



Planning Board Meeting  
January 10, 2023 at 11:00 a.m.

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**Board Members Present:**

Ed Shindoll, Chairman; Mary Heinemann, 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

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100% of the Board members present and accounted for. Quorum reached for start of meeting.

**Working Meeting**

1. Ed Shindoll called the meeting to order at 11:07 a.m.
2. All who were present were asked to rise for the Pledge of Allegiance.
3. Review & Amend Broadwater County Subdivision Regulations & Application Supplements
  - a. Supplement 8 Summary of Probable Impacts
    - i. Section 4 Effects on the Historic or Natural Environment, section b. iii. on page 26:
      1. Mary Heinemann moved to have the second sentence "Would soils be contaminated by sewage treatment systems?" be removed from section iii and combined with section ii. Deanna Kolodka seconded the motion.
        - o No further discussion.
        - o Motion *carried*.
    - ii. Section 7 Effects on the Public Health and Safety, section a. on page 26:
      1. Mary Heinemann moved to amend this section to include adjacent industrial or mining uses, dilapidated structures, airports, highways, and railroads. Deanna Kolodka seconded the motion.
        - o No further discussion.
        - o Motion *carried*.
    - iii. Section 7 Effects on the Public Health and Safety, section b. on page 27:
      1. Dallas Diehl moved to amend the first sentence to state "Describe in detail how the subdivision would 'mitigate' hazardous conditions' as stated in section a." Jeanine Stone seconded the motion.
        - o No further discussion.
        - o Motion *carried*.
      2. Mary Heinemann moved to remove "due to high voltage lines, airports, highways, railroads, dilapidated structures, high pressure gas lines, irrigation ditches, and adjacent industrial or mining uses" since this will be added to section a. Dallas Diehl seconded the motion.
        - o No further discussion.
        - o Motion *carried*.



- iv. Section 7 Effects on the Public Health and Safety, section d. on page 27:
  - 1. Mary Heinemann moved to amend "Describe detail" to "Describe in detail". Deanna Kolodka seconded the motion.
    - o No further discussion.
    - o Motion *carried*.
- b. Supplement 9 Community Impact Report, page 28:
  - i. Mary Heinemann moved to add in "when available" at the end of the first sentence after 'government.' Deanna Kolodka seconded the motion.
    - 1. No further discussion.
    - 2. Motion *carried*.
  - ii. Dallas Diehl moved to amend "Summary of 'Probably' Impacts" to 'Probable' in the second paragraph. Mary Heinemann seconded the motion.
    - 1. No further discussion.
    - 2. Motion *carried*.
  - iii. Dallas Diehl moved to add a comma after 'typed' in the third paragraph. Mary Heinemann seconded the motion.
    - 1. No further discussion.
    - 2. Motion *carried*.
- 4. Adjourn
  - a. With no further business, Jeanine Stone moved to adjourn. Deanna Kolodka seconded the motion.
    - i. No further discussion.
    - ii. Motion *carried*, meeting adjourned at 12:59 p.m.

### **Regular Board Meeting**

- 1. Ed Shindoll called the meeting to order at 1:00 p.m.
- 2. Public Comment on Items Not Included on Agenda
  - a. None at this time.
- 3. Approve Minutes
  - a. Dallas Diehl moved to approve Planning Board Working Meeting & Regular Board minutes from November 15, 2022. Jeanine Stone seconded the motion.
    - i. No further discussion.
    - ii. Motion *carried*.
  - b. Mary Heinemann moved to approve Planning Board Public Hearing minutes from November 29, 2022. Deanna Kolodka seconded the motion.
    - i. No further discussion.
    - ii. Motion *carried*.
- 4. Old Business
  - a. Antelope Vista II Tract 2 Subsequent Minor Subdivision
    - i. Nichole Brown read into record the Antelope Vista II Tract 2 Major Subdivision Staff Report Dated 6/6/2022 on November 29, 2022 during the public hearing.
      - 1. Review period previously ended on January 6, 2023.
      - 2. The developer asked for an extension to the timeline; new deadline is now February 6, 2023.
    - ii. Nichole's proposed amendments to the Staff Report that are not condition related are as follows:
      - 1. After legal opinion, not from our county attorney, this subdivision needs to be changed from a "Major" to a "Subsequent Minor"; this wording will be amended throughout the document.
      - 2. Amend Review Period Ends to state February 6, 2023 and Nichole will include a brief narrative.



3. In Section D. Impacts on Local Service, Section c. Utilities, on page 5, amend it to state "It is anticipated that Vigilante Electric 'will' provide electrical service to the proposed subdivision".
  4. In Section D. Impacts on Local Service, Section f. Emergency Services, on page 5, amend it to state "The proposed subdivision is within the Broadwater 'County' Sheriff Department's jurisdiction".
  5. In Section D. Impacts on the Natural Environment, Section 2. Narrative, on page 6, the word "representative" be taken out in the second sentence and "Subdivider's" will be replaced with "Subdivider".
- iii. Christina Kamps read her letter into the record dated January 5, 2023. Her concerns are as noted:
1. The language of "Major" vs "Subsequent Minor".
  2. In Condition 4, Vista Road is considered a public road, but this language is not on the plat. Notarized letters were signed by the lot owners. Will this be sufficient for Condition 4?
  3. Condition 5 be erased in its entirety based on the fact that DEQ has already approved the stormwater design and culverts for each property (EQ#22-2403).
  4. Condition 6 be erased in its entirety and replaced with "Pursuant to Section V-H. iv. 8. (page 58), the Subdivider may either work with an engineer to complete the PER or may contact the Broadwater County Road Department to determine if the Road Department can provide them the data to assist with this process."
  5. Condition 8 be erased in its entirety. There will be no internal access roads in this Subsequent Minor Subdivision.
  6. Clarification is needed for Condition 15. Antelope Vista II Major Subdivision has an active Homeowner's Association (HOA) in place. The HOA collects funds and conducts maintenance on the internal access roads. There are no access roads and is subject to the covenant and HOA that governs Antelope Vista II Major Subdivision.
- iv. Board reviewed and discussed the Recommended Conditions, starting on page 10, with recommended amendments are as follows:
1. For Condition 4.:
    - o Notarized letters from property owners for the use of Vista Drive will be sufficient.
  2. For Condition 5.:
    - o J.J. Conner recommended a 42-inch culvert with the smaller drainage and either two (2) 60-inch culverts or one (1) 78-inch culvert for the larger one.
    - o This condition is specifically for the safety of traveling over the culverts and the design of the culverts.
    - o The Board recommends that the language will state that the culvert will be covered sufficiently to withstand traffic safely.
    - o Bernadette Swanson, Schaubert Surveying, stated that DEQ does not require a licensed engineer to sign off on a Minor subdivision.
    - o Definitions of "driveway" and "approach" need to be more specific and the Broadwater County Subdivision Regulations do not have "driveway" regulations.
    - o Dallas Diehl moved to remove the last sentence "The bridge or culvert shall be designed by a professional engineer licensed in the State of Montana" and replace it with "According to the Broadwater County Subdivision Regulations Section I. General Provisions, section I-C.



Purpose # 10. the purpose of the culvert is to convey traffic safely to the homesite. The culvert used will be purchased and installed following manufacturer's specification for loads consistent with deliveries of building materials and heavy vehicle trips". Also need remove *Chapter V-H-c-ix* and replace it with *I-c-x*. Mary Heinemann seconded the motion.

- No further discussion.
- Motion *carried*.

3. For Condition 6.:

- Mary Heinemann moved to remove this condition in its entirety. Deanna Kolodka seconded the motion.
  - No further discussion.
  - Motion *carried*.

4. For Condition 7.:

- Jeanine Stone moved to replace "are" with "area" and "response" with "responsible". Deanna Kolodka seconded the motion.
  - No further discussion.
  - Motion *carried*.

5. For Condition 8.:

- Mary Heinemann moved to remove this condition in its entirety. Jeanine Stone seconded the motion.
  - No further discussion.
  - Motion *carried*.

6. For Condition 12. and 14.:

- Jeanine Stone moved to strike "for each phase" in the first sentence. Deanna Kolodka seconded the motion.
  - No further discussion.
  - Motion *carried*.

7. For Condition 15.:

- Jeanine Stone moved to eliminate the word "establish" and replace with "expand" or "join"; after Road User Agreement add "or Homeowner's Association (HOA)". Mary Heinemann seconded the motion.
  - No further discussion.
  - Motion *carried*.

- v. Mary Heinemann moved to recommend to the Broadwater County Commissioners approval of Antelope Vista Subsequent Minor Subdivision with amendments to the Recommended Conditions aforementioned. Deanna Kolodka seconded the motion

1. Discussion:

- Nichole Brown stated this is scheduled to go before the Commissioners on Wednesday, January 25, 2023 for a first reading and review and on Wednesday, February 1, 2023 for review and decision.

2. Motion *carried*.

5. New Business

- a. None at this time.

6. Items for Discussion

- a. None at this time.

7. Legal Updates

- a. None at this time.



8. Comments from the Floor

- a. Bernadette Swanson, Schaubert Surveying, asked if the Commission has narrowed down to the definition of "legal access" used in the Broadwater County Subdivision Regulations.
  - i. No updates at this time.
- b. Christina Kamps thanked the Planning Board and staff for all their hard work and felt satisfied with the outcome.
  - i. Nichole Brown stated this is scheduled to go before the Commissioners on Wednesday, January 25, 2023 for a first reading and review and on Wednesday, February 1, 2023 for review and decision.

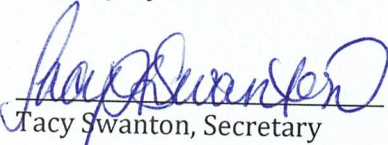
9. Next Meetings

- a. Quiet Lot 8 Subsequent Minor Subdivision on Tuesday, February 7<sup>th</sup> at 1:00 p.m. at the Flynn Building.
- b. Working meeting to review and amend the 2021 Broadwater County Subdivision Application Supplements on Tuesday, February 14 at 1:00 p.m. at the Flynn Building.

10. Adjourn

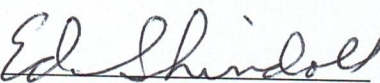
- a. With no further business, Mary Heinemann moved to adjourn. Deanna Kolodka seconded the motion.
  - i. No further discussion.
  - ii. Motion *carried*.

*Respectfully Submitted:*

  
Tracy Swanton, Secretary

2/22/23  
Date

*Approved:*

  
Ed Shindoll, Chairman

2/22/23  
Date



