

BROADWATER COUNTY COMMISSIONERS

515 Broadway, Townsend

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

Meetings may be viewed on the website at <https://www.broadwatercountymt.com/home/pages/board-videos>. Public comment is taken either in writing in advance of the meeting or in person at the meeting.

Public comment is not taken by the website.

Working meetings are held in various locations, please review the notice of the working meeting to determine the location. Working meetings are not recorded and as a result are not available on the website.

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OFFICIAL agendas are posted in the Courthouse (1st floor bulletin board), Broadwatercountymt.com, on the bulletin board on the 1st Floor of the courthouse, and in the window of the Flynn Building at least 48 hours in advance of the meeting.

August 15, 2022

10:00 AM Discussion and Decision Nichole Brown, Director of Community Development and Planning, regarding the Notice to Broadwater County Commissioners of Pending Property Division in cause number DV-2020-30 Robert P. Antonick, Thomas J Antonick, and John D Antonick, Plaintiffs vs. Vincent J Antonick, Samuel Antonick, Ruth A. Fleck, Mary T. Liss, and Louis V. Antonick, Defendants.

10:30 AM Discussion and Decision, Nichole Brown, Director of Community Development and Planning, regarding the Greenway Subsequent Minor Subdivision

11:00 AM Discussion regarding Audrey Walleser-Martin Possible PIO (Public Information Officer) position

August 16, 2022

11:30 AM Moving In, Moving Out, and Moving Over: The Future of the Rural Housing Supply, Keynote Speaker Ben Winchester, Author of Rural Brain Gain and Reimagining Rural. Watch party, August 16th, 2022, 11:30a.m.-12:45a.m. at the Flynn Building (416 Broadway)

Public comment period (on items not on the agenda) will be at the beginning of each meeting. Mail & Items for Discussion and/or signature may occur as time allows during the meeting. Issues and times are subject to change.

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

- ✓ Certificate of Survey review
- ✓ Management – on-going advisory board appointments
- ✓ Claims/Payroll/minutes
- ✓ County Audit / Budget
- ✓ Mail – ongoing grants
- ✓ Correspondence – support letters

Debi Randolph

406-266-9270 and 406-980-2050

Darrel Folkvord Chairperson

406-266-9272 and 406-980-1213

Mike Delger

406-266-9271 and 406-521-0834

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

STAFF REPORT

COURT ORDERED DIVISION The Antonick Family

To: Broadwater County Commissioners
From: Nichole Brown, Broadwater County Planner
Date: August 2, 2022

APPLICANTS: Sam Antonick, Robert Antonick, Thomas Antonick, John Antonick, Vince Antonick, Louis Antonick, Mary Liss and Ruth Fleck

REFEREE: Honorable Jeffrey Sherlock, as appointed by the Court on December 14, 2020 as referee in this matter

I. EXECUTIVE SUMMARY:

The subject property is two-hundred ten (210) acres in size with direct access from Canton Lane, which is a County Road. The property was previously owned by Patricia Krott, the mother of said petitioners Sam, Robert, Thomas, John, Vince, Louis, Mary and Ruth. Mrs. Krott passed away in June of 2019 leaving the property to her eight (8) children (hereinafter referred to as petitioners) as Tenants in Common. There are two water rights associated with the property; surface irrigation water rights from Spring Ditch and three shares held through the Montana Ditch Company. The water rights are limited to agricultural irrigation uses.

II. COURT ORDERED DIVISION STATUTES:

Montana Code Annotated (MCA) 76-3-201(1)(a) provides that any Court may divide property pursuant to order, as an exemption from the Subdivision and Platting Act. Montana Code Annotated 76-4-125(1)(a) provides divisions made under MCA 76-3-201 exemptions are also exempt from the Sanitation in Subdivisions Act. The effect of these two statutes means that any court, with appropriate jurisdiction over the property, may divide property without adhering to either subdivision regulations or Department of Environmental Quality approval for new subdivisions, and specifically water, wastewater and storm water drainage. Montana Code Annotated 76-3-201(2) allows the use of Court ordered exemption for the division of property without addressing impacts on all of the issues considered in the formal review of a subdivision as long as not more than four (4) new lots are parcels are created from the original lot or parcel.

III. REQUEST:

The Motion for Partition has requested the Court to divide the existing parcel into eight (8) tracts, one for each of the eight (8) petitioners. This Court-Ordered Partition has been submitted by one of the parties, but not necessarily agreed to by all parties involved.

IV. LOCATION:

The property is located off of Canton Lane in the NE ¼ of Section 29, T7N, R2E, P.M.M., Broadwater County, Montana.

V. EXISTING DEVELOPMENT AND USES:

The property is currently irrigated farm land and has previously been used as grazing pasture.

Adjacent Land Uses:

North: Broadwater County future recreation area

East: Old Baldy Recreation golf course

South: Agricultural/Residential

West: Agricultural/Residential/Industrial

VI. PROJECT USES:

Waste Water:

If the Court Ordered division is approved, the lots will not be subject to review and or approval from the Department of Environmental Quality or the Environmental Health Office under the Sanitation in Subdivisions Act (Title 76, Chapter 4, Part 1 MCA) thereby possibly not mitigating impacts to adjacent properties. However, each individual septic system will need approval and permitting pursuant to the Broadwater County Onsite Wastewater Treatment Regulations.

Access:

The property is located directly east of Canton Lane, a county road. An approach is in place from this property to the county road, however it is undetermined whether or not the approach is approved by the Broadwater County Public Works Department. A historical agricultural access is utilized on the eastern boundary of the subject property to the Old Baldy Recreation golf course. However, this access is not a dedicated public access easement nor is it intended to be utilized for multiple vehicles accessing the subject property for consistent residential purposes. The access road to the east is owned and maintained by Old Baldy Recreation and is located on Broadwater County property; yet it is not a county road. Per the recommendation from Jeffrey Sherlock, the recommendation for access has been disputed by the parties but the preferred access would consist of a single cul de sac road travelling through the center of the parcel from east to west beginning at Canton Lane and ending well before it reaches the eastern boundary of the parcel. This internal road would provide access to the lots north and south of the roadway. The single cul de sac would not provide vehicular access to the golf course which lies to the east of this property. However, it is clear to Broadwater County that not all parties agree with this road layout.

Water:

The provision of water for future development will not be subject to review and approval by the Department of Environmental Quality under the Sanitation in Subdivisions Act (76-4-125, MCA et. seq.), and the provision of water may have negative impacts on the neighboring properties for future development. Water wells will be required to meet the separation requirements of the Broadwater County On-Site Wastewater Treatment Regulations.

Public Health and Safety:

The proposed division has the potential to have adverse impacts on Public Health and Safety as follows:

1. Access on to Canton Lane will increase the traffic volume and could pose a safety hazard to users of the roadway.
2. No fire protection is located in the vicinity of the subject property. The nearest fire protection system is located in the townsite of Townsend by means of fire

- hydrants connected to the city water system.
3. The irrigation canal that bisects the property from north to south could pose a hazard to animals and small children not under appropriate supervision.
 4. Depth to groundwater on the subject property could pose a potential public health hazard unless properly monitored.
 5. The internal road could become a potential safety hazard if not properly constructed and maintained; particularly at the irrigation crossing if not appropriately engineered and constructed.

VII. CONCLUSION:

Pursuant to 76-3-201(2), MCA, an exempt division of land as provided in subsection (1)(a) is not considered a subdivision under this chapter if not more than four (4) new lots or parcels are created from the original lot or parcel. 76-3-201(1)(a), MCA states, Unless the method of disposition is adopted for the purpose of evading this chapter, the requirements of this chapter may not apply to any division of land that is created by order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain. It will be necessary for the Court to decide if this Court-Ordered Partition is allowable under this MCA. It is clear to Broadwater County that not all parties are in agreement to this particular plan and/or lot configuration. It is possible Broadwater County will have to re-review these documents if a different plan is being contemplated by the Court.

ANTONICK COURT-ORDERED PARTITION

CONDITIONS OF APPROVAL

AUGUST 15, 2022

Should the Court decide to grant the Petition for Partition and divide the property, staff recommends the following:

1. Prior to submission of a final plat application, the applicant shall submit plans for wastewater treatment and water supply systems to the Broadwater County Environmental Health Department for review and approval. The applicant shall submit documentation to the Broadwater County Community Development Department from 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. (Sections 76-4-101, et. seq., MCA; Sections 17.36.101, et. seq., ARM)
2. The Court's order should instruct the petitioners that a certificate of survey is required to be prepared pursuant to Montana Code Annotated and the Administrative Rules of Montana (ARM), possibly providing dedicated easements if necessary.
3. The Court's order should instruct the petitioners that the internal access road should be engineered and constructed according to Broadwater County Subdivision Road Standards for a Local #1 Road.

STAFF REPORT

GREENEWAY SUBSEQUENT MINOR SUBDIVISION Preliminary Plat Dated 12/9/2021

To: Broadwater County Planning Board
From: Nichole Brown, Broadwater County Planner
Subject: A proposed subdivision to be known as **Greenway Subsequent Minor Subdivision**

GENERAL INFORMATION

Date of Application: March 21, 2022
Date of Sufficiency: May 23, 2022
Review Period Ends: September 6, 2022 *The developer has requested an additional 20-day review period to accommodate their availability to attend a public hearing

APPLICANT: Gary Greene
35 Legacy Drive
Three Forks, MT 59752

LEGAL DESCRIPTION: Situated in a portion of the SW ¼ of Section 29 and a portion of the SE ¼ of Section 30, Township 3 North, Range 1 East, Broadwater County, Montana

GENERAL LOCATION: The proposed subdivision is situated off of Kite Drive, approximately five and a half (5.5) miles north of the I-90/Highway 287 interchange.

I. EXECUTIVE SUMMARY:

The developer intends to create five (5) lots from an existing 131.806-acre parcel. The minimum lot size proposed is 1.0 acres and the maximum lot size proposed is 128 acres. Water and wastewater services will be provided via individual septic and well. The four (4) lots less than twenty (20) acres in size will be required to undergo review and approval through DEQ and the one (1) parcel greater than twenty (20) acres in size will undergo review by the Broadwater County Environmental Health Department. Fire protection will be provided by the Three Forks Fire District. Access will be provided onto Price Road via the internal subdivision road network consisting of Kite Drive and Whipporwill Drive..

II. REQUEST:

Approval of a 5-lot Minor Subdivision for Residential purposes.

III. STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Greenway Subsequent Minor Subdivision

Preliminary Plat subject to the conditions of approval based on the recommended findings of fact included in the Staff Report.

IV. LOCATION:

The proposed subdivision is located off of Kite Drive in the SW ¼ of Section 29 and the SE ¼ of Section 30, T3N, R1E, P.M.M., Broadwater County, Montana.

V. EXISTING DEVELOPMENT AND USES:

The property is generally flat unirrigated land and has previously been used as grazing pasture.

VI. ADJACENT LAND USES:

North: Residential and Agricultural

South: Residential Subdivision

East: Residential Subdivision and Agricultural

West: Agricultural

VII. PUBLIC COMMENT:

As of July 29, 2022, the Community Development and Planning Department has not received any public comment.

VIII. PROJECT BACKGROUND

Water is proposed to be provided via individual wells. Lots 4, 5, 6 & 7 are subject to review and approval by the Montana Department of Environmental Quality (DEQ), and the Amended Tract 3 is subject to review by the Broadwater County Environmental Health Office.

Wastewater treatment for the proposed development is proposed to be provided via individual septic systems. Lots 4, 5, 6 & 7 are subject to review and approval by the Montana Department of Environmental Quality (DEQ), and the Amended Tract 3 is subject to review by the Broadwater County Environmental Health Office.

The Applicant is proposing to use the fire pond, located less than a mile from this proposed development, for fire protection. The Three Forks Rural Fire District will provide fire protection services to this development.

Access will be off of Kite Drive connecting to Price Road, which is a county road. Kite Drive is a paved subdivision road.

IX. STAFF ANALYSIS

Compliance:

The proposed subdivision is in compliance with the Broadwater County Subdivision Regulations.

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, 6-c, 6-g, and 6-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 5-c, and 6-g 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 individual septic systems and wells. Lots 4, 5, 6 & 7 are subject to review and approval by MT Department of Environmental Quality and Amended Tract 3 is subject to review by 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 there are no known water quality issues in the surrounding groundwater wells.

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 domestic well locations will be reviewed and approved by the appropriate agencies prior to installation.

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 individual septic systems, will be approved by the DEQ and the Broadwater County Environmental Health Office prior to installation.

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, or the homeowners an choose to haul their own solid waste to the Logan Landfill.

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 Numbers 4 and 5-d are 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.

Utilities will be made available and abutting to each lot prior to final plat approval.

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 Vigilante Electric Cooperative, CenturyLink and Little Apple Tech.

Condition of Approval Number 5-b 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.

The internal subdivision roads are currently paved which exceed the 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 Price Road. According to the Traffic Impact Study included in the preliminary plat application, the current traffic counts average 918 vehicle trips per day on Price Road. Therefore Price Road should be constructed to a #2 Local Road according to the Broadwater County Road Standards.

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 loop road style system is already created for this development. The roads will still 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 this subdivision have already been approved by the filing of the previous subdivision, Eagle Ridge Estates.

Conditions of Approval Numbers 5, 6-b, 7 and 8 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. This development could potentially add eight (8) additional school age children to the school district. According to the preliminary plat application, the impact on the schools will be minimal. 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 Fire Pond located at the intersection of Price Road and Kite Drive.

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. The Three Forks Rural Fire District responded on May 2, 2022 accepting the Fire Protection Plan with no changes or recommendations.

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.

According to 76-3-621(8)(a), MCA A local governing body may, at its discretion, require a park dedication for: (i) a subsequent minor subdivision.

The Planning Board recommended that no conditions of approval are required to mitigate impacts on local services under parkland. (A full list of the Conditions of Approval is found starting on page number 13)

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 6-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 part of an existing subdivision, impacts to wildlife should be minimal.

Conditions of Approval Number 6-h is 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 part of an existing subdivision, the impacts to wildlife habitat should be minimal.

Conditions of Approval Number 6-h is 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 voltage lines or high pressure gas lines are approximate to this proposed development. There is no threat of severe toxic waste exposure or high potential for wildfire. A fire plan has been created in collaboration with the Three Forks Fire District.

Conditions of Approval Numbers 3, 6-c, 6-d, 6-e and 6-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 5 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 6 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 meet current 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 Number 5 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.

GREENEWAY SUBSEQUENT MINOR SUBDIVISION

CONDITIONS OF APPROVAL

JULY 29, 2022

On August 2, 2022, the Broadwater County Planning Board held a public meeting regarding the proposed Greenway Subsequent Minor Subdivision located in a portion of the SW ¼ of Section 29 and a portion of the SE ¼ of Section 30, T3N, R1E, P.M.M., Broadwater County, Montana

The preliminary approval is for five (5) residential 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. 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)
5. 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 northeastern subdivision boundary adjacent to Price Road;
 - b. All existing and proposed utility easements on the subject property;
 - c. Any existing ditch/irrigation easements;
 - d. Mailbox locations and easements, if on-site;
 - e. Easements for fire protection facilities, if on-site;
 - f. Easements for stormwater conveyance and detention/retention ponds, if on-site;
6. 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 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)
7. 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)
 8. 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)
 9. 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”**)

REFERRAL AGENCY COMMENTS:

Requests for comments were sent by the applicant to the following agencies:
 Three Forks School District
 Three Forks Ambulance
 Broadwater Health Center
 Three Rivers Medical Center
 Broadwater County Weed District

Broadwater County Sheriff's Department
Three Forks Fire District
MT State Historic Preservation Office

GENERAL INFORMATION:

Statutory Timeframes:

Date Application Submitted: March 21, 2022

Date Application Deemed Complete: May 2, 2022

Date Application Deemed Sufficient: May 23, 2022

Date Review Period Ends: September 6, 2022

Planning & Community Development

**Moving In, Moving Out, and Moving Over:
The Future of the Rural Housing Supply**



Major demographic shifts have forever changed the face of **rural** communities which was resulted in a **housing shortage**. In the next 20 years, nearly three-quarters of rural owner-occupied housing will turn over as seniors and baby boomers move out. A broad examination of the trends related to these moves – such as **workforce housing**, a **tight labor market**, and changing **residential preference** will be discussed.

Broadwater County Planning & Community Development is inviting you to join us from 11:30 a.m. – 12:45 p.m. on Tuesday, August 16, 2002 at Flynn Building located at 416 Broadway St., Townsend, MT to watch our keynote speaker Ben Winchester who will help us to better understand the housing situation in our community and give us some ideas on what we can do to help address the challenge. We will have some time at the end of the presentation for Q&A and open discussion.

For questions, please contact us at (406) 266-9211 or email Tacy Swanton at tswanton@co.broadwater.mt.us or Nichole Brown at planning@co.broadwater.mt.us.

**Ben Winchester, Rural Brain Gain Author
and Reimagining Rural Keynote Speaker**

**August 16th 11:30 a.m. – 12:45 p.m.
via Zoom**

