



Planning Board Meeting
November 1, 2022 at 5:30 p.m.

Board Members Present:

Ed Shindoll, Chairman; Mary Heinemann, Vice Chairman;
Dallas Diehl, Member; Jeanine Stone, Member

Board Members Absent:

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*

80% of the Board members present and accounted for. Quorum reached for start of meeting.

Public Hearing on Meadows III Subsequent Minor Subdivision

1. Ed Shindoll called the Public Hearing to order at 5:30 p.m.
2. All present were requested to rise for the Pledge of Allegiance.
3. No conflicts of interest for the Planning Board members.
4. Board received The Meadows 3 Subsequent Minor Subdivision Staff Report Dated 5/19/2022 and
 - a. Nichole Brown read aforementioned Staff Report into the record.
 - b. Public Hearing & Comment opened by Ed Shindoll.
 - c. Proponents
 - i. Bernadette Swenson, Schauber Surveying, representing the owner, Tom Davis, are present to answer any questions.
 - ii. Tom Davis introduced himself and is present to answer any questions.
 - d. Opponents
 - i. Lacey Forrey, property owner in Windy Meadows Subdivision asked the following questions:
 - a) Will there be covenants for the lots? Would like to maintain strict covenants as she has in her subdivision.
 - b) Will the easement be maintained behind all our lots? Will this stay an easement or possibly become a road? This is in reference to the pipeline easement.
 - c) Will there be a connecting road to The Meadows?
 - d) Ditch road/canal bank maintenance? Who will maintain this? Currently, there really is no maintenance and could be an extreme fire hazard. The ditch/canal used to be maintained before she moved in.
 - e) If animals/livestock will be permitted, is there an amount per acreage/lot?
 - ii. Steve Wyatt asked the following:
 - a) What is the long-term plan of the 3 lots?
 - b) Is there any access from the south out of the Windy Meadow Subdivision?
 - iii. Susan Skraznas, property owner in Windy Meadows, stated the following concerns:
 - a) Future subdivision;

- b) When we bought our lot, we were told it would stay farm land and now it's going to be subdivided into 3 single home lots, but for how long?
 - c) Covenants;
 - d) Concern of the weeds, not just up by the canal but, along the streets in our subdivision now; encourage this will be maintained.
 - e) Putting additional stress on the fire department and EMS system.
 - iv. Written comment from Julie McCullough, live at 29 Windy Meadow Dr. Lot 10, concerns are of the following:
 - a) Proposed covenants, or lack thereof;
 - b) Water supply;
 - c) Further subdividing of those lots in the future;
 - d) Any easements against our lot.
- e. Response to Opponents Concerns:
 - i. Bernadette Swenson response:
 - a) Pipeline easement is not proposed as a road with this subdivision application; can't speak to anything in the future but this is not the intention. In the future, would think that waterline easement would need to be protected.
 - b) The existing connecting road coming up from Lots 6 & 7, again, this application does not tie into that in any way.
 - c) There will be covenants, Tom will speak to this; new regulations don't request to have this with the submittal.
 - d) None of the ditch easement (grass) is part of this subdivision; assumption that this would be the ditch company to address.
 - e) Animals permitted, Tom will speak to this.
 - f) Future subdivision of lots, at this point there is no intended future subdivision of any of this.
 - g) Additional accesses adjoining into the subdivision, unknown at this time but if there is any future subdivision, this process would need to go before the county.
 - ii. Tom Davis response:
 - a) This intent would be to have covenants for this subdivision and should there be any future subdivision; would expect them to be similar to some of the surrounding ones but would need to revisit.
 - b) Intent, in the very short-term, is to put a pivot on there and some irrigating; don't have any immediate plans to sell these or expect a lot of change.
 - c) Easement that runs north and south (Lots 6 & 7), this proposal wouldn't necessarily address it. If there was further subdivision and the lots became smaller and similar to the subdivisions that exist, then I would expect that the community would want that as a road to connect but is not really part of this.
 - d) DNRC regulates the amount acre feet of water one can use per parcel.
 - o Lacey Forrey stated the water that is on that plat only supports 3 homes was her understanding which brings concern for further subdivision.
 - o Tom Davis states the lot originally was 60 acres by itself; but if there was an issue with a Lot at that time (unsure if there was) originally the 2 ½ acre lots, originally the covenants state you cannot reduce the size of those lots to sell them off or build more houses so that is one of the reasons that the lot/subdivision is no longer part of the subdivision 1 & 2.
 - iii. Steve Wyatt asked Tom:
 - a) Early on when we bought our lot there was a phase 3 that was to the north of where 1 & 2 are which were 5 acre lots at that time, are you familiar with any of that?

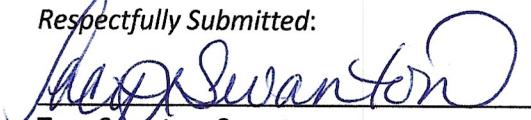
- Tom Davis responded that those were all part of the previous owner and so what his plans were does not necessarily apply now.
- iv. Bernadette Swenson responded to the water concern:
 - a) Since Meadows I & II were approved, DNRC did change water rules; it's not that there's any lack of water, it's that you can't take a piece a property and divide it up and serve water as a lot gets 10-acre feet of water to use.
- v. Susan Skraznas commented again of her concern about water/drought, fire/EMS services and if there is any way of having a guarantee that these 3 lots will not be subdivided.
- 5. Ed Shindoll closed the Public Hearing.

Regular Meeting

1. Ed Shindoll called the Planning Board meeting to order at 6:30 p.m.
2. Approve Minutes
 - a. Mary Heinemann makes a motion to approve the Public Hearing & Regular Business Meeting Minutes on October 20, 2022. Jeanine Stone seconded motion.
 - i. No further discussion.
 - ii. Motion *carried*.
3. New Business
 - a. Meadows III Subsequent Minor Subdivision
 - i. List of Comments Captured (not by commenter) and Planning Board Discussion:
 - a) Will the covenants for the Meadows III Subsequent Minor Subdivision be as stringent as the Meadows and the Meadows II?
 - I. Per Nichole Brown, lots 20, 21 and 22 were explicitly removed from the Meadows covenants.
 - II. Planning Board recommends covenants be similar.
 - b) Will the 40-foot water line easement, along the south boundary of the property, stay as is or could it turn into a road easement?
 - I. Through this subdivision, they're not going to be able to turn the water line easement into a road, so it will stay as is per this subdivision application and per this submittal.
 - II. If these lots were able to be further subdivided, then, that would have to be part of the consideration and you cannot create double-frontage lots and could not impact adjacent landowners to the south.
 - III. This is already taken care of through the subdivision regulations.
 - c) Will there be a connecting road to the Meadows Subdivision?
 - I. It's not being proposed for this subdivision.
 - d) Who is going to maintain the ditch road?
 - I. Charlotte Lewis, in the local office, can bring this concern to the Board when they meet.
 - e) How many livestock will be permitted per lot?
 - I. Planning Board makes a recommendation to require a Small Acreage Livestock Management Plan be created with concurrence by the County Extension Agent to allow for livestock on these parcels; include in covenants.
 - f) Will the lots be able to be further subdivided?
 - I. Doesn't sound like there is any plan of this and there are no phases.
 - g) Weed Management Plan needs to be adhered to.
 - I. Nichole Brown can speak with Jessica Bushnell, Broadwater County Weed Manager, in regards to this.
 - h) This will place additional stress on emergency responders.


- i) Water supply concerns with adjacent property.
 - j) Is there a guarantee the lots will not be further divided?
- b. No further discussion at this time.
- 4. Schedule Next Meeting
 - a. The next meeting will be a Planning Board Working Meeting Regular Board Meeting on Tuesday, November 15, 2022 at 1:00 p.m. at the Flynn Building.
 - b. 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.
- 5. Adjourn
 - a. Due to time constraint with another meeting scheduled at 7:00 p.m. the continuation of this meeting will need to be reconvened at the next meeting aforementioned.
 - b. Mary Heinemann made a motion to adjourn. Jeanine Stone seconded the motion.
 - i. No further discussion.
 - ii. With no further business, meeting adjourned at 6:51 p.m.

Respectfully Submitted:


Tacy Swanton, Secretary

11/15/22
Date

Approved:


Ed Shindoll, Chairman

11/15/22
Date