through the Montana Department of Environmental Quality (DEQ).

Access is proposed to be provided to the subdivision by individual driveways from East Bench Road. There is an existing approach on the north side of the property which will access Lot 1.

Private covenants are proposed to establish additional restrictions on the subdivision, including a prohibition on re-subdivision.

b. Summary of Probable Impacts

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

- Effect on agriculture: Most of the subdivision area, about 90%, is classified by the USDA as prime farmland if irrigated. The property appears to have been used as hay/grazing land.

While Lot 1 is large enough to allow a certain degree of small-scale agriculture, it is likely that agricultural production will cease on the property. The agricultural covenant that was implemented in order to create the lot will be revoked as a result of this subdivision, allowing residential development on the property. The preliminary covenants limit livestock to “6 laying hens and 2 horses”.

The property is in an area of large-lot residential and agricultural lands. Urban Minor Subdivision, consisting of lots roughly 20-acres in size, is directly to the north. Nees Minor Subdivision and Silver Meadow Subdivision are to the north within a mile of the proposed subdivision. There are irrigation and grazing uses to both the east across East Bench Road and to the West across the Bailey Ditch. There is an alpaca ranch on land south of the subdivision. Nelson Subdivision is about a half mile to the south.

Finding: The subdivision will remove some property from agricultural production, but because the subdivision is in close proximity to other residential subdivisions, there should be minimal adverse impacts on agriculture as a result of this subdivision.



Subdivision (Blue) and Vicinity

- Effect on agricultural water user facilities: The Bailey Ditch runs along the west side of the subdivision and an unnamed ditch runs along East Bench Road on the west side of the subdivision. 20-foot-wide easements for each ditch are shown on the preliminary plat. The Subdivision Regulations, Section V-A-18 requires the following statement appear on the final plat: “Nothing herein nor any covenant shall diminish the unobstructed use and maintenance of the existing water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water through the subdivision to land adjacent or to beyond the subdivision in quantities and in a manner that are consistent with historic and legal rights.”

There are no water rights associated with the property.

New driveways for Lots 2 and 3 will result in additional crossings of the ditch along East Bench Road. Culverts will need to be sized to ensure proper flows can be maintained.

Finding: As long as an easement for the ditches are provided on the plat, and the required language appears on the plat, and water rights are respected, there should be minimal adverse impacts on agricultural water user facilities as a result of this subdivision.



Irrigation Facilities Along East Bench Road

- Effect on local services: The Carbon County Sherriff’s office will provide law enforcement services to the subdivision. According to documents provided in the subdivision application, Sheriff Josh McQuillan reports the ability to serve the area with a response time of 15-20 minutes.

Finding: This subdivision will have minimal adverse impacts on law enforcement, since services can be provided.

The Red Lodge Fire Department provides fire protection in the area. Fire Chief Tom Kuntz indicated he did not see any significant issues with the subdivision as submitted, which included a Fire Control and Prevention Plan.

Finding: This subdivision will have minimal adverse impacts on fire protection in the area, since services can be provided. The Fire Control and Prevention Plan should be filed with the final plat.

There are no internal roads proposed for access to any lots within the subdivision. Lots will have access to East Road. There is an existing approach for Lot 1; Lots 2 and 3 will need to obtain approach permits from the County prior to construction.

East Bench Road is a dirt/gravel-surfaced road owned and maintained by the County. East Bench Road has regularly scheduled maintenance and snowplowing according to the Road Priority Map on the Road and Bridge Department website. Additional traffic may result in more requests for maintenance and more complaints regarding dust control. The County has a process in which landowners can apply to the County to coordinate spraying for dust control.

Finding: Any impacts to the County road system should be mitigated through existing processes, such as approach permits and options for dust control.



East Bench Road at Subdivision

Beartooth Electric Cooperative provides electrical services in the area. There are overhead power lines on the property, which provide service to properties along East

Bench Road. The preliminary plat shows a 30-foot-wide utility easement on the north side of Lot 3 for the benefit of Lot 1. Utility easements should be shown on the final plat per section V-A-15.a., and the standard utility language should be placed on the final plat, per section V-A-15.h. of the Subdivision Regulations: “The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric, power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of the lines and other facilities, in, over, under and across each area designated on this plat as “Utility Easement” to have and hold forever.”

Finding: There will be no significant adverse impacts on utility providers if utility easements are shown on the plat and the standard utility easement language is provided.

Documents submitted with the preliminary plat application estimates that the subdivision could generate an additional 1-8 children in the Red Lodge School District, and that the subdivision is on an existing bus route. Of course, individual circumstances of future lot owners could impact these estimates.

Finding: McMurray Subdivision should have minimal impacts on area schools due to the relatively small size of the subdivision.

- Effect on the natural environment: New septic/drainfield systems are proposed for each lot. Individual wells will serve each lot and will be located on the lot they serve.

Review and approval of new septic, well, solid waste, and stormwater drainage is required by the Montana Department of Environmental Quality (DEQ) and the Carbon County Sanitarian, as appropriate. (See Sections IV-B-8.b, V-A-11 through 14, and MCA 76-3-622).

Finding: New water, wastewater, stormwater drainage, and solid waste disposal will not have an adverse impact on the natural environment if DEQ and County Sanitarian review and approval is required to be obtained prior to final plat.

The acquisition of a new water right for a subdivision is not typically required unless the combined subdivision lots will use 10 acre-feet of water per year, or if a well will pump more than 35 gallons per minute. The subdivision is expected to require less than 10 acre-feet/year of water for domestic and lawn and garden use and should not need to require a water right through the Montana Department of Natural Resources and Conservation (DNRC).

A recent order from the Montana First Judicial District Court regarding a proposed subdivision in Broadwater County suggests that counties should require subdividers provide as much detail as possible on the impacts of a proposed subdivision on the potentially affected aquifer, and should not simply rely on DNRC’s water right determination process. The Court also found errors with the DNRC process, which may result in only a single exempt well being allowed in each subdivision, regardless of water use of the whole subdivision.

After being made aware of this Order, staff discussed the potential impacts on subdivision review with the surveyor and engineer. Supplemental information was provided indicating that in order to minimize potential impacts on the aquifer, Lot 1 would utilize a cistern and Lots 2 and 3 would share a well located roughly on the shared property line. Well logs were provided that show wells in the area range in depth from 90 to 140 feet and average 19 gpm. The engineer has indicated that the neighboring wells have sufficient water for the current uses.

The impacted aquifer is a quaternary gravel aquifer located above a confining shale layer. The water source in the area is the Fort Union Formation.

If existing water rights are interfered with either as part of a subdivision or otherwise, DNRC has an adjudication process that can result in later appropriations being limited to protect senior water right holders.

Finding: There should be minimal impacts on the aquifer since only one well will be utilized, which is expected to meet the DNRC standards to be exempt from acquiring a new water right. Area well logs indicate water is plentiful in the area and a single new well is unlikely to affect water availability significantly.

The applicant submitted a Weed Inspection Report completed by Carbon County Weed District Coordinator Brian Ostwald dated July 11, 2023. The report indicates sulfur cinquefoil, Canada thistle, and spotted knapweed was present, and ground disturbance may result in more weeds. No weed bond was required by the Weed District. The lot owners are responsible for addressing noxious weed issues if they arise in the future.

Finding: There should be minimal impacts on the natural environment due to the proliferation of noxious weeds since there were few weeds within the project area and there are mechanisms to ensure future owners address weed proliferation if it were to occur in the future.

- Effect on wildlife: Wildlife does frequent the area. However, since the project is in close proximity to existing similar development, no significant adverse impacts on wildlife is anticipated other than what may have already occurred.

Finding: No significant adverse impacts to wildlife is anticipated due to the proximity of existing similar development.

- Effect on wildlife habitat: The subdivision is within General Sage Grouse Habitat according to the Montana Sage Grouse Habitat Conservation Program. Comments from the Program submitted with the application indicate mitigation will be in the form of a contribution to the Stewardship Account in the amount of \$821.07. The Program also required mitigation of noxious weeds on the property.

There does not appear to be other critical wildlife habitat on the site.

Finding: There should be no significant impact on wildlife habitat if mitigation through the Montan Sage Grouse Habitat Conservation Program is completed and noxious weeds are kept from proliferating on the property.

Effect on public health and safety: The Carbon County Sheriff's office provides law enforcement service in the area; the Red Lodge Fire Department provides fire protection in the area. See discussion and findings under Effect on Local Services.

DEQ and County Sanitarian approval of well and septic provisions is required. See discussion under effects on the natural environment.

Finding: There should be minimal impacts on public health and safety if recommended conditions are imposed.

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

- i. The Montana Subdivision and Platting Act: The Plat has been prepared and processed in accordance with the Montana Subdivision and Platting Act (MSPA). The final plat should include a notation that each lot has legal and physical access (76-3-608(3)(d), MCA, and Section IV-B-10.f.v of the Carbon County Subdivision Regulations). There is an agricultural covenant on the property and approval of this subdivision will revoke the covenant (76-3-211, MCA, and Section IX-K). A document signed by the subdivider and the County Commissioners revoking the covenant should be filed with the plat.

Finding: Upon compliance with the recommended conditions of approval and adherence to the process outlined in statute, the subdivision will have complied with the MSPA.

- ii. Compliance with Survey Requirements: The final plat must be in compliance with the requirements of Title 76, Chapter 3, Part 4, MCA, as well as Uniform Standards for Final Subdivision Plats (24.183.1107, ARM). A requirement that, prior to filing, the plat be submitted to the County's Examining Land Surveyor (ELS), and that any comments of the ELS be addressed will ensure survey requirements are followed (Section IV-C-3.b.vi of the Carbon County Subdivision Regulations).

Finding: Upon review by the ELS and the addressing of any comments thereof, survey requirements will have been adhered to.

- iii. The Carbon County Subdivision Regulations: The subdivision, once conditions have been met, will conform to the requirements of the adopted Subdivision Regulations.

The final plat must be substantially similar to the preliminary plat application, except as modified by conditions. If the final plat differs substantially from the preliminary plat, additional review may be required (Section IV-C-5.b of the Carbon County Subdivision Regulations).

The Carbon County Subdivision Regulations, Section IV-B-11 states that a preliminary plat approval is in force for two years. If a final plat is not filed within that timeframe, an

extension must be granted or a new application submitted. The County is under no obligation to grant such an extension.

Private covenants are proposed for the subdivision. Though the County does not enforce such covenants, there are standards with which covenants must comply that are outlined in the Subdivision Regulations, Section V-A-23.

A condition requiring final plat preparation to be in conformance with the Subdivision Regulations will ensure compliance with County requirements, even if not specifically discussed in this memorandum.

Finding: To ensure compliance with the Subdivision Regulations, conditions should be required to ensure the final plat is substantially similar to the preliminary plat and plans, that the final plat is filed within two years of preliminary plat approval, that private covenants are compliant with the standards outline din the Subdivision Regulations, and that the final plat be submitted in conformance with the Subdivision Regulations.



Existing Approach from East Bench Road to Proposed Lot 1

- iv. Applicable Zoning Regulations: The Carbon County Development Regulations require a Group 1 Development Permit be obtained prior to residential development.

Finding: The subdivision is in compliance with the Development Regulations as far as applicable. Development permits will need to be obtained prior to development.

- v. Other regulations in effect in the area of the proposed subdivision: There are no other known regulations in effect for the area with which the subdivision would conflict. Private covenants are proposed and should be prepared per the requirements in the Subdivision Regulations and filed with the subdivision.

Finding: The subdivision is not in conflict with any known regulations. Private covenants should meet the requirements of Section V-A-23 and be filed with the final plat.

- vi. Whether DEQ has approved the subdivision for proposed subdivisions that will create parcels of less than twenty (20) acres: DEQ approval is required prior to final plat, as Lots 2 and 3 are under 20 acres. (Sections IV-B-8.b.i and V-A-11, 12,13, and 14 of the Carbon County Subdivision Regulations).

Finding: DEQ review and approval of the subdivision should be a condition of final plat approval.

- vii. 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: Lot 3 is over 20 acres and is subject to review and approval by the County Sanitarian.

Finding: Approval by the Carbon County Sanitarian should be a condition of final plat approval.

d. Compliance with Growth Policy:

State law, 76-1-605, MCA, requires that after the adoption of a growth policy, the governing body must be “guided by and give consideration to the general policy and pattern of development set out in the growth policy” in the “authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities; authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities; and adoption of zoning ordinances or resolutions.” However, statute also states that “A growth policy is not a regulatory document and does not confer any authority to regulate that is not otherwise specifically authorized by law or regulations adopted pursuant to the law. A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy [...]” It is, though, beneficial to examine the proposed subdivision in consideration of the adopted growth policy.

Carbon County adopted the 2020 Growth Policy in March of 2020. Chapter 6 contains goals and objectives for the implementation of the Growth Policy. The following goals and objectives may be relevant to the proposed subdivision:

- Objective 1.3: Assist farmers and ranchers who wish to continue using their lands for agricultural production.
 - 1.3.C. Continue to fund and support an active County weed control program which includes both education and regulation. Streamline the process to treat noxious weeds and recover costs when landowners do not treat their weeds. Continue to require weed inspections and bonding as necessary for any land use change and new development with fees to cover staff time for inspections.
 - 1.3.E. Balance individual property rights with the rights of other property owners and community interests for the public health, safety and welfare of all citizens.
- Objective 1.4: Encourage development in areas that are not in agricultural production
 - 1.4.A. As authorized by the state legislature in 2003, in 76-3-509 MCA, formulate and adopt regulations to encourage cluster development for those developments that meet the definitions.
- Objective 1.6: Encourage the voluntary preservation of open space and wildlife habitat in the county
 - 1.6.C. Encourage developers to mitigate impacts to wildlife, recreation areas, and agriculture, including, but not limited to, closing water storage tanks and pits, cleaning spills, and keeping major migration corridors as open as possible.
 - 1.6.D. When considering changes in land use, encourage consultation with wildlife agencies for potential impacts.
- Objective 1.7: Direct growth to existing communities, incorporated towns and cities, or platted unincorporated places.
 - 1.7.A. Explore the potential for future land use mapping in areas immediately adjacent to existing communities

e. Planning Staff Recommendation:

The basis for the governing body's decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, planning board recommendations, or additional information demonstrates that development of the proposed subdivision is in compliance with the Montana Subdivision and Platting Act and the adopted Subdivision Regulations.

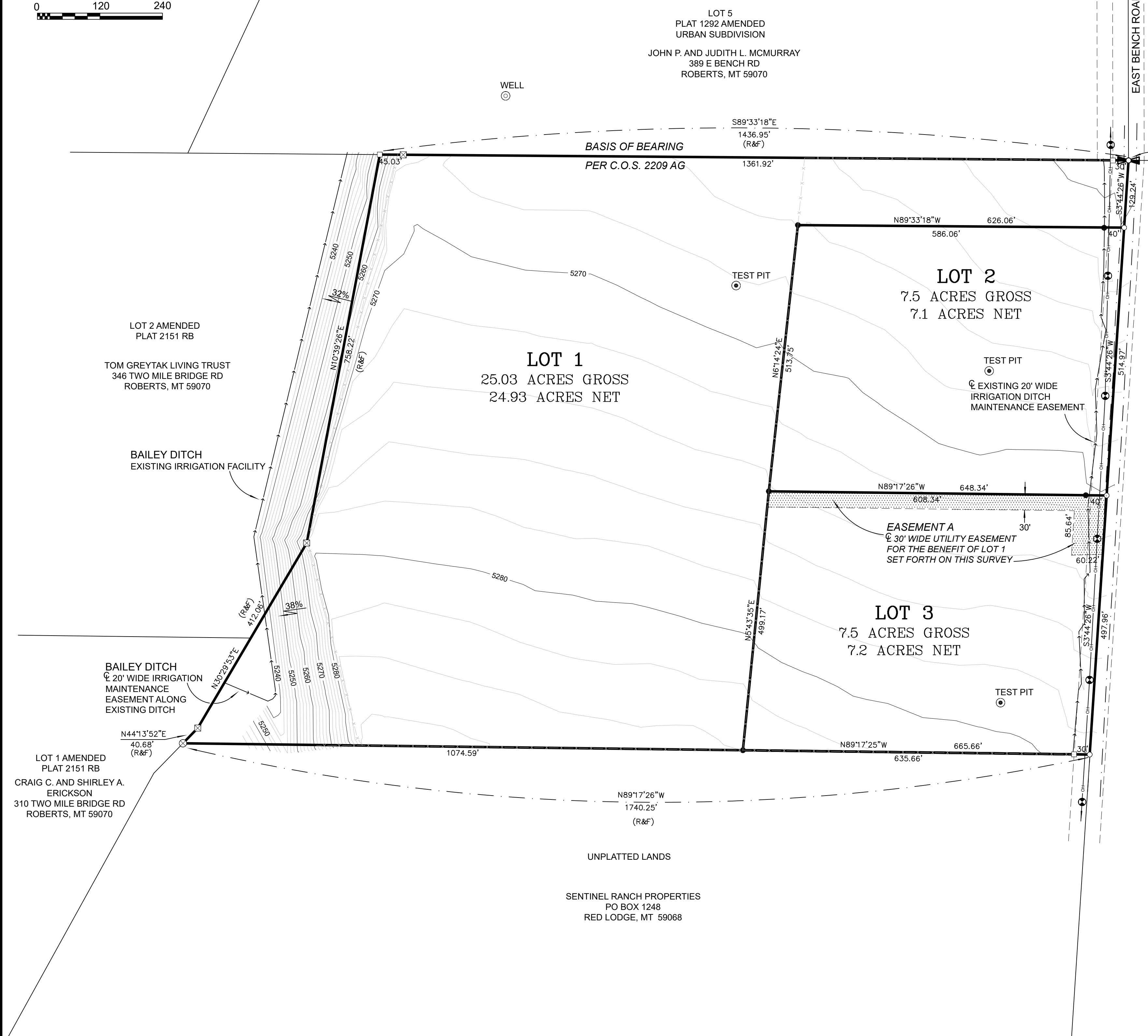
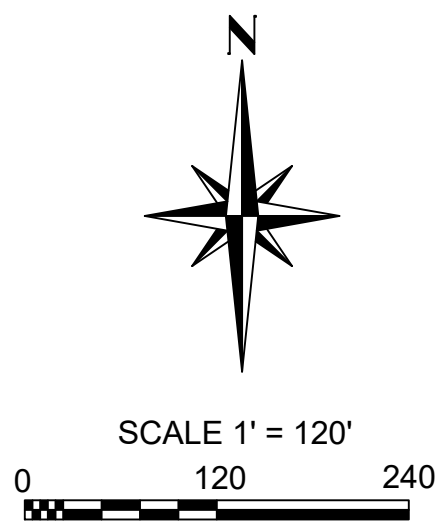
In consideration of the findings included in this Memorandum, Planning Staff recommends approval of the McMurray Subdivision, pursuant to the following conditions (Section references are to the Carbon County Subdivision Regulations unless otherwise noted):

1. Easements shall be provided and shown on the final plat for the Bailey Ditch and the ditch along East Bench Road to allow for the use, maintenance, and inspection of the facilities. (Section V-A-18; Effect on Agricultural Water Users Facilities)
2. The following statement shall appear on the final plat: “Nothing herein nor any covenant shall diminish the unobstructed use and maintenance of the existing water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water through the subdivision to land adjacent or to beyond the subdivision in quantities and in

- a manner that are consistent with historic and legal rights.” (Section V-A-18; Effect on Agricultural Water User Facilities)
3. The Fire Prevention and Control Plan shall be filed with the final plat. (Section V-A-21; Effect of Local Services; Effect on Public Health and Safety)
 4. Filing of the final plat shall be subject to the review and approval by the Montana Department of Environmental Quality and Carbon County Sanitarian, as appropriate, for water, wastewater, solid waste, and stormwater drainage provisions. (Sections IV-B-8.b.ii and V-A-11, 12,13, and 14; Effect on the Natural Environment; Effect on Public Health and Safety)
 5. The final plat shall show the location of all existing and required utility easements. (Section V-A-15.a; Effect on Local Services)
 6. The final plat must include the following statement: “The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric, power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of the lines and other facilities, in, over, under and across each area designated on this plat as “Utility Easement” to have and hold forever.” (Section V-A-15.h; Effect on Local Services)
 7. Prior to filing the final plat, evidence should be submitted showing required mitigation through the Montana Sage Grouse Habitat Conservation Program has been completed. (Section V-A-5; Effect on Wildlife Habitat)
 8. A notation shall be provided on the final plat that legal and physical access is provided per 76-3-608(3)(d), MCA. (Section IV-B-11.g.v; Compliance with the Montana Subdivision and Platting Act)
 9. A document revoking the agricultural covenant on the property shall be filed with the final plat. (Section IX-K; Compliance with the Montana Subdivision and Platting Act)
 10. Prior to filing the final plat, the plat shall be submitted to the County Examining Land Surveyor and any comments sufficiently addressed. (Section IV-C-3.b.vi; Compliance with Survey Requirements)
 11. The final plat shall be in substantial compliance with the plans and documents submitted as part of the preliminary plat application. (Section IV-C-5.b; Compliance with the Subdivision Regulations)
 12. The final plat shall be submitted within two years of the date of preliminary plat approval, or an extension(s) to the approval period obtained. (Section IV-B-11; Compliance with the Subdivision Regulations)
 13. Any new private covenants should meet the requirements of Section V-A-23 and be filed with the final plat. (Compliance with the Subdivision Regulations.
 14. The final plat shall be prepared and reviewed in accordance with Section IV-C of the Carbon County Subdivision Regulations. (Compliance with the Subdivision Regulations)

PRELIMINARY PLAT OF
MCMURRAY SUBDIVISION

A FIRST MINOR SUBDIVISION IN TRACT 1 OF CERTIFICATE OF
SURVEY NO. 2209 AG LYING IN THE NW1/4 OF
SECTION 1, T.7S., R.20E., P.M.M.,
CARBON COUNTY, MONTANA



UNPLATTED LANDS

WILLIAM W. MAIN TRUST
466 E BENCH RD
ROBERTS, MT 59070

SURVEYED BY: RED LODGE SURVEYING LLC.
PO BOX 986 | 606 S GRANT AVE
RED LODGE, MT 59068

SURVEYED IN: JULY OF 2023

LANDOWNER: JUDITH L. MCMURRAY

CERTIFICATE OF DEDICATION AND LEGAL DESCRIPTION:

I, the undersigned landowner, does hereby certify that I have caused to be surveyed, subdivided and platted into lots, as shown by the plat hereunto included, the perimeter boundary of which is described as follows:
That part of the NW1/4 of Section 11, T.7S. R.20E., P.M.M., Carbon County, Montana, shown as Tract 1 of Certificate of Survey No. 2209 AG, on file in the office of the Clerk and Recorder of Carbon County under Document No. 329633. Containing 40 acres more or less and all according to the attached plat. Subject to easements and/or rights-of-way of record, apparent on the ground, and/or reserved per this survey.

Legal and physical access is provided each lot per 76-3-608(3)(d) MCA.

The above-described tract of land is to be known and designated as "MCMURRAY SUBDIVISION", and the lands included in all roadways are hereby granted and donated to the use of the public forever. Unless specifically listed herein, the lands included in all roadways shown dedicated to the public are accepted for public use, but the County accepts no responsibility for maintaining the same. The owners agree that the County has no obligation to maintain the lands included in all roadways shown hereby dedicated to public use.

No parkland is being dedicated to the public.

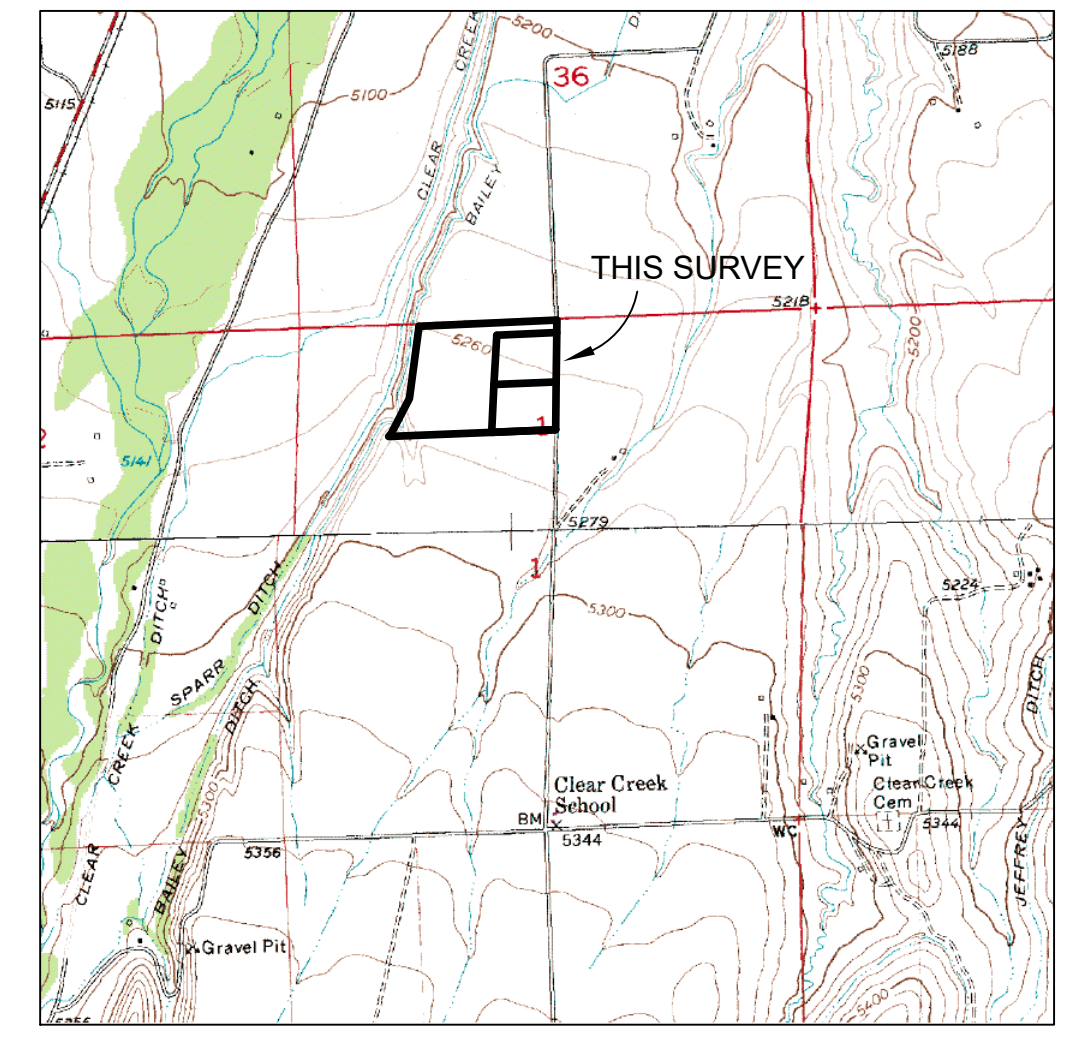
No roadways are being dedicated to the public.

The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, electric power, gas, internet, cable television or other similar utility or service, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "utility easement" to have and to hold forever.

LEGEND

- SET NO. 5 REBAR WITH 1 1/4" YELLOW PLASTIC CAP VIA RED LODGE SURVEYING LLC AND UNDERSIGNED PLS
- FOUND YELLOW PLASTIC CAP VIA BRATTON 9519LS
- ⊠ FOUND UNREADABLE YPC
- ⊙ FOUND REBAR
- NO MONUMENT SET OR FOUND
- EDGE OF GRAVEL
- OVERHEAD POWER
- FENCE
- ⊕ POWER POLE
- ⊠ QUARTER SECTION CORNER
- CONTOUR INTERVAL = 2'
- VERTICAL DATUM ASSUMED

VICINITY MAP



SCALE: 1"=2000'