

BROADWATER COUNTY COMMISSIONERS
515 Broadway, Townsend
Meetings are held at the Flynn Building on 416 Broadway St.

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

Per Montana Code Annotated (MCA) 2-3-202, agenda must include an item allowing public comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the agency conducting the meeting. Public comments and items not on the agenda will be taken either in writing in advance of the meeting or in person at the beginning of the meeting. Mail and items for discussion and/or signature may occur as time allows during the meeting. Issues and times are subject to change. Working meetings will be posted on the agenda and will not be recorded.

OFFICIAL agendas are posted in the Courthouse (1st floor bulletin board), on our website at www.broadwatercountymt.com, in the window of the Flynn Building at least 48 hours in advance of the meeting, and in the Helena Independent Record (IR).

Tuesday, May 23, 2023

2:00 PM Public Meeting; Hear directly from MDT. Gino Liva, Butte District Operations Manager-MDT, and others will be there to give an update and answer your questions. This will also be live-streamed if you cannot make the meeting

Wednesday, May 24, 2023

10:00 AM Public Hearing; Subdivision fee amendment, Certified Mailing Postage Fee - \$10/ mailing Resolution

10:10 AM Discussion/Decision, Nichole Brown, Community Development & Planning Director, Subdivision Fee Amendment, Certified Mailing Postage Fee - \$10/ mailing; Adoption of Resolution

10:15 AM Discussion/Decision, Nichole Brown, Community Development & Planning Director, Preliminary Plat, Vistas at Headwaters Subsequent Minor Subdivision, request Preliminary Plat Approval

10:25 AM Discussion, Nichole Brown Community Development & Planning Director, Rolling Glen Ranch Estates request Preliminary Plat Approval

10:45 AM Discussion/Decision, Tracie Kiesel, Tri-County Buckle Up Montana, Broadwater County DUI Task Force Plan FY 23/24 Budget Meeting

10:55 AM Discussion/Decision, John Maxwell, DNRC, Floodplain Development Permit, MT DNRC-Toston Dam Sediment, Permit # 23-FP-01

11:05 AM Discussion/Decision, Cyber Security Insurance; 7/23-7/24 (\$13,121.36)

11:10 AM Discussion/Decision, Clerk and Records Office; Election Assistant position.

Tuesday, May 30- Wheat Montana

**Commissioners will be attending the Broadwater County Emergency Response Facility PAR
(Design Workshop Meetings)**

**THERE WILL BE NO REGULAR COMMISSION MEETING ON
WEDNESDAY, MAY 31, 2023**

Wednesday, May 31- Bridger Brewing

**Commissioners will be attending the Broadwater County Emergency Response Facility PAR
(Design Workshop Meetings)**

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, Chairman (406) 266-9270 or (406) 980-2050

Darrel Folkvord, Vice Chairman (406) 266-9272 or (406) 980-1213

Lindsey Richtmyer (406) 266-9271 or (406) 521-0834

E-mail: commissioners@co.broadwater.mt.us

Future Meetings being held at the Flynn Building (416 Broadway)

(Please note: These meetings may be changed)

- *Broadband Meeting at 4 PM on May 25th*
- *LAC Working Meeting at 1 PM on June 1st*
- *Fair Board Meeting at 7 PM on June 8th*

The Broadwater County Commissioners will hold a Public Hearing for proposed amendments to the Broadwater County subdivision fees on Wednesday May 24, 2023 at 10:00am in The Flynn Building located at 416 Broadway Street. A copy of the proposed amendments are available at www.broadwatercountymt.com.

Publish – 5/10/23

Resolution 2023- ____

A Resolution Establishing Broadwater County Subdivision Fees

WHEREAS, Section 76-3-602, MCA, authorizes the governing body to establish reasonable fees to be paid by the subdivider to defray the expense of reviewing subdivision applications; and

WHEREAS, the Broadwater County Commission has adopted Subdivision Regulations as part of its Subdivision policy that requires the review of subdivisions within its jurisdiction; and

WHEREAS, Broadwater County desires to adjust its schedule of fees reflecting the current costs associated with staff time and administration of the Subdivision Regulations.

NOW, THEREFORE BE IT RESOLVED that the Broadwater Board of County Commissioner shall adopt the Broadwater County Subdivision Review Fees Schedule.

BROADWATER COUNTY SUBDIVISION REVIEW FEES

Pre-Application Meeting Fees:	\$150.00
Variance Request:	\$250.00
Preliminary Plat Application Review Fee:	
Major (more than 5 lots)	\$2,500.00
Minor (2 to 5 lots)	\$1,500.00
Plus additional fee per lot/unit.	\$100.00
One Lot Minor.	\$850.00
Phasing Plan Review Fee:	
Initial.	\$200.00
Per phase.	\$500.00
Amendment review.	\$550.00

Environmental Health Review Fee.	\$100.00
(Per each lot over 20 acres)	
Certified Mailing Postage Fee (for all subdivision public hearings)	\$10.00/mailing
Amended to Conditions of Preliminary Plat.	\$550.00

PUD (Planned Unit Development) *in addition to preliminary plat application review fees

Development review.	\$1,000.00
Adjustments.	\$550.00

Fire District inspection fee (Major only)	\$100.00
Plus additional fee per lot/unit.	\$5.00

Road Department inspection fee*** (Major only).	\$100.00
Plus additional fee per lot/unit.	\$5.00

***plus actual contract engineering consultant expenses for detailed review if necessary

Final plat review fee:

Major (more than 5 lots).	\$1,000.00
Minor (2 to 5 lots).	\$500.00
Plus additional fee per lot/unit.	\$50.00
One Lot Minor.	\$150.00
Examining Land Surveyor Review Fee.....	\$150.00 +\$25.00/lot

Dated this ___ day of _____ 2023.

Broadwater County Commissioners

Debi Randolph

Darrel Folkvord

Lindsey Richtmyer

ATTEST:

Angie Paulsen, Clerk & Recorder

FINDINGS OF FACT AND ORDER REPORT

VISTAS AT HEADWATERS SUBSEQUENT MINOR SUBDIVISION

To: Broadwater County Planning Board
From: Nichole Brown, Broadwater County Community Development Director
Subject: A proposed subdivision to be known as **Vistas at Headwaters Subsequent Minor Subdivision**

GENERAL INFORMATION

Date of Application: November 2, 2022
Date of Sufficiency: March 9, 2023
Review Period Ends: June 2, 2023

APPLICANT: Headwaters Investments, LLC
347 S Ferguson Ave
Bozeman, MT 59718

APPLICANTS' REPRESENTATIVE: Alpine Surveying and Engineering
714 Stoneridge Drive, Suite 3
Bozeman, MT 59718

LEGAL DESCRIPTION: Situated in the Section 16, Township 2 North, Range 1 East, Broadwater County, Montana

GENERAL LOCATION: The proposed subdivision is situated off of US Highway 287, approximately thirty (30) miles south of the city of Townsend, Montana and approximately .85 miles north of the US Highway 287/I-90 Interchange.

I. EXECUTIVE SUMMARY:

The developers intend to create five (5) lots from an existing 25.175 acre parcel. The minimum lot size proposed is 1.0 acre and the maximum lot size proposed is 11.628 acres. Water and wastewater services will be provided via connection to the Headwaters Utility District and individual wells. The property has already been annexed into the district. The future system will be required to undergo review and approval through DEQ and the Broadwater County Environmental Health Department. Fire protection will be provided by the Three Forks Fire District. The Headwaters Utility District is proposing fire hydrants throughout the district, which includes these proposed five (5) lots. Access will be provided onto US Highway 287 via the proposed internal road network consisting of three internal subdivision roads.

II. REQUEST:

Approval of a 5-lot Subsequent Minor Subdivision for Commercial or Industrial purposes.

III. STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Vistas at Headwaters 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 west of US Highway 287 in the Section 6, T2N, R1E, P.M.M., Broadwater County, Montana.

V. EXISTING DEVELOPMENT AND USES:

The property is generally flat unirrigated land and has previously been unused and vacant. However, most recently the Headwaters Utility District has been actively installing water and sewer lines to serve the future development within the district.

VI. ADJACENT LAND USES:

North: Commercial and Residential Subdivision

South: Commercial

East: Commercial

West: Agricultural

VII. PUBLIC COMMENT:

To date, no public comment has been received.

VIII. PROJECT BACKGROUND

Water is proposed to be provided via individual wells. The plans for are subject to review and approval by the Montana Department of Environmental Quality (DEQ), and the Broadwater County Environmental Health Office.

Wastewater treatment for the proposed development is proposed to be provided via connection to the Headwaters Utility District. The plans for the Headwaters Utility District are subject to review and approval by the Montana Department of Environmental Quality (DEQ), and the Broadwater County Environmental Health Office.

The Applicant is proposing to use the fire hydrants to be installed as part of the Headwaters Utility District plan. The Three Forks Rural Fire District will provide fire protection services to this development.

Access will be off of US Highway 287 connecting to the proposed internal loop road system consisting of three (3) internal subdivision roads. All internal roads will be built to Broadwater County Subdivision Road Standards.

IX. STAFF ANALYSIS

Compliance:

The proposed subdivision is located within the Wheatland Targeted Economic Development District (TEDD). Montana statutes require that a TEDD be zoned in accordance with the County Growth Policy Plan. Broadwater County simultaneously created a zoning district with the same

boundary as the TEDD. This subdivision will not violate any zoning regulations. The only use not allowable is dwellings.

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 (water, wastewater, solid waste, utilities, roads, traffic, schools, emergency services and parkland); 4. The natural environment; 5. Wildlife; 6. Wildlife habitat; 7. Public health and safety; 8. Compliance with the County's Subdivision Regulations; 9. Compliance with survey requirements; 10. The provision of easements within and to the proposed subdivision for the location and installation of any planned utilities; and 11. The provision of legal and physical access to each parcel within the proposed subdivision. Listed below are the Findings of Fact and Conclusions regarding each primary criterion.

FINDINGS OF FACT AND CONCLUSIONS:

IMPACTS ON AGRICULTURE

FINDINGS OF FACT REGARDING IMPACTS ON AGRICULTURE:

1. 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.

2. Per Chapter V-N-d of the Broadwater County Subdivision Regulations, the subdivider shall show on the preliminary plat ditch easements for the unobstructed use and maintenance of existing water delivery ditches and facilities as necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundary that are consistent with historic and legal rights.

The subject property is not located near any irrigation ditches or canals.

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 2, 10-c, 10-g, and 10-h are required to mitigate impacts on agriculture. (A full list of the Conditions of Approval is found starting on page number 13)

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.

IMPACTS ON AGRICULTURAL WATER USERS

FINDINGS OF FACT REGARDING AGRICULTURAL WATER USERS:

1. Per Chapter V-N-d of the Broadwater County Subdivision Regulations, the subdivider shall show on the preliminary plat ditch easements for the unobstructed use and maintenance of existing water delivery ditches and facilities as necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundary that are consistent with historic and legal rights.

The subject property is not located near any irrigation ditches or canals.

Conditions of Approval Numbers 10-c, 10-g and 10-h are required to mitigate impacts on agriculture. (A full list of the Conditions of Approval is found starting on page number 13)

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.

IMPACTS ON LOCAL SERVICES

FINDINGS OF FACT REGARDING WATER & WASTEWATER:

1. Per Chapter I-C-7, 8, 9, 10, 11 and 13 of the Broadwater County Subdivision Regulations, the purposes of these regulations are to promote the public health, safety, and general welfare by regulating the subdivision of land; the provision of adequate transportation, water, drainage and sanitary facilities; the avoidance of subdivisions which would involve unnecessary environmental degradation; the avoidance of danger or injury by reason of natural hazard or the lack of water and drainage; and the avoidance of excessive expenditure of public funds for the supply of public improvements and services.

The proposed lots will be served by the Headwaters Utility District. The plans for the district are subject to review and approval by MT Department of Environmental Quality and the Broadwater County Environmental Health Department.

2. Per Chapter V-C of the Broadwater County Subdivision Regulations, the governing body may find land to unsuitable for subdivision because of potential hazards identified during the subdivision review process. These lands must not be subdivided unless the hazards are eliminated or will be mitigated by approved design and constructions plans. Examples of hazards that could render property unsuitable for subdivision or require mitigation include (but are not limited to) the following: polluted or non-potable water supply.

According to the preliminary plat application all lots in this development will be served by individual wells. A letter from the Department of Natural Resources and Conservation (DNRC) evaluating the amount of water proposed to be utilized by these 5 commercial lots is included in the preliminary plat application as Appendix 29. DNRC and MDEQ will need to approve the use of exempt wells for commercial purposes on each of the proposed 5 parcels.

3. Per Chapter V-K of the Broadwater County Subdivision Regulations, all water systems may be subject to approval by the governing body. Water systems required by the governing body shall meet the minimum requirements of the local reviewing authority, MDEQ and the MT Department of Natural Resources and Conservation. Where the subdivision is within the service area of a public water supply system the subdivider must install complete water system facilities in accordance with the requirements of the jurisdiction involved and to the MDEQ and must obtain their approvals prior to undertaking any construction.

The location of all individual wells will be approved by DEQ prior to final plat approval of the subdivision.

4. Per Chapter V-L of the Broadwater County Subdivision Regulations, all wastewater systems may be subject to the approval of the governing body. Where the subdivision is within the service area of a municipal or public sanitary sewer system, the subdivider must install complete sanitary sewer system facilities in accordance with the requirements of the jurisdiction involved and the DEQ. The subdivider must submit plans and specifications for the proposed facilities to the jurisdiction involved and to the DEQ and must obtain their approvals prior to undertaking any construction.

The public utility system, Headwaters Utility District, will be approved and installed prior to final plat approval of the subdivision

Condition of Approval Number 1 is required to mitigate impacts to water and wastewater under local services. (A full list of the Conditions of Approval is found starting on page number 13)

FINDINGS OF FACT REGARDING SOLID WASTE:

1. Requirements for solid waste collection and disposal must be in compliance with Chapter I-G of the Broadwater County Subdivision Regulations.

Contract collection and disposal of solid waste is available and contracting with a solid waste provider will be the responsibility of the property owners.

No conditions of approval are required to mitigate impacts to solid waste under local services.

FINDINGS OF FACT REGARDING MAIL DELIVERY:

1. Mail collection and delivery shall be in compliance with Chapter V-I of the Broadwater County Subdivision Regulations.

The applicant will be required to work with the Three Forks Post Office for mail delivery.

Condition of Approval Number 8 is required to mitigate impacts on mail delivery under local services. (A full list of the Conditions of Approval is found starting page number 13)

FINDINGS OF FACT REGARDING UTILITIES:

1. Per Chapter V-H-c-iii of the Broadwater County Subdivision Regulations, developing subdivisions shall provide access and utility easements to adjoining lands when access to those land must pass through the subdivision.

The preliminary plat indicates utility easements are within the subdivision roadway easement system.

2. The installation of utilities shall be in compliance with Chapter V-M of the Broadwater County Subdivision Regulations

According to the preliminary plat application, utility services will be provided by Northwestern Energy, Vigilante Electric, Spectrum and Qwest. All utilities will be placed underground within the rights-of-way. The preliminary plat has been submitted to the utility companies for their review. The development is proposed in an established commercial corridor.

Condition of Approval Number 9 is required to mitigate impacts on utilities under local services. (A full list of the Conditions of Approval is found starting on page number 13)

FINDINGS OF FACT REGARDING ROADS AND TRAFFIC:

1. Per Chapter V-H of the Broadwater County Subdivision Regulations, roads located within a subdivision shall meet the appropriate road design standards of the regulations.

Internal subdivision roads will meet Broadwater County Road Standards for the Road Standard indicated necessary by the developer's Traffic Impact Analysis.

2. The proposed subdivision shall be in compliance with Chapter V-H-a-ii of the Broadwater County Subdivision Regulations to address impacts to adjacent offsite roads.

Access to the subdivision internal roads will be via US Highway 287. All state and county road encroachment permits will be finalized prior to any road construction. Modifications to US Highway 287 may be required based on MT Department of Transportation approach permit requirements.

3. Per Chapter V-H-b of the Broadwater County Subdivision Regulations, the subdivider shall establish a new Rural Improvement District (RID) prior to final plat approval to provide funds for ongoing maintenance for all new public improvements associated with the

subdivision.

An RID will need to be created that includes all lots within the proposed subdivision that will address the maintenance, preservation and repair of the internal access roads.

4. Per Chapter V-H-c of the Broadwater County Subdivision Regulations, the arrangement, type, extent, width, grade, materials and location of all roadways shall be considered in their relationship to existing and planned streets and roads, to topographical conditions, maintenance considerations, the delivery of emergency services, to public convenience and safety, in their relation to the proposed uses of the land to be served by them, and to impacted lands outside the subdivision.

An internal road system is proposed for this development. The roads will need to be certified as meeting County Subdivision Road Standards by a professional engineer.

5. Per Chapter V-H-c-xi of the Broadwater County Subdivision Regulations, all road names shall be reviewed and approved by the County Planner. All road name signs and traffic control signs shall be installed by the subdivider.

Road names for the new roads must be submitted to the Community Development Director for review and approval, and road names shall be shown on the final plat and all other documents of the proposed subdivision. All traffic control signs shall be installed in accordance with the approved plans and specifications.

Conditions of Approval Numbers 4, 5, 6, 7, 9, 10-b, 11, 12 and 13 are required to mitigate impacts on roads and traffic under local services. (A full list of the Conditions of Approval is found starting on page number 13)

FINDINGS OF FACT REGARDING SCHOOLS:

1. The proposed subdivision is located in the Three Forks School District. Since this is proposed as a commercial/industrial development it will not generate any school aged children. According to the preliminary plat application, the impact on the schools will be nonexistent. Also, bussing turnarounds are not required.

No Conditions of Approval are required to mitigate any impacts to schools under local services.

FINDINGS OF FACT REGARDING EMERGENCY SERVICES:

1. Per Chapter V-C of the Broadwater County Subdivision Regulations, the governing body may find land to be unsuitable for subdivision because of potential hazards. These lands must not be subdivided unless the hazards are eliminated or will be mitigated by approved design and construction plans. Examples of hazards that could render property unsuitable for subdivision or require mitigation include (but are not limited to) the following: high potential for wildfire or vehicular traffic hazards.

The Broadwater County Sheriff's Office will provide law enforcement services, with the potential for assistance from Gallatin County Sheriff's Office. Three Forks Ambulance will provide emergency medical and ambulance services. Fire protection will come from Three Forks Rural Fire District.

The posting of valid physical addresses will benefit emergency providers responding to an event.

The proposed subdivision will utilize emergency water from the Headwaters Utility District. The water and sewer district is proposing fire hydrants throughout the district. The fire hydrants will supply fire flow for each of the proposed lots.

2. Per Chapter V-Q of the Broadwater County Subdivision Regulations, a fire plan will be created with the Fire Protection Authority (FPA) with jurisdiction for the area in which the subdivision is located.

According to the preliminary plat application, a letter requesting comments has been mailed to the Three Forks Fire Department, by the developer but to date no response has been received.

Conditions of Approval Number 3 is required to mitigate impacts on emergency services under local services. (A full list of the Conditions of Approval is found starting on page number 13)

FINDINGS OF FACT REGARDING PARKLAND:

1. The proposed subdivision shall be in compliance with the parkland requirements under Chapter V-P of the Broadwater County Subdivision Regulations.

Since all lots are to be utilized for commercial/industrial purposes no parkland dedication is required.

No Conditions of Approval are required to mitigate any impacts to schools under local services.

CONCLUSION: The impacts to local services (water, wastewater, solid waste, utilities, roads, traffic, schools, emergency services, and parkland), as set forth in the Findings of Fact, will be mitigated by the imposed Conditions of Approval, based upon the record, when satisfactorily completed.

IMPACTS ON THE NATURAL ENVIRONMENT

FINDINGS OF FACT:

1. 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.

2. 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 MT DEQ.

3. 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.

Conditions of Approval Numbers 2 and 10-c are required to mitigate impacts on the natural environment. (A full list of the Conditions of Approval is found starting on page number 13)

CONCLUSION: The impacts to 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.

IMPACTS ON WILDLIFE

FINDINGS OF FACT:

1. Per Chapter III-A-7-b-iv-E of the Broadwater County Subdivision Regulations, the governing body shall consider the proposed development's impact on wildlife when approving, conditionally approving or denying a subdivision.

Since the area of proposed development is in a high-traffic commercial area the impacts to wildlife should be minimal.

Conditions of Approval Numbers 10-c and 10-h are required to mitigate impacts on wildlife. (A full list of the Conditions of Approval is found starting on page number 13)

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

IMPACTS ON WILDLIFE HABITAT

FINDINGS OF FACT:

1. Per Chapter II-A-7-b-iv-F of the Broadwater County Subdivision Regulations, the governing body shall consider the proposed development's impacts on wildlife habitat when approving, conditionally approving or denying a subdivision.

Since the area of proposed development is in a high-traffic commercial area, the impacts to wildlife habitat should be minimal.

Conditions of Approval Numbers 10-c and 10-h are required to mitigate impacts on wildlife habitat. (A full list of the Conditions of Approval is found starting on page number 13)

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.

IMPACTS ON PUBLIC HEALTH AND SAFETY

FINDINGS OF FACT:

1. Per Chapter V-C of the Broadwater County Subdivision Regulations, the governing body may find land to be unsuitable for subdivision because of potential hazards. These lands must not be subdivided unless the hazards are eliminated or will be mitigated by approved design and construction plans. Examples of hazards that could render the property unsuitable for subdivision or require mitigation include (but are not limited to) the following: steep slopes in excess of 25 percent slope; polluted or non-potable water supply; high voltage lines; high pressure gas lines; severe toxic or hazardous waste exposure; aircraft or vehicular traffic hazards or congestion; and/or high potential for wildfire.

No steep slopes are located on this property. The potable water will be supplied by individual on-site wells. No high pressure gas lines are approximate to this proposed development. However, there are nearby high voltage power lines and industrial activity. There is no threat of severe toxic waste exposure or high potential for wildfire. A fire plan will be created in collaboration with the Three Forks Fire District.

The potential danger of vehicular traffic hazards and congestion will be mitigated through appropriate signage and traffic calming measures as required by MT Department of Transportation (MDT). According to the preliminary plat application, Highway 287 hazards will be mitigated through MDT's System Impact Review for new improvements.

According to the preliminary plat application expansive soils have been found in the surrounding area. These soil conditions can be mitigated with proper foundation and geotechnical design.

Conditions of Approval Numbers 3, 10-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 13)

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.

COMPLIANCE WITH SUBDIVISION REGULATIONS

FINDINGS OF FACT:

1. Per Chapter V of the Broadwater County Subdivision Regulations, all subdivisions approved by the governing body must comply with the provisions of this section, except where granted a variance pursuant to Section I-1, Variances.

No variances have been requested from the Subdivision Regulations for this proposed subdivision.

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 13)

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.

COMPLIANCE WITH SURVEY REQUIREMENTS

FINDINGS OF FACT:

1. Per Chapter V-E of the Broadwater County Subdivision Regulations, all subdivision applications must be in compliance with survey requirements of the Montana Subdivision and Platting act.

A land survey and plat completed by a registered land surveyor in the State of Montana has been prepared. A review of the plat by the Community Development Department and the Examining Land Surveyor at the time the final plat application is submitted, will ensure the plat conforms to all conditions of approval, plat rules and regulations

Condition of Approval number 9 is required to address compliance with survey requirements. (A full list of the Conditions of Approval is found starting on page number 13)

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

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

FINDINGS OF FACT:

1. Per Chapter V-M of the Broadwater County Subdivision Regulations, the subdivider must provide adequate and appropriate easements for the construction of utilities within the subdivision.

Utility easements will be shown and described on the final 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.

Conditions of Approval number 9 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 13)

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 Condition of Approval, based upon the record, when satisfactorily completed.

THE PROVISION OF LEGAL AND PHYSICAL ACCESS TO EACH PARCEL WITHIN THE PROPOSED SUBDIVISION

FINDINGS OF FACT:

1. Per Chapter V-F of the Broadwater County Subdivision Regulations, each subdivision lot must have access to a public or private street or road.

Access to each lot will be via the internal subdivision roads.

2. Per Chapter V-H-c-vii-C-1-a, b and c of the Broadwater County Subdivision Regulations, all roadways within a proposed subdivision shall have dedicated easements providing public access to the subdivision and shall constitute an acceptable roadway when the easement is accepted by the governing body, recorded in the Office of the Clerk and Recorder and clearly grants to the public an unrestricted right of ingress and egress.

All roads within the subdivision will have to be dedicated as public access easements and shown on the final plat, signed and approved by the governing body at time of final plat approval and recorded in the Broadwater County Clerk and Recorder's office.

3. Per Chapter V-H-c-vii-C-1-d of the Broadwater County Subdivision Regulations, all roadways within a proposed subdivision shall have dedicated easements providing public

access to the subdivision and shall constitute an acceptable roadway when a signed statement from a professional engineer documenting that roads are built according to engineering plans and county standards.

A condition of approval for the proposed subdivision will require a signed and stamped road plan from the project engineer, and upon time of final plat approval request shall provide a certification letter from the project engineer that all subdivision roadways have been constructed to said plans and Broadwater County subdivision road standards.

4. Per Chapter V-H-c-vii-C-1-a through e of the Broadwater County Subdivision Regulations, all roadways within a proposed subdivision shall have dedicated easements providing public access to the subdivision and shall constitute an acceptable roadway when a Property Owners'/Road Users' Agreement for maintenance of the roadway is provided to the governing body.

A condition of approval for proposed subdivision will require a Road Users' Agreement for maintenance of the subdivision roadways

Conditions of Approval Numbers 4, 5, 6 and 9 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 13)

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.

Based on these finding of fact and conclusions for each criterion, the Community Development Director concludes that the proposed subdivision is supported under the criteria and standards of the Broadwater County Subdivision Regulations.

VISTAS AT HEADWATERS SUBSEQUENT MINOR SUBDIVISION

CONDITIONS OF APPROVAL

MAY 9, 2023

On May 9, 2023, the Broadwater County Planning Board held a public meeting regarding the proposed Vistas at Headwaters Subsequent Minor Subdivision located in Section 16, T2N, R1E, P.M.M., Broadwater County, Montana

The preliminary approval is for five (5) commercial/industrial lots. To mitigate identified adverse impacts, this approval is subject to the following conditions:

1. Prior to submission of a final plat application, the applicant shall submit plans for wastewater treatment and water supply systems to the Montana Department of Environmental Quality

(DEQ) and the Broadwater County Environmental Health Department for review and approval. The applicant shall submit documentation to the Broadwater County Community Development Department from DEQ and the Broadwater County Environmental Health Department verifying their review and approval. All specifications and requirements of the approved plans that are required to be completed prior to final plat approval, shall be met at the cost of the applicant. **(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), 504(1)(g)(iii), and 608(3)(a), MCA; Chapters I.C.7, 8, 9, 10, 11 and V-C, V-K and V-L, Broadwater County Subdivision Regulations)

2. 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)
3. 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 Three Forks 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)
4. The applicant shall complete the following to construct the internal access roads **(Mitigates Findings of Fact under “Impacts on Utilities and Impacts on Roads and Traffic under Local Services and the Provision of Legal and Physical Access to each parcel within the proposed subdivision”)**:
 - a. Prior to submitting the final subdivision plat application, the applicant shall improve all subdivision roads providing legal and physical access to all lots to the specifications required by the County Subdivision Regulations
 - b. All roads are to be built in accordance with the reviewed and approved plans. An engineer registered in the State of Montana shall certify all road improvements as meeting County Subdivision Road Standards. The applicant shall be responsible for all costs associated with meeting this condition of approval. (Sections 76-3-102, 501, 504(1)(g)(i), and 608(3), MCA; Chapters I-C, V-E and V-H, Broadwater County Subdivision Regulations)
5. Prior to any construction, the applicant shall request an approach permit from Montana Department of Transportation for any proposed access point(s) onto US Highway 287 for the subdivision approach road(s). Installation of the approach shall be completed in accordance with the approved permit. **(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”) (Sections 76-3-102(3 and 4), 501(1), 504(1)(g)(i), and 608(3)(a), MCA; Chapters I-C-2, 5, 10 & 11, V-H, Broadwater County Subdivision Regulations)

6. Prior to any construction, the applicant shall provide an approved Broadwater County Road Approach Permit for the subdivision approach road(s). Installation of the approach shall be completed in accordance with the approved permit. **(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”)** (Sections 76-3-102(3 and 4), 501(1), 504(1)(g)(i), and 608(3)(a), MCA; Chapters I-C-2, 5, 10 & 11, V-H, Broadwater County Subdivision Regulations)
7. If it is determined, via a Traffic Impact Study, that the additional traffic from this proposed subdivision will cause an increase in traffic beyond the current Level of Service (LOS) for the current constructed road standard of Wheatland Road, the developer shall be responsible for the proportionate share of road improvements. **(Mitigates Findings of Fact under “Impacts on Roads and Traffic under Local Services”)** (Sections 76-3-102(3 and 4), 501(1) and 608(3)(a), MCA; Chapters I-C-2, 5, 10 & 11, V-H, Broadwater County Subdivision Regulations)
8. Prior to final plat approval, the applicant shall have plans for the location and installation of mailbox units reviewed and approved by the United States Postal Service prior to installation. The applicant shall submit documentation from the United States Postal Service verifying their approval. The applicant 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), 501(1), and 608(3) (a and b), MCA; Chapters I-C-10 and V-I, Broadwater County Subdivision Regulations)
9. The applicant shall, at the applicant’s expense, have a final subdivision plat prepared in accordance with the applicable state survey requirements and the Broadwater County Subdivision Regulations; in addition, the final plat shall show and describe 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”)** (Sections 76-3-102, 402, 501, 504 and 608 (3), MCA; Chapters I-C and V-E, Broadwater County Subdivision Regulations)
 - a. A “no access” restriction along the eastern subdivision boundary adjacent to US Highway 287 except for those approved by MDT;
 - b. A “no access” restriction along the northern subdivision boundary adjacent to Wheatland Road except for those approved by the Broadwater County Public Works Department;
 - c. All existing and proposed utility easements on the subject property;
 - d. Any existing ditch/irrigation easements;

- e. Mailbox locations and easements, if on-site;
 - f. Easements for fire protection facilities, if on-site;
 - g. Easements for stormwater conveyance and detention/retention ponds, if on-site;
10. The Book and Page reference to the restrictive covenants (filed with the Clerk and Recorder's Office) shall be indicated on the face of the plat. In addition, restrictive covenants 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-C and V, Broadwater County Subdivision Regulations)
- a. Notice is hereby given that all lots shall be used for Commercial/Industrial purposes only per the subdivision application. No residential dwelling unit for residential use shall be allowed. **(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)
11. 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 roads. **(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)
12. The Shared Road Maintenance Agreement (SRMA) included in the preliminary plat application shall be amended to eliminate the term "county" from the "public county road" statements in the agreement. The road names included in the SRMA shall be removed and replaced with road names approved by the Broadwater County Community Development Department. **(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)
13. The applicant shall submit a signage plan for traffic control and street identification signs for the internal access roads 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)

14. 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)

This preliminary approval shall be in force for three (3) calendar years. At the end of this approval period, the Board of County Commissioners may, at the written request of the applicant, extend its approval if that approval period is included as a specific condition of a written agreement between the Board of County Commissioners and the applicant. (**Mitigates Findings of Fact under “Compliance with the Subdivision Regulations”**)

GENERAL INFORMATION:

Statutory Timeframes:

Date Application Submitted: November 2, 2022

Date Application Deemed Complete: February 15, 2023

Date Application Deemed Sufficient: March 9, 2023

Planning Board Public Hearing: May 9, 2023

Planning Board Recommendation: May 9, 2023

Commission First Reading: May 17, 2023

Commission Decision: May 24, 2023

Date Review Period Ends: June 2, 2023

DATED this _____ day of May, 2023

BROADWATER COUNTY COMMISSION

ATTEST:

Debi Randolph, Chairperson

Angie Paulsen, Clerk & Recorder

Darrel Folkvord

Lindsey Richtmyer

FINDINGS OF FACT AND ORDER REPORT

Preliminary Plat

Dated 3/23/2023

THE ROLLING GLEN RANCH ESTATES MINOR SUBDIVISION Preliminary Plat

To: Broadwater County Commissioners
From: Nichole Brown, Broadwater County Community Development Director
Subject: A proposed subdivision to be known as **The Rolling Glen Ranch Estates Minor Subdivision**

GENERAL INFORMATION

Date of Application: March 27, 2023
Element Complete: April 10, 2023
Date of Sufficiency: April 25, 2023
Planning Board Meeting: May 9, 2023 and May 16, 2023
Commission Meeting: May 24, 2023 and June 7, 2023
Review Period Ends: June 14, 2023

SUBDIVIDER: River Properties, LLC
P.O. Box 1418
Anaconda, MT 59711

SUBDIVIDER'S REPRESENTATIVE: Schauber Surveying
218 Broadway
Townsend, MT 59644

LEGAL DESCRIPTION: Situated in SW ¼ Section 5 and SE ¼ Section 6,
Township 2 North, Range 1 East, Broadwater County,
Montana

GENERAL LOCATION: The proposed subdivision is located off Rolling Glen Ranch
Road, approximately 4.3 miles northwest of the US Highway
287/I-90 Interchange.

I. EXECUTIVE SUMMARY

The Subdivider intends to create three (3) lots from an existing 69.27-acre parcel. Lots range in size from 20.55 to 27.17 acres. All lots are being submitted for review as residential single-family 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 via direct access from each lot to Rolling Glen Ranch Road, a county road. The required preliminary review fee of \$2,625.00 has been paid.

II. REQUEST

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

III. STAFF RECOMMENDATION

Staff recommends APPROVAL of the proposed Rolling Glen Ranch Estates 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 of Rolling Glen Ranch Road, approximately 4.3 miles northwest of the US Highway 287/Interstate 90 interchange

V. EXISTING DEVELOPMENT AND USES

The property is currently used for dryland farming.

VI. ADJACENT LAND USES

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

VII. PUBLIC COMMENT

Public Comment will be taken at the May 9, 2023 and May 16, 2023 Planning Board Regular Business Meeting and subsequent Commissioner Meeting(s).

VIII. PROJECT BACKGROUND

This project is a first minor subdivision of record.

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, Rolling Glen Ranch Estates 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:** The preliminary plat application provides little information on the impacts on agriculture other than that the property is currently utilized for farming purposes.
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 somewhat hilly however due to the size of lots there should be acceptable 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 7, 9-c, 9-g, 9-h and 10 are required to mitigate impacts on agriculture. (A full list of the Conditions of Approval is found starting on page number 10)

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 20.55 and 27.17 acres.
3. FINDINGS: There are no existing or proposed agricultural water user facilities for this specific subdivision property noted on the preliminary plat or in the preliminary plat application.

Conditions of Approval Numbers 9-c, 9-g, 9-h and 10 are required to mitigate impacts on agricultural water user facilities. (A full list of the Conditions of Approval is found starting on page number 10)

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 lots will be accessed directly from Rolling Glen Ranch Road, a county road. This proposed subdivision is within the jurisdiction of the Broadwater County Sheriff's Office and the Three Forks School System. Fire protection will be offered by the Three Forks Rural Fire District.
3. FINDINGS:
 - a. SOLID WASTE:
Individual lot owners will haul their solid waste to the Logan Landfill as these lots are not within the Broadwater County Solid Waste district. Subdivision residents will have the option of hiring an independent contractor to pick up their solid waste or transport it themselves.

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 Three Forks Post Office.

c. UTILITIES:

It is anticipated that Vigilante Electric will provide electrical service and CenturyLink will provide telephone service to the proposed subdivision. Future dry utilities are anticipated to be installed underground.

d. ROADS AND TRAFFIC:

No transportation plan has been officially adopted for this area. 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.

e. SCHOOLS:

The proposed subdivision is served by the Three Forks 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.

f. EMERGENCY SERVICES:

The proposed subdivision is within the Broadwater County Sheriff Department's jurisdiction. Due the rural nature of this subdivision, response times for emergency services could be longer than expected.

g. FIRE SERVICES

The proposed subdivision is located within the Three Forks Rural Fire District. The nearest firehouse is City of Three Forks Fire Hall, an unmanned, volunteer fire house. The Subdivider will need to propose a fire protection plan for review and approval by the Three Forks Rural Fire District.

Conditions of Approval Numbers 2, 4, 6, 8 and 9-b are required to mitigate impacts on local services. (A full list of the Conditions of Approval is found starting on page number 10)

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 each lot will have buildable areas with slopes less than 15%. No rock outcroppings were identified by the Subdivider's representative. There are no marsh, shrub or forestlands located on the property. There are no trees or 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 lots are of a size that will provide good building sites 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 October 24, 2022, 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: Application for Preliminary Plat: Item - 32, Letter from Damon Murdo dated February 10, 2006)

Conditions of Approval Numbers 9-c and 11 are required to mitigate impacts on the natural environment. (A full list of the Conditions of Approval is found starting on page number 10)

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 Numbers 9-c and 9-h are required to mitigate impacts on wildlife habitat. (A full list of the Conditions of Approval is found starting on page number 10)

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 as well as stormwater pond.

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 two-hundred twenty-two (222) feet deep and static water level averages seventy-four (74) feet. Yield average is thirty-six (36) gallons per minute. (*Source: Application for Preliminary Plat: Item – 29, 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 – 29, 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 9-c, 9-d, 9-e and 9-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 10)

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 10)

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 number 8 is required to address compliance with survey requirements. (A full list of the Conditions of Approval is found starting on page number 10)

CONCLUSION: Compliance with survey requirements, as set forth in the Findings of Fact, will be addressed by the imposed Condition 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.

Conditions of Approval number 8 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 10)

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 Condition 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 Rolling Glen Ranch Road.

A condition of approval will require the Subdivider to receive an approved approach permit for the driveways accessing onto the existing county road.

Conditions of Approval Numbers 5 and 8 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 10)

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 Rolling Glen Ranch Estates 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. Prior to any development, an Approach Permit shall be approved by the Broadwater County Public Works Department for each driveway accessing on to ‘Rolling Glen Ranch Road’, a county road. 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)

6. 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 Three Forks 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)

7. 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)

8. 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 as requested by the utility provider;
- b. All existing access and utility easements adjacent to the subject

- property;
- c. Adjacent and proposed County Road and utility easements.

9. 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. **(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)

10. 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 its 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.)

11. Prior to submitting the final plat, 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.

12. 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)

DATED this _____ day of June, 2023

BROADWATER COUNTY COMMISSION

ATTEST:

Debi Randolph, Chairperson

Angie Paulsen, Clerk & Recorder

Darrel Folkvord

Lindsey Richtmyer



Broadwater County DUI Task Force Plan

SFY-2024

July 1, 2023 – June 30, 2024

Submitted 6/1/2023

to the

State Highway Traffic Safety Bureau
Montana Department of Transportation
PO Box 201001
Helena MT 59620-1001

Mission Statement

The Broadwater County DUI Task Force represents a diverse cross section of the community that includes citizens, government officials, law enforcement, business, health professionals, prevention and treatment specialists appointed by the Broadwater County Commissioners with the mission of reducing alcohol and drug related motor vehicle crashes, injuries, and deaths in Broadwater County. Efforts will include education regarding alcohol/drugs consequences, promotion of healthy choices, and community involvement.

Prepared by

Tracie Kiesel, Coordinator, Chair, & Secretary
Broadwater County DUI Task Force
Broadwater County
515 Broadway
Townsend, MT 59644
406-439-0085
Email: tkiesel@helenaschools.org

Approved by

Broadwater County Commissioners

Debi Randolph _____ Date _____

Lindsey Richtmyer _____ Date _____

Darrel Folkvord _____ Date _____

TABLE OF CONTENTS

	<u>Page</u>
State Overview	3-6
County Overview	6-11
Program Goal & Administration	11-12
Chairman, Vice-Chairman, Secretary/Coordinator Responsibilities	
I. Policy & Legislation	12
STRATEGY: Support rigorous DUI and impaired driving laws	
STRATEGY: Support rigorous Primary Seat Belt and Child Safety Seat Laws	
II. Enforcement/Prosecution/Adjudication/Recidivism	13-15
STRATEGY: Support efforts of Law Enforcement Officers, Prosecutors and Judges	
STRATEGY: Implement and support visual trial technology	
STRATEGY: DUI-specific training for prosecutors, Judges, Law Enforcement, Task Force Members, and others	
STRATEGY: Increase offender compliance	
STRATEGY: Support DRE and ARIDE programs and training	
III. Education/Awareness/Media Advocacy	15-17
STRATEGY: Support age-appropriate transportation alternatives (For persons 21 yrs. of age and older)	
STRATEGY: Promote Policies and Practices that prevent underage drinking and over-service to persons 21 and older	
STRATEGY: Increase Public Awareness and Educate about the problems and dangers of Impaired Driving	
STRATEGY: Educate on the Importance of Occupant Protection Devices	
IV. Evaluation	17
V. Special Projects Fund	18
VI. Meetings	18

Every day, 32 people in the United States die in motor vehicle crashes that involve an impaired driver. This is one death every 45 minutes. As of 2020, about 290,000 are injured every year in impaired driving crashes. According to the Center for Disease Control, the annual costs of alcohol-related crash deaths and damages to include medical costs and cost estimates for lives lost is \$123.3 Billion in 2020.

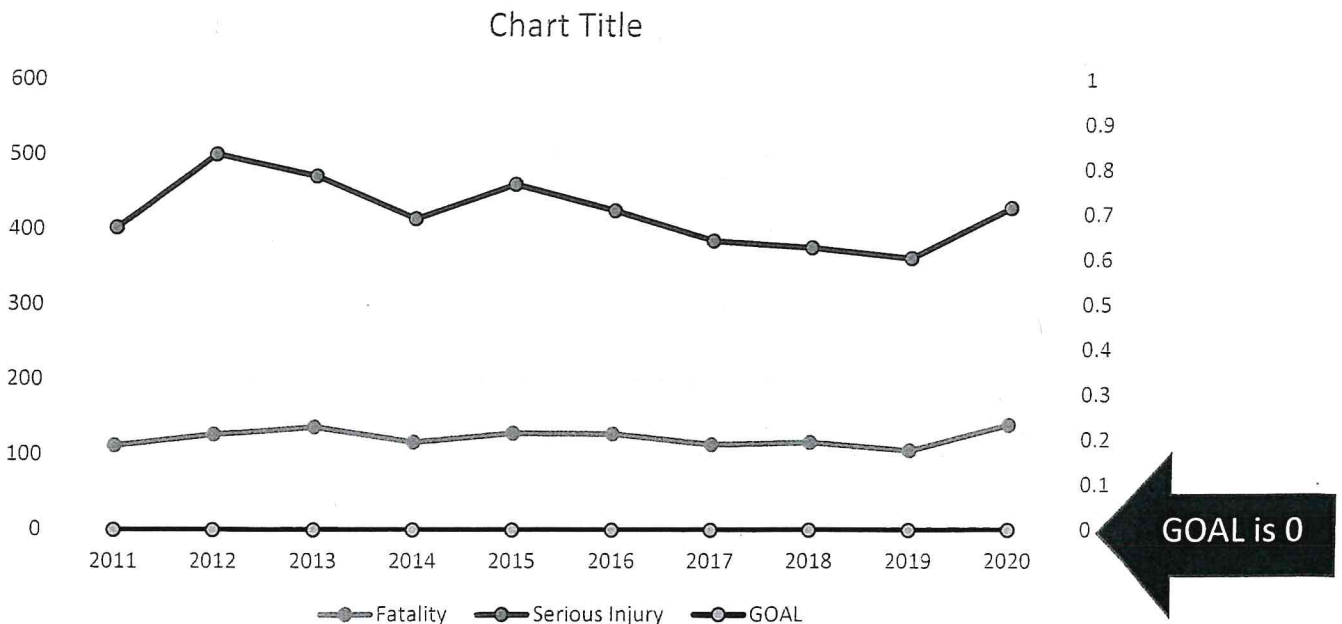
State Overview

Montana is the fourth largest state in the U.S. with a land area of approximately 145,546 square miles, which includes 74,881 miles of public roads. According to the US Census Bureau, an estimated 1.084 million people reside in the state of Montana.

Montana leads the nation with one of the highest rates of injury death and injury is the leading cause of death for Montanan’s age 1-44. On average each year, approximately 900 Montanans die from an injury. Death only represents a small number of injuries occurring each year. There are also many hospitalizations, emergency department and physician visits resulting from injury. For some, an injury is a temporary inconvenience while for others it leads to disability, chronic pain, significant changes in lifestyle, and death. The financial and quality of life costs due to injuries could be reduced in Montana through effective prevention efforts. Motor vehicle crash deaths top the list of this injury category.

Alcohol Impaired Fatalities in Montana

Montana has one of the highest fatality rates in the nation for number of deaths caused by impaired drivers per vehicle mile traveled. Data from 2020 indicates that 66% of all fatalities were the result of impaired driving, this is up from 58% during 2019.



•1,227 people died in crashes involving an impaired driver in Montana from 2011-2020.

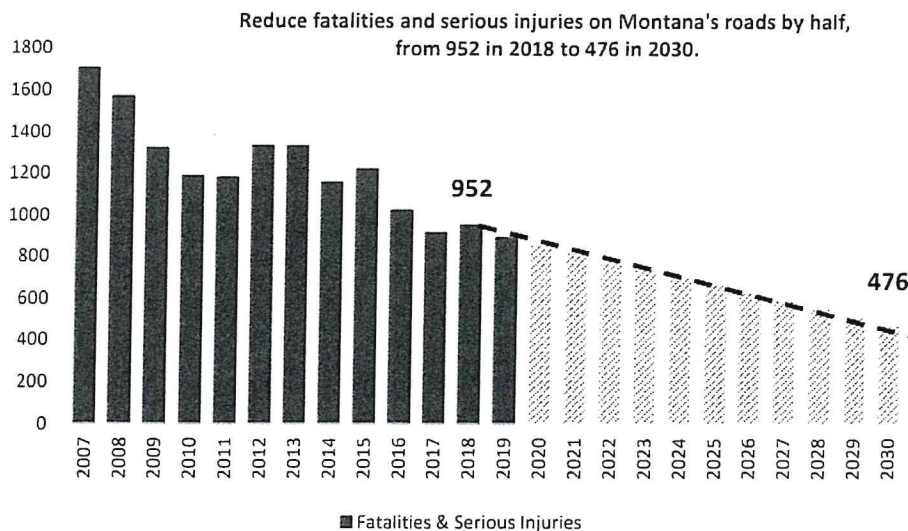
Statewide Effort and Data

The Montana Department of Transportation along with its partners and safety stakeholders across the state, are working to implement a wide range of programs to prevent and reduce motor vehicle crash deaths. Impaired Driving is one emphasis area with targeted objectives, strategies, and goals. This multi-faceted shared responsibility for safety approach includes strategies from the 4 E's of safety – Engineering, Education, Enforcement, and Emergency Medical Services.

Currently, Montana's Comprehensive Highway Safety Plan has four Emphasis Area strategies to reduce impaired driving fatalities and serious injuries:

- Reduce impaired driving through improved processes and regulations
- Reduce impaired driving through enforcement
- Reduce impaired road users through prevention education
- Continue to support and build collaborative partnerships to reduce impaired driving

In 2014, Montana committed to Vision Zero—a vision of zero fatalities and zero serious injuries on Montana's roadways. The interim goal to reduce fatalities and serious injuries in half in two decades from 952 in 2018 to 476 by 2030 is an established safety goal.



Data from 2019 indicates that 58% of all fatalities were the result of impaired driving, this is down from 64% in 2018. The goal is to decrease alcohol impaired driving fatalities by 3%, from the 2014-2018 five-year rolling average of 74 to 69.9 by December 31, 2025.

The Broadwater County DUI Task Force supports Montana Department of Transportation's Vision Zero, Zero Deaths and Zero Serious Injuries Safety Efforts.

SFY-2024-Broadwater County DUI Task Force Plan
July 1, 2023 – June 30, 2024

Unrestrained Vehicle Occupants in Alcohol Related Crash Fatalities and Severe Injuries

Montana does not have a primary occupant protection law. Yet, crash and causation data indicate ejection from a vehicle is a major contributing factor to the fatalities and serious injuries in alcohol related crashes. Unrestrained Occupants are ejected when either not wearing a seat belt, or not wearing it properly. Restraint use in alcohol related crashes is low and is the primary cause of fatal injuries.

Montana Passenger Vehicle Occupant Fatalities Age 5 and Above
by Restraint Use and Lives Saved Estimates

Year	Fatalities Age 5 and Above*					Lives Saved Estimates**	
	Total	Restrained	Unrestrained	Unknown Restraint Use	Percent Known Restrained*	Lives Saved at Current Belt Use	Potential Additional Lives Savable at 100% Usage
2016	143	46	92	5	33	65	32
2017	139	51	84	4	38	71	33
2018	131	44	85	2	34		
2019	117	44	67	6	40		
2020	151	56	94	1	37		

FARS Data

Blood Alcohol Concentration (BAC) in Fatal Crashes

In 2011, 39% of the drivers involved in fatal crashes were reported as having a BAC greater than 0.08. That percent went up in 2011, 2012, and 2013 and then dropped to 34% in 2015. In 2016, the rate was 44% and decreased to a low of 30% in 2017 but rose to 44% in 2018. There was a decrease in 2019 to 36% and an increase in 2020 to 45%. The current 5-year average in Montana is 40%, which is above the 5-year average for the US at 29% and is more than double the same 5-year average for the state with the lowest percent of Impaired driving fatalities with a BAC higher than 0.08.

Alcohol-Impaired Driving Fatalities**:

Montana , U.S. and Best State

Year		Total Fatalities in all Crashes	Alcohol-Impaired Driving Fatalities (BAC = .08+)		
			Number	Percent	Per 100 Million VMT
2016	Montana	190	84	44	0.67
	US	37,806	10,967	29	0.35
	Best State*			19	0.16
2017	Montana	186	56	30	0.45
	US	37,473	10,880	29	0.34
	Best State*			19	0.14
2018	Montana	181	80	44	0.63
	US	36,835	10,710	29	0.33
	Best State*			19	0.16
2019	Montana	184	66	36	0.51
	US	36,355	10,196	28	0.31
	Best State*			15	0.12
2020	Montana	213	96	45	0.79
	US	38,824	11,654	30	0.40
	Best State*			21	0.18

BAC statistic from the Fatality Analysis Reporting System (FARS)

The Cost of Alcohol Abuse

Data released by the Centers for Disease Control show that the alcohol abuse costs the State's economy in 2010 is more than \$870 million dollars per year in lost wages and productivity, alcohol treatment costs, medical costs, property damage, and other public and private spending to include extra police, judges and prison cells needed to protect citizens and enforce the laws that are broken because of the impairing impacts of alcohol. This data translates into a cost of \$1.73 per drink, \$2 million dollars per day, or \$880 dollars per person in the State of Montana. Approximately 40% of the economic costs of excessive alcohol use are paid by Federal, State, and Local Governments.

Montana's DUI Task Forces

DUI Task Forces were first formed in 1987, with the purpose of:

- (a) preventing driving while under the influence of alcohol
- (b) reducing alcohol-related traffic crashes
- (c) educating the public on the dangers of driving after consuming alcoholic beverages or other chemical substances that impair judgment or motor functions.

Their work is governed by Sections 61-2-105 through 108 of the Montana Code Annotated.

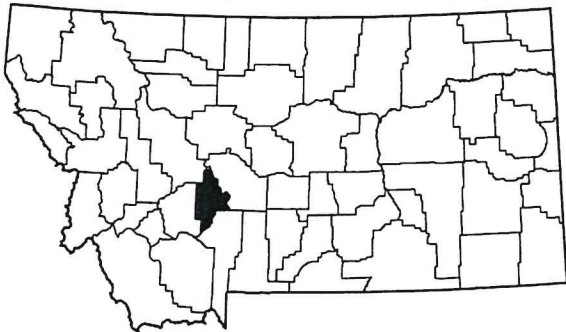
DUI task forces are multi-faceted coalitions that invite participation from a cross-section of community representatives in order to maximize their reach and effectiveness. Initial funding comes from driver license reinstatement fees. The task forces operate at the county level to reduce and prevent impaired driving, and may engage in a variety of activities. Effective DUI task forces are an important mechanism for decreasing the state's alcohol-related injury and fatality rates.

There are approximately 36 DUI Task Forces serving 39 counties throughout the state, to include Tribal DUI Task Force representing 5 Montana Tribes that all work closely with the Montana Department of Transportation's Highway Traffic Safety Section to reduce impaired driving. MDT periodically conducts an annual meeting with of all of these partners. Many of the DUI Task Force members are Volunteers who have a vested interest in the safety on our roadways.

BROADWATER COUNTY OVERVIEW

Broadwater County covers approximately 1,192.36 square miles in the western part of the state.

Broadwater County has an estimated population of 6,774 residents (Census Bureau Data).



There are 2 Law Enforcement Agencies in Broadwater County: Montana Highway Patrol, and the Broadwater County Sheriff's Office.

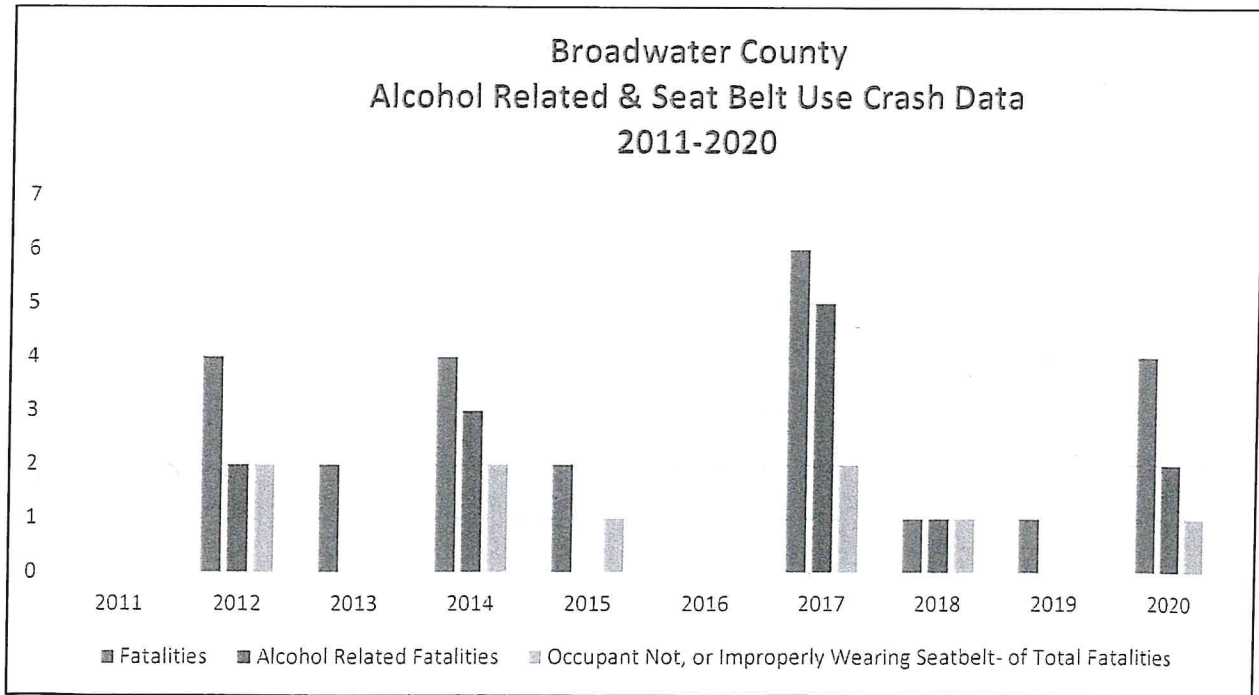
SFY-2024-Broadwater County DUI Task Force Plan
 July 1, 2023 – June 30, 2024

Broadwater County Citations 2011-2020

Montana Board of Crime Offense Code	Montana Code Annotated (MCA)	MCA Description	Year											10 Year Citation Totals	Citation Annual Average
			2011	2012	2013	2014	2015	2016	2017	2018	2019	2020			
2148	61-8-401 and/or 50-46-320 (1)(a)	DUI, intoxication by drugs or alcohol and/or DUI, under the influence of marijuana	30	38	36	20	20	19	32	38	22	37	292	29	
2117	61-8-402	DUI undetermined level - refused to test	10	10	12	8	3	5	0	0	0	0	48	5	
2118	61-8-406	DUI, determined level of intoxication, liquor 0.08 or greater	14	11	6	6	6	6	5	1	0	0	55	6	
2138	61-8-410	DUI, under 21 with BAC of 0.02 - liquor	5	3	0	0	0	0	1	0	1	1	11	1	
2158	61-8-465	Aggravated DUI	0	2	18	4	6	7	3	7	3	8	58	6	
2128	45-5-106	Vehicular homicide while under the influence	0	0	0	0	0	0	0	0	0	0	0	0	
2168	45-5-628 (e)	Criminal child endangerment, DUI	0	0	0	1	0	0	0	0	1	1	3	0	
2178	61-8-411	DUI, marijuana, delta-9-THC	0	0	0	0	0	0	0	0	0	0	0	0	
Yearly Totals			59	64	72	39	35	37	41	46	27	47	467	49	

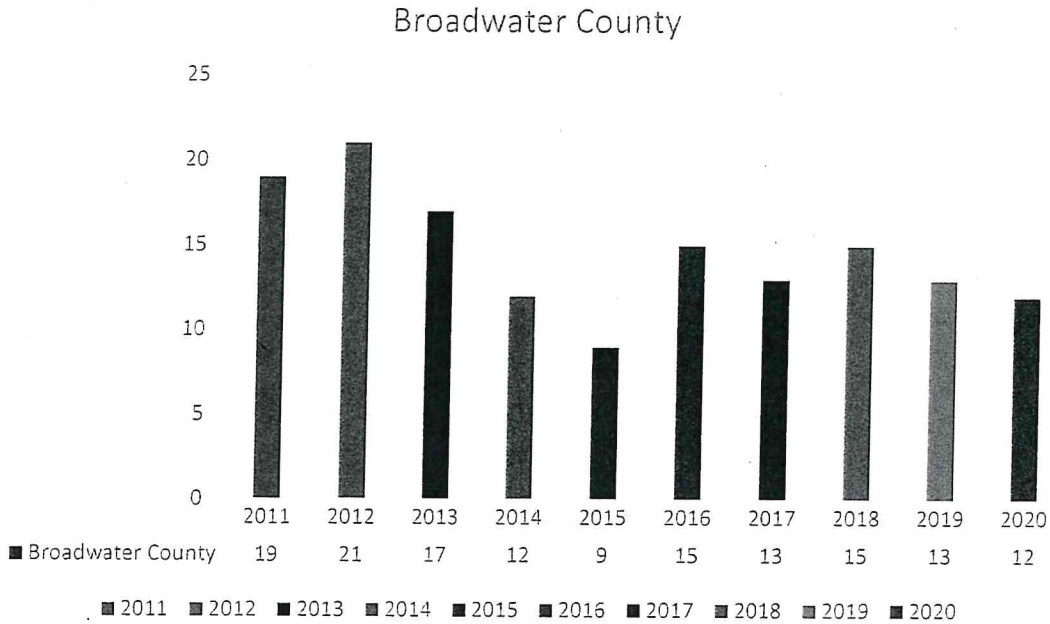
*Citations Table: Citations are issued at the time of arrest. DUI's commonly end up in an arrest.
 Disclaimer:
 Table illustrates a statewide picture of DUI Trends for citations only. The tables do not capture petition or adjudication information.*

This Chart shows that there is work being done in the area of Enforcement, but there is still a lot of work to be done on the Education and Proactive end to reduce the number of DUI's in Broadwater County.



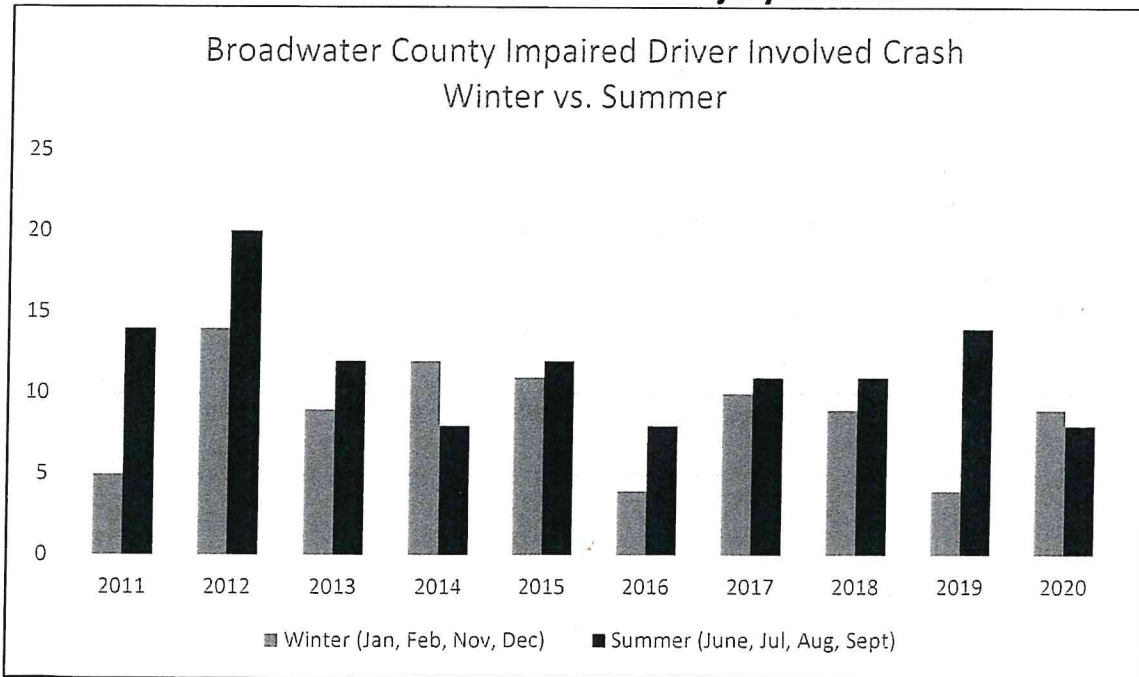
This graph shows the alcohol related crash fatalities in Broadwater County compared to the overall number of crash fatalities. The number of unbuckled occupants in crashes plays a substantial role in the fatalities.

Impaired Driver Crashes by Year (2011-2020)



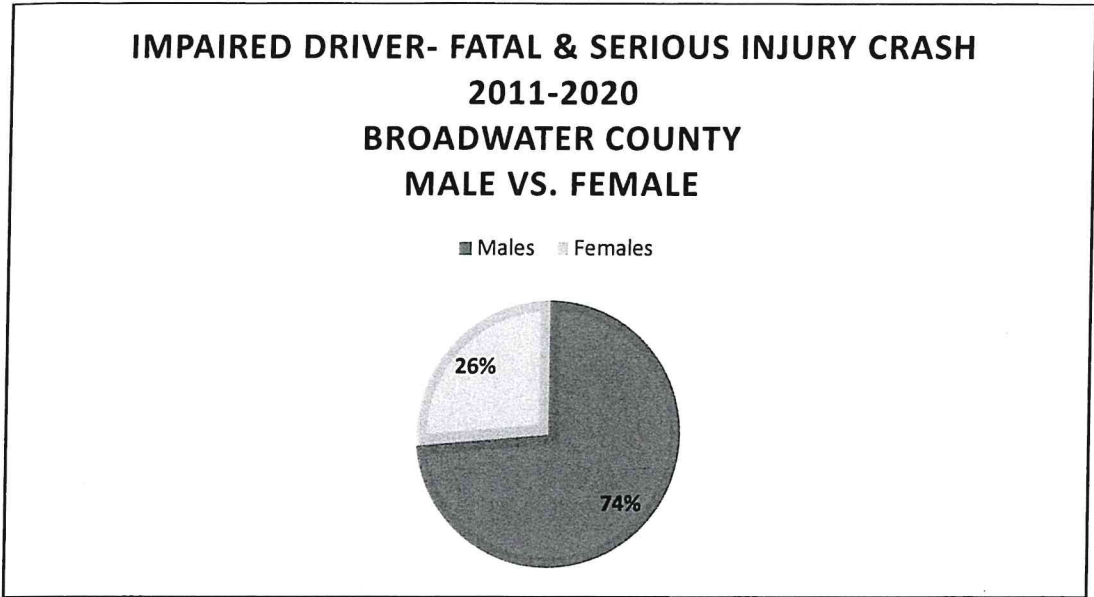
Impaired Driver Crashes in Broadwater County have fluctuated every year since 2011, and decreased dramatically from 2013 to 2015, but increased in 2016 and again in 2018.

Winter vs. Summer Months-Fatal & Serious Injury Crashes



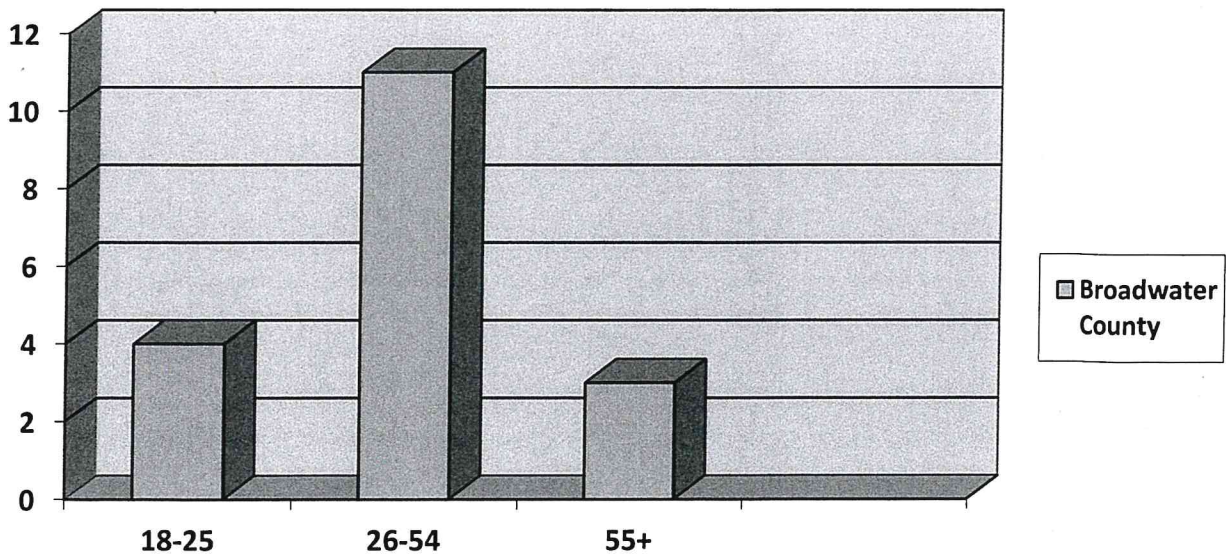
Fatal, serious, and other injury crashes involving an Impaired Driver in Broadwater County have been higher in the summer months for every year from 2011-2020 with the exception of 2014 and 2020 where there were more Impaired Driver Involved crashes in the Winter months.

Fatal & Serious Injury Crashes-Gender



Males represent almost triple the number of Females in Impaired Driver Fatal and Serious Injury Crashes in Broadwater County between 2011-2020.

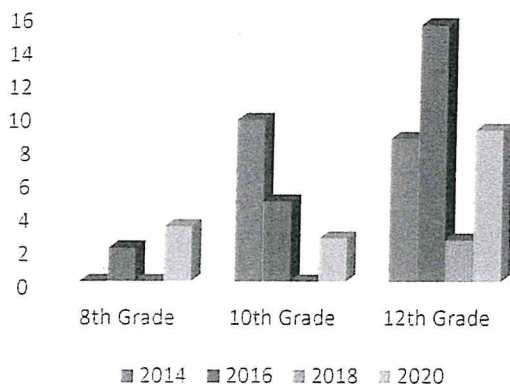
Serious & Fatal Alcohol/Drug Related Crashes by Age of Driver (2011-2020)



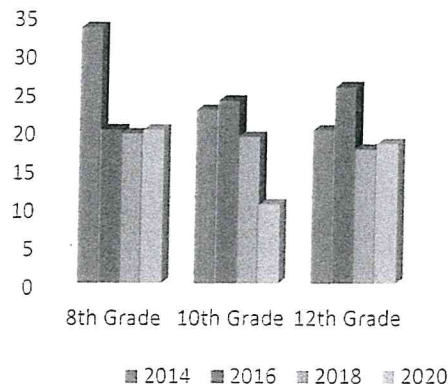
Drivers between the ages of 26-54 represent the highest amount of Severe and Fatal Alcohol/Drug related Crashes in Broadwater County between 2011-2020.

SFY-2024-Broadwater County DUI Task Force Plan
July 1, 2023 – June 30, 2024

Drinking & Driving
Broadwater County



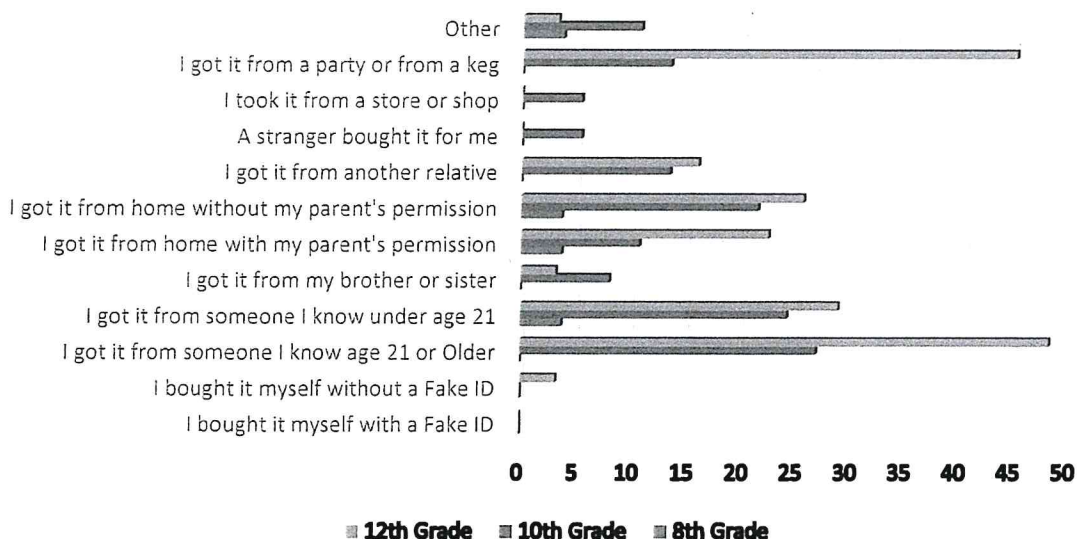
Riding with a Drinking Driver
Broadwater County



Montana DPHHS Prevention Needs Assessment Data

This chart shows that Drinking and Driving among 8th Grade Students increased from 2014-2016, but decreased from 2016-2018 and then again went up from 2018-2020. Riding with a Drinking Driver has decreased from 2014-2018. Drinking and Driving among 10th Grade Students has declined from 2014-2018 and increased in 2020, and Riding with a Drinking Driver increased from 2014-2016, but decreased from 2016-2020. 12th Grade Students who reported Drinking and Driving had a big increase from 2014-2016, but a rather large decrease from 2016-2018 and another big increase in 2020. Riding with a Drinking Driver increased from 2014-2016 but decreased between 2016-2018 and increased in 2020.

2020 Broadwater County



Montana DPHHS Prevention Assessment Needs Data

This chart shows that 8th Grade Students predominantly get their alcohol from home with and without their parent's permissions and from someone they know who is age 21 and older. 10th Grade Students predominantly get their alcohol from home without their parents' permission,

from someone they know age 21 and older and from someone they know under age 21. 12th Grade Students predominantly get their alcohol from a party or keg, from someone they know who is age 21 and older and under age 21, and from home with and without their parents' permission.

BROADWATER COUNTY CONTINUES TO BE CHALLENGED WITH

- **DUI offenders**
 - Low risk perception of conviction and prosecution
 - Refusals to submit to breath testing
 - Expert HGN testimony
 - Recidivism rate

- **Minors and Underage in possession of alcohol (MIPs & UAPs)**
 - Low risk perception of conviction and prosecution
 - Vast rural area provides places that are difficult for quick LE response (lake, mtns, etc....)
 - Youth access to alcohol
 - Parents providing alcohol to youth
 - Drinking and Driving
 - Riding with someone who has been drinking

- **Illegal alcohol sales**
 - Over-service of alcohol to persons 21 and older
 - Sales to persons under 21 years of age
 - Compliance of current alcohol related laws

- **Occupant safety and restraint issues**
 - Seat belt and restraint use is much lower in crashes that are alcohol related
 - Your best defense against an impaired driver are properly used seat belts and child safety seats
 - Lack of a Primary Seat Belt Law

Progress has been made in the attempts to reduce alcohol related crashes in Broadwater County. However, impaired drivers continue to pose a significant safety problem.

To enhance the effectiveness of Broadwater County's impaired and traffic safety programs in preventing injuries, saving lives, and reducing economic costs of motor vehicle crashes, this plan supports the priority recommendations of the State's Impaired Driving Assessment conducted by the National Highway Traffic Safety Administration Technical Assistance Team on December 3-7, 2018 and the State's Comprehensive Highway Safety Plan.

PROGRAM GOAL

The goal of the Broadwater County DUI Task Force Strategic Plan for the period July 1, 2023 through June 30, 2024 is to reduce the number of motorists who drive under the influence of alcohol and/or drugs, alcohol/drug-related traffic crashes, injuries, and fatalities in Broadwater County by implementing the methods and strategies outlined below. This reduction will eliminate the economic costs associated with those crashes, injuries and fatalities. The task force will support evidence based educational programs and messaging to address occupant safety and protection related to impaired driving.

DUI Task Force Program Administration

The Broadwater County DUI Task Force represents a diverse cross section of the community that includes citizens, government officials, law enforcement, business, health professionals, prevention and treatment specialists committed to reducing alcohol-related traffic crashes in Broadwater County by implementing best practice traffic safety countermeasures. One of the more important activities of the Task Force is bringing various parties together to focus and coordinate efforts and acquire and share resources. The Broadwater County DUI Task Force is committed to carry out the objectives set forth in this strategic plan for the period July 1, 2023 through June 30, 2024.

DUI Task Force Chairperson, Vice-Chairperson, and Secretary/Coordinator

A program responding to the many objectives and strategies contained in the Broadwater County DUI Plan requires some expenditure for accounting services, planning, coordination and administration. The Broadwater County DUI Task Force accounting services are provided by the Broadwater County Accounting Department.

The DUI Program Chairperson, Vice-Chairperson, and Secretary/Coordinator will be responsible for the following:

- Implementing and monitoring the Broadwater County DUI Task Force Plan;
- Writing and submitting the Broadwater County DUI Task Force Plan and the Annual Report to the Broadwater County Commissioners;
- Serving as the liaison to the media, the State Highway Traffic Safety Office and other community and State groups.
- In the event the Chairperson is not able to complete or monitor the objectives, strategies, and responsibilities in the Annual Plan, the Vice-Chairperson and/or the Secretary will be the representative for the Task Force.

I. POLICY & LEGISLATION

PROBLEMS: Need for stronger DUI and Seat Belt/Occupant Protection Laws in Montana

OBJECTIVE: Increase probability that impaired drivers will be subject to swift, sure, and appropriate sanctions

STRATEGY: Support rigorous DUI and impaired driving laws

METHOD: Provide legislators and constituents with information needed to introduce and enact DUI laws in the State of Montana that are sound, rigorous and easy to enforce and administer

STRATEGY: Support rigorous Primary Seat Belt and Child Safety Seat Laws

METHOD: Provide legislators and constituents with information needed to introduce and enact primary seat belt (occupant protection) laws in the State of Montana that are sound. Primary Seat Belt Laws have been documented and evidence based as a Countermeasure that works for reducing traffic crash injuries and fatalities and is listed in the December, 2018 Impaired Driving Assessment of Montana conducted by the National Highway Traffic Safety Administration

TIMELINE: Ongoing-Upon request, during Legislative sessions, with Task Force support

II. ENFORCEMENT/PROSECUTION/ADJUDICATION/TRAINING

PROBLEMS: Low Risk Perception of Arrest and Conviction of DUI related offenses, City & County Prosecutors are Overburdened with DUI Cases, DUI specific training, Recidivism

OBJECTIVE: Increase risk perception of being arrested and convicted of DUI

STRATEGY: Support efforts of Law Enforcement Officers, Prosecutors and Judges

METHOD: Fund DUI overtime shifts for patrol activity

The Broadwater County DUI Task Force may provide overtime funds for enhanced DUI and high visibility saturation patrols on weekends, holidays, and special events. The increased presence of law enforcement vehicles will send the message that impaired driving will not be tolerated. DUI overtime may be provided to the Broadwater County Sheriff's Office and the Montana Highway Patrol. The DUI Task Force Chairperson will administer/monitor the activity and collect quarterly arrest data from participating agencies.

METHOD: Fund DUI-Related Equipment & Processing Supplies

The Broadwater County DUI Task Force may provide funds to law enforcement agencies within Broadwater County to purchase equipment, supplies, and/or upgrading equipment and supplies needed for enforcing DUI laws and processing DUI arrests (portable Preliminary Breath Testing devices (PBTs), cameras, mouthpieces, DVDs, video tapes, etc.).

TIMELINE: Ongoing-Upon request, availability of funds and Task Force support

OBJECTIVE: Swift and effective prosecution of DUI offenders

STRATEGY: Implement and support visual trial technology

METHOD: Fund Prosecution efforts

Increased enforcement by local law enforcement agencies has resulted in an increase in arrests, which in turn have flooded the courts with an influx of DUI and related cases. Proficient and successful prosecution of impaired driving offenses is imperative. Refusal to submit to breath/blood testing complicates the prosecution of impaired driving cases as they deprive prosecutors of the ability to prove impairment through use of blood alcohol concentration evidence.

METHOD: Fund equipment to implement/support visual trial programs

The Broadwater County DUI Task Force may provide monetary support to the Broadwater County Attorney's Offices for the purchase of supplies and equipment needed to conduct visual trials.

STRATEGY: DUI-specific training for prosecutors, judges, Law Enforcement, Task Force Members, and others

METHOD: Support training in laws, awareness, education, and enforcement

The Broadwater County DUI Task Force may provide monetary support for DUI-specific training regarding legal issues, DUI detection and enforcement, and effective prosecution of DUI offenses.

TIMELINE: Ongoing-Upon request, availability, and Task Force support

OBJECTIVE: Dissuade DUI offenders from driving under the influence in the future

STRATEGY: Increase offender compliance

METHOD: Support treatment and rehabilitation programs

Support the 24/7 Sobriety Program

The Broadwater County DUI Task Force may provide support to the 24/7 Sobriety Program. This program is designed to keep 2nd and subsequent DUI offenders sober while they are out of jail awaiting trial. The participants must provide breath testing twice-a-day or subscribe to SCRAM units. This program will reduce jail populations and increase safety. The program will include participation from the Montana Department of Justice, Broadwater County, the Broadwater County Attorney's office, the Broadwater County Sheriff's office, the Montana Highway Patrol, and city of Townsend.

TIMELINE: Ongoing, upon request, availability of funds and Task Force support

METHOD: Drug Recognition Expert (DRE) and Advanced Roadside Impaired Driving Enforcement (ARIDE) Support

The problem of identifying drug impaired drivers led officers within the Los Angeles Police Department, aided by scientists, physicians, other drug experts, and John Hopkins University to develop a drug recognition training program. This same need of trained professionals in Broadwater County also exists. The primary DRE activity is reliable identification of drug-impaired drivers. In addition to this service to the agency and the community, there is evidence that the program has a crossover effect on drug trafficking and general crime suppression. These positive outcomes, however, are not without cost. The program places high demands on a police department for both officer training and duty time. Also, the increased number of specimens may tax the resources of the laboratory.

TIMELINE: Ongoing, upon request, availability of funds and Task Force support

OBJECTIVE: Assist and support the training of Law Enforcement to recognize behavior and physiological states associated with psychoactive drugs in the field of Drug Recognition

STRATEGY: Support DRE and ARIDE programs and training

The DRE evaluation, which is requested by an arresting officer when a suspect's BAC is inconsistent with his/her driving and behavior, includes 12 steps. Based on the evaluation, the DRE forms an opinion as to 1) Whether the suspect is impaired, 2) if impaired, whether the impairment is related to drugs, and 3) if related to drugs, which drug category or combinations of categories is causing the impairment.

At the present time, DRE and ARIDE training is available for qualified agencies nationwide under the auspices of the National Highway Traffic Safety Administration, U.S. Department of Transportation.

ARIDE-Advanced Roadside Impaired Driving Enforcement programs were developed to address the gap in training between the Standardized Field Sobriety Testing (SFST) and the DRE (Drug Recognition Expert) by providing officers with general knowledge related to drug impairment and promoting the use of DREs. The ARIDE program also stresses the importance of securing the most appropriate biological sample in order to identify substances likely causing impairment.

METHOD: Participate in study groups and provide input and support for the training of DRE's within Broadwater County and those affiliated with member agencies. The Task Force may also provide support ARIDE training.

TIMELINE: Ongoing-Upon request with Task Force support and available funds

III. EDUCATION/AWARENESS/MEDIA ADVOCACY/INTERVENTION

PROBLEMS: Lack of Safe Transportation Alternatives, Lack of clear knowledge and training of Alcohol Servers and Sellers regarding Laws and the Liabilities associated with serving and selling alcohol, there is a need to Educate the Public regarding the Dangers of Drinking and Driving and the laws associated, and there is a high percentage of unrestrained occupants in alcohol related crashes, injuries, and fatalities.

OBJECTIVE: Reduce Incidence of Alcohol/Impaired Driving

STRATEGY: Support age-appropriate transportation alternatives (For persons 21 yrs. of age and older)

The hospitality industry provides a large outlet for alcohol consumption. Fortunately, there are responsible and reasonable methods to enjoy what they offer. Safe Ride Programs are important and necessary for the hospitality industry and its customers. These alternative methods of transportation provide people who have consumed alcohol with safe rides home. Non-participants who are exposed to the program promotion and see others participate may be motivated to make more of an effort to not drive after drinking. The Broadwater County DUI Task Force does not support and/or promote transportation alternatives as a mechanism for licensed establishments to serve to excess or overserve their patrons.

METHOD: Support Safe Ride/Designated Driver Programs

The Broadwater County DUI Task Force may provide monetary, office, and administrative support to nonprofit alternative transportation programs for impaired tavern/establishment patrons. The program may provide free taxi rides from participating bars that subscribe to the safe ride service to the patrons' homes. This support may include items such as napkins, buttons, table tents, banners, posters, radio and TV ads, etc.....

TIMELINE: Ongoing-Upon request, availability and Task Force support

STRATEGY: Promote Policies & Practices that prevent underage drinking and over-service to persons 21 and older

METHOD: Support MDOR and the Your Community Matters Responsible Alcohol Sales and Service Training (RASST)

Many alcohol servers have little knowledge of their legal responsibilities and potential liability when persons under 21 years of age are served alcohol or when persons 21 and older are over-served. The

Broadwater County DUI Task Force will provide support for the coordination of the RASST Classes to provide the MDOR course for licensed establishments and individuals in Broadwater County.

A participant fee may be charged and collected. The fees will be used for coordination, instructor time, class supplies and materials, location fees, travel, mailings, telephone, class advertisements, and training or re-certification costs for instructors.

SFY-2024-Broadwater County DUI Task Force Plan
July 1, 2023 – June 30, 2024

The course will include instruction on the following topics:

Clarifying the laws regarding sales of alcohol and the fines and liability associated with non-compliance;
How to ask for ID without offending the customer, acceptable forms of ID, invalid (fake) ID detection & speeding up the ID process;
How to identify minors;
How to be assertive, yet polite;
How to judge “Apparent Intoxication” levels of customers and patrons;
How to deal with an intoxicated or violent person;
The importance of documentation/incident reports;
How to establish or develop written company policies related to alcohol sales; and
Local resources for safe ride home programs, designated drivers, and alternative transportation options.

TIMELINE: Approximately 1-4 Classes per year. Average of 10 Participants per Class

STRATEGY: Increase Public Awareness and Educate about the problems and dangers of Impaired Driving

METHOD: Support comprehensive year round public information and education campaigns to enhance general deterrence by increasing knowledge and awareness, changing attitudes and modifying behavior. Support for PI&E activities and programs may include:

Speakers’ Bureau of professionals, such as prosecutors, judges, nurses, doctors, emergency medical personnel, law enforcement officers, and treatment professionals, to educate the public about legal consequences, health risks, costs associated, and other consequences of impaired driving.

Support evidence based educational programs and trainings for members, classroom traffic safety presentations (with appropriate emphasis on impaired driving and occupant protection), and student organizations that promote responsible traffic safety outreach.

High visibility evidence based messages (paid, earned and donated media) such as seasonal billboards, media events (live radio remotes) and movie theater slides scheduled in conjunction with National Mobilization Campaigns to reduce impaired driving and increase seatbelt use during the heavily traveled holidays of Christmas/New Year, Memorial Day, Independence Day and Labor Day. The Task Force will also focus on other high-risk times throughout the year such as spring break, prom and graduation, St. Patrick’s Day, Halloween, etc. to the degree that funds are available. Messages will emphasize impaired driving enforcement, occupant protection, and personal responsibility including designated drivers and alternative safe transportation.

August 2023– Townsend Rodeo

August- September, 2023: Impaired Driving: Drive Sober or Get Pulled Over

October 2023– Townsend Fall Fest

October 2023: National Teen Driver Safety Week

October- November, 2023: Impaired Driving: Buzzed Driving is Drunk Driving

November - December, 2023: Thanksgiving Holiday Travel: Buckle Up. Every Trip, Every Time

December, 2023: Impaired Driving: Buzzed Driving is Drunk Driving

December, 2023 – January, 2024: Impaired Driving: Drive Sober or Get Pulled Over

March 2024 – Safe as a Bulldog Week

April – May 2024 – Community Clean Up Day

May 2024 – May Mobilization: Occupant Protection: Click it or Ticket

TIMELINE: Ongoing-Upon request with Task Force support

OBJECTIVE: Increase public awareness and education relating to occupant protection devices to decrease bodily injury or death of vehicle occupants

STRATEGY: Educate on the Importance of Occupant Protection Devices

Data shows that seat belt use is much lower in crashes that are alcohol related. Half (50%) of the alcohol related crash fatalities were unbelted fatalities, and 60% of the alcohol related severe crash injuries are a result of unrestrained occupants. It is also widely recognized the best defense against an impaired driver is a properly worn and fastened seatbelt or child safety seat. Occupant protection education and outreach is an evidence based method for reducing crash injuries and fatalities.

METHOD: Participate and provide input in occupant protection programs as they directly relate to impaired driving crashes through educational trainings, outreach, and at events, activities, and/or supporting articles. Provide training opportunities to Task Force members that will directly impact the increase in occupant protection use among all drivers and passengers in motor vehicles.

July 1, 2023 – June 30, 2024 – Responsible Alcohol Sales/Service Classes

July 1, 2023 – June 30, 2024 – High Visibility Mobilizations

July 1, 2023 – June 30, 2024 – Community Events (Rodeo, Fall Fest, etc....)

October, 2023-Teen Driver Safety Week

February, 2024-Annual Alcohol-Free Super Bowl Party for Teens

March, 2024- Safe as a Bulldog Week

April – May, 2024 - Community Clean Up Day

TIMELINE: Ongoing-Upon request with Task Force support and available funds

IV. EVALUATION

Outcomes to the strategies described in this plan will be closely monitored. Due to limited resources, we recognize that it is not possible to conduct a sophisticated evaluation on all aspects of this plan. Instead, we will get specific about particular projects such as the focus on crash data, DUI arrests and convictions, sales to minors, compliance check failures and successes, responsible alcohol sales/service training, and the activities and or events provided to the youth and underage. To measure progress, we will look at trend data for the following measures:

- Alcohol related crash fatalities and injuries (all ages);
- Unrestrained occupant injuries and fatalities in alcohol related crashes
- Driving under the influence arrests and convictions
- Percent of drinking drivers ages 18-25 and 26-54 involved in fatal or injury crashes
- Number of participants who attend Responsible Alcohol Sales/Service training; and
- Results of compliance checks
- Number of youth attending task force sponsored events/activities

V. Special Projects Fund

Donations and/or independently raised funds will be placed into the Special Projects Fund for traffic safety program strategies. The Special Projects Fund aids in the funding support of special projects and equipment in our strategic plan not covered under the specific MCA 61-2-106.

Requests for funding from this fund must be submitted in writing and presented to the task force at a monthly meeting and allocations will be considered by DUI Task Force voting members as they arise throughout each fiscal year.

VI. MEETINGS

The Broadwater County DUI Task Force will meet on a bi-monthly basis with consideration to more frequent meetings or less frequent meetings if necessary. All Broadwater County DUI Task force meetings are open to the public. The task force shall give notice by publication in one of the following: the community meeting announcement section of a locally or generally used newspaper (either print or online), post the meeting calendar on the county billboard in the county courthouse, or post the meeting notifications in a common social media site used by Broadwater County Residents.

Data Sources Used:

Montana Department of Transportation

FARS – Fatal Analysis Reporting System

Montana DPHHS Prevention Needs Assessment Data

Broadwater County Law Enforcement Agency Arrest and Citation Data

Montana Board of Crime Control

US Census Bureau

Broadwater County DUI Task Force
SFY 2024 DUI Plan
July 1, 2023 – June 30, 2024



DRAFT Budget (Estimated)

		Approved <u>SFY23</u>		Estimated <u>SFY24</u>
Cash on hand (projected carryover)	(FY22)	\$ 16,000.00	(FY23)	\$ 18,500.00
Special Project Fund		\$ -		\$ -
		\$ 16,000.00		\$ 18,500.00
Revenue				
Reinstatement Fees (estimated)		\$ 2,000.00		\$ 2,000.00
Reinstatement Fees (estimated-HB132)		\$ 250.00		\$ 250.00
Misc		\$ -		\$ -
RAST Classes/Misc.Donations (estimated)		\$ -		\$ -
Revenue Total		\$ 18,250.00		\$ 20,750.00
Expenditures				
Training		\$ 2,500.00		\$ 2,500.00
Travel		\$ 6,000.00		\$ 6,000.00
Telephone/Storage		\$ -		\$ -
Postage		\$ 50.00		\$ 50.00
Print/Dupl/Media		\$ 150.00		\$ 150.00
Minor Equipment		\$ 1,000.00		\$ 1,000.00
Office Supplies		\$ 500.00		\$ 500.00
Publicity/Subscriptions		\$ 400.00		\$ 400.00
Other, Services, Storage		\$ -		\$ -
Operating Supplies		\$ 2,100.00		\$ 2,100.00
Safe Ride Programs-\$200.00				Safe Ride Programs-\$200.00
RASST-\$800.00				RASST-\$800.00
Educational Support & Ad-\$600.00				Educational Support & Ad-\$600.00
Educational Supplies-\$500.00				Educational Supplies-\$500.00
DUI Shifts		\$ 1,000.00		\$ 1,000.00
Compliance Checks		\$ -		\$ -
Special Projects		\$ 1,000.00		\$ 1,500.00
Expenditure Total		\$ 14,700.00		\$ 15,200.00
Savings Rollover		\$ 3,550.00		\$ 5,550.00
Total Projected Fund Budget	SFY22	\$ 18,250.00	SFY23	\$ 20,750.00

Broadwater County DUI Task Force

Meeting Calendar for SFY 2024



Location	Time	Host	Guests	Month/Date	Time
July 26, 2023	3-5pm	Broadwater County Court House 515 Broadway, Townsend			
September 27, 2023	3-5pm	Broadwater County Court House 515 Broadway, Townsend			
November 29, 2023	3-5pm	Broadwater County Court House 515 Broadway, Townsend			
January 31, 2024	3-5pm	Broadwater County Court House 515 Broadway, Townsend			
March 27, 2024	3-5pm	Broadwater County Court House 515 Broadway, Townsend			
May 29, 2024 *Annual Summit	2-5pm	Broadwater County Court House 515 Broadway, Townsend or TBD			

Dates/Times/Locations are Subject to Change and Meetings may be scheduled VIA ZOOM to meet any changing needs. An E-mail Meeting Reminder will be sent out for each meeting to members only along with any changes

Please contact Tracie Kiesel at 406-439-0085 or tkiesel@helenaschools.org or Wynn Meehan at 406-266-3441 if you have questions about meetings.



Member Contacts for SFY 2024

Name	Organization		E-mail
Tracie Kiesel- Coordinator/Chair/Secretary	Tri-County Buckle Up Montana	Prevention/Education	tkiesel@helenaschools.org
Cory Swanson	Broadwater County Attorney's Office	County Attorney	cswanson@co.broadwater.mt.us
Eric Power	Montana Highway Patrol	Law Enforcement	Epower@mt.gov
Braden Masolo	Broadwater County Sheriff's Office	Law Enforcement	bmasolo@co.broadwater.mt.us
Stephanie Michaelson	Southwest Montana Prevention Specialists	Prevention/Education	bmprevent@swmtprevent.org

BROADWATER COUNTY MONTANA

BROADWATER COUNTY

Floodplain Development Permit

Project: MT DNRC – Toston Dam Sediment

Date of Issue: _____, 2023

Permit #: 23-FP-1

This permit is valid for one year from date of issue.

Background/authority:

The Broadwater County Floodplain Regulations (2019) apply to all areas of special flood hazard within the jurisdiction of Broadwater County. Section 7.1 of the Regulations states: "A Floodplain permit is required for a person to establish, alter or substantially improve an artificial obstruction, nonconforming use or development within the Regulated Flood Hazard Area."

The County Floodplain Administrator (FPA) received a Joint Permit Application for the project from the applicant on March 20, 2023. The FPA has reviewed the application and other project information (see Referenced Documents section at the end of this Permit) and has determined that the proposed project follows the Broadwater County Floodplain Regulations if the project proceeds as described and complies with the conditions listed in the Regulations and in this Permit.

Applicant Information:

Person or agency responsible

for project:	DNRC State Water Projects Bureau
Primary Contact:	David Lofftus
Mailing Address:	PO Box 201601 Helena, MT 59620-1601
Physical Address:	1424 Ninth Avenue Helena, MT 59601
Email:	dlofftus@mt.gov
	Phone: 406.444.6659

Applicant Contractor/Agent Information:

Contractor/Agent		
(if one used):	NA	
Primary Contact:	NA	Phone: NA
Mailing Address:	NA	
Email:	NA	

Project Site Information: (Site is located within jurisdiction of Broadwater County)

Site Description:	Remove sediment from dam area	Site Number:	
Floodway or flood fringe:	Missouri River Floodway	Floodplain Map:	Panel 1 of 30007C0900C
Latitude/Longitude:	46.119747°, -111.409056°		
Address/Location:	Missouri River		
Legal Description:	SW1/4 of the SW 1/4 of, Section 6 Township 4N, Range 3E	Geocode:	43-1301-06-3-01-01-0000 AND 43-1301-07-2-01-01-0000
Landowner:	DNRC State Water Projects Bureau		
Landowner Contact:	See above	Phone:	
Email:			
Mailing Address:			

Other Notes on Project Extent

The purpose of the proposed project is to remove sediment that has built up behind the east side of Toston Dam.

Permitting Requirement for Project

Some uses, as defined in the Broadwater County Floodplain Regulations, are allowed within the flood fringe or regulated flood hazard area without a permit. Uses requiring a Floodplain Development Permit are defined in Section 10 of the County Floodplain Regulations. This project will involve work that will be located within the identified floodplain for the Missouri River, therefore a Floodplain Development Permit is required per Section 9.3 of the Regulations.

According to Section 9.2, GENERAL REQUIREMENTS the project must be designed and constructed to ensure is reviewed and approved by an engineer and constructed to substantially resist or withstand the forces associated with hydrodynamic and hydrostatic pressures, including flood depths, velocities, impact, ice, buoyancy, and uplift associated with the Base Flood. According to 9.3 MINING OF MATERIAL REQUIRING EXCAVATION FROM PITS OR POOLS, including other transportation related crossings provided, in addition to the requirements of Section 9.2, that:

9.3 MINING OF MATERIAL REQUIRING EXCAVATION FROM PITS OR POOLS

- 1. A buffer strip of undisturbed land of sufficient width as determined by an engineer to prevent flood flows from channeling into the excavation is left between the edge of the channel and the edge of the excavation;**

According to the analysis provided by the applicant and a review completed by the staff at the MT DNRC Floodplain Program, the proposed removal of sediment behind the dam will offer minimal obstruction to any future flood flow.

2. **The excavation meets all applicable laws and regulations of other local and state agencies; and (ARM 36.15.602(1)(b))**

The applicant has obtained the required permits.

3. **Excavated material may be processed on site but is stockpiled outside the Floodway.(ARM 36.15.602(1)(c))**

All materials will be stored outside the Floodway.

Review and Findings

Permitting the proposed project described herein and in the submitted application, and other project information (see referenced documents at the end of this Permit), meets all the provisions of the Broadwater County Floodplain Regulations and the following relevant factors (per Section 8.3 Floodplain Permit Criteria):

1. **Floodplain permit applications shall be approved provided the proposed new construction, substantial improvement, or alteration of an artificial obstruction meets the requirements of the minimum standards and criteria in Sections 9 and 10 and other requirements of these regulations. ((MCA 76-5-406) (44 CFR 60.3))**

The project as proposed, appears to meet the minimum standards and criteria as outlined in Sections 9 and 10 of the County Floodplain Regulations.

2. **A Floodplain permit application for a development that will cause an increase of more than 0.00 feet to the Base Flood Elevation of the Floodway or more than 0.50 feet to the Base Flood Elevation of the Regulated Flood Hazard Area without a Floodway shall not be approved until approval for an Alteration pursuant to Section 4.3 has been approved, the Regulated Flood Hazard Area is amended and a FEMA CLOMR where required is issued.**

Per the Applicant's engineer and the staff at the MT DNRC Floodplain Program, the encroachment analysis provided with the application shows that the project will not cause an increase in the Base Flood Elevation.

3. **The FPA shall determine that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendment of 1972, 36 U.S.C. 1334. (44 CFR 60.3(a)(2).**

The applicant has obtained all the necessary permitting from the following agencies:

- Army Corp of Engineers: 404 Permit
- Montana Department of Fish, Wildlife and Parks: 124 Permit
- Montana Department of Natural Resources and Conservation: Waiver of Navigable Waterway Land Use License

Permit Conditions:

The following conditions are required of the applicant:

1. The project shall conform to the drawings and specifications found in Joint Application and Encroachment Analysis that was submitted with the Joint Application.
2. The project shall conform to the requirements of all other permits obtained by the DNRC State Water Projects Bureau or their lessees.
3. Any excavated materials or soil created by the project must be stockpiled outside of the special flood hazard area.
4. Project costs will be paid for by DNRC State Water Projects Bureau or their lessees. Broadwater County will not incur any costs associated with the construction or design of the project.
5. All work will be conducted on property owned by DNRC State Water Projects Bureau.

Inspection and Penalties for Non-compliance

Note that pursuant to Section 14 Enforcement of the Broadwater County Floodplain Regulations, the County Floodplain Administrator may make reasonable entry upon any lands and waters in Broadwater County for the purpose of making an investigation, inspection, or survey to verify compliance with the County Floodplain Regulations and this permit. Section 15 Penalties of the Broadwater County Floodplain Regulations indicates that violation of provisions of these Regulations constitutes a misdemeanor, and upon conviction, any person who is found in violation shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than ten (10) days or both. Each day's continuance of a violation shall be deemed a separate and distinct offence per Section 15 of the regulations.

Applicant Acknowledgement

In accepting this permit, the applicant understands that all conditions of the permit must be met, all other regulatory permits have been obtained, and agrees to allow on-site inspections, as needed during construction, to determine compliance with this permit.

UNDERSTOOD AND ACCEPTED THIS _____ DAY OF _____, 2023

DNRC State Water Projects Bureau Authorized Signature

Decision Authorization

Chair of the County Commission _____ DAY OF _____, 2023

Referenced Documents – available from Jerry Grebenc, County Floodplain Administrator

Joint Application: DNRC State Water Projects Bureau, March 20, 2023.

March 22, 2023, email from Brent Zundel, PE, Montana Department of Natural Resources and Conservation technical review of the Joint Application as mentioned above.

Other Agency Permits:

MT FWP 124 Permit

Army Corp of Engineers 404 Permit

Waiver of Navigable Waterway Land Use License- MT DNRC

Broadwater County Floodplain Regulations

Cc:

Traci Sears, DNRC Water Resources Division

Jillian Hendrix, DNRC Water Projects Bureau

Centennial Insurance Inc.
312 Broadway

Townsend Mt 59644
406-266-3030

Invoice

Bill To:
Broadwater County
515 Broadway
Townsend, MT 59644

Date	Invoice #
05/16/2023	885

Due Date 06/16/2023

Description	Amount
Cyber Insurance Eff: 7/1/23-7/1/24	\$13,121.36

In order to Bind Coverage, please sign and return
the attached Terrorism Form along with payment of premium
Please make check payable to Centennial Insurance, Inc.

**POLICYHOLDER DISCLOSURE
NOTICE OF TERRORISM
INSURANCE COVERAGE**

You are hereby notified that under the Terrorism Risk Insurance Act, as amended, you have a right to purchase insurance coverage for losses resulting from acts of terrorism. *As defined in Section 102(1) of the Act:* The term "act of terrorism" means any act or acts that are certified by the Secretary of the Treasury—in consultation with the Secretary of Homeland Security, and the Attorney General of the United States—to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property, or infrastructure; to have resulted in damage within the United States, or outside the United States in the case of certain air carriers or vessels or the premises of a United States mission; and to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

YOU SHOULD KNOW THAT WHERE COVERAGE IS PROVIDED BY THIS POLICY FOR LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM, SUCH LOSSES MAY BE PARTIALLY REIMBURSED BY THE UNITED STATES GOVERNMENT UNDER A FORMULA ESTABLISHED BY FEDERAL LAW. HOWEVER, YOUR POLICY MAY CONTAIN OTHER EXCLUSIONS WHICH MIGHT AFFECT YOUR COVERAGE, SUCH AS AN EXCLUSION FOR NUCLEAR EVENTS. UNDER THE FORMULA, THE UNITED STATES GOVERNMENT GENERALLY REIMBURSES 80% BEGINNING ON JANUARY 1, 2020, OF COVERED TERRORISM LOSSES EXCEEDING THE STATUTORILY ESTABLISHED DEDUCTIBLE PAID BY THE INSURANCE COMPANY PROVIDING THE COVERAGE. THE PREMIUM CHARGED FOR THIS COVERAGE IS PROVIDED BELOW AND DOES NOT INCLUDE ANY CHARGES FOR THE PORTION OF LOSS THAT MAY BE COVERED BY THE FEDERAL GOVERNMENT UNDER THE ACT.

YOU SHOULD ALSO KNOW THAT THE TERRORISM RISK INSURANCE ACT, AS AMENDED, CONTAINS A \$100 BILLION CAP THAT LIMITS U.S. GOVERNMENT REIMBURSEMENT AS WELL AS INSURERS' LIABILITY FOR LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM WHEN THE AMOUNT OF SUCH LOSSES IN ANY ONE CALENDAR YEAR EXCEEDS \$100 BILLION. IF THE AGGREGATE INSURED LOSSES FOR ALL INSURERS EXCEED \$100 BILLION, YOUR COVERAGE MAY BE REDUCED.

Acceptance or Rejection of Terrorism Insurance Coverage

	I hereby elect to purchase terrorism coverage for a prospective premium of \$ _____.
<input checked="" type="checkbox"/>	I hereby decline to purchase terrorism coverage for certified acts of terrorism. I understand that I will have no coverage for losses resulting from certified acts of terrorism.

_____ Policyholder/Applicant's Signature Insurance Company

_____ Print Name Policy Number

_____ Date