

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

October 20, 2015, Tuesday 7:00 PM

Carbon County Courthouse
102 North Broadway Avenue
Red Lodge, MT

A. CALL TO ORDER

7:00 Julie called the meeting to order.

B. ROLL CALL

Present: Julie Jones, Diann Fischer Larson, Annette Anderson, Pete Cretelli, David Alsager, Clint Giesick, John Francis, Pits DeArmond, and Gordy Hill.

Absent: Gene Koch

Staff: Brent Moore, Angela Newell

Audience: Barbara Shea Red Lodge, Paul Pilati Red Lodge, Bob Shea Red Lodge, Skip Bratton Red Lodge Surveying, and Bill Karas Red Lodge Surveying.

C. MINUTES

Julie noted that "is" should be added before "not involved" in the second regular business paragraph. Pete noted "towers" is misspelled in the first regular business paragraph. Pete moved to approve September 20th meeting minutes as corrected; Dave seconded; motion carried

D. PUBLIC HEARINGS

Mangy Moose Subdivision

Brent reviewed CTA's memo to the board and noted the minor subdivision required a public hearing because of a variance request. The subdivision seeks to combine two existing lots and to remove Ag Covenants on the parcels for construction of a single family home. A variance is being requested as the proposed driveway's grade does not meet county standards. As noted in CTA's memo, the proposed driveway would also provide access for a neighboring landowner, whose existing driveway has a much steeper grade; this could make an existing bad situation better.

The Red Lodge Rural Fire Chief Tom Kuntz has requested that the use of fire suppression facilities in the area be stricken from the application as no easement is in place for their use. Brent read into the record an email from John and Deb Sillery (attached). Randy Bishop concurs it is a good idea to abandon the existing driveway. Bill Karas Red Lodge Surveying noted Travis Engineering West has engineered the proposed sanitation system to be in compliance with County and DEQ regulations. Diann asked if the driveway being abandoned will be reclaimed. Reclamation has not been discussed, but would be addressed if determined to be a condition of approval. Diann also asked if the knap weeds will be addressed; Bill noted they have started a weed control program and Brent noted the subdivision will be subject to a weed bond. Diann recommend adding reclamation of the driveway being abandoned as conditional of approval. Diann

also expressed concerns that the grade does not allow for sufficient emergency personnel access although the landowners would be paying the \$5,000.00 alternative fire protection fee. Dave noted old access is steeper than proposed new access. Brent noted the Fire Chief stated they could not provide "adequate or standard" fire protection, but not necessarily no fire protection. Diann expressed concerns about the potential liability being created. It was asked if the proposed driveway complies with other County standards; it does provide the required road width, turning radius, and turn around requirements. Diann asked if additional switchbacks would reduce the grade; Bill noted that 12% was as low as he could get it.

Annette asked if a condition of approval could require a letter from the landowners acknowledging the variance could limit fire and EMS access for emergency services; it was suggested that a Memorandum of Understanding or other legal instrument acknowledging the emergency access issues be an additional condition of approval. Brent noted this acknowledgement could possibly be added to the plat. Gordy asked how long the proposed driveway is and what portion exceeds grade standards. Skip noted that 350' exceed the grade, but moving the approach to a south slope should help melt snow better than the current north facing approach. As a condition of approval, Pete would like to see an agreement stating the road grade exceeds county standards and holding the County harmless from any liability resulting from the grade of the road. Skip believes it may be better to file the acknowledgement on a separate document as the Ag Covenant on the plat was missed when the property was sold.

Julie opened the hearing to public comment. Paul Pilati commented on past issues regarding the existing driveway that is proposed to be abandoned. He also expressed concerns regarding the proposed placement of the septic system drain field; he believes it may affect his well on an adjacent property. Brent noted that final plat approval will be contingent upon the County Sanitarian's review and approval of the septic system. Skip noted the distance between the drain field and neighboring residences exceeds DEQ requirements. Bob Shea noted he was sad to see the Ag Covenants removed; he also expressed concerns that the new approach will create a new washout point on the County Road and believes implementing French drains, to redirect the flow of water away from the County road, should be an additional condition of approval. Barbara Shea expressed concerns that another house without adequate or standard fire protection could put surrounding properties at risk.

8:00 Public Hearing was closed.

Dave would like to see condition to reclaim abandoned driveway. Pete believes there are too many loose ends with the variance to approve the subdivision; he also believes the alternative fire fee is problematic as the home would not have standard fire protection. Brent noted the alternative fire fee is acceptable to fire district and to require sprinklers would require covenants for one house. Julie wants to make sure it is clear that the Board is not endorsing a non-compliant driveway. Pits noted the improved access to the existing home is a benefit of the subdivision. Other suggested conditions were: requirements for turnaround within 50' of any structures, reclamation of the abandoned driveway including water diversion to promote vegetation regrowth, water diversion be included in the new driveway to reduce potential erosion at the approach to the County

Road; and that a legal instrument be required to release the County and Emergency Service providers of liability arising from the road grade variance.

Diann move to recommend approval of subdivision including a variance to construct private drive with slope exceeding the 8% County minimum and with other conditions as noted; Pits second; Gordy, Clint, Annette, John, Pits, and Dave voted in favor; Julie, Diann, and Pete voted against; motion carried.

E. REGULAR BUSINESS – Development Permit Working Session

Postponed

F. PETITION AND COMMUNICATION FROM THE AUDIENCE

None received

G. WRITTEN COMMUNICATIONS

None received

H. REPORTS FROM PLANNING BOARD MEMBERS AND COMMITTEES

Annette noted that she had purchased the transcript from the hearing regarding Silvertip Zoning district.

I. STAFF REPORTS

None received.

8:35 Dave motion to adjourn; motion carried unanimously.