



Planning Board Meeting
June 21, 2022 at 6:00 p.m.

Board Members Present:	Ed Shindoll, Chairman; Mary Heineman, Vice Chairman; Jeanine Stone, Member; Deanna Kolodka, Member;
Board Members Absent:	Dallas Diehl, Member
Broadwater County (BC) Staff Present:	Nichole Brown, Board Manager & BC Community Development Director; Jania Hatfield, Acting Attorney
MACo Representative:	Karen Alley, MACo Associate General Counsel
Secretary:	<i>Tacy Swanton, BC Community Development Assistant</i>

Meeting was called to order by Ed Shindoll, Chairman at 6:00 p.m. 83% of the Board members present and accounted for. Quorum reached for start of meeting. Once seated, all present were requested to rise for the Pledge of Allegiance.

Public Hearing on Horse Creek Hills Major Subdivision

1. Jania Hatfield read aloud the Public Comments Guideline; this is a public hearing only regarding the updated traffic impact study for Horse Creek Hills Major Subdivision.
2. Nichole Brown, BC Community Development Director, read aloud the Second Addendum to Horse Creek Hills Major Subdivision Staff Report, New Information Before the Planning Board dated April, 15, 2022.
 - a. This report is purposely dated April 15, 2022; that is the date this report was originally written.
 - b. On page 2, in the continued paragraph at the top of the page in the last sentence, the May 17, 2022 needs to be amended.
 - c. Hard copies were available to the public as well as the Traffic Impact Report.
3. Mark Fasting, Allied Engineering representing the applicant of this study; he stating the following:
 - a. Traffic study was originally intended to represent distribution of traffic from the project site and as part of that evaluation, Bob Abelin is here to answer any questions specific to that original traffic study. As this project evolved and questions arose during the public hearings there was basically just like what these conditions say, request for additional traffic information and we ended up doing that as part of and in preparation for the last planning board meeting and Bob Abelin researched the traffic data from MDT in a little more detail above and beyond the original study to basically show how much traffic is being generated and he can attest to this a little bit more in terms of what went in to that. Outside of the conditions were in concurrence with the conditions as written. The 8 vehicle trips per day per lot is a county number that's kind of the default number that's provided in the regs but if there's site information that indicates otherwise, that's what Bob Abelin provided which was 30 years of data on the highway to show and correspond to the residents' that are out there to come up with the 3.2 trips per day per home for that rural type development and that rural type area. The only other thing I'd follow up on updated traffic information is I think the conditions if they can indicate that they're based on phased impacts since we have 4 phases and they could be planted separately. Phase 1 I believe is 10 or 12 lots, I can't remember, so the impacts associated with Phase 1 would apply at the time of final plat for that project and I think the updated traffic information is a good thing because one

of the comments that came up in terms of proportionate share is the cost of material and that does change, it goes up, it goes down, so that will provide for an updated proportionate share as it relates to the time that you're proposing the final plat. With that, I'm here to answer any questions but again, Bob Abelin is here to maybe follow up a little bit.

b. Questions from the Board:

- i. Is the amount of money based on 3.2 trips or the 8?
 - It was based on the 8 and that 8 was based on 352 4/100ths, so it was based on how much traffic was being generated from this development and whether this development created more than 400 trips on any one section then it would require paving for the subdivision regs and that was part of our planning and development. The density of the project actually with the distribution. There could have been quite a bit more lots but basically that was the layout that was given to us upfront, 42 or 41 lots, 42.
- ii. Is it based on the 8?
 - It was originally based on 8 trips.
- iii. Is the amount now based on 8?
 - We provided the update to show the actual numbers are less than 8.
- iv. Is it based on the 3.2?
 - Yes, but we haven't provided any numbers; we're going with the suggested conditions at the time of final plat. We'll get updated costs on what it would take to bring it up to that standard.
- v. The first road, the first traffic study was based on distribution; can you explain why you did the second one was a little bit better?
 - If it was single access you know all 352 trips would go one direction for sure, like a minor subdivision and the impacts to that road are 100% from that subdivision on that road.
- vi. So, the change of the broad distribution of traffic is different?
 - Yes, the distribution of traffic was evaluated to determine the approximate percentage of how many would go north on Lower Confederate Road even though once they get onto the highway, the percentage of that might go towards Helena and the other percentage might go towards Townsend but also the percentage that would take Lower Duck Creek Rd so if it was 50/50 it would be 151 or 175 4/100ths would be going north and 175-ish would be going east. It's all based on how much traffic is going where based on traffic counters that they put out there and to try and evaluate distribution.
- vii. On the commercial, it's 2 times 20 because there's 2 commercial lots, so what type of commercial lots are they basing the 20 trips on?
 - At the time we didn't know and we still don't know, but I can say once this goes through then DEQ is going to issue the approval as far as I understand it. Basically, it's not going to be a bar, it's not going to be retail, it's not going to be a gas station and I know that was things that were when asked. I was asking the owner/representative "what are they going to do?". We didn't know and we still don't know but if they do something like that they have to go back through review. Anything above and beyond a commercial unit that has no more than 24 people from no more than 60 days a year because I know one of those lots was going to be storage units.

- viii. Is the review that you are talking about, it's not a review for the road, it's just a review for?
 - It's a review for DEQ and then we did use the 20 trips per day for low demand commercial facility. Again, I don't even know what's going to go there but obviously you are not going to be able to have a bar or a grocery store.
- ix. When DEQ reviews it, are they reviewing the water or are they reviewing the road? What are they actually reviewing?
 - They are reviewing water, sewer, storm drainage, solid waste and roads but not roads in terms of traffic impact. That was a good question that came up because I didn't know the answer and I don't even think the developer knows the answer and it kind of comes down to the market. I see this all the time. Developers if they are not getting interest, they want to pursue a rewrite and reevaluation and they have to go through that process to do that. Otherwise, you're buying what it's approved for. So, if somebody wants to buy that lot, put storage units on it, it's going to be the requirements of DEQ approval. If somebody wants to buy it and put a hotel, it's not going to meet that requirement and it's not going to meet the intent of what this is being approved for as part of this process for preliminary plat.
- x. Did they put that on the deed that it's only approved for 20 low demand? If you guys could change your mind later, and then if they do go to DEQ, and go for something that's higher impact, does the money from the road get recalculated then?
 - I think it would have to.
 - This would be a question for legal.
- xi. Theoretically, we give them final plat and a convenience store is there, they then go through DEQ and DEQ says 'yea ok great' but then all of a sudden now you are doing 120 trips a day with a convenience store, how does the money for those roads come about? Do they reevaluate it?
 - Yes.
 - Karen Alley stated if there's a rewrite, DEQ rereviews sanitation, water, etc. as Mr. Fasting said. That rewrite often includes a public hearing before the planning board to make recommendations to DEQ.
- xii. It won't affect the roads at all or affect the roads whatsoever as far as the final plat is done? Then there is no more money for the roads?
 - It depends, I don't know if we can say yes or no; whether or not the county can't impose additional conditions after final plat depending on where we're at in phasing.
- xiii. If the final plat is approved, it's done and they don't have to pay anymore for roads, is this correct?
 - Yes, but you can condition it now.
 - It's something you can try to address in terms of a substantial change of use for those lots.

c. No further questions or comments.

4. Bob Abelin, traffic engineer that performed the two different traffic impact studies for this project. He stated the following:

- a. Trying to go through some of the process that we did and how we got some of our answers and why some things have changed between the first one and the second one. So, the first traffic impact, like Mark had suggested, we did back in 2020 and that was more of a question of trying to establish the distributions, kind of like Mark said. We did talk about the 8 trips per unit as being the standard for some of the calculations that we ran but that wasn't really the focus of that entire report. It was really more just trying to figure out where traffic was going, how they were

going to get there, the distances between the development and the different urban areas whether they were going to hit towards Helena around the backside or going towards Townsend and then around or just staying in the Townsend area. So, we tried to pry as much information as we could on that. We gathered some information on the highway there to work out those distributions. I think it's probably some pretty solid information to those effects. Again, we didn't at that point we didn't even bring up the question of 8 trips per unit, we just said that's the standard and we are just going to go with that and it didn't affect anything from that first report. The second traffic report we put together, in February of this year, is a bit more of a question of what's the actual uses on the road going to be based on what's going on out there, what volumes we know. Of course, this was the middle of winter at that point so there was really no point in trying to get new information because winter data is not terribly meaningful out around a recreational area or anything like that. So, we tried to pull up information that we could get for things that the county had done trying to figure out how much traffic is currently using some of these roads. Broadwater County had done some traffic counts on Lower Confederate Gulch in August of 2021 to get some good background information for that; so we tried to include that information in the report just saying yeah we're right now as far as high use conditions on that roads used reign about 132 to 230 vehicles a day currently but that's again when you around a recreational area like we are around Canyon Ferry, Lower Confederate Gulch we get pretty wild swings in traffic volumes and obviously if you went out there in the middle of winter, your number is going to be almost a zero. You're going to get a handful of cars a day on that road and in the middle of summer you're going to get an estimate of somewhere around 300 a day probably at the peak. The reason this is important is because when you are looking at your road impacts and operations, if you are looking into how a road is functioning as far as safety and intersection conflicts and car interactions, you really want to make sure your taking in account that peak traffic volume because that's what is really dragging the safety on a lot of these roads but if you are talking about maintenance funds and road impacts as far as demand and how your road structure is going to hold up, then you're kind of looking more at the average use conditions. We would like to talk a little bit about the peak use conditions but what is going to break down your road is average use throughout the year; it's not one weekend like the 4th of July where the traffic kind of peaks out. So that's why we kind of wanted to provide some additional information on the current use patterns and the volumes seen there under both the peaked demands and probably more the average demands. Then we go into question of how many vehicle trips we would expect from the project. Like when Mark was saying earlier, we originally looked at the analysis we were not really concerned about that but then that became more of a question as we were getting deeper into the project. As traffic engineer, trying to come up with decent numbers for estimated vehicle trips per day from units, there's a lot of science behind it but there's some of it is kind of intuitive. The standard is using Broadwater County is a trips per unit and for the vast majority of things we do out there, that's completely fine. I'll use that all day long. That's typically, when we're looking at it how roads get impacted, it's a decent number mostly because when we look at most of the impacts we find is that when you have your urban cores which actually produce even more vehicle trips than that per unit and then you have the more outlying areas which is getting further away from urban cores, you're going to be producing less trips because people are just less interested in going long distances to get to services or whatever they're trying to do and as you get further and further out the traffic volumes drop off. I think we kind of can all understand that and appreciate that if you're a half an hour to an hour away from services, you're not going to hop in your car and go get an egg or something like that. So obviously as you get further away, so what is the question here: how many trips do you produce if you're in this specific location. Based on the information I looked at and the couple times I drove the roads, from that spot we're about 20 to 30 minutes away from Townsend and if you're trying to get to Helena it's going to be right in the hour-ish range to actually get anywhere which is pretty good

amount of driving to get very far for services. So, then the question is well let's try to figure out a number that's maybe more appropriate that ain't, like you say, is good for more closer to urban areas but let's see if we can find a number that's actually based on science to come up with a number that's closer than that. So, we were able to pull up a bunch of data from Montana Department of Transportation for Highway 284 out there and based on the number of vehicles we can watch on an annual basis or on a daily basis over the last, guess we had pulled back data for the last 30 years, we're hitting right around 1,000 vehicles coming in on both ends of that road every day. Based on the number of residential units we have out there from the cadastral system, there's about 315 homes in that area so if you do pretty simple math there you will divide 1,000 by 315 and you get right around 3.2 trips per unit or per residential unit per day which is obviously quite a bit lower than 8 but is actually is right in there with a lot of the numbers that we use pretty regularly for this kind of more rural recreational areas. You know there's a very specific land use which we call recreational homes which is more a home that's in more of a rural area maybe around a recreational site and that one based on the published information from the Institute of Transportation Engineers, that comes in an average of nationally of 3.47 trips per day per unit so our estimate that we calculated there based on MDT data is pretty close to that number so I think that's actually pretty, in my estimation, that is much more accurate than just using 8 for everything. Like I say, 8 is for a lot of stuff, works totally fine, but is it the actual right number everything, no. Are we probably better using a number closer to 3.2, if we are trying to get accurate volumes and estimates, it's probably quite a bit more accurate than that. Based on that information we went through and reran some of the numbers and some of our estimated trip volumes on the roads, that's kind of the history of how this started and how we got here and the efforts I put into this but I'm happy to answer specific questions if you guys have them.

b. Questions from the Board:

- i. So, you are looking at the development as a recreational home development, that's where you're getting your 3.2 and with the growth that's coming in this area, it's more as a home development and so when you say 3.2 and you have 39 homes out there with 2 parents and even 1 child, 2 parents going to work every day and a child going to school, that right there is 6 trips in one day. So, going from the 8 to the 3.2 for me it doesn't really make a lot of sense.
 - The 3.2 was actually not, saying the work recreational home, is not, that was just more describing the other values we can use when we analyze this kind of stuff. The 3.2 trips that we calculated, that was based on the actual road uses out there, that was how many homes are in that area and how many trips were seen coming in and out at both ends. I would caution using the idea of calling these recreational homes but really what's out there currently, which is presumably going to be used kind of similar what is going to be used in this project is probably a lot closer to that 3.2 number than that 8 number.
 - Board member: we can agree to disagree.
 - Mark Fasting: the MDT traffic was overall traffic his calculations assumed that it was all residents from that area and that it wasn't any independent traffic that was making that trip and it's probably likely, I don't want to even speculate how much the percentage would be, but it's likely a high percentage was all residents in that area but we just went with the number that we had rather than try to speculate that percentage so it's very possible it's less than 3.2 based on actual.
- ii. Is it possible that it's more?
 - Mark Fasting: No, because it's 30 years of data.
- iii. How it's possible that it's less so then it's possible that it's both?"
 - Mark Fasting: It's possible it's less because maybe I drove through there and I don't live there I drove through there a few times.

- iv. Is it possible that it could be in the future more than 3.2? So, you're saying it's possible that the development will do less than 3.2 but is there a possibility that the development will do more than 3.2?"
 - Unless the road or the entire character of that area changed substantially, it would probably stay pretty close to that 3.2. These are reasonably solid numbers we're looking at and it's pretty consistent so unless I could imagine if it's large portions of that side of the lake got redeveloped and you ended up with more commercial things out there, more services, far into the future, that totally could change but I think based on what we have right now it's probably awfully close to that 3.2.
 - v. So, the 315 residences, how of those were established farms, do you know? Or how many are just new houses that were put in?
 - Don't know for sure, we just pulled all of the lot data from the cadastral data base and it didn't really specify actual uses.
 - vi. Unknown person from the public made an inaudible statement.
 - vii. The MDT data was from up to 2020?"
 - Yes, the last number I have here is from 2020 and it's been very consistent.
5. No more questions or comments.

Public Comment

1. Ed Shindoll opened for public comment on the traffic impact new information.
2. Philip Fingar commented:
 - a. Sitting back there and listening to these two gentlemen give their report, it was rather confusing to me and I didn't really get any straight concrete information from them that I could really grasp. It was like they were going around and round and round and one of the things I picked up from Mr. Fasting's was, he was talking about the stages of the development going in and right here on 2A Article D it says estimate how much daily traffic the subdivision when, key word, fully occupied will generate on the existing streets and arterials. I don't think that has anything to do with the thing being done in phases. We're looking at the project in totality. What is the impact this project is going to have on the roads when it's finished? Not during being built, not now, but in the in end and in the future and how much money is that going to cost the county in future dollars to maintain a road that isn't properly made for a subdivision of this size. With that being said, and just going again with they have just said and not what I had prepared to say, again the applicant is trying to bend the rules. The standard for VPD's or vehicle trips by the county was set at 8 and there is a reason I'm sure when that was said why it was set for 8. Not to be circumcised around or massaged to make it come to a number that an applicant wanted, that they want. Probably, it was because for future growth and we all know that right now the growth is going out the window. And we're also talking about a specific road area we're not talking about all these expanded areas and what not, we're talking about a specific road that is going to used quite a bit. Not when it gets out and goes to the arterial 284 and 2 go this way and 3 go that way and one only goes to the end of the road and stops for the kid to get on the bus. They all 5 of them is using the same road so there's more of an impact on the road Confederate or Lower Duck than there will be on 284 because they're going to disperse and go in different directions. And the last I knew, DEQ has nothing to do with roads, absolutely nothing to do with roads and I don't know why they even brought that into this situation or into this questioning. That's beyond me. It's already on record from 6 months ago that estimated VPD's that the county standard for this development is going to be \$352 and the additional traffic already using Confederate road. The new information from Abelin traffic cert study letter dated 2/7/22 in paragraph 6 were the interpretation of rural residential homes, almost all are ranches and farm homes. There is not a lot of any other individual residential homes out there. One of the things I noticed in the traffic

study if you go to the back page where they have a study on the counter, it would be the very last page, if you look at the locations, they're only counting the traffic between Duck Creek and Gurnett Creek only one direction going south. I don't understand why that is even in there, if it's not being brought up because I live at Goose Bay and the majority of the traffic goes to Helena from Duck Creek. The majority of traffic and the majority of people work in Helena, shop in Helena; from Duck Creek south most of the people go into Townsend. Now I commuted that road in the last 5 years and I can tell you for fact that there's a heck of a lot more traffic from Duck Creek going towards Helena than there is from Duck Creek going to Townsend on any given day, on any given time because I traveled that consistently. The Abelin traffic study also shows that there's 375 residents on the east side of the lake and the majority of those people travel towards Helena. So I feel that the 1,015 VPD's that they are showing is very low therefore if you take the required county standard of the 39 times 8 plus 2 times 20 for 352 and take the traffic survey counters that the county did 2 times, both of them being on Lower Confederate, one was 66 and 77 VPD's a day and the other one was 131 and 230; one was in the spring time and the other was in the end of summer when there was more people at the lake for the recreational uses. So, either way you look at it, there are over 400 units per day traveling on Lower Confederate and that does require paving, and I think that that is what should be done. Now if the applicant doesn't want to pave the new road, they have the option to make a new road. They've got all the property they need between their subdivision and 284 to make a new road. That's a very valid option that would not be a burden on the county tax payers and you wouldn't have to worry about the traffic volume on Lower Confederate or Duck Creek. It would not disrupt any ranching activity and things would be a heck of a lot better and we wouldn't be here worrying about roads. There is no mention of communications with Montana Department of Transportation on the increased VPD's on the subdivision would create on Highway 284. I contacted the Montana Department of Transportation in Helena and they had no knowledge of this project and expressed a major concern about the crossing at the dam, especially in the summer with bottlenecks and delays. They also stated that the dam crossing was not designed to handle larger volumes of traffic. This project will be a major burden on county taxpayers for the improvements of the roads of this subdivision. The estimate from load timing dated 9/8/2020 to do the gravel work of \$84,480 is already outdated; it will need to be recalculated as all of the figures will need to be recalculated because those are in past dollars right now. Heck we've been into this thing for over 6 months and we're still looking to find all the answers to Article D. I don't know how we ever got this far. The money that's provided if we go forth with this project does not need to be in present dollars but it's going to need to be in future dollars because of the difference is going to kill tax payers. I would like to know why the applicant who is making such a large profit is making the tax payers pay for their project's road improvement. My taxes have gone up \$800 in the past 5 years and not due to improvements through market value but because of mill levies, because of the increase burden to the county from the expanded growth and it's not going to slow down folks. It's not going to slow down. When the county allows projects to be approved with no consideration for the burden that they are already putting on the resident tax payers for the benefit of somebody else, what do they want their land at other people's costs, okay, let me say this right, when somebody says I have the right to do what I want with my land when it costs other people money, meaning the tax payers, that's wrong. Just because you own some land doesn't mean you can do whatever you want to do with it, I mean to a certain extent, yes. It's time for the developers to pay for the impact of their projects that it has on the county. There should be required that all roads, utilities, additional service costs be paid up front before any construction of buildings is allowed. Now also, in the Article D., number 4, this also pertains to the roads but it's the effect on public health and safety. There's no mention of the BOR seasonal road maintenance on their part of the road. There's no mention at all that their road, they want access through the BOR. I haven't heard if they contacted BOR, I haven't heard if BOR has okay'd it.

There is no mention of the limited winter road maintenance on Lower Confederate and no maintenance on Lower Duck. There is no mention of road closure due to snow drifts that are mostly removed by the locals. There is no mention of blind hills coming into congested areas on both sides of the road. There is no mention that that's a popular area for hunting on the lands and the increased traffic for that. There is just a lot of things that have been overlooked when it comes to the roads. When they were asked about if the plat gets final and they decide to increase their commercial, who gets to hold the bill. Well guess who, Broadwater County tax payers. And I have seen this in past developments and populated areas and it's a shame. I thank you for guys' time a patience with me.

b. Ed Shindoll thanked Philip; no further questions or comments.

3. Cody McDaniel commented:

- a. Lives at 168 Lower Confederate. I, maybe, I don't see Dundas but I live on Lower Confederate Road so I don't know anybody in the room that hardly has any more experience and knowledge of the roads than I do. This board needs to take a critical look at this traffic impact study of the developers proposed 352 trips per day as stated in the original traffic study. The new information now states only 165 trips per day. The new information from Abelin traffic services states this area only produces 3.2 trips per day. Abelin goes on to state 3.2 is well below 8 trips per day using the original traffic analysis for the proposed subdivision. Most likely, this subdivision will need to go to town and/or school thus triggering the 8 trips per day. The county cannot ignore the 2003 Broadwater County Growth Policy Plan which identifies an average of 8 vehicle trips per day per lot. At the 11/1 Commissioners meeting, the Public Works Director with the road and bridge department said the developers traffic impact study threw a red flag with him. Anyone that lives in this area can agree this is a giant red flag and the numbers the developers gave was a misrepresented of the reality of traffic impact this proposed subdivision will have. The stated number of 84% of traffic will be on Lower Confederate is not reality. It has been said to travel on Duck Creek will happen unless you are lost or are generally looking for a Sunday afternoon drive. If you've been on Duck Creek road with its longer route and sharp curves, you know that is a fact. The reality is that nearly 100% of the traffic from the proposed subdivision will travel Lower Confederate and most definitely 100% in winter weather. Lower Confederate road is a narrow road with blind hills creating a very dangerous situation with additional traffic created with an added subdivision. Also a dangerous situation, is how the Lower Confederate connects to Highway 284 at an angle and if you've ever been on Lower Confederate and you go on there and look to the left, I don't know how many times I turn and go into Townsend, next thing I know I got someone on my back because there is just a little bit of a hill and you cannot see traffic coming and the way that angle of that road is extremely dangerous. It's very hard to see traffic coming from both directions as I stated 284 there's a hill hiding the vehicles coming from the north and on 7/29 the Public Works Director did a traffic study which would be above the trigger point to pave. He recommends a multi-month traffic study to find a true number. The Public Works Director also stated that even if the dirt road is updated, the county would struggle to keep that a passable road and would require a high level of maintenance and it is my understanding that other neighboring counties require developers to pay 100% of expense to bring roads and other infrastructure up to county standards prior to any development. This board has stated previously, in a November meeting, that road safety is a primary concern for this proposed subdivision. Per policy, the school buses do not leave Highway 284. This leaves children to wait on isolated areas of 284 several miles from home. How is this safe? The developer has stated they would offer to mitigate the road safety issues due to increase traffic on Lower Confederate and Duck Creek. I've yet to see one good common-sense idea from the developers. The only way the developer could safely mitigate the situation is creating a new road, that's been discussed, through the owners proposed subdivision property which was also discussed in the November meeting. This route would be much safer with no blind hills for the subdivision traffic and less impactful to the

agricultural community. The county should not ignore its own employers and local residents concern and knowledge of the roads that live in that area. Mitigation and impacts have been clearly identified and/or addressed. We've shown time and time again that this is an insufficient and incomplete application. This board should do the same and deny approval of this subdivision based on incomplete and insufficient application. Thank you.

b. Questions from the Board:

- i. You brought up some facts about the Public Works, will you repeat those?
 - On 11/1 at a Commissioners meeting, the Public Works Director said the developers traffic impact study threw a red flag with him.
 - On 7/29 the Public Works Director did a traffic study which would be above the trigger point to pave and he recommends a multi-month traffic study to find a true number.
- ii. He did a traffic study when?
 - On 7/29.
- iii. Of 2021?
 - I would assume so.
- iv. (Inaudible comment from the public section).
- v. Karen Alley: Mr. Chairman, people need to be reminded to come up to the podium to speak and that this not an opportunity for the audience to participate but it is for people (inaudible).
- vi. Cody McDaniel: I would assume it would have to be 21 because 20 was at the start of the development and none of the meetings were really, you know we didn't have any information, so it would have had to have been 21.

c. No further questions or comments.

4. Charles Plymale commented:

- a. Some of the stuff I was going to talk about has already been discussed but I guess one thing I want to say is Lower Duck Creek is a terrible road up until 6 weeks ago, it would rattle your teeth out. Now all of sudden it's been grated twice and why I don't know. Anyway, it's got 2 right angle corners, people drive off of them all the time. We've already had one go through the first corner, take out a gate post so we got to fix it and that's not the first time and it won't be the last. And, besides that, the 5.33 miles that they have (inaudible) for Lower Duck Creek includes probably at least a mile and a half of BOR road that nobody has talked to them about and they don't maintain it. It's worse than Duck Creek is right now, it still will rattle your teeth out and it's got 2 blind corners in it that you can't see. They said that they would pay for 14% of the total cost to upgrade Lower Duck Creek. Who's going to pay for the other 86%? It's going to be the county residents and I don't see why we have to pay for their road. It was brought up traffic count for the highway, now there's 300 and some odd residents out there. Probably 95% of them are ranchers. They don't go to town every time you turn around because unless they have a specific need to get, they don't go. You get people living out there, you're going to be driving back and forth to town, back and forth to Helena, going to work, taking their kids to school and it's going to be way more than the numbers that they're predicting at 3.2 trips per house. Thank you.

b. No further questions or comments.

5. Bill Waldron commented:

- a. I live adjacent to Lower Confederate Road. Thanks for everybody putting in your time in on this month after month on this including the legal staff keeping everybody's straight and all you good planners and trying to digest everything maybe even an asset having another developer on the planning commission because they can see it from a different point of view. So, for this session, I'm appearing as an advocate for the area wildlife. We have many other reasons they should be turned down but the added traffic condemns and removes along the entire road are seasonal elk herds, moose as well as deer, antelope, lion, bobcats and occasional bear. Once gone, just gone

forever. We've lost it. FWP submitted multiple letters addressing the severe impact to the area of wildlife.

- i. Jania Hatfield: I apologize for interrupting but reminded him that he needs to focus in this particular setting on the road and this particular road study.
 - ii. Bill Waldron: Give me a minute, please.
 - iii. Jania Hatfield: I recommend you get to the road study.
- b. I submitted pictures to the planning board of wildlife right alongside the road and with the increased traffic, that wildlife will not be there anymore and the wildlife is a big revenue producer for the county so the road eliminates the wildlife. Second item, if the subdivision is approved, a precedent is set. What stops additional subdivisions from being added by the developer who has thousands of acres in the area with the taxpayer, not the developer, being responsible for the financial impacts. Third point that I'll finish with, what kind of business because I owned a big large business for 35 plus years, what kind of business is going to locate on this road with 20 employees at a location down alongside the lake that has no gas or convenience store available to support a 20-employee operation? Thank you for your consideration. Give all these items a lot of thought.

6. Question from the Board to Mark Fasting:

- a. Any more comments on the traffic study? Does the subdivider have any recon?"
 - i. I'll just touch on a couple comments. Just want to make sure everybody understands that the impact is based on the subdivision in its entirety but as you develop on a phase by phase perspective, that's where those impacts occur and where those impacts would be addressed so the traffic study with that report does address through phase 4, all phases. So, let's say they decide to do phase 1, the impacts would be addressed for phase 1. If they decide to do phase 2 in the next 3 years, then the impacts are based on phase 1 and 2. Same thing with phase 3, the total impacts are based on 1, 2, and 3 and then the last phase, phase 4, whenever that occurs. So, I just wanted to clarify that. Well, let's say phase 1 was one house in a 100-lot subdivision, if they went and platted one house, that would be one impact and that one impact is the true impact that the roads are seeing so at that time they're not going to pay their proportionate share of that one impact. And that's recorded or in this case phase 1 is 10 homes so proportionate share of 10 homes, again I can't remember the actual number. It's 11 or 12 that were the number of lots in phase 1 and when they recorded phase 2 that's where those impacts occur so prior to final plat they pay for those impacts. The impacts will be paid for before any construction occurs for each phase but it's not paid for all 4 phases until they start to get platted.
- b. So, that means the people that build the house in phase 1, drive on crappy road until phase 4 is finished because all the money isn't given in yet so no road condition (inaudible)?
 - i. They pay their proportionate share of the impacts to the existing county roads.
 - ii. When somebody purchases a house they probably know that the roads are crap.
- c. And they're going to crap until everything is done?
 - i. Board member: I'm sure they have no knowledge of when the road is going to be paved or if it's going to be paved as money goes into the (inaudible).
- d. Right, but, so it could be theoretically it could 20 years before the roads are finished and so whoever buys in phase 1, the roads are never completed. They are never put up to code?
 - i. No, we build our internal roads but the existing county roads, they are paying their proportionate share to the county for their improvements.
- e. But, so the county has to pay their full amount to keep the roads up, but you only have to pay for a proportionate amount?
 - i. The county has to pay (inaudible).
- f. Who's doing the maintenance on the road?

- i. The county maintains roads, the subdivision maintains the internal subdivision roads, the county maintains the county roads just like any road in the entire county.
 - ii. Mark agrees and thinks the county should maintain the roads (inaudible).
- g. All the money should be upfront for the entire project because if you're getting that entire plat?
 - i. We're not getting the entire plat. It would record on a phase by phase basis so it would be approved, then will have to meet the conditions, one which would be proportionate share of the impacts of phase 1 and let's say the developer said hey let's do phase 2 the next year phase through the next year, phase 4 the next year, we're paying that proportionate share to the county prior to those impact occurring but as part of the final plat for each phase. So, if the commission, for example, issues approval for prelim plat approval, the applicant still has to meet all those conditions before they can record any phase, phase 1 for example, and that might take 6 months to a year depending on the timing to meet all those conditions, build roads, build the fire protection system, pay their proportionate share. Basically, all the conditions listed need to be addressed on a per phase basis so the impacts, the review fees are final plat they're all paid for on a per phase basis as well as those impacts are occurring phase 1, 2, 3 and 4. Now let's just say we have a phasing plan in our application, you know who knows, it's kind of market driven but we've done this on other projects where we have to go back through the commission and submit an updated and say, you know we anticipate phase 2 would be done in 2025, for example, maybe the market drops out and we're going to do 2027 or maybe it exceeds faster than anticipated and they come into the commission and say we're actually going to proceed with phase 2 in 2024. So, the phasing, the impacts and all of the conditions need to be addressed on a per phase basis and a final plat needs to be submitted on a per phase basis also so that everything is addressed as those impacts are occurring. So, let's just say we did a 10, 12 lot subdivision, phase 1 is 12 lots so you pay for the impacts for those 12 lots.
- h. So, you may not finish all the phases, so you'll pay for (inaudible)?
 - i. You may not. You just never know. The fire protection system would have to be in for phase 1. There are certain things that are required. You got to have fire protection whether it's one house or 100 so those things would be addressed up front but the impacts on a per phase basis would apply otherwise. The only clarification, I don't know if this means, it's just a clarification, I think Bill had mentioned 20 people but the number that the state uses is 24 people and that's the number the county uses for commercial trips is 20 trips. So, I think he used, he said 20 people and that's splitting hairs but I just wanted to clarify and make sure you guys knew that clarification. That's all I have.
- i. Some people have brought up the Bureau of Reclamation, that part of the road, do you have any comments on that?
 - i. We've reached out to all the public agencies for comments and the comments we obtained, we have and I believe Colleen has reached out to the Bureau of Reclamation to try to get in touch with them to determine, you know maybe the shared maintenance with the county. I find it interesting that the county says they lift their blade to go through the Bureau of Reclamation and then drop it back down when they get on the other side. I thought that was bizarre so we're trying to chase that.
- j. Have you had any luck?
 - i. Everything is a chase, it really is.
- k. So, they haven't replied, is that what you are saying?
 - i. I don't know if they've heard from (inaudible).
 - ii. Unknown person from public made an inaudible statement.
 - iii. To get his contact person, we've never got it so, it's like give me or who do you work with, somebody tell me.
- l. So, does the county literally lift their blade?

- i. That's what I was told.
- m. Who were you told that by?
 - i. I thought, I don't want to quote, I just remember somebody saying it and it was at this meeting and it wasn't us so I can't validate it.
 - ii. Board member: I did hear that too.
 - iii. Another board member: I did hear that too, I just wasn't sure who said it.
- n. I wish logic would prevail and they would blade through it on that circumstance for the health, safety and welfare of the existing residents for that matter.
- o. I don't know if this is an appropriate question for you but the bus was brought up, do you know where the kids are standing and (inaudible)?
 - i. We've reached out to the school too, I don't where that would be at, I mean. I'm working on that other subdivision with the school district in Three Forks and we're working with them in terms of establishing bus stops on the plat and they are basically saying it changes as time goes on and our bus stops will change as the need fits so they're actually staying on the county subdivision roads. They don't want to go into the subdivision so they are stopping on Wheatland Road. I don't know the intricacies of the bus not coming off the highway. Don't have the answer to that one.
- p. No further questions or comments. Ed Shindoll thanked Mark Fasting.
- 7. Jay Finn commented via email:
 - a. If development maintains internal roads, who plows their roads in the winter? Will they get own equipment for the development or rely on county?
 - i. Mark Fasting: The HOA for internal subdivision roads, they will be subdivision roads for the benefit and use of the public. They are public roads and anybody can drive them but the subdivision is responsible for maintaining. What most subdivisions do in lieu of purchasing their own equipment, I actually don't know of any that do, they hire a subcontractor to plow their roads and grade and maintain just like they would anything else with the fire protection system. I know the fire department will test the fire protection system but the HOA is responsible for maintaining it and ensuring that it is operational just like the roads.
- 8. Jania Hatfield provided some information regarding if the commercial lots changed, what would happen:
 - a. If under the 2012 regulations, which is the subdivision is, on page 48 there is amendment of recorded plats. It's section B. h. of the subdivision regulations. That's the section that would be followed for if they were to change use of something and I'm going to majorly summarize here but essentially they would have to go through a process which is essentially starting over on the subdivision process which is kind of what I'm understanding from reading this so if they were to change use of that commercial lot there are processes that they would have to go through and it would need to be reviewed by the appropriate parties.
 - b. Questions from the Board:
 - i. When you say change use, if the use hasn't been defined, how do you know they're changing the use because commercial is commercial, so how do you define use?
 - Karen Alley: More than likely but it could more, but typically where I've seen it come up is when a change in sanitation review because of a more of an impact but there is still a process within the subdivision regulations on how that's handled.
 - c. Ed Shindoll thanked them.
- 9. Denise Thompson commented:
 - a. I live out in that area and I want to thank the Planning Board for your due diligence and the great questions today and I noticed that a couple other folks that asked questions. I was really curious who determines, cause I'm not seeing it, who determines the proportionate share of improvements, that percentage, who makes that decision?

- i. Board member: There is a formula in the subdivision (inaudible).
- b. Regulations? Ok, thank you.
- c. And then, who comes up with the following conditions of approval to state those in this document? Who comes up with the following conditions of approval? Basically, the mitigation steps that you guys then read or read to you? Who comes up with those?
 - i. Board member: We come up with a recommendation to the board, if I'm understanding your question.
- d. Nichole listed the following conditions of approval were suggested and these were the following conditions of approval that she read today so who comes up with those following conditions of approval? And you base them on what?"
 - i. Nichole Brown: The subdivision regulations and the (inaudible).
- e. Ok. So, I guess I would like to just close with saying again I would like to reiterate the BOR section of the road is very concerning that there is nothing specific and the applicant states and the engineer that they've tried to get ahold of them and they haven't been able to get ahold of them, this is a pretty big deal to not get ahold of BOR to be clear on what's going to happen. Also, I think most people know the developer, he's kind of a go big or go home person and your point made on kind of the go big or go home point as far as the 8 vehicles, I think that's very valid cause it's common sense that there's just going to be more traffic so we might as well go big or go home. Let's put the conditions of approval at the maximum to help protect the county and the citizens as far as costs on the road. And so, I would like to see that added to the following conditions of approval. And, I think the last thing I has was the concerns with the rewriting and I think they tried to elude to that as what happens with those commercial lots if it, you know there seems to be a lot of uncertainty or that's it's not going to address the road issue. It's more of a sanitation issue and that's really concerning and I would hope that some conditions of approval would be put in before this is a potentially approved. The last question that I had is, I understand this is under the old subdivision regulations, I was just curious, how did the old subdivision regulations compare with the new subdivision regulations on roads and on the 400 trips per day?
 - i. Board member: The old regulations didn't have the formula in and I believe it was the discretion of the county to decide how the roads were handled, is that correct?"
 - Jania Hatfield: I don't have the old regulations memorized so I don't know fully on roads.
 - ii. Board member: I know their formula was not in the old regulation.
 - Jania Hatfield: The formula has been put in the new regulations. This subdivision is under the 2012 regulations and not the 2021 regulations. So, that is what we are looking at is the 2012 regulations.
 - iii. Board member: Looking at the old regulations versus the new.
 - Jania Hatfield: Correct, we are not using the new regulations on this subdivision.
- f. Ok, so the formula that was used in this road document, that's the old one or is that the new one, this percentage formula? Or it is a whole different formula?
 - i. Jania Hatfield: I don't know what you are looking at ma'am, I apologize.
- g. This document that was just read today.
 - i. Jania Hatfield: Which portion of the document?
- h. On the percentage of what the, I assume you are talking about the formula that determines what the developer covers and what the county covers, is that the formula you are talking about?"
 - i. Board member: It's the section in blue.
- i. Developers should be required to pay 74% of the cost to upgrade the Lower Confederate and should then should be required to pay 14% of the cost to upgrade Lower Duck Creek. So, is that the old regulations under 2012 or is that the new formula or is that not even a formula that you are talking about?

- i. Board member: There is no formula in the old regulations. That is a good question for Nichole, how did you come up with that?
 - ii. Nichole Brown: (inaudible). That formula actually was from the original application in the traffic impact study. Those numbers were from, I believe, Bob Abelin's original traffic impact study, is it 76 and 14?
 - Denise Thompson: Right.
 - iii. Nichole Brown: That 76 and 14. And so to answer your question regarding the roads, we do have in our 2012 regulations a number 1 local road is up to 400 vehicle trips per day. We use that factor of 8 from the Growth Policy Plan, so although the 8 is not in the subdivision regulations the 2012 version it is in the 2012 Growth Policy Plan so, we can still use that factor of 8 to come up with a percentage. So, I'm not going to speak to Bob's math but that information was from that original traffic impact study and I believe that's the math he was using; 8 vehicle trips per day times 39 and 20 vehicle trips per day times 2 to come up with 352 divided by 400 and then splitting that traffic. Does that answer your question a bit?
 - Denise Thompson: Sort of, thank you though, thanks.
 - j. No further questions or comments.
10. Ed Shindoll closed the public hearing.

Planning Board Meeting

1. Ed Shindoll called the Planning Board Meeting to order.
2. Ed Shindoll opened meeting on Horse Creek Hills for discussion for the Board members regarding new information discussed at April 5, 2022 public hearing and June 21, 2022 public hearing.
3. Discussion and Decision on Addendum to Horse Creek Hills Major Subdivision Staff Report New Information Before the Planning Board dated February 17, 2022.
 - a. Cultural Resource Investigation Study
 - i. Board members reviewed the summary of what public comment has been received on the new information over the course of these hearings; it does not include the comments this evening.
 - ii. Staff Summary
 - None at this time.
 - iii. Review of Suggested Conditions
 - Board did not have any suggested conditions of approval.
 - iv. No further questions or comments.
 - b. Amended Subdivision Application
 - i. Staff Summary
 - Public has expressed concern on the number of amendments and changes to this application.
 - ii. Review of Suggested Conditions
 - Board did not have any suggested conditions of approval.
 - iii. No further questions or comments.
 - c. Phasing Plan
 - i. Staff Summary
 - Public expressed concern on the timing of approval for the phases. The timing of approval as in 2022, 2024 to 2028 and those are not exact dates.
 - ii. Review of Suggested Conditions
 - Board did not have any suggested conditions of approval.
 - iii. No further questions or comments.
 - d. Weed Management Plan
 - i. Staff Summary of Public Comment

- None at this time.
 - ii. Review of Suggested Conditions
 - Motion made to recommend the Suggest Conditions according to page 11 of the Noxious Weed Management Plan prior to construction.
 - No further discussion.
 - Motion *carried*.
 - iii. No further questions or comments.
 - e. Water Usage Summary and Offered Mitigation
 - i. Staff Summary of Public Comment
 - The availability of ground water and the aquifer were of concern as well as how exempt wells are being used; permanent exceptions to getting a water rights still managed through the DNRC.
 - ii. Review of Suggested Conditions
 - Motion made to recommend for conditions of approval based on the public comment in April from Philip Fingar, Cody McDaniel, Charles Plymale and the Upper Missouri Water Keeper that we request a hydrogeological study be completed before final plat.
 - No further discussion.
 - Motion *carried*.
 - Motion made to recommend the Suggested Conditions on page 13 be part of the conditions.
 - No further discussion.
 - Motion *carried*.
 - iii. No further questions or comments.
 - f. Montana Department of Environmental Quality (DEQ) Applications
 - i. Staff Summary of Public Comment
 - Can the soils handle the amount of drain fields? Are the locations appropriate for the drain fields and adequate setbacks being met?
 - ii. Review of Suggested Conditions
 - Motion made to recommend the Suggested Conditions on page 17 be part of the conditions.
 - No further discussion.
 - Motion *carried*.
4. Discussion and Decision on Second Addendum to Horse Creek Hills Major Subdivision Staff Report New Information Before the Planning Board dated April 15, 2022 regarding the Traffic Volume Update dated February 7, 2022.
- a. Nichole Brown read into record Vicki Sullivan's letter dated June 21, 2022.
 - b. Staff Summary of Public Comment (received June 21, 2022)
 - i. 8 vehicle trips per day should be the factor of 8 vehicle trips per day to be used. The BOR section of Lower Duck Creek Road is of concern. The school bus stop there is some concerns with the location of the school bus stop. Also concerns with wildlife on the roadway. The new road being developed on the developer's property instead. Tax burden is of concern.
 - c. Review of Suggested Conditions
 - i. Motion made to recommend the Suggested Conditions with an edit to section 2. c. on page 5 to state the proportionate share shall be calculated based upon eight (8) vehicle trips per day upon an updated Traffic Impact Study (see Condition above).
 - No further discussion.
 - Motion *carried*.

5. Motion made to send the Conditions of Approval we have made based on the new information to the Broadwater County Commissioners.
 - a. No further discussion.
 - b. Motion *carried*.
6. Ed Shindoll left the meeting due to a prior obligation.

Public Comment on Items that the Planning Board has Jurisdiction Over that are Not on the Agenda

1. Philip Fingar commented:
 - a. First comment is a question to the county attorney. What was the MCA law you referred to when you told Dallas he had to recuse himself from the Planning Board on the Horse Creek Hills here in a meeting?
 - i. Jania Hatfield: This is public comment so you are welcome to give your comments.
 - b. So, you can't answer that?
 - i. Jania Hatfield: This isn't a time (inaudible).
 - c. That's fine, that's fine, that's fine. I'm wondering if the Board is aware of MCA 76-1-211? I'm questioning the validity of this meeting tonight because it states that memberships of the Planning Board, County planning boards consists of not less than five members appointed by the board of county commissioners. At least one member of a county planning board existing on or formed after July 1, 1973, must be a member of the governing board of a conservation district as provided in chapter 15. Are any of you guys a member of the Conservation Board?
 - i. Board member: No, I don't believe none of us are with the exception of Dallas.
 - d. And he's not here?
 - i. Board member: He had to recuse himself.
 - ii. Unknown person comment: He did not have to. That's his decision.
 - iii. Board member: Correct.
 - iv. Unknown person comment: He was advised to and he does not want to be recused.
 - v. Board member: I have no knowledge of that.
 - vi. Jania Hatfield: Just so you know this is a time for public comment and so the public is welcome to make comments and the Planning Board can decide that they can answer or not answer those comments as they would like but this is a time for public comment for them to (inaudible) things that you do not have to answer.
 - vii. Board member: Ok.
 - e. So, my public comment is I am challenging the ability of this meeting without a Board member of the Conservation District. Thank you.
2. Charles Plymale commented:
 - a. Thanks for hanging their ladies and thanks for your input as you've been a developer and had to see all ends of it. Two comments from me. Tonight, we want to, we talked about water study and a fellow who walked up here, a senior fellow like me who had a ball cap on; do we remember him with the grey hair and he said just give me two minutes of my time. He said I've got a water study right here. Does everybody remember seeing him? Well, that happened to be Ron Spoon. He's here to represent Montana Fish, Wildlife, and Parks. He's a Senior Fisheries biologist and he had a water study the FWP had done that he wanted to give to this Planning Board commission tonight and he was refused to be able to do that. He was told maybe give it over here to the developer. He didn't get a chance to submit that and he was here as a representative of FWP so I'm going on record that he was refused. Second item, I'm trying to keep this nice and calm and everything, I contacted the Bureau of Reclamation on the roads, the impact for traffic across the dam. I was able to reach the supervisor right down there at Canyon Ferry on one call. He stated that the dam just can't handle the traffic but I made three different phone calls, as did some of my neighbors and they answered the phone. It was easy to get ahold of them and you can even go down there and knock on their door but I got ahold of the supervisor right there at the maintenance area for

Canyon Ferry dam first call. He said he wasn't aware of the subdivision and he said big major impact so BOR has been left out and they're really easy to get ahold of. End of my comments. Thank you.

3. Greg Field, Broadwater Conservation District's Supervisor, commented:

- a. Thank you for consideration Board. We've been informed this ties in a little bit with what has been said and I will assume that the letter the Conservation District submitted or thought we submitted and by a quirk of process evidently wasn't sufficiently submitted into the record so won't speak to that now, I'll assume that I can present that at the Commissioner's meeting like the Ron Spoon hydrological report and at this point I think that is just about all I have to say. So, thank you.
 - i. Board member: Thank you. We have to be careful that we only cover things that were on the agenda, am I correct?
 - ii. Board member: Nope, not on the agenda.
 - iii. Board member: Not on the agenda and Horse Creek Hills is on the agenda, am I correct?
 - iv. Jania Hatfield: Yes.

4. Denise Thompson commented:

- a. A few months ago, I had shared that the Broadwater Conservation District has a legal status of district immunity 76-15-302 that protects the board of supervisors from litigation and I requested that legal counsel provide what the Planning Board and possibly the County Commissioners have in legal status to protect you folks in operating on your status and I have not seen that yet. Does anybody have that information? Is it in your packet of information that protects you?
 - i. Board member: No, it is not, not that I am aware of.
- b. Do you know if you have protection and what that protection would be or who would know that?
 - i. Board member: We did learn that in that class. I thought we addressed this once before.
- c. I asked for it and it was going to be provided by legal counsel and I haven't seen that.
 - i. Board member: I don't know the specifics so I'm not going to say. I don't know the specifics.
- d. Do you know somebody that would know?
 - i. Board member: Our lawyers.
- e. Is there an MCA that states specifically?
 - i. Jania Hatfield: This is a time for public comment.
- f. Also, in your packets there is a request, I have a request for a copy of Appendix C. It's the completed Preliminary Subdivision Submittal Checklist that should be in your binders and it should be a completed document done. It was my understanding it was completed by the Planning Board and the developer and it's three pages. So, is that in your binder? I think its pages 72 -74.
 - i. Board member: I will have to look.
- g. If you could look and see if it is even in there, but I would actually, physically like a hard copy and an electronic copy in the next few days when it was convenient for Nichole or anybody if it's in each of your binders.
 - i. Board member: For the regulations?
- h. Yes. It's a checklist that has to be completed for the subdivision.
 - i. Unknown person: I would think that you would probably have to request that.
- i. Ok, so you don't have it in yours then?
 - i. Board member: (inaudible) a checklist prior to the new subdivision regulations. Are you asking for the new checklist or the old checklist?
- j. A checklist for the subdivision that's completed.
 - i. Board member: As a Board we are working on the new subdivision (inaudible).
 - ii. Board member: I think the confusion is that all the sudden we start talking and we're not supposed to be talking to you, it's like (inaudible).

- k. Ok, I'll just request it from Nichole at a later date.
 - i. Board member: And I think part of the stuff is online, the regulations.
- l. No, it's not there. Curious just understand process, when does this go to the County Commissioners? Like when will the County Commissioners make their decision? Would it be next week? Is there like a standard format that is followed? Does it always the following week? Is it a couple weeks? Is there a standard in that?
 - i. Board member: I think there's time limits, dates, and stuff. I don't have them in front of me. You would have to ask Nichole.
- m. Ok, and are you able to explain lack of sufficiency is and have you dealt with that in decisions on past subdivisions?
 - i. Jania Hatfield: Just a reminder for you guys, this is a time for public comment. You're welcome to listen to public comment but you are not required to answer any questions.
- n. That's fine. If you don't want to answer, just say you don't want to answer. I'm just curious what lack of sufficiency is and if that has ever been put forth on other subdivisions that you are aware of? It's just yes or no.
 - i. Board member: I can't speak to other subdivisions this is the first one I've ever been on and I haven't been on the entire thing so I came in with just the Addendums.
- o. No, answer? It's ok.
 - i. Board member: I will have to rethink all the subdivisions (inaudible).
- p. Alright, I think that's it but thank you guys for your due diligence. I know it's been dreadfully hard to get through it all and everybody's tired but I thank you so much. I appreciate it.
- 5. Board member: is there any other public comment?
- 6. Jay Finn submitted an email for public comment:
 - a. Private property owners are all entitled to the right amusable enjoyment of the property. This means that any project undertaking cannot cause harm to any adjacent or area neighbors that denies those residents the right to reasonable enjoyment of their property. That would include residential, recreational, (inaudible) livelihoods, or a combination of (inaudible).
- 7. No further comments.

Minutes

- 1. None at this time.

New Business

- 1. Nichole Brown has a subdivision application she will give to the Board at the end of the meeting. We will need to schedule a public hearing for this next subdivision because it is a Subsequent Minor subdivision.
 - a. Nichole Brown will send an email with a couple of preferred dates to schedule a public hearing in the evening for the Subsequent Minor subdivision.
 - b. Board member requests not to schedule it on the second or fourth Tuesday of the month and not the 12th or the 26th.
- 2. No further discussion.

Items for Discussion

- 1. None at this time.

Legal Updates

- 1. None at this time.

Comments from the Floor

- 1. Carol Plymale, Duck Creek, commented:

- a. I would like to talk about that BOR section. It's the worst section in whole state of Montana because of the two blind corners that you go down a gulch to come up blind, go either way it's blind and it wouldn't be a resurfacing project, it would have to be a rebuild. You can't resurface that little tiny thing. It's too narrow. It's too little. It's too steep. So, it would need to be rebuilt. I just wanted you to know that. Thank you.
 - i. Board member: You're welcome. Thank you. Is there any other comments?
2. No further comments.

Other Business

1. None at this time.


Set Next Meeting Date and Time

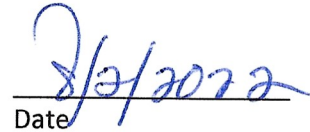
1. The next meeting date and time will be sent via email.
 - a. Nichole Brown suggests to start working on the Supplements to the Subdivision Regulations; Board agrees to have a working meeting at 4:30 p.m. then have the public hearing and after that, have a regular business meeting.
 - b. Nichole will verify with all the Board regarding their schedule availability.
2. No further discussion.

Adjourn


1. With no further business, meeting adjourned.

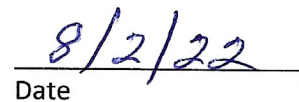
Respectfully Submitted:


Tracy Swanton, Secretary


Date

Approved:


Ed Shindoll, Chairman


Date