

BROADWATER COUNTY COMMISSIONERS

515 Broadway, Townsend

Meetings are held at the Flynn Building (old Opportunity Bank) 416 Broadway.

Current and previously recorded meetings, official agenda and minutes may be viewed on the website at <https://www.broadwatercountymt.com>.

Public comment and items not on the agenda will be taken either in writing in advance of the meeting or in person at the meeting.

Working meetings will be posted on the agenda and will not be recorded.

OFFICIAL agendas are posted in the Courthouse (1st floor bulletin board), [Broadwatercountymt.com](https://www.broadwatercountymt.com), and in the window of the Flynn Building at least 48 hours in advance of the meeting.

Monday, December 5, 2022 Official

- 10:00 AM Discussion & Decision, Nichole Brown, Community Planning Director, Kurtz Family Transfer/ Boundary Relocation
- 10:20 AM Discussion & Decision, Nichole Brown, Community Planning Director, Meadows 3 Subsequent Minor Subdivision
- 10:40 AM Discussion & Decision, Nichole Brown, Community Planning Director, Brady BLR (Building for Lease or Rent)
- 10:50 AM Discussion & Decision, Nichole Brown, Community Planning Director, Miller Family Transfer
- 11:00 AM Discussion & Decision, Nichole Brown, Community Planning Director, Wilken Boundary Relocation
- 11:20 AM Discussion/Decision, Jania Hatfield, Acting County Attorney, Combining Clerk and Recorder and County Surveyor
- 11:30 AM Discussion, Barb DeMartin, Petition to reopen Toston Bridge

Monday, December 5 – Wednesday, December 7

Commissioners will be attending the MACo Training in Helena, MT

Mail & Items for Discussion and/or signature may occur as time allows during the meeting. Issues and times are subject to change.

Items for Discussion / Action / Review / Signature – Consent Agenda

- ✓ Certificate of Survey review
 - ✓ Management – on-going advisory board appointments
 - ✓ Claims/Payroll/minutes
 - ✓ County Audit / Budget
 - ✓ Mail – ongoing grants
 - ✓ Correspondence – support letters
- Debi Randolph 406-266-9270 and 406-980-2050
- Darrel Folkvord Chairman 406-266-9272 and 406-980-1213
- Mike Delger 406-266-9271 and 406-521-0834
- E-mail: commissioners@co.broadwater.mt.us

**Please note that these times and dates may change. For the most recently updated information, please visit our website at www.broadwatercountymt.com.*

REQUEST FOR EXEMPTION REVIEW

Note to Applicant: The purpose of this review is to enable Broadwater County officials to determine whether or not the proposed use of an exemption from local subdivision review would evade the Montana Subdivision and Platting Act.

Part One. Applicant Information

Landowner(s): JOHANN KUNTZ

Address: 9152 RIVER RD

Telephone Number(s): 406-525-8091

Landowner Representative: SCHAUBER SURVEY

Address: 64 JACK FARM ROAD Phone: 406-266-4602

Part Two. Legal Description: _____

Part Three. Basis for Exemption Request:

What exemption is being claimed, and what is the basis for your exemption claim?

BOUNDARY RELOCATION
, NEIGHBOR WANTS PROPERTY FOR PASTURE

Part Four. Supporting Information: Please provide all pertinent information, including an accurate certificate of survey or amended subdivision plat, as applicable and where required. A subdivision exemption review fee must be submitted with the exemption request.

AFFIDAVIT: I hereby certify that the purpose of this exemption request is NOT to evade the Montana Subdivision and Platting Act. Dated this 6 day of OCTOBER, 2027.

Signature(s): [Signature]

Certificate of Governing Body:

We, the Board of County Commissioners, do hereby certify that the use of the exemption claimed on the accompanying Certificate of Survey has been duly reviewed, and has been found to conform to the requirements of the Subdivision and Platting Act, Section 76-3-101 et. seq. MCA, and the Broadwater County Subdivision Regulations.

Dated this _____ day of _____, A.D., 20_____

Commissioner

Commissioner

Commissioner

C&R Attest

**Certificate of Survey Exemption Affidavit
Broadwater County**

**Gift or Sale to Immediate Family Member
Section 76-3-207(1)(b), MCA.**

When a landowner requests to be exempt from the Subdivision and Platting Act, state law requires Broadwater County determine whether the request is an attempt by the property owner to evade subdivision regulation. Broadwater County will use the information provided by the applicant in this affidavit as well as other evidence when making its determination.

Please complete both sides of this application. Every owner of the property (owners of record) must sign this affidavit. Use additional sheets of paper if necessary.

A. Name of Landowners:

Johany Kurtz Phone: 406-595-3091

_____ Phone: _____

_____ Phone: _____

B. Number of Parcels Proposed: 1

C. Size of Each Parcel Proposed: 20.3 AC _____

D. Name and Relationship to Landowner of Family Member(s) Receiving Gift Parcel(s)

Name Gideon Kurtz Relationship Father

Age: 53 Current Mailing Address: 3230 HWY 747

_____ Montauk IA 50713

Name _____ Relationship _____

Age: _____ Current Mailing Address: _____

Name _____ Relationship _____

Age: _____ Current Mailing Address: _____

Name _____ Relationship _____

Age: _____ Current Mailing Address: _____

A "member of the "immediate family" may include only the grantor's spouse, children by blood or adoption, and parents.

E. History of the Parcel:

1. To your knowledge, have any exemptions been used to divide this property after July 1, 1973, including exemptions for mortgage tracts, gift or sale to an immediate family member, boundary line relocation, occasional sale? *See Sections 76-3-201 and 76-3-207, MCA.*

 Yes No *If "yes", provide the chronological history of divisions and attach a copy of a Certificate of Survey or Deed evidencing the divisions:*

Date	Exemption	Tract Label	Tract Size	COS No. or Deed No.
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

2. To your knowledge, in regard to this property, did you or any previous owner ever attend a pre-application conference or submit for subdivision review of any part of this property, since July 1, 1973? Was any subdivision denied?

 Yes No *If YES, explain:* _____

F. Proposed Exemption Information

To your knowledge:

1. Will each new parcel be used as a homesite for a family member?

Yes No *If NO, explain:* _____

2. Could the transfer be accomplished by a "relocation of common boundary lines"?

 Yes No *If YES, explain:* _____

3. Will the newly created parcels become one of three or more parcels created from the original parcel after July 1, 1973?

Yes No **If YES, explain:** _____

4. Would the use of the family gift exemption violate any statute, case law, administrative rule, or Attorney General Opinion?

Yes No **If YES, explain:** _____

5. Does the parcel to be transferred fit a pattern of land divisions and land transfers?

Yes No **If YES, explain:** _____

6. Have any divisions of land ever been denied on this property?

Yes No **If YES, explain:** _____

7. Is the parcel being transferred to a family member who is a minor?

Yes No **If YES, please provide a draft Trust document.**

8. Are you transferring a parcel to your spouse?

Yes No **If YES, explain:** _____

9. Do you agree that you and/or your family member receiving this property will not sell any of the tracts created under the family transfer exemption for a period of two (2) years unless you or the recipient files for subdivision review?

Yes No

If your life circumstances change per a birth, death, divorce, illness, etc. you may request an exemption to the two (2) year time period from the County Commissioners.

Under penalties of perjury, I (we) declare that I (we) have examined this affidavit and the accompanying sketch or draft Certificate of Survey of the proposed division of land, and to the best of my (our) knowledge and belief, they are true, correct, complete and are in compliance with all State laws and local regulations.

Date 10-20-22, 20 .

Signature of Each Applicant:

Jelany Mitz _____

Signature of Each Recipient:

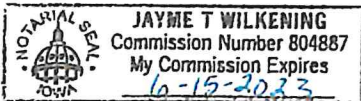
Dillon Kutz _____

STATE OF Iowa)
County of Marshall) : ss.

On this 20 day of October, 2022.

personally, appeared before me and having been duly sworn did herein execute the above instrument for the purposes stated.

Notary's Seal/Stamp



Jayme T Wilkening
Notary Public for the State of Iowa

Jayme T Wilkening
Printed Name

Notary Public for the state of Iowa

Residing at Marshall Co.

My Commission expires: 6-15, 2022

****If the Survey Review Committee grants concept or survey approval to a proposed exemption, that approval is valid only for ninety days, subject to any legislative changes.****

Findings of Fact
and Order Report

Preliminary Plat
Dated 5/19/2022

THE MEADOWS 3 SUBSEQUENT MINOR
SUBDIVISION Preliminary Plat

To: Broadwater County Commissioners
From: Broadwater County Planning Board
Subject: A proposed subdivision to be known as **The Meadows III Subsequent Minor Subdivision**

GENERAL INFORMATION

Date of Application: May 19, 2022
Element Complete: May 26, 2022
Date of Sufficiency: September 7, 2022
Planning Board Hearing: November 1, 2022
Review Period Ends: December 6, 2022

SUBDIVIDER: MT 4D Properties, LLC
1515 Skinner Rd
Belgrade, MT 59714

SUBDIVIDER'S REPRESENTATIVE: Bernadette Swenson
218 Broadway
Townsend, MT 59644

LEGAL DESCRIPTION: Situated in Section 22, Township 7 North, Range 2
East, Broadwater County, Montana

GENERAL LOCATION: The proposed subdivision is located off MT Highway 284,
approximately three and one half (3.5) miles northeast of
Townsend, Montana.

I. EXECUTIVE SUMMARY

The Subdivider intends to create three (3) lots from an existing 65.32-acre parcel. Lots range in size from 21.03 to 23.06 acres. All lots are being submitted for review as residential lots. Wastewater will be provided via individual on-site wastewater treatment systems for each lot. Water will be provided to each lot via individual on-site wells. Access will be provided from MT Highway 284 via a proposed internal road cul de sac. The required preliminary review fee of \$2,100.00 has been paid.

II. REQUEST

Approval of the 3-lot Subsequent Minor Subdivision for 3 single-family homes.

III. STAFF RECOMMENDATION

Staff recommends APPROVAL of the proposed Meadows III Subsequent Minor Subdivision Preliminary Plat subject to the conditions of approval based on the recommended findings of fact included in the Staff Report

IV. LOCATION

The proposed subdivision is located off MT Highway 284 approximately 3.5 miles northeast of the City of Townsend.

V. EXISTING DEVELOPMENT AND USES

The property is currently a vacant subdivision lot. Historically, the property has been irrigated and farmed.

VI. ADJACENT LAND USES

North: Agricultural
South: Residential subdivision
East: Agricultural
West: Agricultural

VII. PUBLIC COMMENT

Public Comment will be taken at the November 1, 2022 public hearing and subsequent Planning Board Regular Business Meeting and Commissioner Meeting(s).

VIII. PROJECT BACKGROUND

This project is a subsequent minor subdivision. The parcel was originally created as Lot 22 of the previously approved Meadows Major Subdivision. It became Amended Lot 22 because of a Boundary Relocation with Lot 20 and Lot 21.

IX. STAFF ANALYSIS

Review is performed pursuant to the Montana Subdivision and Platting Act, Title 76, Chapter 3, Montana Codes Annotated, the 2021 Broadwater County Subdivision Regulations and the 2020 Broadwater County Growth Policy. The proposed preliminary plat, Meadows 3 Subsequent Minor Subdivision, as submitted by the Subdivider, together with the required supplementary plans and information, appear to satisfy the requirements of these regulations and comply with the Broadwater County Growth Policy, with the suggested mitigating conditions.

X. CRITERIA FOR REVIEW:

In accordance with 76-3-608(3), MCA, a subdivision proposal must undergo review for impacts on the following primary criteria: 1. Agriculture; 2. Agricultural Water User Facilities; 3. Local services; 4. Natural Environment; 5. Wildlife and Wildlife Habitat; 6. Public Health and Safety; 7. Compliance with the County's Subdivision Regulations; 8. Compliance with Survey Requirements; 9. The provision of easements within and to the proposed subdivision for the location and installation of any planned utilities; and 10. A provision for providing legal and physical access to each parcel within the proposed subdivision.

FINDINGS OF FACT AND CONCLUSIONS:

A. IMPACTS ON AGRICULTURE:

1. **DEFINITION OF AGRICULTURE:** Farming or ranching include the cultivation or tilling of the soil, the production, cultivation growing, harvesting of agricultural or horticultural commodities that are on site, such as food, feed, and fiber, the raising of livestock and poultry, bees, biological control insects, fruits and vegetables, and sod, ornamental, nursery, and horticultural crops, and including timberlands and forest lands. *Broadwater County Subdivision Regulations, Definition 3.*
2. **NARRATIVE:** According to the preliminary plat application, 90% of this property is considered prime farmland if irrigated. However, no irrigation water rights are being conveyed with these subdivision lots. The water right currently used to irrigate this property is being retained by the subdivider.
3. **FINDING:** This proposed subdivision could have an effect on agricultural productivity since the land is being removed from agriculture. However, the subdivision should not have impacts on neighboring agricultural properties due to the proximity to adjacent subdivided lands and the relatively large size of the parcels being proposed.

Per Chapter V-A of the Broadwater County Subdivision Regulations, all subdivisions must be designed and developed to provide satisfactory building sites that properly relate to topography, and must, to the extent possible, preserve the natural environment.

The proposed subdivision property is generally level and thus provides good building sites that will minimize the flow of stormwater and therefore minimize soil erosion that might occur due to the construction of buildings and associated infrastructure, which could negatively affect agriculture.

Conditions of approval for the proposed subdivision will require a Noxious Weed Management Plan be on file and recorded with the final plat; Restrictive covenants providing notice of agricultural operations in the vicinity; That the property shall be maintained in a weed-free manner; and restraining domestic pets on the property. Other conditions of approval will provide the opportunity to financially guarantee any improvements required by the Weed Management Plan.

Conditions of Approval Numbers 9, 11-c, 11-g, 11-h and 12 are required to mitigate impacts on agriculture. (A full list of the Conditions of Approval is found starting on page number 11)

CONCLUSION: The impacts to agriculture, as set forth in the Findings of Fact, will be mitigated by the imposed Conditions of Approval, based upon the record, when satisfactorily completed.

B. IMPACTS ON AGRICULTURAL WATER USER FACILITIES:

1. DEFINITION OF AGRICULTURAL WATER USER FACILITIES: Those facilities which provide water for irrigation or stock watering to agricultural lands to produce agricultural products. Any part of an irrigation system historically used to produce an agricultural product on property used for agricultural purposes. These facilities include, but are not limited to, ditches, head gates, pipes and other water conveying facilities. *Broadwater County Subdivision Regulations, Definition 5.*
2. NARRATIVE: The proposed subdivision will create three residential lots between 21.03 and 23.06 acres.
3. FINDINGS: The proposed subdivision property does have a forty (40) foot wide existing waterline easement along the southern boundary of the parcel. The Broadwater-Missouri Canal is adjacent to the east boundary, but is not a part of this subdivision (*Source: Environment Assessment*)

Conditions of Approval Numbers 11-c, 11-g, 11-h and 12 are required to mitigate impacts on agricultural water user facilities. (A full list of the Conditions of Approval is found starting on page number 11)

CONCLUSION: The impacts to agricultural water user facilities, as set forth in the Findings of Fact, will be mitigated by the imposed Conditions of Approval, based upon the record, when satisfactorily completed.

C. IMPACTS ON LOCAL SERVICES:

1. DEFINITION OF LOCAL SERVICES: All services or facilities local government is authorized to provide that benefit their citizens, such as water supply, sewage disposal, law enforcement, fire protection, emergency services, transportation system, educational system, noxious weed control, as well as services that local government does not provide such as power, telephone, state highways, etc. *Broadwater County Subdivision Regulations, Definition 34.*
2. NARRATIVE: The proposed subdivision will be accessed from a newly constructed subdivision access road via the existing MT Highway 284. It is within the jurisdiction of the Broadwater County Sheriff's Office as well as the Townsend School System. Fire protection will be offered by the Broadwater County Rural Fire District.
3. FINDINGS:
 - a. SOLID WASTE:
Individual lot owners will haul their solid waste to Broadwater Solid Waste Canister either in Townsend or at Dry Gulch. Subdivision residents will have the option of hiring an independent contractor to pick up their solid waste or transport it themselves.

(Source: Environmental Assessment)

b. MAIL DELIVERY:

It is anticipated that mail will be delivered by the United States Postal Service and plans for any mail receptacles on-site are subject to review and approval by the Townsend Post Office. *(Source: Environmental Assessment)*

c. UTILITIES:

It is anticipated that Vigilante Electric provide electrical service to the proposed subdivision. Future dry utilities are anticipated to be installed underground. *(Source: Environment Assessment)*

d. ROADS AND TRAFFIC:

No transportation plan has been officially adopted for this area. One road within the proposed subdivision intersects with MT Highway 284, a state highway. The proposed development is not anticipated to cause a significant impact to the highway.

The estimated Average Daily Trips (ADT) for three (3) residential lots is twenty-four (24) ADT. The internal subdivision road will be required to be built to a #1 Local Road Standard. This standard requires a minimum road width of twenty-four (24) feet and the road must consist of 6" of base material covered with 3" of crushed top surface. The internal road should be dedicated to public use and must be maintained by a property owners' association or a road maintenance agreement, binding on each lot owner in perpetuity.

Road name for the internal subdivision road must be submitted to the County Address Coordinator for review and approval, and the road name shall be shown on the final plat and all other documents of the proposed subdivision. A signing plan for traffic control and street identification signs must be submitted to the County Public Works Department for review and approval and all signs installed in accordance with the approved plans.

A Rural Improvement District or Special District or Property Owners Association or a Road User Agreement should be set up to assist in funding on-going road maintenance within the proposed subdivision.

e. SCHOOLS:

The proposed subdivision is served by the Townsend Schools and the subdivision could potentially produce 5 students. The potential for new students from this development could have an impact on existing bus routes which may need to be altered once the subdivision is at full build-out. A letter was sent to Townsend Schools, but to date a response has not been received.. *(Source: Environmental Assessment; Application for Preliminary Plat, Affected Agencies Correspondence)*

f. EMERGENCY SERVICES:

The proposed subdivision is within the Broadwater Sheriff Department's jurisdiction. Due the rural nature of this subdivision, response times for emergency services could be longer than expected. (Source: *Environmental Assessment; Application for Preliminary Plat, Agencies Correspondence, Email from Wynn Meehan Dated March 1, 2022*)

g. FIRE SERVICES

The proposed subdivision is located within the Broadwater Rural Fire District. The nearest firehouse is Townsend Fire Hall, an unmanned, volunteer fire house. The Subdivider will need to propose a fire protection plan for review and approval by the Broadwater Rural Fire District. (Source: *Environmental Assessment; Application for Preliminary Plat, Affected Agencies Correspondence*)

Conditions of Approval Numbers 2, 4, 5, 7, 8, 10, 11-b and 14 are required to mitigate impacts on local services. (A full list of the Conditions of Approval is found starting on page number 11)

CONCLUSION: The impacts to local services, as set forth in the Findings of Fact, will be mitigated by the imposed Conditions of Approval, based upon the record, when satisfactorily completed.

D. IMPACTS ON THE NATURAL ENVIRONMENT

1. DEFINITION OF NATURAL ENVIRONMENT: The natural environment is defined as the physical conditions which exist within a given area, including land, air, water, mineral, flora, fauna, sound, light, and objects of historic and aesthetic significance. *Broadwater County Subdivision Regulations, Definition 47.*
2. NARRATIVE: According to the preliminary plat application none of the property consists of slopes in excess of 15% grade. Each lot will have buildable areas with slopes less than 15%. No rock outcroppings were identified by the Subdivider's representative. The property is currently planted for hay production. There are no marsh, shrub or forestlands located on the property. There are sparse trees and vegetation cover. The proposed subdivision is outside of the FEMA mapped 100-year floodplain.
3. FINDINGS: The property is located within the Intermountain Seismic Belt that extends through western Montana and frequently produces small earthquakes and has previously developed some major earthquakes. Property damage and risk can be minimized with construction techniques and earthquake planning.

Per Chapter V-B of the Broadwater County Subdivision Regulations, the design and development of subdivisions must provide satisfactory building sites which are properly related to topography, and must, to the extent possible, preserve the natural environment.

The proposed subdivision property is generally level and thus provides good building sites that will minimize the flow of stormwater and therefore minimize soil erosion that might occur due to the construction of buildings.

All grading, drainage and erosion control shall be in compliance with Chapter V-J of the Broadwater County Subdivision Regulations.

According to the preliminary plat application post development generated stormwater will be detained within the subdivision boundaries. A stormwater pollution prevention plan will be implemented and will remain in effect during the construction phase of this project and until disturbed soils are properly stabilized. The grading and drainage plan will be provided for review to the Environmental Health Officer.

Per Chapter V-R of the Broadwater County Subdivision Regulations, a Weed Management Plan shall be approved by the Broadwater County Weed Board prior to the subdivision application being considered complete.

A Noxious Weed Management Plan has been completed by the developer, submitted, and approved by the Broadwater County Weed Coordinator and the Broadwater County Weed Board. No critical plant species have been identified. Existing vegetation will only be disturbed for necessary construction of roads, driveways, utilities and structures. Any construction disturbance will be reseeded with an approved grass seed mix. A Weed Management Plan has been approved by the Broadwater County Noxious Weed District to control and prevent the growth of noxious weeds. The Subdivider will be responsible for adhering to the Weed Management Plan until all lots are sold or the responsibility is turned over to a homeowners' association. (*Source: Environmental Assessment; Application for Preliminary Plat: Item 28—Weed Management Plan*).

A letter was received from the Montana Historical Society (MHS) on February 10, 2006 for The Meadows Major Subdivision, to determine if there are any known historical, cultural or archaeological sites which may be affected by the proposed development. According to Damon Murdo, MHS Cultural Records Manager, there have not been any previously recorded sites within the designated area. (*Source: Environmental Assessment, June 2021; Application for Preliminary Plat: Item - 32, Letter from Damon Murdo dated February 10, 2006*)

Conditions of Approval Numbers 9, 11-c and 13 are required to mitigate impacts on the natural environment. (A full list of the Conditions of Approval is found starting on page number 11)

CONCLUSION: The impacts on the natural environment, as set forth in the Findings of Fact, will be mitigated by the imposed Conditions of Approval, based upon the record, when satisfactorily completed

E. IMPACT ON WILDLIFE AND WILDLIFE HABITAT

1. **DEFINITION OF WILDLIFE AND WILDLIFE HABITAT:** Those animals that are not domesticated or tamed, or as may be defined in a Growth Policy; and The place or area where wildlife naturally lives or travels through. *Broadwater County Subdivision Regulations, Definitions 84 and 85.*
2. **NARRATIVE:** Wildlife such as antelope, mule deer, white-tailed deer, upland game birds, other small birds, rabbits and other rodents occasionally utilize the proposed subdivision. However, there should be no displacement of wildlife since the surrounding area is residential and plowed fields, not conducive to permanent wildlife habitat (*Source: Environmental Assessment*)
3. **FINDINGS:** The impacts on wildlife habitat will be negligible based upon the surrounding uses. Landowners are encouraged to install wildlife friendly fencing, contain domestic animals, and secure solid waste to reduce wildlife incidents whenever possible. (*Source: Environmental Assessment*)

Conditions of Approval Number 11-c and 11-h are required to mitigate impacts on wildlife habitat. (A full list of the Conditions of Approval is found starting on page number 11)

CONCLUSION: The impacts to wildlife habitat, as set forth in the Findings of Fact, will be mitigated by the imposed Conditions of Approval, based upon the record, when satisfactorily completed.

F. IMPACT ON PUBLIC HEALTH AND SAFETY:

1. **DEFINITION OF PUBLIC HEALTH AND SAFETY:** The prevailing healthful, sanitary condition of well-being for the community at large. Conditions that relate to public health and safety include but are not limited to disease control and prevention; emergency services; environmental health; flooding, fire or wildfire hazards, rock falls or landslides, unstable soils, steep slopes, and other natural hazards; high voltage lines or high pressure gas lines; and air or vehicular traffic safety hazards. *Broadwater County Subdivision Regulations, Definition 59.*
2. **NARRATIVE:** The proposed subdivision will be served by on-site wells. Each lot will have its own wastewater system and well as stormwater pond. The Broadwater-Missouri Canal traverses this subdivision along the exterior of the eastern boundary.
3. **FINDINGS:**
 - a. **WATER SUPPLY:**
The proposed subdivision is not within the service area of a public water system. The proposed lots will be served by individual on-site water wells, drilled into each lot,

according to the Preliminary Plat Application. Each lot will have an estimated total domestic volume of use of 10-acre feet/year. The use of these exempt wells is subject to review and approval by the DNRC and DEQ. (Source: *Application for Preliminary Plat: Item – 30, Sanitation Requirements*)

Well Log data in the vicinity of the subdivision was provided in the preliminary plat application. Average depth of the wells is one-hundred twenty-one (121) feet deep and static water level averages sixty-two (62) feet. Yield average is twenty-eight (28) gallons per minute. (Source: *Application for Preliminary Plat: Item – 30, Sanitation Requirements, Well Logs*)

b. WASTEWATER

Wastewater for the proposed subdivision will be provided by the use of individual on-site wastewater treatment systems (septic/drain fields). The Environmental Health Office will review and issue approval for the lots for adequacy and impact of the wastewater systems on groundwater quality and will issue a determination of non-significant impacts in a Certificate of Subdivision Approval. (Source: *Application for Preliminary Plat: Item – 30, Sanitation Requirements*)

c. STORMWATER

A stormwater retention plan will be created with concurrence by the Environmental Health Office prior to final plat approval.

Conditions of Approval Numbers 8, 11-c, 10-d, 10-e and 10-f are required to mitigate impacts on public health and safety. (A full list of the Conditions of Approval is found starting on page number 11)

CONCLUSION: The impacts on public health and safety, as set forth in the Findings of Fact, will be mitigated by the imposed Conditions of Approval, based upon the record, when satisfactorily completed.

G. COMPLIANCE WITH SUBDIVISION REGULATIONS

1. FINDINGS: The proposed subdivision meets all Subdivision Regulations, and it will remain in compliance with these regulations if all conditions of approval are satisfied. No variances have been requested.

All conditions of approval are required to address compliance with the Subdivision Regulations. (A full list of the Conditions of Approval is found starting on page number 11)

CONCLUSION: Compliance with subdivision regulations, as set forth in the Findings of Fact, will be addressed by the imposed Condition of Approval, based upon the record, when satisfactorily completed.

H. COMPLIANCE WITH SURVEY REQUIREMENTS

1. FINDINGS: A land survey and plat completed by a registered land surveyor in the state of Montana will need to be prepared. A review of the plat by the Community Development Department and the Examining Land Surveyor at the time of final plat application will ensure that the plat conforms to all conditions of approval, plat rules and regulations.

Condition of Approval numbers 3 and 10 are required to address compliance with survey requirements. (A full list of the Conditions of Approval is found starting on page number 11)

CONCLUSION: Compliance with survey requirements, as set forth in the Findings of Fact, will be addressed by the imposed Conditions of Approval, based upon the record, when satisfactorily completed.

I. PROVISION OF EASEMENTS WITHIN AND TO THE PROPOSED SUBDIVISION FOR THE LOCATION AND INSTALLATION OF ANY PLANNED UTILITIES

1. FINDINGS: Utility easements will have to be shown and described on the plat, in accordance with the Subdivision Regulations and in consultation with the utility providers, where utilities are or will be installed, and where necessary for the future extension of services.

Condition of Approval number 10 is required to address the provision of easements within and to the proposed subdivision for the location and installation of planned utilities. (A full list of the Conditions of Approval is found starting on page number 11)

CONCLUSION: The provision of easements within and to the proposed subdivision for the location and installation of any planned utilities, as set forth in the Findings of Fact, will be addressed by the imposed Conditions of Approval, based upon the record, when satisfactorily completed.

J. PROVISION OF LEGAL AND PHYSICAL ACCESS TO EACH PARCEL WITHIN SUBDIVISION

1. FINDINGS: Legal and physical access to the subdivision is provided via MT Highway 284. The road within the subdivision will have to be dedicated to the public and shown on the final plat as a public access easement.

A condition of approval will require the Subdivider to apply for an approach permit for the road accessing onto the existing State Highway.

Conditions of Approval Numbers 5, 6 and 10 are required to address the provision of legal and physical access to each parcel within the proposed subdivision. (A full list of the Conditions of Approval is found starting on page number 11)

CONCLUSION: The provision of legal and physical access to each parcel within the proposed subdivision as set forth in the Findings of Fact, will be addressed by the imposed Conditions of Approval, based upon the record, when satisfactorily completed.

IX. RECOMMENDED CONDITIONS

The Meadows III Subsequent Minor Subdivision is recommended for approval with the following conditions:

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body. **(Mitigates Findings of Fact under “Compliance with Subdivision Regulations”)** *(Section 76-3-608, MCA; Chapter I, County Subdivision Regulations.)*
2. Plans for sewage treatment and water supply shall be submitted to the Broadwater County Environmental Health Department for review and approval. The Certificate of Subdivision Approval shall be filed with the final plat. All specifications in the approved plans shall be met. **(Mitigates Findings of Fact under “Impacts on Water and Wastewater under Local Services”)** *(Sections 76-4-101, et. Seq., MCA; Sections 17.36.101, et. seq., ARM; Sections 76-3-102(4), 501(1)(f)(iii), and 608(3)(a), MCA; Chapters IV-A. 9 and IV-A. 10., County Subdivision Regulations)*
3. The Subdivider will be required to submit the preliminary and final plat drawings in electronic format to Broadwater County in ARCGIS, AutoCAD or Microstation format. Additional materials may be requested by the County in electronic format to facilitate review of application materials. **(Mitigates Findings of Fact under “Compliance with Survey Requirements”)** *(Chapter II and Appendix Q, County Subdivision Regulations)*
4. Plans for the location and installation of individual mailboxes shall be reviewed and approved by the United States Postal Service prior to installation. The Subdivider shall submit documentation from the United States Postal Service verifying their review and approval. When required, Subdivider shall provide an off-street area for mail delivery. The Subdivider, its successors and assigns shall be responsible for all costs associated with meeting this condition of approval. **(Mitigates Findings of Fact under “Impacts on Mail Delivery under Local Services”)** *(Sections 76-3-102(4), 76-3-501(1), and 76-3-608(3)(a)-(b); Chapter IV-A-7 b. 8, County Subdivision Regulations.)*
5. The internal subdivision road must be designed in accordance with the Broadwater County Subdivision Road Standards, stamped by a Professional Engineer, and submitted to the County Planning Department for review and approval. A letter from the P.E. shall be provided to the County stating that the road and any improvements have been constructed in accordance with the approved plans and specifications and that they have completed an inspection of the road and any

improvements. **(Mitigates Findings of Fact under “Impacts on Roads and Traffic under Local Services and the Provision of Legal and Physical Access to each parcel within the proposed subdivision”)** (*Chapter IV-A-7 and Appendix N, County Subdivision Regulations.*)

6. Prior to any development, an Approach Permit shall be requested from the MT Department of Transportation for the access point off State Highway 284. All requirements of the approved permit shall be met. **(Mitigates Findings of Fact under “The Provision of Legal and Physical Access to each parcel within the proposed subdivision”)** (*Sections 76-3-102(3)-(4), 76-3-501(1) and 76-3-608(3)(d), MCA; Appendix O County Subdivision Regulations*)

7. The internal access road shall be given unique road name that is reviewed and approved by the County Community Development Department. The name of the internal access road shall be shown on the face of the final plat and reflected in all documents of the subdivision (covenants, road easements, etc.). **(Mitigates Findings of Fact under “Impacts on Roads and Traffic under Local Services”)** (*Sections 76-3-102, 402, 501, 504, and 608(3), MCA; Rule 24.183.1107, ARM; Chapter II-F County Subdivision Regulations*)

8. Prior to submitting the final subdivision plat application, the applicant shall complete a Fire Protection Plan for the purpose of furthering fire protection. The Fire Protection Plan shall be created with concurrence by the Broadwater County Rural Fire District. **(Mitigates Findings of Fact under “Impacts on Emergency Services under Local Services and Impacts on Public Health and Safety”)** (*Sections 76-3-102, 501, 504 and 608(3), MCA; Chapter V-Q, Broadwater County Subdivision Regulations*)

9. Prior to any development and/or soil disturbance, the applicant shall submit a Subdivision Noxious Weed Management and Revegetation Plan for the proposed subdivision to the Broadwater County Weed District for review and approval. All specifications and requirements of the approved plan shall be met at the cost of the applicant. The applicant shall submit documentation to the Broadwater County Community Development Department from the Weed District verifying their review and approval. **(Mitigates Findings of Fact under “Impacts on Agriculture and Impacts on Natural Environment”)** (*Sections 76-3-102(5 and 6), and 608(3)(a), MCA; Chapters I-C-9 and V-R, Broadwater County Subdivision Regulations*)

10. The final plat shall be prepared in accordance with the applicable State survey requirements, Montana Subdivision and Platting Act survey requirements and the County Subdivision Regulations. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. The final plat shall provide for the following: **(Mitigates Findings of Fact under “Impacts on mail Delivery, Utilities, Roads and Traffic under Local Services”, “Compliance with Survey Requirements, the provision of Easements within and to the Proposed Subdivision for the Location and Installation of any Planned Utilities and Provision of Legal and**

Physical Access to each Parcel within the Proposed Subdivision”) (Section 76-3-102, 76-3-402, 76-3-501, 76-3-504, and 76-3-608(3), MCA; Rule 24.183.1107, ARM; Chapter II-F, County Subdivision Regulations)

- a. All existing and proposed utility easements on the subject property,;
- b. All existing access and utility easements adjacent to the subject property; and
- c. Adjacent and proposed County Road and utility easements.

11. The Book and Page reference to the restrictive covenants (filed with the County Clerk and Recorder) shall be indicated on the face of the final plat for each phase. In addition, restrictive covenants, revocable or alterable only with the consent of the Board of County Commissioners, shall be placed upon the property and shall provide for the following **(Mitigates Findings of Fact under all Review Criteria listed in the Staff Report) (Section 76-3-608(3)(a), MCA; Chapters I and IV, County Subdivision Regulations)**

- a. Notice is hereby given that all lots shall be used for Residential purposes only per the subdivision application **(Mitigates Findings of Fact under “Compliance with Subdivision Regulations”)** (Chapter I-C and III-A, Broadwater County Subdivision Regulations);
- b. Notice is hereby given that each owner of any lot by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, waives the right to protest joining or the amendment of a Rural Improvements District for the installation, maintenance, preservation, and repair of the following: roads that provide access to the subdivision, stormwater improvements for the subdivision; fire protection improvements for the subdivision. **(Mitigates Findings of Fact under “Impacts on Roads and Traffic under Local Services”)** (Section 76-3-102(4), MCA; Chapter V-H-b, Broadwater County Subdivision Regulations)
- c. Notice is hereby given that each lot shall be maintained in a weed-free manner and a Noxious Weed and Revegetation Plan has been prepared for the subdivision and is on file with the Broadwater County Clerk & Recorder’s Office. **(Mitigates Findings of Fact under “Impacts on Agriculture, Impacts on Agricultural Water Users, Impacts on the Natural Environment, Impacts on Wildlife and Wildlife Habitat and Impacts on the Public Health and Safety”)** (Sections 76-3-102 and 608(3), MCA; Chapters I-C-9 and V-R, Broadwater County Subdivision Regulations)
- d. Notice is hereby given of the potential health risk from radon concentrations and that such risk can be evaluated through soil tests and mitigated through radon abatement techniques incorporated into structures. **(Mitigates Findings of Fact under “Impacts on Public Health and Safety”)** (Section 76-3-608(3)(a), MCA; Chapter I-C-10 and V-C, Broadwater County Subdivision Regulations)
- e. Notice is hereby given that all structures within the subdivision should be constructed to specifications which meet or exceed equivalent provisions in the applicable State building code for this seismic zone (Zone 3). **(Mitigates Findings of Fact under “Impacts on Public Health and Safety”)** (Section 76-3-

608(3)(a), MCA; Chapters I-C-10 and V-B, Broadwater County Subdivision Regulations)

- f. Notice is hereby given of a restrictive covenant, binding the landowner, any heirs, successors and assigns, and all future owners of property within the subdivision, agreeing therein to hold Broadwater County harmless and indemnify Broadwater County from all claims, demands, obligations, suits, causes of action, damages, and liability, including the County's costs and attorney's fees, arising in any manner whatsoever out of, or relating to, the existence, use, operation, repair and/or maintenance of the following: **(Mitigates Findings of Fact under "Impacts on Public Health and Safety")**(76-3-608(1) and (4), MCA; Chapter I-C-10, Broadwater County Subdivision Regulations)
 - i. Exposure to radon;
 - ii. Earthquake fault zone and any seismic activity; and
 - iii. Water availability
- g. Notice is hereby given of the presence of agricultural operations in the vicinity and such operations may occur at varying times and seasons and include, but are not limited to, the noises and odors due to the operation of machinery, the pasturing and feeding of livestock, irrigation, and the application of fertilizers, herbicides, and pesticides to fields. **(Mitigates Findings of Fact under "Impacts on Agriculture and Impacts on Agricultural Water User Facilities")** (section 76-3-608-(3)(a), MCA; Chapter III-A-7-b, Broadwater County Subdivision Regulations)
- h. Notice is hereby given that domestic pets should be restrained on the property at all times **(Mitigates Findings of Fact under "Impacts on Agriculture, Impacts on Agricultural Water User Facilities, Impacts on Wildlife and Wildlife Habitat")** (Section 76-3-608(3)(a), MCA; Chapter I-C and III-A-7, Broadwater County Subdivision Regulations)
- i. Notice is hereby given that lots shall only allow for livestock if a small acreage livestock management plan is reviewed and approved by the County Extension Agent. Each lot owner shall be required to create and adhere to their own livestock management plan. (Section 76-3-608(3)(a) and Broadwater County Subdivision Regulations)

12. The Subdivider shall include a notarized "Right to Farm" declaration with final plat affirming that "No agricultural or farming operation, place, establishment or facility or any of its appurtenances or the operation thereof is or becomes a public or private nuisance because of the normal operations thereof as a result of changed residential or commercial conditions in or around it locality of the agricultural or farming operation, place, establishment or facility has been in operation longer than the complaining resident has been in possession or commercial establishment has been in operation." **(Mitigates Findings of Fact under "Impacts on Agriculture, Impacts on Agricultural Water User Facilities)** (Section 27-30-101, MCA and Chapter IV-A 20, County Subdivision Regulations.)

13. Prior to submitting the final plat for each phase, the following improvements shall be installed or otherwise guaranteed. **(Mitigates Findings of Fact under “Impacts on Utilities, Roads and Traffic, Mail Delivery, the Natural Environment and Public Health and Safety)** (Sections 76-3-507 and 76-3-608(3)(a), MCA and Chapter IV-A, County Subdivision Regulations)
- a. Any necessary improvements required by the stormwater drainage plan, weed management plan, fire protection plan, or approach permits;
 - b. Installation of mail delivery facilities; and
 - c. Utilities abutting and available to each lot.
14. The applicant shall submit a signage plan for traffic control and street identification signs for the internal access road to the Community Development Department for review and approval. All specifications and requirements of the approved plan shall be met at the cost of the applicant. **(Mitigates Findings of Fact under “Impacts on Roads and Traffic under Local Services”)** (Section 76-3-608, MCA; Chapters I-C and V-H-c-xi, Broadwater County Subdivision Regulations)
15. In cooperation with Broadwater County, the applicant shall create, or expand an existing Rural Improvement District for the maintenance, preservation and repair of the internal subdivision road or establish a Property Owners’ Association or a Road User Agreement which provides for the maintenance of the internal subdivision road network. **(Mitigates Findings of Fact under “Impacts on Road and Traffic under Local Services”)** (Sections 7-11-1003, 76-3-102, 501, 504 and 608(3), MCA; Chapter V-H-b, Broadwater County Subdivision Regulations)
16. Prior to final plat approval the applicant shall:
- a. Provide proof that all real property taxes and special assessments assessed and levied on the property are paid for the current tax year; including any past delinquencies **(Mitigates Findings of Fact under “Compliance with the Subdivision Regulations”)** (Section 76-3-611(1)(b), MCA; Chapter III, Broadwater County Subdivision Regulations)
 - b. Provide documentation showing that the applicant is the lawful owner of the property with the apparent authority to subdivide the same and showing the names of lien holders or claimants of record **(Mitigates Findings of Fact under “Compliance with the Subdivision Regulations”)** (Section 76-3-612, MCA; Chapter III, Broadwater County Subdivision Regulations)

REFERRAL AGENCY COMMENTS:

Requests for comments were sent by the applicant to the following agencies:

Townsend Post Office

Broadwater County Weed Control District

Broadwater County Sheriff's Department

Townsend Schools

Vigilante Electric Cooperative

State Historic Preservation Office

Broadwater County Environmental Health Department

Broadwater County Rural Fire Department

Billings Clinic Broadwater Ambulance Service

DATED this _____ day of _____, 2022

BROADWATER COUNTY COMMISSION

ATTEST:

Darrel Folkvord, Chairperson

Angie Paulsen, Clerk & Recorder

Michael Delger

Debi Randolph

STAFF REPORT
FOR THE BRADY STORAGE UNITS

Date: October 27, 2022

Type of Application: Buildings for Lease or Rent (BLR)

Name of Project: Brady Storage Units

Number of Units: 68

Legal Description: Located in SW ¼ of Section 3, T2N, R1E, P.M.M., Broadwater County, Montana

Landowner: Pat Brady

Designated Representative: Aaron Peters

Commission Meeting Date(s): November 7, 2022

Staff Recommendation: Adopt findings of fact and recommend approval, subject to conditions.

Report written and presented by Nichole Brown, Broadwater County Community Development Director

INTRODUCTION

This report presents findings of fact and recommended conditions of approval for the project. It is organized in two main sections:

1. Findings of Fact, which includes a general description of the project (Project Summary) and findings based on the applicable review criteria, and
2. Recommended Conditions of Approval, based on the findings of fact and the Broadwater County Buildings for Rent or Lease Regulations (BLR Regulations)

FINDINGS OF FACT

Project Summary

1) Proposal

Pat Brady is proposing to rent 68 storage units on an existing 659 acre parcel. The property is located at the intersection of US Highway 287 and Old Town Road. The property is currently undeveloped with only an existing shed on the entire parcel.

The owner is proposing to construct two buildings containing the 68 enclosed storage units and two separate outside parking areas for vehicles, campers, RVs and for boat storage. The North building will be 30 feet by 200 feet for a total of 6,000 square feet. The North building will consist of twelve 5 foot by 10 foot units on each end and thirty-six 10 foot by 15 foot units in between. The South building will be 50 feet x 300 feet for a total of 15, 000 square feet. The South building will consist of twenty 15 by 50 foot units.

Access to the storage unit facility will be via Old Town Road, a county road. Prior to construction of the facility a County Road Approach Permit must be approved by the Broadwater County Public Works Director.

2) Project Characteristics

Size:	659 acres
Present land use:	Vacant land with one shed for the owner's personal use
Access:	Approach to Old Town Road
Utilities:	No current utilities to the property, but power for outdoor lighting is anticipated
Water/Sewer:	None proposed

Adjacent land uses: Residential and Agricultural
Zoning: This property is not currently zoned
Covenants: None proposed

3) Findings

This application is being reviewed according to the Application & Review of Building for Lease or Rent (Section 6) of the BLR Regulations. Evaluation of the application's compliance with Section 6 of the BLR Regulations is discussed below, with recommended conclusions summarizing findings based on each evaluation.

- a. Compliance with Section 6.A of the BLR Regulations
Section 6.A of the BLR Regulations outlines what is required of an "Application Submittal" for a BLR Application. The application and review fees were submitted to the Broadwater County Community Development Office on July 27, 2022 and additional material was submitted and deemed sufficient on September 8, 2022. All of the required documents have been submitted.

4) Review Process

This application is being reviewed according to the Review Process outlined by Section 6.B of the BLR Regulations. The following is the timeline of the application:

- The applicant's representative submitted the application and fees on July 27, 2022
- A letter of incompleteness, requesting additional information, was mailed to the applicant's representative on August 4, 2022
- The applicant's representative submitted the requested information on September 8, 2022
- The application was deemed complete on September 12, 2022
- The County Commissioners are scheduled to review the application November 7, 2022
- The County Commissioners must send a letter to the landowner of the approval, conditional approval or denial of the application prior to the end of the 60 day review period (December 8, 2022)

5) Relevant Review Criteria

The recommended findings of the reviewer are stated below and are based on the BLR Application materials provided by the applicant's representative and in

accordance with the Governing Body Decision (Section 6.C) of the 2014 Broadwater County Building for Lease or Rent (BLR) Regulations.

Per Section 6.C of the BLR Regulations, the governing body may approve or conditionally approve the proposed buildings for lease or rent upon finding:

- a. The proposed buildings for lease or rent, as submitted or conditioned, comply with these regulations and other regulations applicable to the property, and avoid or minimize potential significant impacts on the physical environment and human population in the area affected by the buildings for lease or rent;

The BLR Regulations do not include specific design or performance standards that are applicable to the project, but rely on the review criteria and administrative provisions of the regulations, which the project complies with. For this application, no other regulations are applicable since the land, buildings and units will remain under the ownership of the applicant.

- b. Adequate water, wastewater, and solid waste facilities are available to serve the buildings for rent or lease;

No water, wastewater or solid waste facilities are proposed for this storage unit facility.

- c. Adequate access to the site is provided to serve the buildings for lease or rent;

There is one proposed access for entering and exiting the property. The access is proposed to be located approximately 477 feet east of the Highway 287/Old Town Road intersection. Upon entry to the site, vehicles will be able to drive completely around the north building allowing access from all sides and will be able to drive on the North side of the South building allowing access from the front. An approach will need to be requested, and approved by the Broadwater County Public Works Director.

- d. Adequate emergency medical, fire protection, and law enforcement services are available to serve buildings for rent or lease;

According to the BLR Application, there are no proposed emergency medical, fire or law enforcement services proposed to serve the buildings. However, in the event of an emergency at this location the Three Forks Ambulance Service, Three Forks Fire Department and the Broadwater County Sheriff's Office have jurisdiction.

- e. The buildings for lease or rent comply with any applicable flood plain regulations

This property is not located within a designated floodplain.

6) RECOMMENDATION

Staff recommends approval of the BLR application for the Brady Storage Units, subject to the conditions below. All conditions are based on the findings identified in this report and are recommended to ensure compliance with the BLR Regulations and other applicable laws and regulations.

CONDITIONS

1. The development and use of the property as a storage unit facility providing buildings for lease or rent shall be in substantial compliance with the plans reviewed and approved by the governing body. *(BLRR 6.C)*
2. The approval of the Brady Storage Units BLR application is based on the proposal to lease or rent the individual storage units, which shall continue to be owned by the landowner. Any change that results in the current or future landowner or designee selling the units is not approved. *(BLRR 6.C)*
3. An approach permit shall be obtained from the Broadwater County Public Works Department for access from the county road to the storage unit facility. Installation of the approach shall be completed in accordance with the approved permit and installation approved by Broadwater County. The approved approach permit shall be submitted to the Broadwater County Community Development Office upon approval. *(BLRR 6.C)*
4. These conditions of approval shall be met within two years from the date of approval *(BLRR 2)*

**Certificate of Survey Exemption Affidavit
Broadwater County**

**Gift or Sale to Immediate Family Member
Section 76-3-207(1)(b), MCA.**

When a landowner requests to be exempt from the Subdivision and Platting Act, state law requires Broadwater County determine whether the request is an attempt by the property owner to evade subdivision regulation. Broadwater County will use the information provided by the applicant in this affidavit as well as other evidence when making its determination.

Please complete both sides of this application. Every owner of the property (owners of record) must sign this affidavit. Use additional sheets of paper if necessary.

A. Name of Landowners:

Marie Evelyn Miller Phone: 406-949-1720

_____ Phone: _____

_____ Phone: _____

B. Number of Parcels Proposed: 2

C. Size of Each Parcel Proposed: _____, _____, _____, _____, _____.

D. Name and Relationship to Landowner of Family Member(s) Receiving Gift Parcel(s)

Name Kristie Lee Collins Relationship Daughter
Age: 39 Current Mailing Address: 6 Muddy Lane Road
Toston, Mt. 59643

Name Candice Elaine Lessler Relationship Daughter
Age: 37 Current Mailing Address: 59 N Fork Road
Townsend, Mt. 59644

Name _____ Relationship _____

Age: _____ Current Mailing Address: _____

Name _____ Relationship _____

Age: _____ Current Mailing Address: _____

A "member of the "immediate family" may include only the grantor's spouse, children by blood or adoption, and parents.

E. History of the Parcel:

1. To your knowledge, have any exemptions been used to divide this property after July 1, 1973, including exemptions for mortgage tracts, gift or sale to an immediate family member, boundary line relocation, occasional sale? *See Sections 76-3-201 and 76-3-207, MCA.*

 Yes No *If "yes", provide the chronological history of divisions and attach a copy of a Certificate of Survey or Deed evidencing the divisions:*

Date	Exemption	Tract Label	Tract Size	COS No. or Deed No.
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

2. To your knowledge, in regard to this property, did you or any previous owner ever attend a pre-application conference or submit for subdivision review of any part of this property, since July 1, 1973? Was any subdivision denied?

 Yes No *If YES, explain:* _____

F. Proposed Exemption Information

To your knowledge:

1. Will each new parcel be used as a homesite for a family member?

Yes No *If NO, explain:* _____

2. Could the transfer be accomplished by a "relocation of common boundary lines"?

 Yes No *If YES, explain:* _____

3. Will the newly created parcels become one of three or more parcels created from the original parcel after July 1, 1973?

Yes No If YES, explain: Family Transfer

4. Would the use of the family gift exemption violate any statute, case law, administrative rule, or Attorney General Opinion?

Yes No If YES, explain: _____

5. Does the parcel to be transferred fit a pattern of land divisions and land transfers?

Yes No If YES, explain: _____

6. Have any divisions of land ever been denied on this property?

Yes No If YES, explain: _____

7. Is the parcel being transferred to a family member who is a minor?

Yes No If YES, please provide a draft Trust document.

8. Are you transferring a parcel to your spouse?

Yes No If YES, explain: _____

9. Do you agree that you and/or your family member receiving this property will not sell any of the tracts created under the family transfer exemption for a period of two (2) years unless you or the recipient files for subdivision review?

Yes No

If your life circumstances change per a birth, death, divorce, illness, etc. you may request an exemption to the two (2) year time period from the County Commissioners.

Under penalties of perjury, I (we) declare that I (we) have examined this affidavit and the accompanying sketch or draft Certificate of Survey of the proposed division of land, and to the best of my (our) knowledge and belief, they are true, correct, complete and are in compliance with all State laws and local regulations.

Date 11-4, 2022

Signature of Each Applicant:

Marie Miller

Marie Miller

Signature of Each Recipient:

Kristie Collins

Kristie Collins

Candice Lessley

Candice Lessley

STATE OF MT)

County of Broadwater) : ss.

On this 4th day of November, 2022, Marie Miller
Kristie Collins, Candice Lessley

personally, appeared before me and having been duly sworn did herein execute the above instrument for the purposes stated.

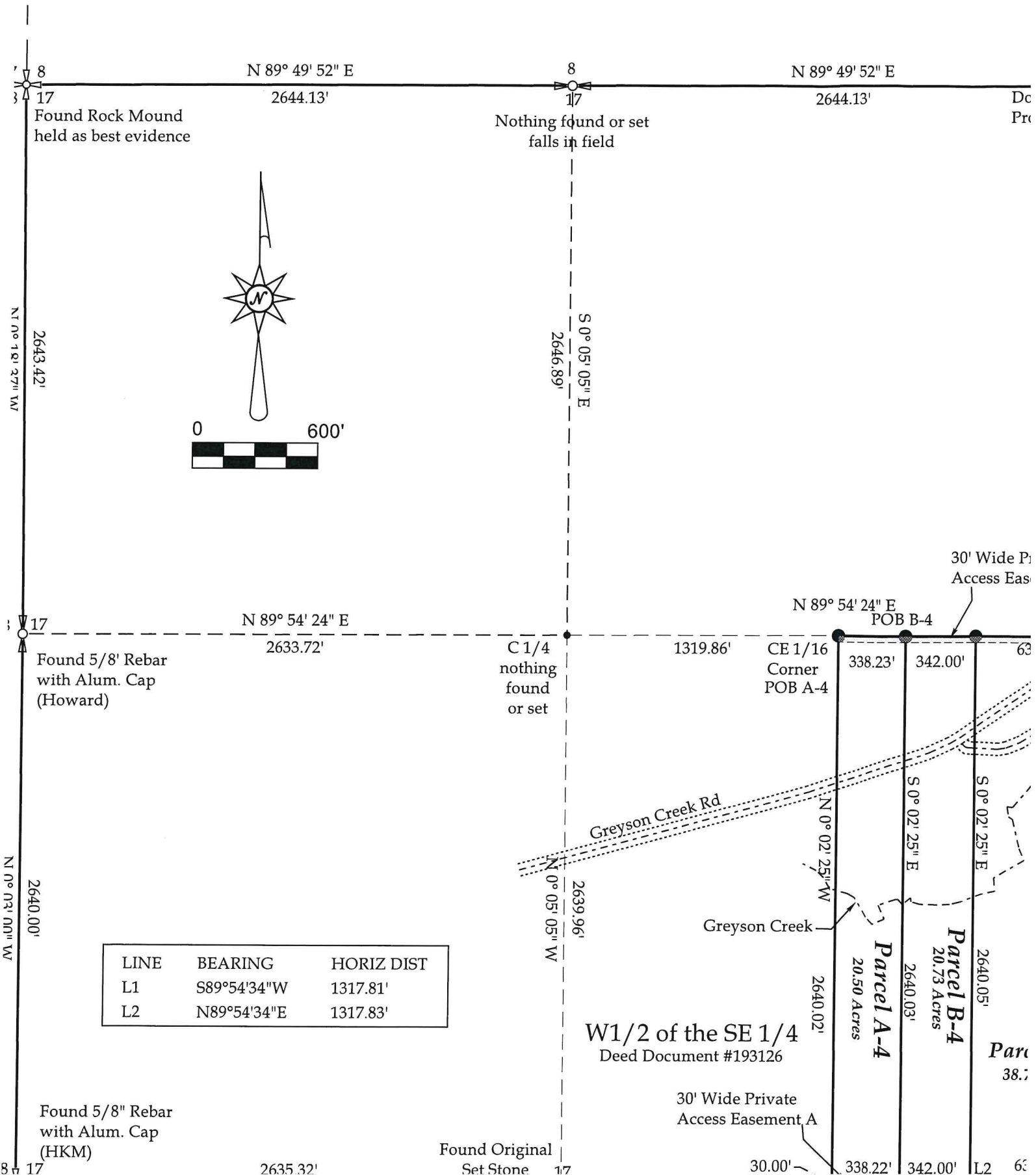
Notary's Seal/Stamp

Mandi Lavonne Falt
Notary Public for the State of MT

Printed Name MANDI LAVONNE FALT
Notary Public for the State of Montana
Residing at Townsend, Montana
My Commission Expires January 10, 2025
My Commission expires: _____, 20____

****If the Survey Review Committee grants concept or survey approval to a proposed exemption, that approval is valid only for ninety days, subject to any legislative changes.****

September 22, 2022



LINE	BEARING	HORIZ DIST
L1	S89°54'34"W	1317.81'
L2	N89°54'34"E	1317.83'

W1/2 of the SE 1/4
Deed Document #193126

Parcel A-4
20.50 Acres

Parcel B-4
20.73 Acres

Parcel
38.7

REQUEST FOR EXEMPTION REVIEW

Note to Applicant: The purpose of this review is to enable Broadwater County officials to determine whether or not the proposed use of an exemption from local subdivision review would evade the Montana Subdivision and Platting Act.

Part One. Applicant Information

Landowner(s): Wilken LLC - Steve & Deborah Wilken
Address: 29 Bronco Dr Three Forks MT 59752
Telephone Number(s): 406 580-0056 - Steve

Landowner Representative: Schauber Survey
Address: 64 Jack Farm Road Phone: 406-266-4602

Part Two. Legal Description: Attached

Part Three. Basis for Exemption Request:

What exemption is being claimed, and what is the basis for your exemption claim?
Sold Trailer Sales business & would like to keep the part of Tract 5 which is fenced & leased to Amerigas.

Part Four. Supporting Information: Please provide all pertinent information, including an accurate certificate of survey or amended subdivision plat, as applicable and where required. A subdivision exemption review fee must be submitted with the exemption request.

AFFIDAVIT: I hereby certify that the purpose of this exemption request is NOT to evade the Montana Subdivision and Platting Act. Dated this 14 day of October, 2022

Signature(s): Steve Wilken Deborah Wilken - Member
Wilken LLC

Certificate of Governing Body:

We, the Board of County Commissioners, do hereby certify that the use of the exemption claimed on the accompanying Certificate of Survey has been duly reviewed, and has been found to conform to the requirements of the Subdivision and Platting Act, Section 76-3-101 et. seq. MCA, and the Broadwater County Subdivision Regulations.

Dated this _____ day of _____, A.D., 20_____

Commissioner

Commissioner

Commissioner

C&R Attest

ORDER OF CONSOLIDATION OF OFFICES

The Board of County Commissioners of Broadwater County, State of Montana, having previously adopting its Resolution of Intent to Consider Consolidation of Certain Offices and Notice of Hearing on the 7th day of November, 2022. Public hearing having been held on the 23rd day of November, 2022, and the Commission having considered all of the evidence presented for and against said resolution, it is hereby ordered:

That the offices of the Broadwater County Clerk and Recorder and Broadwater County Surveyor be consolidated effective December 5, 2022.

Dated this _____ day of _____, 2022

Mike Delger

Darrel Folkvord

Debi Randolph

Attest: _____
Clerk and Recorder