

**Anaconda-Deer Lodge County  
Planning Board  
March 9, 2015 – 6:00 p.m.  
ADLC Third Floor Courtroom**

**I. Call to order: Jay Slocum**

**II. Roll Call:** A Quorum is present.

**Members in attendance:** Mary Kae Massey, Jay Slocum, Annette Smith, Mary Murphy, Rick Hamilton and Audrey Aspholm,

**Members Absent:** Chair Adam Vauthier, Vince Labbe, Jason McDonald

**Others Attending:** Doug Clark – Planning Director, Kaitlin Leary, Planner I

Guests: Christine Brown, Mr. and Mrs. Joseph Ward

**III. Approval of Minutes:** Audrey Aspholm made a motion to approve the February 9, 2015 Planning Board minutes. Marry Murphy seconded the motion. Motion carried unanimously.

Public Comments: None

**IV. Preliminary Plat – Scott and Christine Brown**

- **Staff Report Review – Doug Clark, Planning Director**
- Sketch plan has already been seen in previous months.
- The subject area is in Upper Race track area and is part of the Demers subdivision.
- This subdivision is exempt from having to have an Environmental review:
- Projects that are not subject to subdivision provisions are still subject to standard review.
- There are no development standards in this area.
- The property owner divided the original land into five parcels.
- The original lot is 20 acres and will be divided into two lots. One lot will contain the original single family home and the owner will build on the second lot.
- There is an additional well and septic already on the parcel.
- This parcel is in the Powell Country School District, and the Race Track Valley Fire District.
- Subdivision design standards have to be met per the DPS.
- The proposed subdivision does comply with the DPS *design and improvement standards* and the ADLC Growth Policy.
- Various agencies have to be contacted per subdivision regulations. In this case staff is in the process of getting feedback from several agencies.
- Additional items include review for flood plain issues.
- A 60' utility easement was provided in the Demers Subdivision.

- The only public comment was a question about access and a question from the Demers family asking about completing the road per the COS.
- The existing fence line does not run along the true property line but crosses the adjoining rancher's property. The owner of the Ranch property has given the Brown's permission to access the property off Modesty Creek Road.
- The County cannot require the neighbor to allow access across his private property.
- Fire: Race Track Valley requires the developer to allow for water storage and distribution for fire suppression.
- The property is outside critical wildlife areas.
- The sanitarian has confirmed that both wells and septic are satisfactory.
- Fire, schools, refuse, EMS, electrical or agricultural will have no noted impacts.
- Surface rights for the ADLC Basin have been claimed and no new ones can be issued.
- Review of site plan by aerial.

**Summary of Findings:** The preliminary plat does meet subdivision standards.

- The original condition #1 is stricken.
- A weed plan must be submitted.
- Amend plat to show the ditch easement for the irrigation ditch that cross lot 1-A.
- There are no standards in the subject area for water storage for fire suppression.
- Subdivisions must provide 2,500 gallons per single family residential unit or 5,000 total gallons available for the entire subdivision.
- This will be a condition for approval now that *in-lieu* options have been eliminated by the state.
- The plat will show the location of the fire suppression water.
- Staff is recommending four conditions and preliminary plat approval.

Questions from Board members:

**Developer: Christine Brown** – The land was two properties when purchased in 2006. It had two addresses and two power bills. There is nothing new being created that wasn't already there for the last fifteen plus years. The developer is asking if a family transfer can be done to eliminate the need for a fire suppression system. The owners control weeds with fire and sheep grazing.

**Board Member Discussion:** Staff explained the use of family transfer to subdivide land. The Planning Board has the authority to suggest a fire suppression system need not be installed due to the historical use of the property and that no new impacts will be caused by the division of the parcel.

**Public Hearing Opened:**

- Joseph Ward, 4051 Bowman Road: What are the liabilities of the easement /road? There are no liabilities as long as it is maintained. He would like to see

the side of the parcel not be fenced along the easement due to drifting snow. The owner does not have to install a fence on that side.

- The County easement of Bowman Road is 30' from the center line. Staff believes the road is in the accurate location. A survey would have to be done to determine the exact property lines.

After three calls for public comment, the Public Comment Closed:

**Audrey Aspholm** made the motion to approve the Brown Subdivision per the staff report with conditions and without the need for a fire suppression system. **Rick Hamilton** seconded the motion.

Discussion: Is the water suppression requirement an undue burden on the developer? Is the spirit of the law meant for smaller lots with a larger volume of people?

In theory, larger subdivisions could generate enough funds to purchase a “tender” truck.

These fire regulations should be something that should be reviewed in the future for DPS and sub division regulations.

**Call for vote:**

Mary Kae Massey abstained from voting as she believes this property is in Powell County.

Annette Smith voted no.

Motion carries with Mary Murphy, Rick Hamilton, Audrey Aspholm and Jay Slocum voting in favor of the motion. Motion carries.

**V. Sketch Plan Review: Fitzpatrick MS 7550:**

- Review aerial. The land is owned by Southern Cross LLC.
- The land is a repository of rail bed material that has been remediated and vegetated.
- The parcel will be divided in half and LLC will retain the upper half and give back the lower part to Arco.
- There will be restrictive covenants that won't require DEQ review at this time unless developed in the future.

**VI. Miscellaneous Matters / Public Comments**

Matters from the board:

Matters from the staff:

- Over the next two weeks, board members can schedule time with staff to discuss questions/concerns. Staff will accommodate schedules.
- Develop topics for discussion.

Public comment: None

Next meeting: March 23, 2015, 5:00 p.m. ALDC third floor conference room.

**Adjourn:** A motion was made and seconded to adjourn. Motion carried.

Respectfully Submitted,

*Paula R. Arneson*

Paula R. Arneson, Planning Department Secretary

2015