



Planning Board Meeting  
February 7, 2023 at 6:00 p.m.

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**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

**Secretary:**

Tacy Swanton, BC Community Development & Planning  
Assistant

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

**Public Hearing**

1. Ed Shindoll called the Public Hearing meeting to order at 6:13 p.m.
2. All who were present were asked to rise for the Pledge of Allegiance.
3. No conflicts of interest for the Planning Board members.
4. Quiet Lot 8 Subsequent Minor Subdivision
  - a. Board received the Quiet Lot 8 Subsequent Minor Subdivision Staff Report Preliminary Plat Dated 7/27/2022; it also has been posted on the Planning Board website.
  - b. Nichole Brown summarized the afore-mentioned Staff Report into the record with the following suggested edits:
    - a) Section II. Request page 1, the word 'Major' needs to be changed to 'Subsequent Minor'.
    - b) Section IX. Recommended Conditions:
      - o Section 5. page 11, the word 'are' after "off-street" needs to be changed to 'area' and the word 'response' after "shall be" needs to be changed to 'responsible'.
      - o Section 9. page 12, eliminate the second sentence starting with "In addition ...".
  - c. Public Hearing & Comment Opened by Ed Shindoll
    - i. No comments at this time.
  - d. Proponents
    - i. Gary Bay, subdivider, did not have any comments at this time.
  - e. Opponents
    - i. None at this time.
  - f. Other Interested Parties
    - i. None at this this time.
  - g. Public Hearing Closed by Ed Shindoll
5. Adjourn
  - a. Dallas Diehl moved to close the Public Hearing at 6:40 p.m. Mary Heinemann seconded the motion.
    - i. No further discussion.



- ii. Motion *carried*.

### Regular Board Meeting

1. Ed Shindoll called the Planning Board meeting to order at 6:40 p.m.
2. Public Comment on Items Not Included on Agenda
  - a. None at this time.
3. Approved Minutes
  - a. Working & Regular Board Meeting on January 10, 2023
    - i. Approval of minutes will be postponed until next Board meeting.
  - b. No further discussion.
4. Old Business
  - a. Quiet Lot 8 Subsequent Minor Subdivision
    - i. Questions from the Board:
      - a) Jeanine had a question about the Environmental Health (tab #29 of the Quiet Lot 8 application) it states at the existing home, the sewage system is supposed to be replaced within 90 days of them receiving this letter dated June 20, 2022.
        - o Gary Bay, subdivider, stated they put a new drain field in.
      - b) Jeanine had another question asking about the well located on the east side of the "no build zone" and the house was on the west.
        - o Gary Bay stated the DEQ already approved those existing locations when we started the process; it's a drainage ditch.
        - o This is a "no build zone" for structures.
      - c) Dallas had a concern about the water availability.
        - o Gary Bay states there is no water issues for this rather it's all across the interstate.
      - d) It was asked if Gary had any concerns about having a shared driveway.
        - o Gary Bay has no concerns about the shared driveway.
      - e) Ed had a question on tab #11, it states a shared driveway easement accessing Lot 8B through Lot 8A which may be incorrect.
        - o Per Nichole, this is correct.
      - f) Gary Bay stated he has been in written contact with Three Forks Fire Department in regards to his Fire Plan and that it's no problem for them.
    - ii. Board reviewed and discussed the Recommended Conditions with the suggested edits afore-mentioned during the Public Hearing.
      - a) Mary Heinemann moved to recommend to the Broadwater County Commissioners the approval of Quiet Lot 8 Subsequent Minor Subdivision with Recommended Conditions in the Staff Report with afore-mentioned amendments stated during the Public Hearing. Jeanine Stone seconded the motion.
        - o No further discussion.
        - o Motion *carried*.
    - iii. Nichole Brown stated this is scheduled to go before the Commissioners on February 15, 2023 for a first reading and review and March 1, 2023 for a review and decision; the Commissioners will be at a conference the week of February 20<sup>th</sup> so they will not have a meeting during this week.
    - iv. No further discussion.
  5. New Business
    - a. None at this time.
  6. Items for Discussion
    - a. Board Member Term Expiring
      - i. Mary Heinemann



- b. Letters of Interest Received
    - i. Mary Heinemann
    - ii. Mike Delger
  - c. Discussion
    - i. Ed Shindoll spoke with Jania Hatfield, Deputy County Attorney, to see if the Planning Board could have more than 5 members; she suggested the Board reviews its Bylaws.
      - a) Bylaws state 5 members; MCA states county Planning Boards consist of not less than 5 members but there is no cap max number on members.
      - b) More members increase the need to have more members present at a meeting for a quorum.
      - c) It was discussed that the Bylaws need to be reviewed; this will be on the Tuesday, February 14, 2023 agenda.
    - ii. Jeanine Stone stated both interested parties are qualified and suggest to send both of them up to the Commissioners to let them decide who should be on the Board with us.
    - iii. Commissioners advise to have each advisory board to weigh in on the membership.
    - iv. Election of the officers will be on the Tuesday, February 14, 2023 agenda.
  - d. Dallas Diehl moved to have the Planning Board submit the letters of interest from Mary Heinemann and Mike Delger to Broadwater County Board of Commissioners for their recommendation and approval. Mary Heinemann seconded the motion.
    - i. No further discussion.
    - ii. Motion *carried*.
  - e. Dallas Diehl moved to be compliant with MCA, the officers that are currently appointed continue serving, as long as the officers are willing to serve, pending the decision of the Commissioners. Jeanine Stone seconded the motion.
    - i. No further discussion.
    - ii. Motion *carried*.
  - f. No further discussion.
7. Legal Updates
- a. Legal Access Definition
    - i. Nichole Brown stated the Commissioners amended the definition of legal access within the Broadwater County Subdivision Regulations to mirror Yellowstone County's legal access definition wherein expressed written permission is required to use a road that is not federal, state or county.
      - a) New legal access definition is as follows:
        - o When the subdivision abuts a public street or road under the jurisdiction of the City, the County or the State, or when the subdivider has obtained documented adequate and appropriate written easements from a public road to the subdivision across all intervening properties.
    - ii. Bernadette Swenson, Schaubert Surveying, for clarification, that doesn't account for roads dedicated to public use?
      - a) Nichole Brown stated this is for all roads if it's not state, federal or county; dedication on the plat is not sufficient.
      - b) All roads are dedicated to the public but that doesn't mean you can use them for your subsequent subdivision or additional subdivision that would access through those existing subdivision roads.
    - iii. Nichole Brown will order from Department of Commerce a few more Montana's 2021 Land Use and Planning Statutes book.
  - b. No further discussion.
8. Comments from the Floor
- a. None at this time.



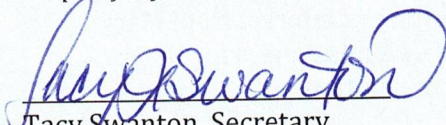
9. Next Meetings

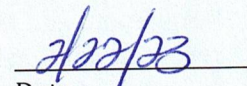
- a. Working meeting to review and finalize the draft of the Broadwater County Subdivision Regulation Supplement and the Planning Board Bylaws on Tuesday, February 14, 2023 at 11:00 a.m. - 2:30 p.m. at the Flynn Building.
- b. Regularly scheduled meeting is scheduled for Tuesday, March 7, 2023 at 1:00 p.m. at the Flynn Building.

10. Adjourn

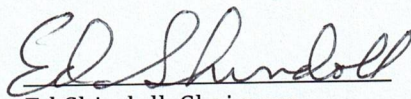
- a. With no further business, Dallas Diehl moved to adjourn this meeting. Jeanine Stone seconded the motion.
  - i. No further discussion.
  - ii. Motion *carried*.

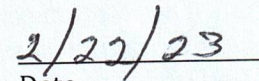
*Respectfully Submitted:*

  
Tacy Swanton, Secretary

  
Date

*Approved:*

  
Ed Shindoll, Chairman

  
Date