

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

MARCH 18, 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. APPROVAL OF MINUTES OF PREVIOUS MEETING

January 21, 2025

D. PUBLIC HEARINGS

Woodlands on Rock Creek Subdivision, Amended Plat of
Lot 8 Amended

E. REGULAR BUSINESS

Woodlands on Rock Creek Subdivision, Amended Plat of
Lot 8 Amended – Discussion and Recommendation to County
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 2025 Meeting
1-21-2025

- A. Call meeting to order, 7 p.m., Gordy Hill — Chairperson
- B. Roll Call
Present: Dean Webb, Betsy Scanlin, Clint Peterson, Dan Auch, Skip Bratton, Angela Kallevig, Gordy Hill, Forrest Mandeville; Mike Hayes by phone; Kate Stout of Red Lodge Surveying by phone. Dan was welcomed as the new Fromberg area representative.
Audience: Applicant Trennan Dorval, Tracy and Sandy Sticks, Doug Steingart
- C. Election of Officers
Betsy nominated Angela Kallevig as Vice-Chairman, Skip seconded; Gordy indicated he would be willing to continue as Chair; Clinton Giesick had indicated he would be willing to continue as Secretary. As no further nominations were made. Motion to approve was passed unanimously.
- D. Approval of 12-17-24 minutes.
Betsy moved to approve. Clint Peterson seconded. Motion passed unanimously.
- E. Public Hearing
Dorval Subdivision: 1 lot, 10.03 acres, major subdivision review to remove agricultural restriction, 6 miles south of Belfry on Chance Road, on county maintained road.
Construction of residence in progress.

Neighbors Tracy and Sandy Sticks and Doug Steingart inquired about how many residential structures would be allowed and how adjacent landowners' property taxes would be affected, were assured one residence only, possibility of taxes rising due to market value, overall county development and valuation
Surveyor Kate inquired about what would be included in the Subdivision Improvements Agreement; Forrest responded that would depend on the findings in the board's action.

F. Regular Business

1. Dorval Subdivision

Board discussed topography, irrigation in area, floodplain not applicable.
Clint Peterson expressed concerns for sanctions for applicants who have proceeded before county action. Discussion followed about reasons for pre-construction, need for involvement of other stakeholders such as banks, realtors and contractors prior to work and application, board's authority to take action depending on the circumstances of an application based on prior actions.
Betsy moved to approve application based on proposed findings and conditions.
Clint Peterson seconded. Board voted unanimously to recommend approval .

2. Subdivision Regulations Update

Board discussed options to change descriptions and procedures in current Regulations, with decisions postponed pending further discussion.

3. County Growth Policy Update

Forrest presented numerous maps showing growth and demographic details.
Board discussed options for changes in the Policy, with decisions postponed pending further discussion.

- G. Petitions and Communications from Audience.
None other than mentioned above.
- H. Written Communications
None
- I. Reports from Planning Board Members and Committees
None
- J. Staff Reports
Forrest gave update on Fair Haven Subdivision, which is pending before the Bridger City Council after a well-attended City meeting.
- K. Adjournment
No further business to attend to, the meeting was adjourned at 8:55 p.m.

Submitted by Betsy Scanlin, Acting Secretary

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: March 8, 2025
RE: Woodlands on Rock Creek Subdivision, Amended Plat Lot 8 Amended 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 Woodlands on Rock Creek Subdivision, Amended Plat Lot 8 Amended, with the findings and conditions included in the project memorandum.*

Project/Application Summary:

Engineering West, on behalf of Woodlands on Rock Creek, LLC, has submitted a preliminary plat application for a two-lot subdivision. Red Lodge Surveying is providing survey services for the proposed subdivision. The subdivision area is approximately 9.52 acres with the new lots being 4.51 acres (Lot 8A) and 5.01 acres (Lot 8B) in size. The subdivision is Lot 8 Amended of a previously platted subdivision, Woodlands on Rock Creek Subdivision, therefore, this subdivision is a subsequent minor subdivision, which is reviewed as a major subdivision.

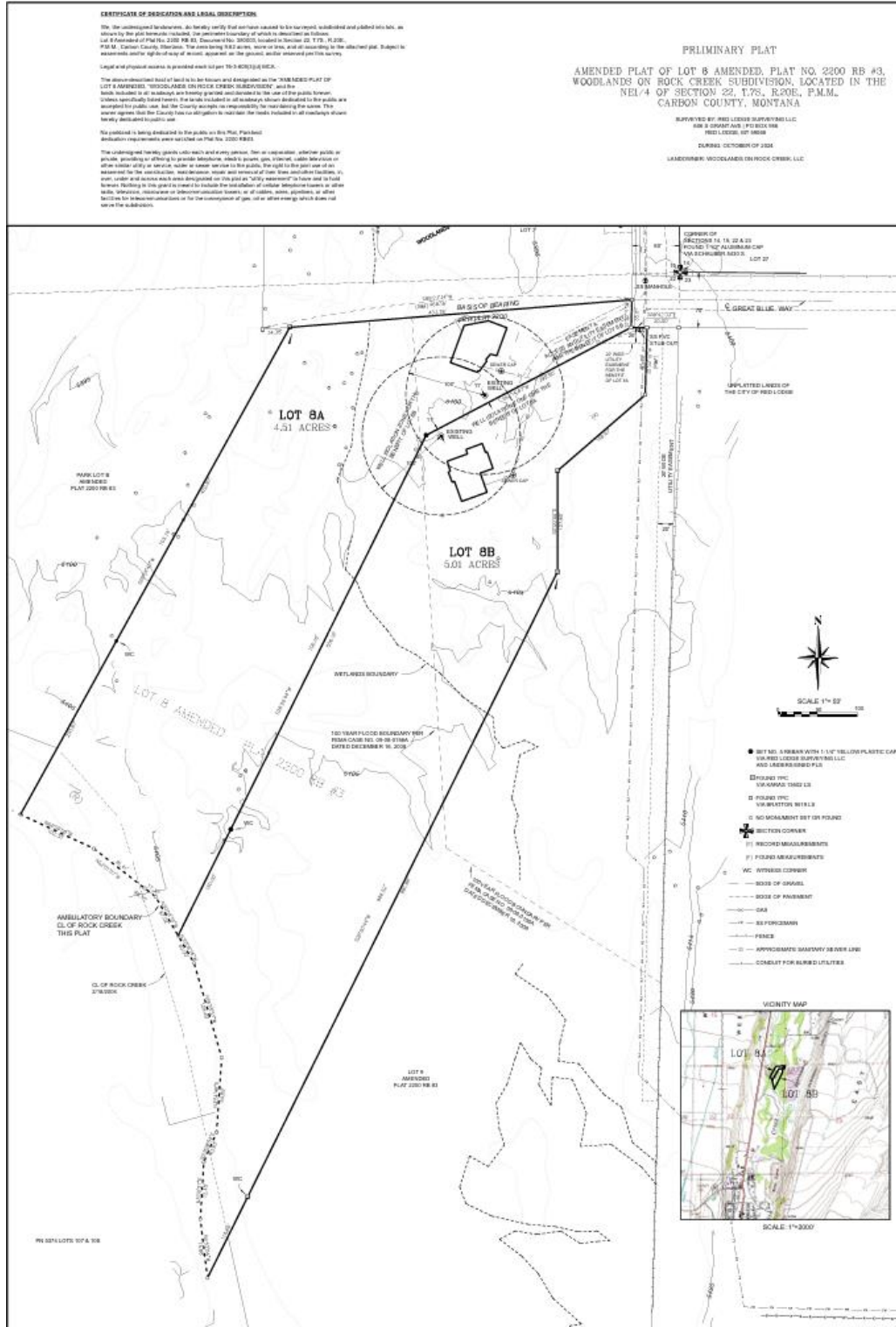
There are two existing homes on the property, which has been reviewed and approved to allow two homes as part of a townhome-style development. However, in order to sell each home site separately and not as a part of a townhome arrangement, a subdivision is necessary to create two independent tracts of record.

The subject property is located on the southwest corner of Woodlands Drive and Great Blue Way, which are private roads owned and maintained by a homeowner’s association. Woodlands Drive intersects with Two Mile Bridge Road about 900 feet north of the subdivision. The property is legally described as Lot 8 Amended, Woodlands on Rock Creek Subdivision, Plat 2200 RB #3, located in Section 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.



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 will utilize existing individual wells for potable water. The homes are connected to City of Red Lodge sewer. There is an existing DEQ approval associated with the property (E.Q. # 07-1664). Additional DEQ is required as part of the subdivision process.

Access is provided from Two Mile Bridge Road, a County-owned and maintained road, via Woodlands Drive and Great Blue Way, both private roads in existing easements, maintained through an existing homeowners' association.

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:** The property is not currently in use for farming or grazing and is already developed. The purpose of the subdivision is to allow the lots to transfer separately. The property is within an existing subdivision. There should be minimal, if any, adverse impact on agriculture as a result of this subdivision.

Finding: Because the property is developed and 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 application indicates the developer is in the process of filing exempt water right documents with the Montana DNRC.

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 Sherriff’s office will provide law enforcement services to the subdivision and is located about 2 miles from the subdivision.

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

The Red Lodge Fire District provides fire protection in the area and is located about 1.5 miles from the subdivision. There is an existing dry hydrant near the subdivision developed as part of the original Woodland on Rock Creek Subdivision. The Fire Control and Prevention Plan submitted with the subdivision documents notes the presence of the hydrant, as well as the need to clearly display addresses and using proper construction material. The Fire Control and Prevention Plan 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.



Existing Dry Hydrant

Woodlands Drive and Great Blue Way provide access to the subdivision and are private roads in a private easement. Two-Mile Bridge Road is a paved County-owned road providing access to the subdivision. The road includes a bridge over Rock Creek which has experienced flooding in the past. The subdivision could result in 16 vehicle trips per day but should not result in any increased traffic other than what has already been reviewed for, as the property was reviewed and approved for two single-family residences during a previous subdivision review.

As more lots develop on County roads, impacts will increase through demands for a higher level of maintenance. The County may eventually need to seriously consider requiring RSIDs for road maintenance, the adoption of impact fees, or other mitigation measures to address these cumulative impacts.

Finding: Complaints about the road maintenance may increase as a result of this subdivision

Northwestern Energy currently provides power to the site. 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 easement are shown on the plat and the standard utility easement language is provided.

The Red Lodge School District serves students in the area. Superintendent Fitzgerald notes that bus service is provided. 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.

- Effect on the natural environment: Sewer service is provided by the City of Red Lodge and the current development on the site is connected to the sewer system. Existing individual wells will serve each lot. Though the site was reviewed by DEQ for previous subdivisions, because this is a new subdivision additional 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. There are existing wells serving homes on each proposed lot which were developed under previous approvals.

Travis West, PE, of Engineering West provided written information regarding the aquifer and indicated that area well logs indicate water is plentiful in the area. Also, neither lot will use in excess of 5-acre feet of water per year, which is within the parameters of DNRC requirements for obtaining an exempt water right.

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 lots will be equally allocated available water, which is greater than the forecasted amount needed.

The applicant submitted a Weed Inspection Report completed by Carbon County Weed District Coordinator Brian Ostwald dated October 22, 2024. The report indicates that portions of the property is infested with Canada thistle, absinth wormwood, spotted knapweed, and houndstongue. No weed bond was required, but the District is monitoring the project and noted the need to spray weeds in the spring. The application included a draft Subdivision Improvements Agreement that includes weed management. Entering into a Weed Management Plan with the Weed District would also help ensure noxious weeds are managed on the property.

Finding: There could be adverse impacts associated with weed proliferation if conditions are not required to ensure weeds are controlled on site. Requiring a Subdivision Improvements Agreement that includes a requirement to spray weeds is recommended, as is a Weed Management Plan.

- Effect on wildlife: Wildlife does frequent the area. However, since the property is already developed and 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: No critical wildlife habitat has been identified on the property. The site is not identified as sage grouse habitat by the Montana Sage Grouse Habitat Conservation Program.

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



Entrance to Property

- 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.

- 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).

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 site is developed and appears to be in compliance with the Carbon County Development Regulations. The Development Permit for the property was approved in June 2023.

Finding: The application complies with the Development Regulations to the extent possible.

- v. Other regulations in effect in the area of the proposed subdivision: There are Covenants, Conditions, and Restrictions on the property, as well as bylaws for the Woodland on Rock Creek Homeowners' Association. These covenants were originally recorded under Document #327606 and have been amended numerous times.

The County does not enforce these private covenants but notice of their existence should be placed on the final plat.

Finding: The final plat should include a notice of the existence of the existing covenants and that the subdivision lots are subject to said covenants.

- 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 all lots are 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.



Existing Development on Site

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 1.4: 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 1.7: 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
 - 1.7.B. Discourage development within the wildland-urban interface.

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 Woodlands on Rock Creek Subdivision, Amended Plat of Lot 8 Amended, 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 final plat shall show the location of all existing and required utility easements. (Section V-A-15.a; Effect on Local Services)
 4. 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)
 5. Weeds shall be controlled on site to the satisfaction of the Carbon County Weed District and a Weed Management Plan, acceptable to the Weed District, shall be entered into prior to final plat. (Section V-A-17; Effect on the Natural Environment)
 6. A Subdivision Improvements Agreement (SIA) shall be provided to ensure the ongoing control of noxious weeds. (Section III-C-4; Section V-A-17; Effect on the Natural Environment)
 7. 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)
 8. 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)
 9. 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)
 10. 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)
 11. The final plat shall contain a statement noting that the subdivision is subject to the Restrictions, Covenants and Conditions originally created under Document Number 327606 and subsequent amendments thereto. (Section V-A-23)
 12. 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)

CERTIFICATE OF DEDICATION AND LEGAL DESCRIPTION:

We, the undersigned landowners, do hereby certify that we 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:
 Lot 8 Amended of Plat No. 2200 RB #3, Document No. 380003, located in Section 22, T.7S., R.20E., P.M.M., Carbon County, Montana. The area being 9.62 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 the "AMENDED PLAT OF LOT 8 AMENDED, "WOODLANDS ON ROCK CREEK 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 owner agrees 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 on this Plat, Parkland dedication requirements were satisfied on Plat No. 2200 RB#3.

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. Nothing in this grant is meant to include the installation of cellular telephone towers or other radio, television, microwave or telecommunication towers; or of cables, wires, pipelines, or other facilities for telecommunications or for the conveyance of gas, oil or other energy which does not serve the subdivision.

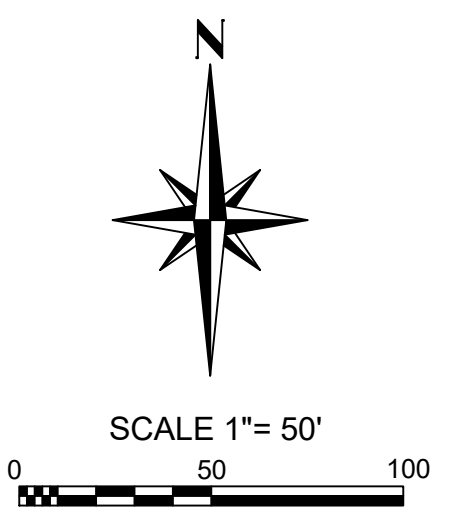
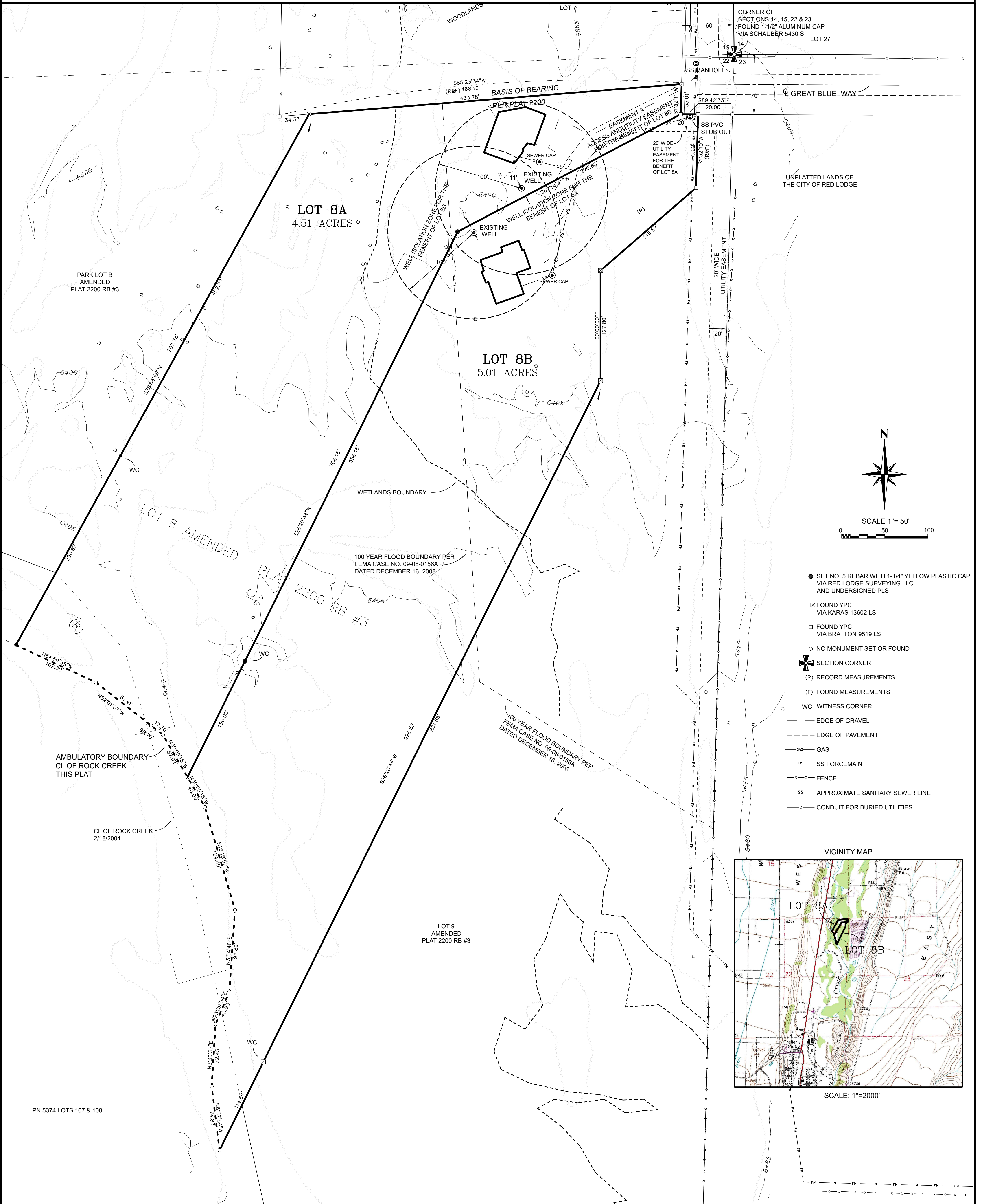
PRELIMINARY PLAT

AMENDED PLAT OF LOT 8 AMENDED, PLAT NO. 2200 RB #3, WOODLANDS ON ROCK CREEK SUBDIVISION, LOCATED IN THE NE1/4 OF SECTION 22, T.7S., R.20E., P.M.M., CARBON COUNTY, MONTANA

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

DURING: OCTOBER OF 2024

LANDOWNER: WOODLANDS ON ROCK CREEK, LLC



- SET NO. 5 REBAR WITH 1-1/4" YELLOW PLASTIC CAP VIA RED LODGE SURVEYING LLC AND UNDERSIGNED PLS
- ☒ FOUND YPC VIA KARAS 13602 LS
- ☐ FOUND YPC VIA BRATTON 9519 LS
- NO MONUMENT SET OR FOUND
- ⊕ SECTION CORNER
- (R) RECORD MEASUREMENTS
- (F) FOUND MEASUREMENTS
- WC WITNESS CORNER
- EDGE OF GRAVEL
- - - EDGE OF PAVEMENT
- GAS
- FM SS FORCEMAIN
- x - x - FENCE
- SS APPROXIMATE SANITARY SEWER LINE
- CONDUIT FOR BURIED UTILITIES

