



Planning Board Meeting
October 20, 2022 at 6:00 p.m.

Board Members Present: Ed Shindoll, Chairman; Dallas Diehl, Member; Jeanine Stone, Member

Board Members Absent: Mary Heineman, Vice Chairman; Deanna Kolodka, Member

Broadwater County (BC) Staff Present: Nichole Brown, Board Manager/Community Development & Planning Director; Jania Hatfield, Acting County Attorney

Secretary: *Tacy Swanton, BC Community Development & Planning Assistant*

60% 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 - *New Information Only*

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 Addendum to Headwaters Subsequent Minor Subdivision Staff Report New Information Before the Planning Board dated October 20, 2022.
 - a. New information was identified as new information by the developer's representative so it did not need to go to the Commissioners for them to make that determination.
 - b. New information is Headwaters Subdivision Traffic Review Addendum.
5. Nichole Brown read the Addendum to Headwaters Subsequent Minor Subdivision Staff Report New Information Before the Planning Board dated October 20, 2022 based on the new information.
6. Ed opened the floor for public hearing and comment period.
 - a. Tom Henesh with Big Sky Land Consulting representing the applicant No More Cattle (NMC), Inc. has nothing further to add at this time.
 - b. Traffic Impact Study Discussion
 - i. Comparing previous Traffic Impact Study (TIS) to the new TIS, there is a decrease from 787 to 560 cumulative total for Headwaters Minor Subdivision and Headwaters Subsequent Minor Subdivision.
 - ii. Item 25 is the original impact study in the subdivision application.
 - iii. For Headwaters Subsequent Minor Subdivision there is a decrease from 787 to 280.
 - iv. The number that triggers a #3 Minor Collector Road is 1,501.
 - v. Tom Henesh offered clarification which was also part of last public hearing on this subdivision.
 - a) Traffic data is based on area.
 - b) Commercial traffic is based on many types of uses, therefore, when you can start pinpointing it down to the type of commercial business, it will narrow down what

the traffic study can be and how much it actually adds so we eliminated the 15 acres and what we are doing in the first phase is exactly what we are doing in the second phase. There are 5 lots in the first phase, there are 5 lots in the second phase and shouldn't really be anything different. It's not based area so much now then actual use.

- c) This is not a phased development.
 - d) Phase I is actually being built but do not have actual vehicle trips being generated but there is some construction traffic.
 - e) A tire store will be on one of the lots.
 - vi. Susan Swimley, attorney representing NMC Inc., the lot size is bigger but the building size is not going to really get bigger. The way traffic studies really work is what is the most likely and probable uses here.
7. Ed Shindoll closed the Public Hearing at 6:20 p.m.

Regular Meeting

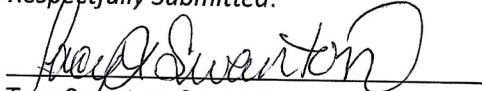
1. Ed Shindoll called the Planning Board meeting to order at 6:30 p.m.
2. Approve Minutes
 - a. Jeanine Stone makes a motion to approve the Minutes from the Planning Board Public Hearing & Regular Business Meeting Minutes from August 24, 2022.
 - i. Discussion
 - a) Ed states that on page 3 in section 3. b. iii. e. where it states "... approval to the Broadwater County Commissioners with the on amendment ..." needs to be changed to "... approval to the Broadwater County Commissioners with the one amendment ...".
 - b. Jeanine Stone makes a motion to approve the Minutes from the Planning Board Public Hearing & Regular Business Meeting Minutes from August 24, 2022. Dallas Diehl seconded the motion.
 - i. No further discussion.
 - ii. Motion *carried*.
3. New Business
 - a. There is a correction that the 2 in Headwaters 2 Subsequent Minor Subdivision will be stricken as it's just Headwaters Subsequent Minor Subdivision.
 - b. Headwaters Subsequent Minor Subdivision
 - i. Prior to the commencement of this meeting, Nichole has provided to the Planning Board members the Staff Report Preliminary Plat Dated February 22, 2022 which 18 pages in length wherein Nichole has made some proposed amendments to this.
 - ii. Nichole has provided to the Planning Board members a sheet that shows the proposed amendments to the Staff Report which are as follows:
 - a) Eliminate proposed Condition # 2:
 - I. Wheatland Road is currently a paved road.
 - II. The vehicle trips per day (VTPD) identified in the Traffic Review Addendum total 827. With the addition of 280 VTPD, the road would still not require upgrading to a #3 Minor Collector Road which is required for VTPD greater than 1500.
 - III. Dallas Diehl makes a motion to eliminate proposed Condition # 2 of the original Staff Report. Jeanine Stone seconded the motion.
 - i. No further discussion.
 - ii. Motion *carried*.
 - b) Amend proposed Condition # 5:
 - I. The proposed language better accomplishes Broadwater County's intent for the definition of 'Legal Access'.


- i. Nichole read aloud verbatim Condition # 5 for the record.
 - ii. Essentially, as long as the developer/subdivider can prove that this road has been dedicated to the public on the previously recorded Headwaters Minor Subdivision Plat, which it has been.
 - II. Jeanine Stone makes a motion to accept the proposed language for Condition #5. Dallas Diehl seconded the motion.
 - i. No further discussion.
 - ii. Motion *carried*.
 - c) Amend proposed Condition # 11:
 - I. Broadwater County Subdivision Regulations are contradictory in the Section V-H b. (on page 59) states that a subdivider shall establish a new Rural Improvement District for all new public improvements associated with the subdivision. Broadwater County Subdivision Regulations Section V-H c. vii. (on page 61) allow the developer the option to establish a Property Owners' Association or a Road Users Agreement to provide for the maintenance of internal subdivision roads.
 - II. The proposed amended Condition allows the subdivider to choose which option they would prefer for the ongoing maintenance of the internal subdivision roads.
 - III. Nichole read aloud the Condition as its proposed to amended.
 - IV. Jeanine Stone makes a motion to accept the proposed language for Condition # 11. Dallas Diehl seconded the motion.
 - i. No further discussion.
 - ii. Motion *carried*.
 - iii. Jeanine Stone makes a motion to accept the Headwaters Subsequent Minor Subdivision with the Conditions of Approval and with the aforementioned proposals. Dallas Diehl seconded the motion.
 - a) No further discussion.
 - b) Motion *carried*.
 - c. No further new business at this time.
4. Old Business
 - a. None at this time.
 5. Items for Discussion
 - a. Planning Board members present received Antelope Vista II Subdivision Application.
 6. Legal Updates
 - a. Planning Board would like Jania Hatfield to be present at the next Planning Board Working Meeting to review and update the Broadwater County Subdivision Regulations which will tentatively be on Tuesday, November 15, 2022 at 1:00 p.m.
 7. Comments from the Floor
 - a. None at this time.
 8. Other Business
 - a. None at this time.
 9. Reports
 - a. None at this time.
 10. Schedule Next Meeting
 - a. The next meeting will be a Public Hearing regarding Meadows III Subsequent Minor Subdivision on Tuesday, November 1, 2022 at 5:30 p.m. at the Flynn Building.
 - b. Working meeting aforementioned.
 - c. Public Hearing on Antelope Vista II Tract 2 Subsequent Minor Subdivision on Tuesday, November 29, 2022 at 6:00 p.m. at the Flynn Building.

11. Adjourn

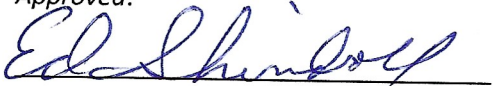
- a. Jeanine Stone made a motion to adjourn. Dallas Diehl seconded the motion.
 - i. No discussion.
 - ii. With no further business, meeting adjourned at 7:02 p.m.

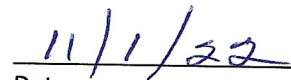
Respectfully Submitted:


Tracy Swanton, Secretary


Date

Approved:


Ed Shindoll, Chairman


Date