



Planning Board Meeting
August 24, 2022 at 6:00 p.m.

Board Members Present:

Ed Shindoll, Chairman; Mary Heineman, Vice Chairman;
Dallas Diehl, Member; Jeanine Stone, Member; Deanna
Kolodka, Member

Broadwater County (BC) Staff Present:

Nichole Brown, Board Manager/Community
Development & Planning Director

Secretary:

Tacy Swanton, BC Community Development & Planning
Assistant

100% 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 Headwaters Subsequent Minor Subdivision

1. Ed Shindoll called the Public Hearing to order at 6:00 p.m.
2. No public comment on matters not on agenda.
3. No conflicts of interest for the Planning Board members.
4. Board has received the Headwaters Subsequent Minor Subdivision application along with the Staff Report Headwaters Subsequent Minor Subdivision Preliminary Plat dated February 22, 2022.
5. Nichole Brown summarized aloud the Staff Report Headwaters Subsequent Minor Subdivision Preliminary Plat Dated 2/22/22 (additional Staff Report general information is as follows: Date of Application is March 23, 2022; Date of Sufficiency is July 1, 2022; Review Period Ends September 28, 2022).
6. Tom Henesh with Big Sky Land Consulting representing the applicant No More Cattle (NMC), Inc. discussed the following:
 - a. Conditions of Approval (COA) # 2. on page 14:
 - i. The current traffic study that was included in the Staff Report was not a fair assessment. Tom reached out to ATS (Abelin Traffic Services) to obtain the newest data on the intersection of Wheatland Road and the Highway 287. This report showed that the Level of Service (LOS) is currently at a B rating, whereas the last study shown that intersection to be an A rating. Tom shared his opinion that the size of the lots should not dictate the number of trips per day, but maybe the size of the buildings that will be conducting business there.
 - ii. Nichole pointed out that the county uses Average Daily Trip (ADT) values instead of LOS ratings; with the recommended number of daily trips for Wheatland Road up to approximately 1900 trips per day.
 - iii. Tom submitted new information of the Abelin Traffic Services Headwater Subdivision Traffic Review Addendum dated August 24, 2022 to the Planning Board members and to Nichole Brown.
 - iv. Tom proposes to strike this COA.
 - v. Will need to hold a Public Hearing on new information submitted.

- b. COA # 5. on page 14:
 - i. Tom provided to the Planning Board members and Nichole copies of certain sections of the Broadwater County Subdivision Regulations.
 - a) He stated that according to the Broadwater County Subdivision Regulations, approval does not need to have written confirmation from all landowners along the subdivision road.
 - b) He also stated that there was no mention of this requirement in pages 56 – 60.
 - ii. Tom proposes to strike this COA.
 - iii. Another public hearing will take place with legal counsel present to discuss this.
 - c. COA # 9. on page 15:
 - i. Also, has to do with traffic; coincides with COA # 2. on page 14.
 - ii. Tom proposes to strike this COA.
 - d. COA # 11. on page 17:
 - i. Tom stated a Rural Improvement District (RID) would not be created as they would not be improving Wheatland Road hence there would be no public improvements.
 - ii. Tom proposes to strike this COA.
 - e. Nichole recommended that a Variance Request be submitted in order for any of these Rural Improvement District (RID) conditions to be stricken because this is a variance from a Subdivision Regulation; it would then need to be brought to a public hearing.
7. Planning Board Questions
- a. Headwaters Subsequent Minor Subdivision Preliminary Plat Application
 - i. Noxious Weed Management Compliance Plan
 - a) On page 11 of the Subdivision Noxious Weed Management and Revegetation Plan (Information and Application) under section VIII. Weed Board Review, the Approve with Modification is dated as 3-9-10.
 - b) Nichole will research as this form was not even in existence.
 - ii. Declaration of Protective Covenants
 - a) Wording may need to be revised; commercial vs residential, live/work, etc. is intermittent throughout application.
 - iii. Environmental Assessment
 - a) On page 11 of 13 under the Capacity of Local Services, it currently states 'Broadwater Valley Rural Fire Department' which needs to be changed to Three Forks Rural Fire Department.
 - b) On page 11 of 13, under the Affordable/Employee Housing, it currently states 'Lots proposed could include a work to live type of structure. This may be a 2-bedroom apartment as part of the business/commercial building' however this application is for commercial purposes only, therefore, this will need to be revised.
 - b. Northwestern Energy own underground natural gas lines along Wheatland Hills at the corner.
8. No public comment; Ed Shindoll closed the public comment at 7:07 p.m.

Regular Meeting

- 1. Ed Shindoll called the Planning Board meeting to order at 7:08 p.m.
- 2. Approve Minutes
 - a. Mary Heinemann made a motion to approve the Planning Board Public Hearing & Regular Business Meeting Minutes from August 2, 2022. Jeanine Stone seconded the motion.
 - i. No discussion, questions or concerns.
 - ii. Motion *carried*.

3. New Business

a. Headwaters Subsequent Minor Subdivision

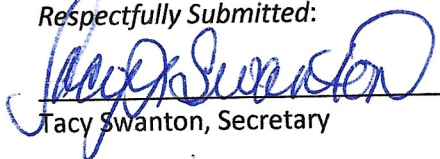
- i. Nichole will reach out to Tom Henesh on whether or not a Variance Request will be submitted.
- ii. Nichole will receive a written legal opinion from Jania Hatfield, Acting County Attorney, specifically regarding COA #5 aforementioned and will also ask her to be present during the next public hearing.
- iii. Currently there is no policy and/or procedures for RID being newly added to the regulations.
- iv. Dallas Diehl makes a motion to table the discussion on Headwaters Subsequent Minor Subdivision due to the fact that we received new information and we have to schedule a new public hearing. Mary Heinemann seconded the motion.
 - a) No further discussion.
 - b) Motion *carried*.
- v. Once new information is received by this Board, the clock has stopped, which is today August 24, 2022. We will finish out the 35 days once the next public hearing occurs and within a reasonable time.

b. Bridger Brewing East Minor Subdivision

- i. Board has received the Bridger Brewing East Minor Subdivision application along with the Findings of Fact and Order Report Bridger Brewing East Minor Subdivision Preliminary Plat Dated 5/19/2022.
- ii. Nichole Brown summarized aloud the Findings of Fact and Order Report Bridger Brewing East Minor Subdivision Preliminary Plat Dated 5/19/2022 (additional Findings of Fact and Order Report general information is as follows: Date of Application is June 3, 2022; Date of Sufficiency is July 22, 2022; Review Period Ends September 12, 2022).
- iii. David Siegler with Alpine Surveying and Engineering representing the applicant Bridger Brewing Company, LLC discussed the following:
 - a) David would request that Colter's Run be finished but cannot be used as a driveway because it is already platted as a road. A driveway could be used off of Vigilante. This subject will be discussed at another time and will decide which approaches will be used.
 - b) David asked if there was anything he needed to complete when it came to the wastewater/well systems.
 - I. Nichole stated all that was needed was DEQ approval.
 - c) COA #3. on page 14:
 - I. A written document is still needed that states Three Forks Fire District is satisfied with their Fire Protection Plan.
 - d) COA # 5. on pages 14 - 15:
 - I. Mary Heinemann makes a motion to amend a couple words of the first sentence to state "... for 'any' proposed access 'point(s)' onto ...". Deanna Kolodka seconded the motion.
 - i. No discussion.
 - ii. Motion *carried*.
 - e) Mary Heinemann made a motion to recommend Bridger Brewing East Minor Subdivision for approval to the Broadwater County Commissioners with the one amendment made to COA #5. aforementioned. Deanna Kolodka seconded the motion.
 - I. No discussion.
 - II. Motion *carried*.
- iv. No further discussion.


4. Old Business
 - a. A person from with Department of Environmental Quality may be attending the next working meeting.
 - b. The next working meeting is scheduled for Tuesday, September 13, 2022 at 1:00 p.m.
5. Items for Discussion
 - a. Will be reviewing and amending the 2021 Broadwater County Subdivision Application Supplements at the next working meeting.
 - b. Board is requesting more information on RID's for a better understanding.
6. Legal Updates
 - a. Nichole will try to have Jania Hatfield, Acting County Attorney, to be present at the next Headwaters Subsequent Minor Subdivision public hearing.
7. Comments from the Floor
 - a. None at this time.
8. Other Business
 - a. Nichole received a Conservation Easement from the Montana Land Reliance regarding private land owner Clark Ranch; it's 3,020 acres. There is one cabin existing on the property and there will be a 5-acre building envelope on this property as well. This cannot be subdivided. No motion is needed, only for the Planning Board to be notified.
9. Reports
 - a. None at this time.
10. Schedule Next Meeting
 - a. The next meeting will be a working meeting on Tuesday, September 13, 2022 at 1:00 p.m.
11. Adjourn
 - a. Jeanine Stone made a motion to adjourn. Mary Heinemann seconded.
 - i. No discussion.
 - ii. With no further business, meeting adjourned at 9:02 p.m.

Respectfully Submitted:


Tacy Swanton, Secretary

10/21/2022
Date

Approved:


Ed Shindoll, Chairman

10/20/22
Date