

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

JANUARY 21, 2025 TUESDAY 7:00 PM

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

A. CALL TO ORDER

B. ROLL CALL

C. ELECTION OF OFFICERS

Chair, Vice-Chair, Executive Secretary

D. APPROVAL OF MINUTES OF PREVIOUS MEETING

December 17, 2024

E. PUBLIC HEARINGS

Dorval Subdivision

F. REGULAR BUSINESS

1. Dorval Subdivision – Discussion and Recommendation to
County Commission

2. Subdivision Regulations Update – Continued Discussion

3. County Growth Policy Update - Continued Discussion

- G. PETITIONS & COMMUNICATION FROM AUDIENCE**
- H. WRITTEN COMMUNICATIONS**
- I. REPORTS FROM PLANNING BOARD MEMBERS AND COMMITTEES**
- J. STAFF REPORTS**
- K. ADJOURN**

Carbon County Planning Board
December Meeting
12-17-24

- A. Call Meeting to Order, 7:00 pm, Gordy Hill – Chairperson
- B. Roll Call
 - Present: Dean Webb, Besty Scanlin, Skip Bratton, Mike Hayes, Angela Kallevig, Clinton Giesick, Gordy Hill, Forrest Mandeville
 - Audience: see attached sign-in sheet
- C. Approval of 11-19-24 Minutes
 - Mike moved to approve. Dean second.
 - Motion passed unanimously
- D. Public Hearings
 - *Fair Haven RV Park Subdivision*
- E. Regular Business
 - *Fair Haven RV Park Subdivision*
 - 5.3 acre location
 - Located on South edge of Bridger, MT
 - 16 RV sites and 8 cabins are proposed
 - City water and sewer will be utilized
 - Concern about emergency services access due to steep grade of approach
 - New fire hydrant at approach could mitigate fire risk
 - Skip Bratton
 - Will the site be able to accommodate storm water runoff?
 - Is there a way to have two access points as opposed to just one?
 - Angela Kallevig
 - F Steet has a blind corner when turning right out of the approach
 - Betsy Scanlin
 - Discussion of the Town of Bridger improving city street access
 - Intent of the RV park is commendable, but the Town needs to improve infrastructure outside of the subdivision. The road needs widened to accommodate RV traffic.
 - Skip moved to recommend Commissioner’s approval with amendments. Mike second.
 - Motion passed. 6 yes. 1 no.
 - *High Country Acres Subdivision*
 - 2 lot minor subdivision
 - 10 acre site
 - Located on May Grade Rd. - NW of Red Lodge, MT
 - New well and septic are proposed for each lot
 - Groundwater availability report has been provided
 - 12 GPM average well output in the area
 - Betsy moved to recommend Commissioner’s approval with removal of condition #5 and amendment of condition #11. Angela second.
 - Motion passed unanimously

F. Audience Communication

▪ *Fair Haven RV Park Subdivision*

- Gene Sticka – neighboring property owner
 - Issues with condition of Carbon Ave. (entrance road to RV Park)
 - The road gets narrow near the RV Park approach and a culvert just before the approach is starting to collapse
 - The section of Carbon Ave. near the approach has no street lights
- Joni Giovetti – neighboring property owner
 - Issues with condition of RV Park entrance road (Carbon Ave.)
 - Same infrastructure has been in place for 35 years
 - Concern about right hand turn out of the approach becoming a one lane road
 - What kind of tenants will be staying in the RV sites/cabins?
 - How long will the tenants be able to stay?
- JW Papez – engineer
 - DEQ process has already been navigated
 - Storm water runoff has been addressed in the site plan
- Annie Halland – landowner
 - 8 RV sites and 2 cabins will actually be constructed, due to rising construction costs
 - Veterans and ex-inmates from prison ministries will be the primary tenants
 - Tenants could also include hunters, tourists, and refinery turnaround workers

▪ *High Country Acres Subdivision*

- Travis West – Engineering West
 - No structures are currently on site
 - Easement for existing stock water well will be on final plat
 - Covenants are difficult to establish for a two lot subdivision
 - Discussion of single well vs shared well water systems
 - SIA in place for Condition #11

G. Written Communication

- Scott Smith letter opposing Fair Haven RV Park Subdivision

H. Committee Reports

▪ *Carbon County Conservation District*

- Some fines pertaining to 2022 flooding still have not been collected. DNRC attorneys may take over the collection, as opposed to the County Attorney

B. Staff Reports

- *See Regular Business*

C. Adjourn Meeting

- 8:45 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: January 3, 2025

RE: Dorval 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 Dorval Subdivision with the findings and conditions included in the project memorandum.*

Project/Application Summary:

Red Lodge Surveying, on behalf of Trennan and Marissa Dorval, has submitted a preliminary plat application for a one-lot subdivision. Blueline Consulting is providing water and wastewater design for the proposed subdivision. The subdivision area is approximately 10.03 acres. Approval of the subdivision will revoke an agricultural covenant on the property. There have been more than five parcels created using exemptions from the parent tract of record since 2003, therefore, this subdivision is a subsequent minor subdivision, which is reviewed as a major subdivision.

The subject property is located on Chance Road, a County road, which accesses Highway 72 approximately .6 miles north of this subdivision. The property is about 7 miles south of Belfry. The property is legally described as Tract 1 of COS 2186 AG, located in Section 29, Township 9 South, Range 22 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.



Looking East from Chance Road



Looking West from Chance Road into Subdivision

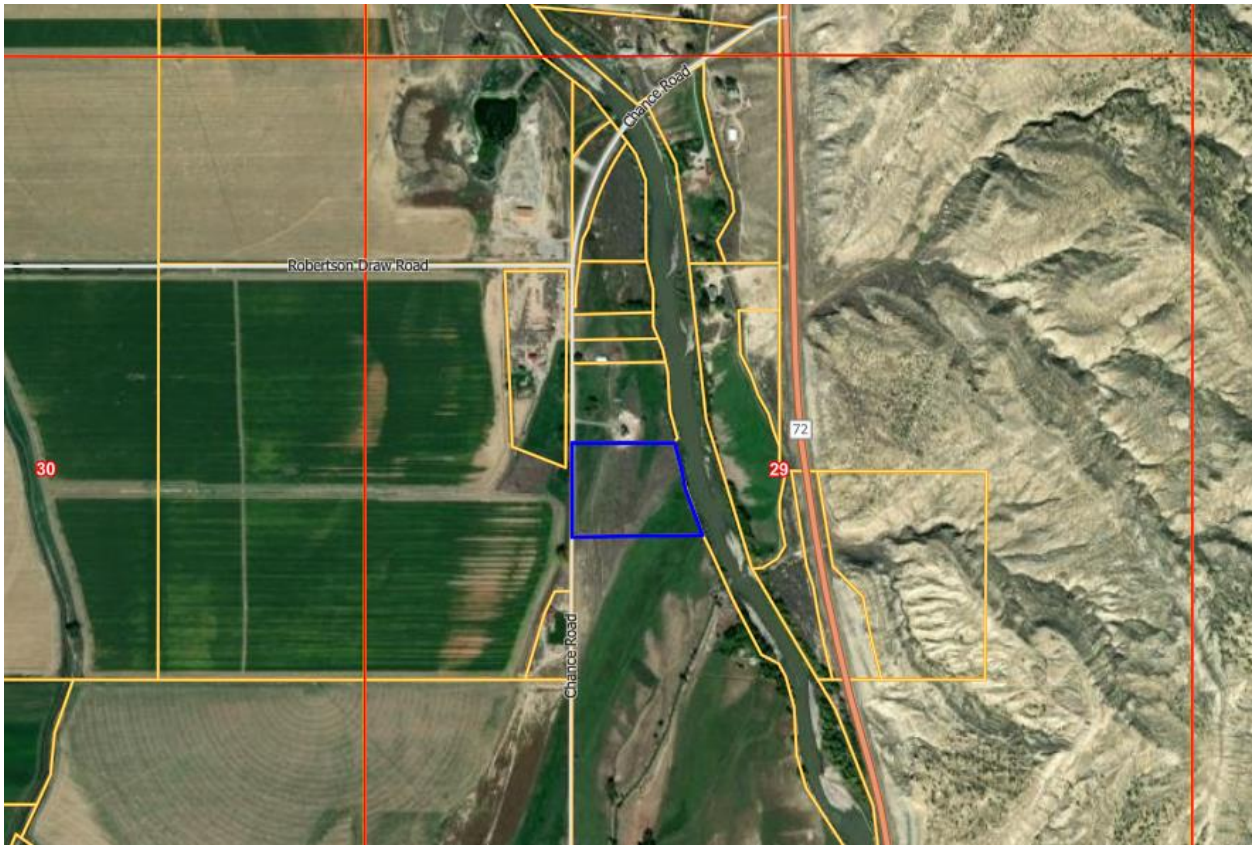
- Effect on agriculture: The property does not appear to be currently used for agricultural purposes and is not classified as prime farmland by the USDA. However, the property has been utilized for agricultural purposes, primarily grazing, in the past when it was under the same ownership as surrounding land. There is a covenant on the property restricting the use to agriculture that was put on the property when it was created as an exemption to subdivision review in 2006. Some surrounding property has been divided into similarly sized lots, primarily using exemptions. There is another agricultural covenant on property near the bridge over the Clarks Fork River created in 2007 and there were five tracts created by court order in 2008.

It is likely that this property will be permanently removed from agricultural production, though that fact was likely caused by segregation from larger tracts through exempt surveys, not necessarily this subdivision.

A Weed Inspection Report was completed by Weed District Coordinator Brian Ostwald on October 21, 2024. No noxious weeds were identified on the site.

The area primarily consists of similarly sized residential parcels and agricultural operations.

Finding: Because the subdivision is adjacent to similar uses and no land will be removed from agricultural production, there should be minimal adverse impacts on agriculture as a result of this subdivision.



Proposed Subdivision Location (Blue) and Vicinity

- Effect on agricultural water user facilities: There are no irrigation ditches within the proposed subdivision. The Wills Ditch lies about 400 to the southeast. The Clarks Fork River borders the subdivision on the east. There are no known water rights associated with the property.

Finding: Because there are no irrigation ditches on the property and no agricultural water rights associated with the subdivision, there should be minimal adverse impacts on agricultural water user facilities as a result of this subdivision.

- Effect on local services: The Carbon County Sheriff's office will provide law enforcement services to the subdivision. According to documents provided in the subdivision application, the Sheriff's Department estimated a response time of 15-20 minutes and noted that adequate law enforcement protection can be provided with existing personnel and equipment.

Finding: This subdivision will have minimal adverse impacts on law enforcement, since services can be provided using existing personnel and equipment.

The Belfry Fire District provides fire protection in the area. Chief Bob Johnson has indicated he has reviewed the subdivision documents, and the site can be served and he sees no concerns regarding access or water supply needs. A Fire Control and Prevention Plan was submitted by the applicant and should be filed with the subdivision (Section V-A-21).

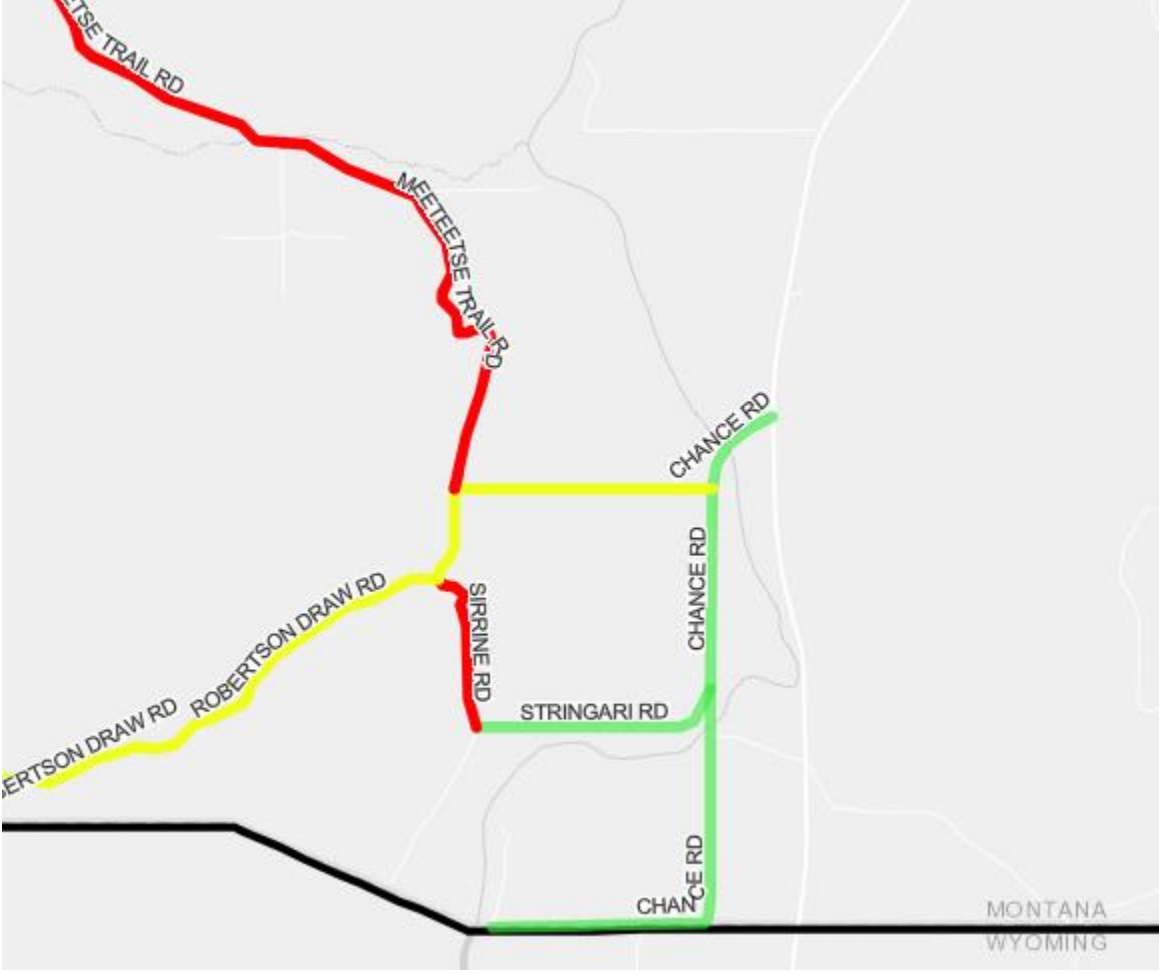
Finding: Filing and following the Fire Control and Prevention Plan should mitigate increased fire risk associated with this subdivision.

Chance Road provides access to the subdivision and is a County-owned and maintained dirt/gravel road with a width of approximately 24-feet providing access to several homes and farms in the area. Chance Road provides access to Highway 72 about .6 miles north of the subdivision. The road has regularly scheduled maintenance and snowplowing according to Road Priority Map on the County Road and Bridge Department website. The subdivision could result in eight additional vehicle trips per day on the County road system. Additional traffic may result in additional requests for maintenance. The County has a process in which landowners can apply to the County to coordinate spraying for dust control.

As more lots develop on gravel County roads, impacts will increase through demands for a higher level of maintenance. The County may need to seriously consider requiring RSIDs for road maintenance, the adoption of impact fees, or other mitigation measures to address these cumulative impacts. Another option would be to require the developer enter into a waiver of the right to protest the creation of an improvement district for road maintenance.

Finding: There should be minimal additional impacts on the County road system as a result of this subdivision due to the relatively small scale of the subdivision. The County

should require a waiver of the right to protest the creation of an improvement district for road maintenance and dust control.



County Road Priority Map

There is overhead power along Chance Road and power has been extended to the property. The preliminary plat also shows a telephone line along Chance Road. 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.

The Belfry School District serves students in the area. The application documents indicate that 1-5 students may be generated by the subdivision, though this figure depends on the individual circumstances of future residents. Due to the small scale of the subdivision, it is not anticipated that there will be a large adverse impact on school facilities.

Finding: There is not anticipated to be any adverse impacts on school facilities as a result of this subdivision.

The current tax revenue from the property is about \$340.00 per year according to the subdivision application. A new residence valued at \$400,000 to \$500,000 could generate \$4,000 to \$5,000, per year, assuming a 1% tax rate. It should be noted that increased tax revenue associated with large-lot rural development is generally not sufficient to completely offset increased costs associated with additional demands for service. Higher density residential development, development located closer to existing facilities, and commercial/industrial development generally are more likely to offset costs associated with provision of services.

The preparation and a filing of a Subdivision Improvements Agreement (SIA) that outlines available services and notes the responsibilities of the lot owner(s) will help ensure that impacts on local services are mitigated to the extent possible.

Finding: Dorval Subdivision should have minimal impacts on other local services due to the small scale of the subdivision and because no service providers indicated an inability to service the proposed subdivision if an SIA is prepared outlining maintenance responsibilities.



Looking North along Chance Road

- Effect on the natural environment: A new Septic/drainfield system will be utilized for the subdivision. An individual well will serve the lot. DEQ review is required.

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.

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 the Montana Department of Natural Resources and Conservation's (DNRC) water right predetermination 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.

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.

Blueline Consulting provided written information regarding potential impacts on the aquifer, which indicated a single-family home is estimated to use 300 gallons of water per day and noted a low usage density in the area and proximity to the Clarks Fork River. Blueline Consulting also indicated that there are strong water yields in the area ranging from 20-40 gallons per minute, based on area well logs.

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 is proposed and the usage is expected to be less than 10-acre feet per year.

The applicant submitted a Weed Inspection Report completed by Carbon County Weed District Coordinator Brian Ostwald dated October 21, 2024. The report indicates there were no weeds present.

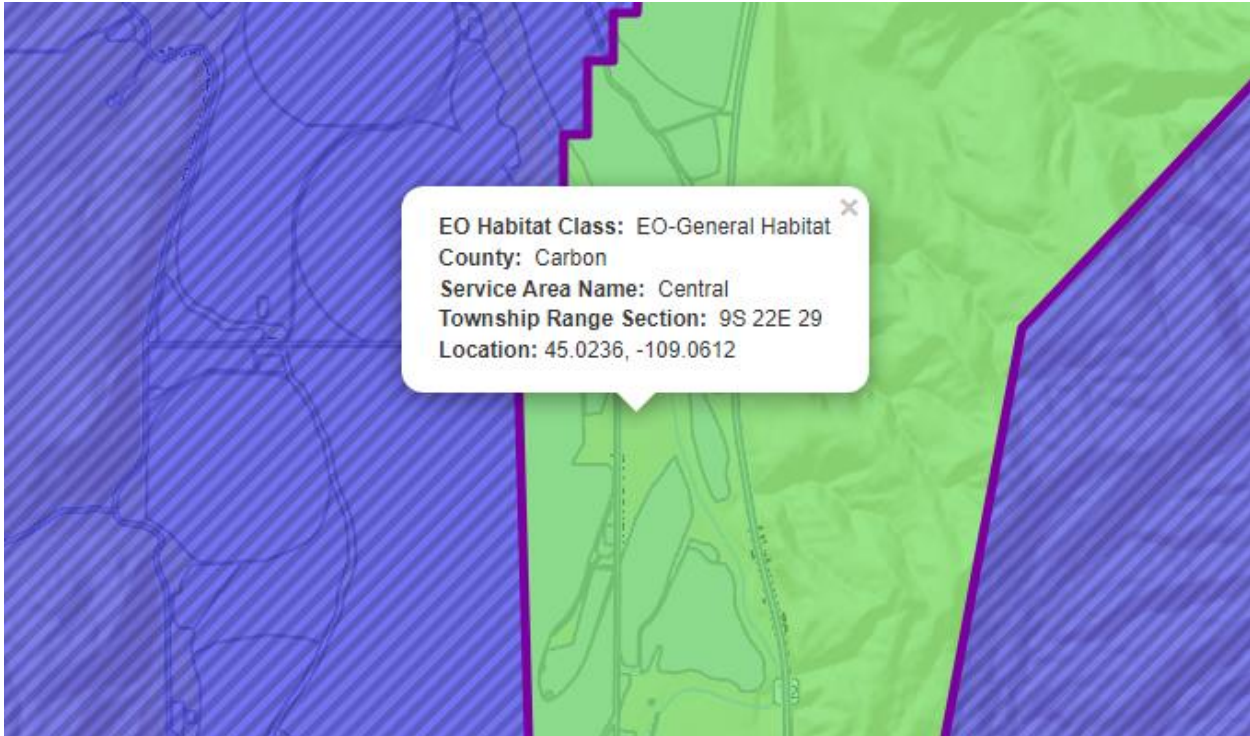
Finding: There should be minimal impacts on the natural environment due to the lack of noxious weeds on the site.

- 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 site is identified as sage grouse general habitat by the Montana Sage Grouse Habitat Conservation Program. The application included information from the Program indicating the site is not within two miles of an active lek and provided voluntary recommendations to protect sage grouse habitat.

Finding: There should be no significant impact on wildlife habitat since there have been no identified impacts on critical wildlife habitat on the property.



Sage Grouse Habitat on the Site; Green is General Habitat; Purple is Core Area

- Effect on public health and safety: The Carbon County Sheriff’s office provides law enforcement service in the area. See discussion and findings under Effect on Local Services.

The applicant submitted a Fire Control and Prevention Plan indicating recommendations and requirements relating to fire protection, which should be filed with the subdivision (Section V-A-21).

See also the discussion and findings under Effect on Local Services.

There is floodplain on the property associated with the Clarks Fork River. The flood zone has not been given a base flood designation, but the planned development does not lie within the mapped floodplain area. The floodplain should be delineated on the final plat (Section V-A-6).

Finding: Adverse impacts on public health and safety can be mitigated by delineating the floodplain on the final plat (Section V-A-6).



Approach from Chance Road into Property

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 III-B-11.g.v of the Carbon County Subdivision Regulations).

A consent to the subdivision from Yellowstone Bank, the mortgage holder, was provided with the subdivision application.

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.

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 III-C-5.b of the Carbon County Subdivision Regulations).

The Carbon County Subdivision Regulations, Section III-B-12 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.

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, and that the final plat be submitted in conformance with the Subdivision Regulations.

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

Finding: The application complies with the Development Regulations to the extent possible. Necessary permits will need to be obtained prior to development and will be evaluated at that time.

- v. Other regulations in effect in the area of the proposed subdivision: There are no known other regulations with which the subdivision would not be in compliance.

Finding: The subdivision would not be in violation of any other known regulations.

- 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 the property is under 20 acres. (Sections III-B-11.C.ii 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: No proposed lots are over 20 acres.

Finding: There are no lots over 20 acres in the proposed subdivision.

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 Dorval Subdivision pursuant to the following conditions (Section references are to the Carbon County Subdivision Regulations unless otherwise noted):

1. 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 III-B-11.C.ii and V-A-11, 12,13, and 14; Effect on the Natural Environment; Effect on Public Health and Safety)
2. The Fire Prevention and Control Plan shall be filed with the subdivision. (Section V-A-21; Effect on Local Services; Effect on Public Health and Safety)
3. The subdivider shall enter into a waiver of the right to protest the creation of an RSID for road maintenance and dust control. (Section V-A-24; Effect on Local Services)
4. The final plat shall show the location of all existing and required utility easements. (Section V-A-15.a; Effect on Local Services)
5. 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)
6. A Subdivision Improvement Agreement should be provided that is acceptable to the County and notes the landowners’ responsibilities and outlines responsibilities for public and private infrastructure. (Section III-B-1; Effect on Local Services)
7. The floodplain shall be delineated on the final plat. (Section V-A-6; Effect on Public Health and Safety)
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 III-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 III-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 III-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 III-B-12; Compliance with the Subdivision Regulations)
13. The final plat shall be prepared and reviewed in accordance with Section III-C of the Carbon County Subdivision Regulations. (Compliance with the Subdivision Regulations)

PRELIMINARY PLAT

DORVAL SUBDIVISION

A FIRST MINOR SUBDIVISION IN TRACT 1 OF CERTIFICATE OF SURVEY NO. 2186 AG LYING IN THE NW1/4 AND SW1/4 OF SECTION 29, T.9S., R.22E., P.M.M., CARBON COUNTY, MONTANA

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

SURVEYED IN: JUNE AND OCTOBER OF 2024

LANDOWNERS: TRENNAN AND MARISSA DORVAL

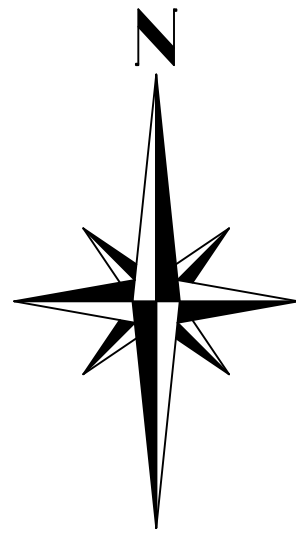
CERTIFICATE OF DEDICATION AND LEGAL DESCRIPTION:

We, the undersigned landowners, do hereby certify that we have caused to be surveyed, subdivided and platted into one lot, as shown by the plat hereunto included, the perimeter boundary of which is described as follows:

That part of the NW1/4 and SW1/4 of Section 29, T.9S. R.22E., P.M.M., Carbon County, Montana, shown as Tract 1 of Certificate of Survey No. 2186 AG, on file in the office of the Clerk and Recorder of Carbon County under Document No. 325650. Containing 10.03 acres more or less. Proposed Lot 1 contains 10.52 acres 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 "DORVAL 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.



SCALE 1"= 80'
0 80 160

TRACT 1
C.O.S. 1973
STACEY WEGNER
124 LANTANA DR
BILLINGS, MT 59101

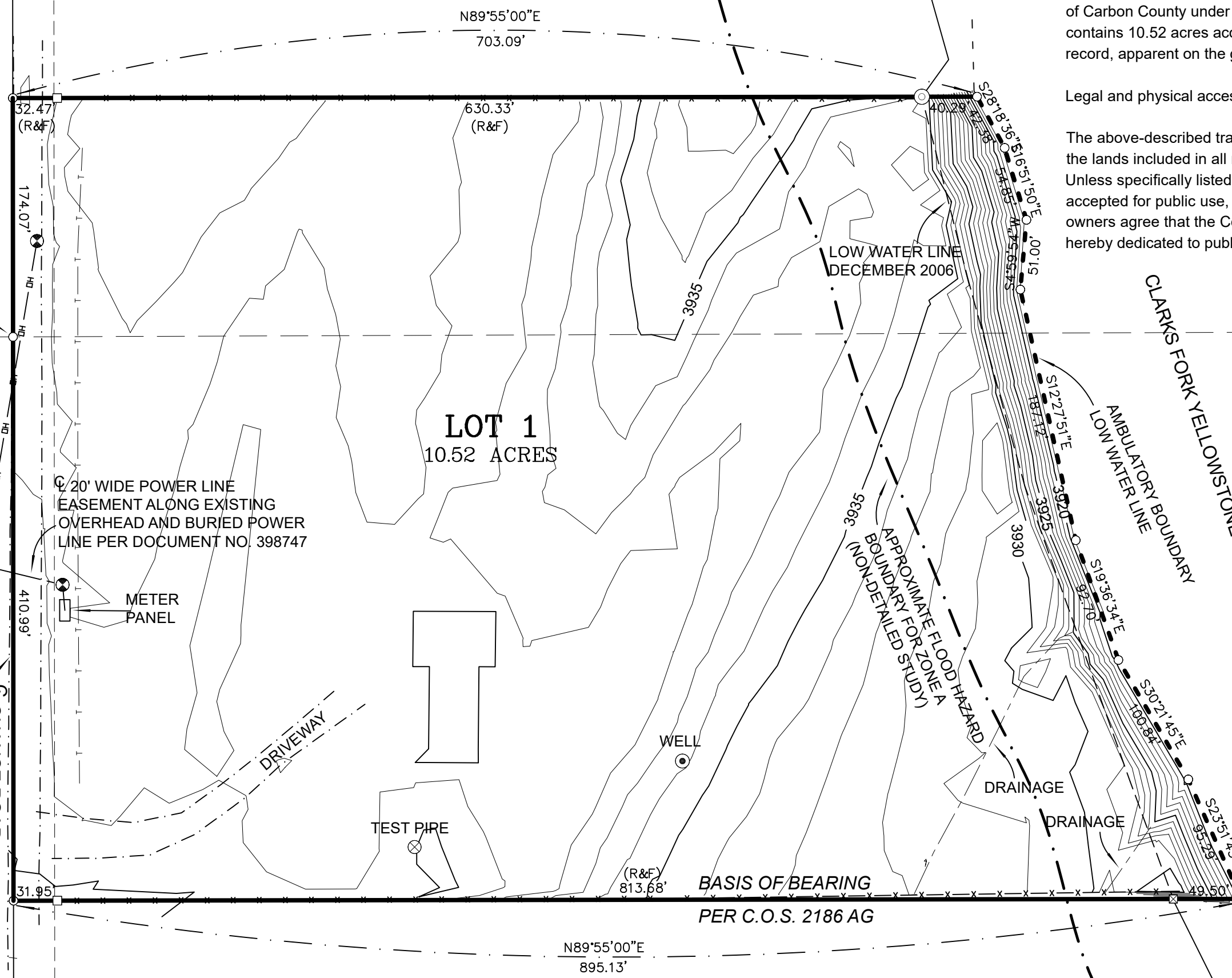
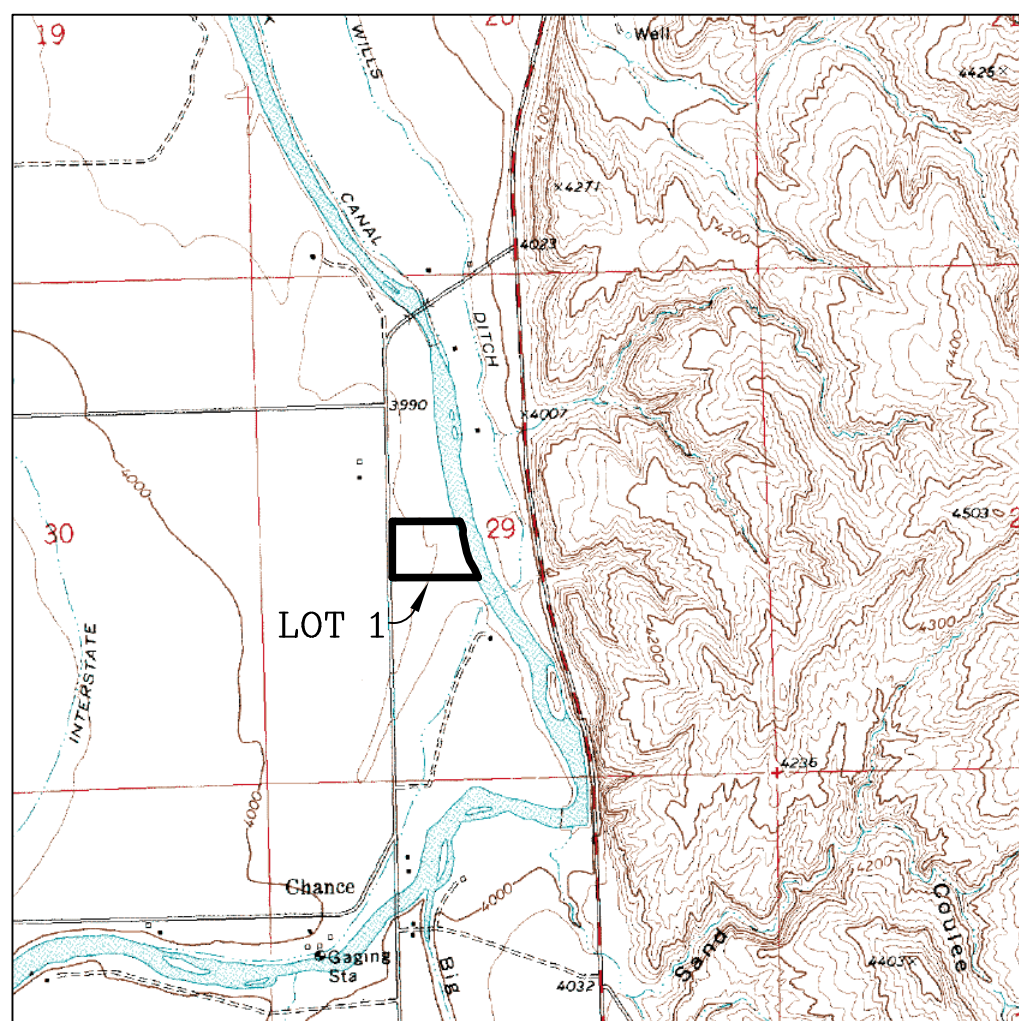
TRACT D
C.O.S. 2221 CO
MICHEAL G & JILL K BOOTH
P.O. BOX 115
BELFRY, MT 59008

N89°47'13"E
1320.36'

PROPORTIONED POSITION
CORNER FALLS IN CULTIVATED FIELD
NO MONUMENT FOUND OR SET

UNPLATTED LANDS OF
CONSTANCE D PELICAN TRUST
CONSTANCE D PELICAN TRUST
5817 DANFORD ROAD
BILLINGS, MT 59106

VICINITY MAP



LOT 1
10.52 ACRES

20' WIDE POWER LINE
EASEMENT ALONG EXISTING
OVERHEAD AND BURIED POWER
LINE PER DOCUMENT NO. 398747

METER PANEL

WELL

TEST PIPE

BASIS OF BEARING
PER C.O.S. 2186 AG

UNPLATTED LANDS OF
CALVIN E. WEYMILLER LIVING TRUST
CALVIN E. WEYMILLER LIVING TRUST
C/O MICHAEL SCHMAING
3000 LAKE ELMO DR
BILLINGS, MT 59105

LEGEND

- FOUND YPC VIA BRATTON 9519 LS
- ⊠ UNREADABLE YPC
- ⊙ POINT OF RECORD
- NO MONUMENT SET OR FOUND
- (R&F) RECORD AND FOUND MEASUREMENTS
- ⊗ TEST PIPE
- ⊙ WELL
- ⊙ POWER POLE
- HD— OVERHEAD POWER
- x—x— FENCE
- - - - - GRAVEL
- - - - - TELEPHONE

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

SUBDIVISION REGULATION AMENDMENTS - MEMO

Date: January 3, 2025

To: Carbon County Planning Board

From: Forrest J. Mandeville – Contract Planner

RE: Subdivision Regulations Decision Points

As part of the Carbon County Subdivision Regulations update, several areas have been identified as needing guidance from the Planning Board to help facilitate Regulation drafting.

Decision Point 1: Keep review criteria definitions in current Growth Policy, use definitions from MACo Model Subdivision Regulations, or otherwise modify?

AGRICULTURE:

Current: The use of the land for grazing and crop production to produce food, feed, and fiber commodities. Examples may include: cultivation and tillage of the soil; dairying; growing and harvesting of agricultural or horticultural commodities; and the raising of livestock, bees, fur-bearing animals, or poultry. This definition does not include concentrated animal feeding operations.

MACo: All aspects of farming, including the cultivation and tillage of the soil; dairying; and the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, including commodities defined as agricultural commodities in the federal Agricultural Marketing Act and the raising of livestock, bees, fur-bearing animals, or poultry; and any practices, including forestry or lumbering operations, performed by a farmer or on a farm as an incident to or in conjunction with farming operations, including preparation for market or delivery to storage, to market, or to carriers for transportation market, excluding any consideration of whether the proposed subdivision will result in a loss of agricultural soils.

AGRICULTURAL WATER USER FACILITIES:

Current: Facilities that provide water for the production of agricultural products on agricultural land including, but not limited to ditches, canals, pipes, head gates, sprinkler systems, tanks, reservoir, ponds, or developed springs.

MACo: Those facilities which provide water for agricultural land as defined in 15-7-202, MCA, or which provide water for the production of agricultural products as defined in 15-1-101, MCA including, but not limited to ditches, pipes, and head gates

LOCAL SERVICES:

Current: Any and all services or facilities local government is authorized to provide, such as water supply, sewage disposal, law enforcement, fire protection, transportation system, and educational system as well as services not provided by local government such as electricity, gas, telephone, and solid waste disposal.

MACo: Any and all services or facilities that local government entities are authorized to provide.

NATURAL ENVIRONMENT:

Current: Existing physical conditions relating to land, water, air, plant and animal life of an area and the interrelationship of those elements, such as soils, geology, topography, vegetation, surface water, ground water, aquifers, drainage patterns, recharge areas, climate, floodplains, noise, scenic resources, and objects of historic, prehistoric, cultural, or aesthetic significance.

MACo: The physical conditions which exist within a given area, including land, air, water, minerals, flora, fauna, sound, light, and objects of historic and aesthetic significance.

PUBLIC HEALTH AND SAFETY:

Current: A condition of optimal well-being, free from danger, risk, or injury for a community at large, or for all people, as well as for the welfare of a specific individual or a small class of persons.

MACo: Condition of optimal well-being, free from danger, risk, or injury for a community at large, or for all people, not merely for the welfare of a specific individual or a small class of persons

WILDLIFE:

Current: Animals (e.g. mammals, birds, reptiles, fish), that are not domesticated, existing in their natural environment.

MACo: Living things which are neither human nor domesticated.

WILDLIFE HABITAT:

Current: Geographic areas containing physical or biological features essential to wildlife for breeding, rearing, nesting, and/or winter feeding and forage; and/or essential to the conservation of listed endangered and threatened species under the Endangered Species Act.

MACo: Place or type of site where wildlife naturally lives and grows.

Decision Point 2: Keep an expedited review process for 1-lot minor subdivisions?

Currently we allow a 1-lot subdivision that has access, sanitation approval, and is a first minor subdivision to bypass Planning Board review the preliminary plat process and go directly to Commissioners for final plat approval.

Decision Point 3: Continue to review subsequent minor subdivisions as major subdivisions?

Carbon County has traditionally treated subsequent minor subdivisions as major subdivisions. Can continue that practice or treat them as minor subdivisions. May also allow up to 5-lots before treated as a major.

Decision Point 4: Timeframe for submittal of a preliminary plat after a pre-application meeting has occurred.

Typically, preliminary plats are required to be submitted within six months of a pre-application meeting, but some counties require as little as four months. I've seen some of these drag out to a year or so before the preliminary plat application is submitted though.

Decision Point 5: How prescriptive do we want to be for application documents?

Currently, we just require “hard copies” of the full preliminary plat application. MACo draft is very prescriptive: “The required copies of the all supplemental materials shall be organized with a cover sheet, table of contents identifying all the elements, identification tabs for each element listed below and shall be bound in a three-ring binder for each set and ready for distribution.”

Decision Point 6: How recent should a subdivision guarantee, submitted with the preliminary plat, be?

Currently Regulations are vague. Could be as short as 30 days or as long as 6 months.

Decision Point 7: Require a Subdivision Improvements Agreement with every subdivision?

Decision Point 8: When should a Traffic Impact Analysis be required?

Could set a threshold of major subdivision, a certain number of lots, or expected trips to be generated.

Decision Point 9: Terminate deficient applications within a certain timeframe?

Have not done in the past. MACo draft suggests 180 days.

Decision Point 10: Keep default of 2-year preliminary plat approval?

Statute states that a preliminary plat approval must be in force for at least 1 year but not more than 3. However, extensions are allowed at the discretion of the governing body. Carbon County has defaulted to a 2-year preliminary plat approval. If we keep the 2-year default we would want to say so.

Decision Point 11: Should Planning Board process a preliminary plat extension request or should it go directly to Commissioners?

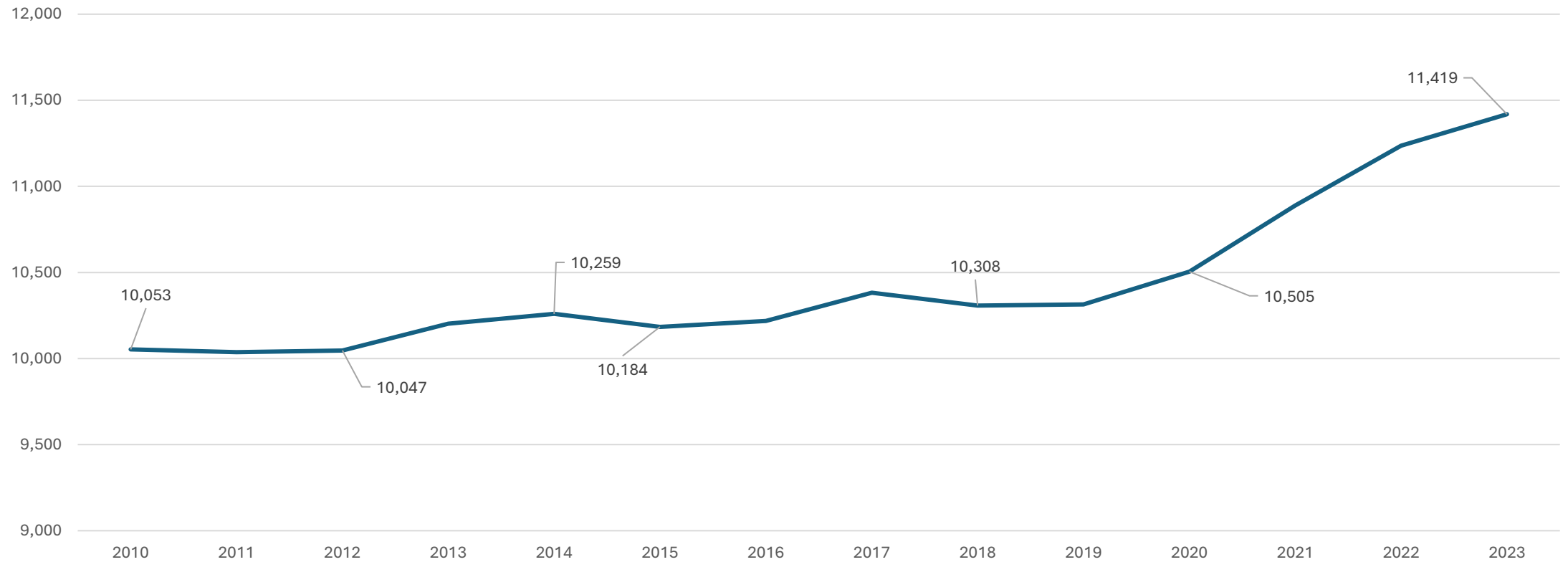
Carbon County Growth Policy

2025 Update

January Report to Planning Board

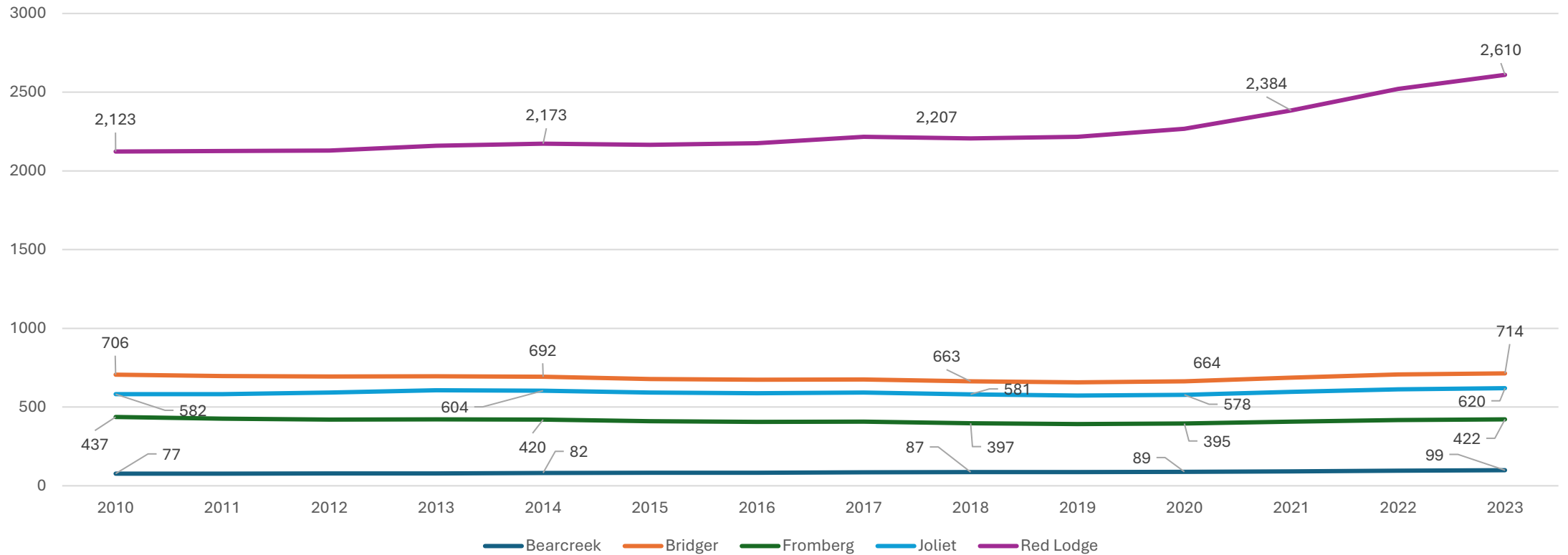
Population Growth

Population Estimates for Carbon County
(US Census Bureau)

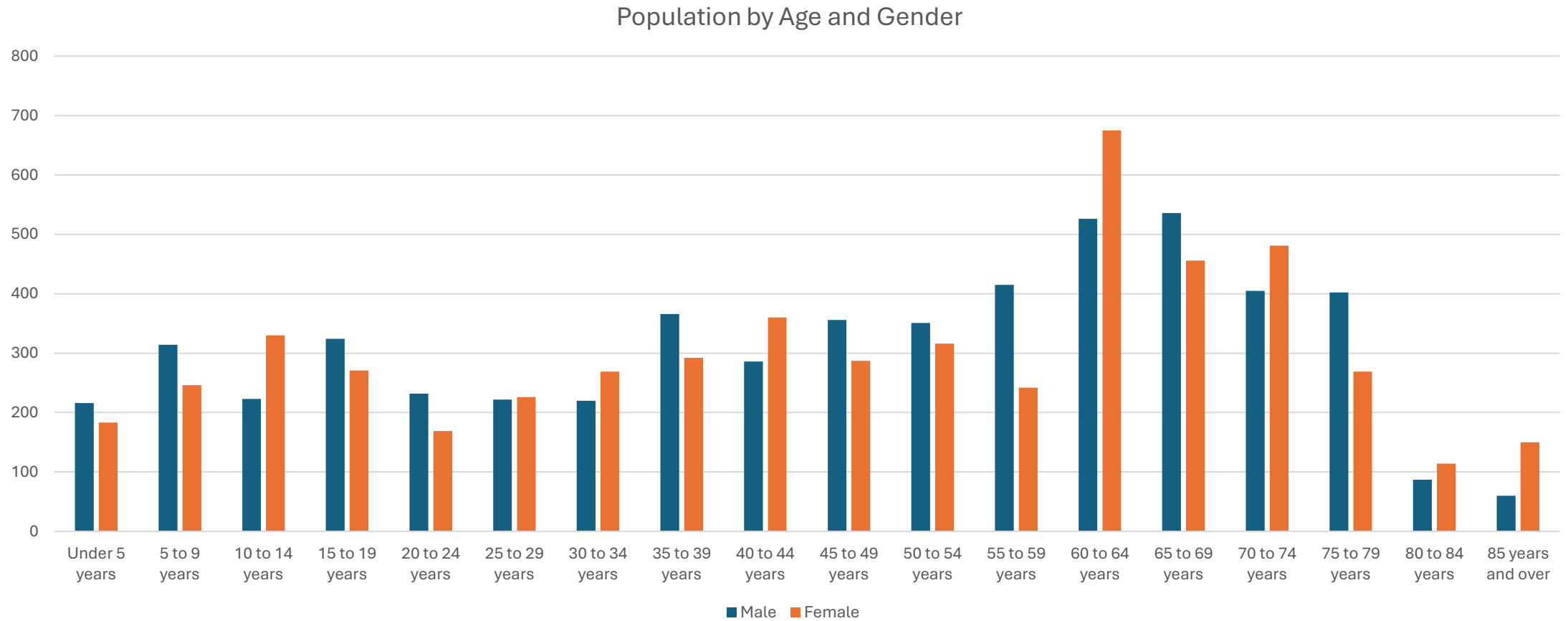


Population Growth

Population Estimates by Community
(US Census Bureau)

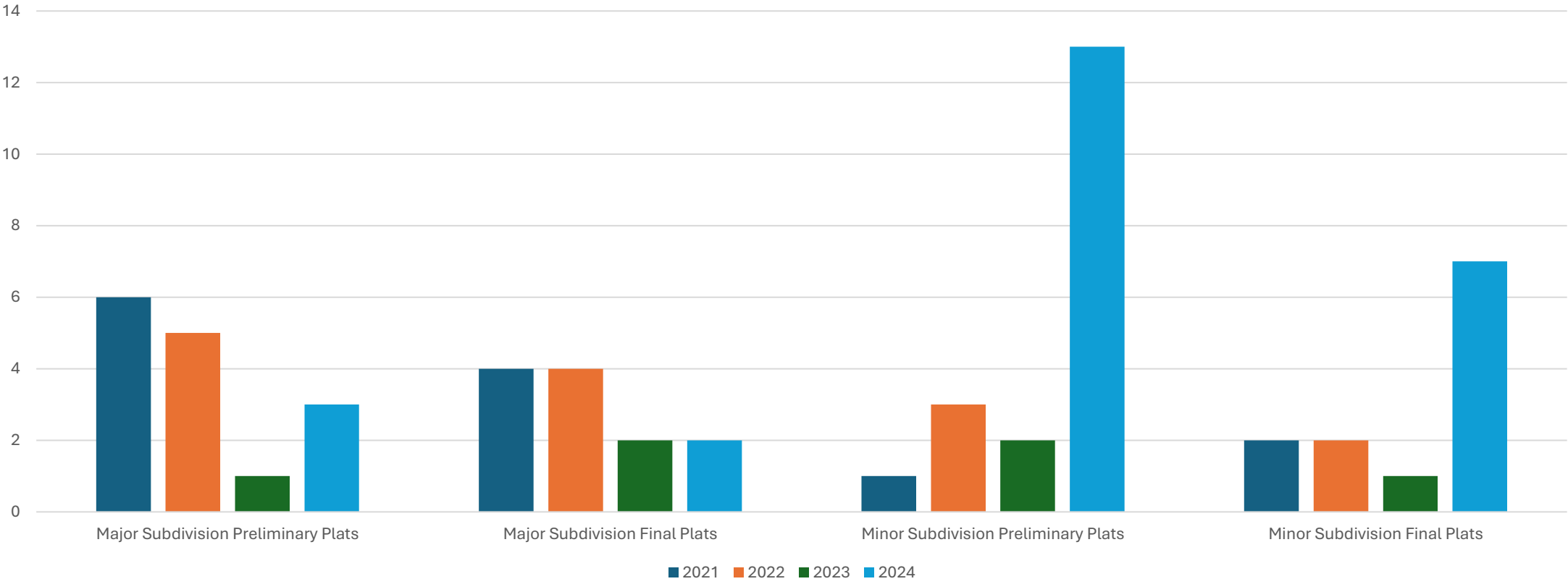


Demographic Information



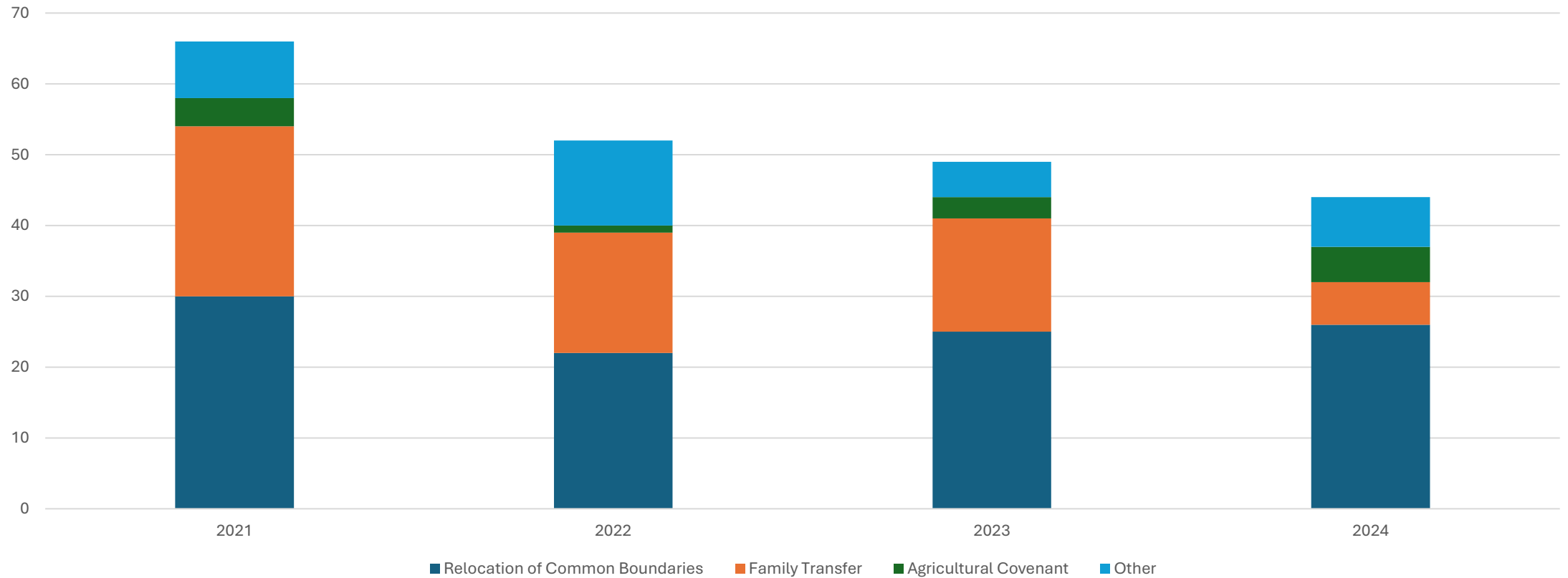
Subdivision Reviews

Subdivision Reviews by Year



Exempt Surveys

Exempt Surveys by Year



Development Permits

Development Permit Applications

