

**STAFF REPORT
FOR THE COOK'S LANDING DUPLEXES**

Date: February 2, 2023

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

Name of Project: Cook's Landing Duplexes

Number of Units: 3 duplexes – 6 livable units

Legal Description: Located in Section 14, T7N, R1E,
P.M.M., Broadwater County, Montana

Landowner: Gayle Watson

Designated Representative: Gayle Watson

Public Hearing: Not required for BLR Application

Commission Meeting Date(s): February 15, 2023

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

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

INTRODUCTION

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

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

FINDINGS OF FACT

A. Project Summary

1) Proposal

Gayle Watson is proposing to construct 3 duplexes with 6 housing units for rent on an existing 21.06 acre parcel. The property is located off of US Highway 287 north of Townsend. The property is currently developed with two existing duplexes; 4 living units. It is the understanding of the Community Development Office that the two duplexes have been in operation as residential rental units since 2019. The two duplex units were not submitted according to the Buildings for Lease or Rent (BLR) Regulations which defines a building as a structure or a unit of a structure with a roof supported by columns or walls for the permanent or temporary housing or enclosure of persons or property or for the operation of a business. The definition of building unit was further clarified by the Broadwater County Commissioners at their October 31, 2021 regular business meeting.

Therefore, the original two duplexes containing 4 living units were not been submitted for BLR approval by the Commissioners as the definition was previously interpreted to mean four-walled structure, not each individual unit.

The owner is proposing to construct three buildings containing the living units. The two existing units are located on the east side of the property. The proposed duplexes are being located directly west of the existing buildings. The floor area of each duplex will be approximately 2150 square feet with a ground coverage of 2500 square feet which includes sidewalk, patio and garage apron.

The duplexes will be served by individual on-site wastewater treatments systems and individual wells. Each duplex will have a 1000 gallon holding tank and a drain field designed for a 4 bedroom, 2 bathroom structure. Meaning each livable unit will have 2 bedrooms and 1 bathroom.

Access to the duplexes will be via the internal road network consisting of Buckeye Road to Banner Drive, which subsequently connects to US Highway 287.

2) Project Characteristics

Size:	20.06 acres
Present land use:	Mixed agricultural and residential use, mostly open vacant land
Access:	Approach to US Highway 287
Utilities:	NorthWestern Energy is currently providing electrical service to this property
Water/Sewer:	Individual wastewater treatment systems and individual wells will be approved by the MT Department of Environmental Quality
Adjacent land uses:	Residential and Agricultural
Zoning:	This property is not currently zoned
Covenants:	None proposed

B. Findings

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

1) Compliance with Section 6.A of the BLR Regulations

Section 6.A of the BLR Regulations outlines what is required of an “Application Submittal” for a BLR Application. The application and review fees were submitted to the Broadwater County Community Development Office on October 20, 2022 and additional material was submitted and deemed sufficient on December 7, 2022. All of the required documents have been submitted.

Conclusion: The application was submitted to the Community Development Director with the appropriate review fee and materials as required by Section 6.A.i of the Broadwater County BLR Regulations.

C. Review Process

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

- The applicant submitted the application and fees on October 20, 2022
- A letter of incompleteness, requesting additional information, was mailed to the applicant on November 15, 2022
- The applicant submitted the requested information on November 25, 2022
- The application was deemed complete on December 7, 2022
- The County Commissioners are scheduled to review the application February 15, 2023 and March 1, 2023
- The County Commissioners must send a letter to the landowner of the approval, conditional approval or denial of the application prior to the end of the 60 day review period (March 7, 2023)

Conclusion: The application is being reviewed in accordance with Section 6.B of the Broadwater County BLR Regulations. The process has complied with the regulations to date. The governing body is required to approve, conditionally approve or deny the application on or prior to the review deadline of March 7, 2023 and notify the landowner of the decision on or before the date.

D. Relevant Review Criteria

The recommended findings of the reviewer are stated below and are based on the BLR Application materials provided by the applicant's representative and in accordance with the Governing Body Decision (Section 6.C) of the 2014 Broadwater County Building for Lease or Rent (BLR) Regulations.

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

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

The BLR Regulations do not include specific design or performance standards that are applicable to the project, but rely on the review criteria and administrative provisions of the regulations, which the project complies with. For this application, no other regulations are applicable since the land, buildings and units will remain under the ownership of the applicant. The proposed duplexes are to be located in a semi-developed area, and the site has previously been developed with infrastructure for the existing duplexes.

Impacts on the physical environment and human population in the area are not expected as a result of the additional duplexes.

Conclusion: The proposed buildings for lease or rent, as submitted and conditioned, will be required to comply with the BLR regulations and other regulations applicable to the property – specifically DEQ requirements on public water supplies. The proposed BLR, as submitted and conditioned, should avoid potential significant impacts on the physical environment and human population in the area.

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

DEQ will approved the location and size of the proposed shared on-site wastewater treatment systems and shared wells. Solid waste will need to be transported by the future residents of the duplexes. The nearest solid waste sites are the Townsend Canister Site or the Indian Creek Transfer Station. Residents also have option of hiring an independent contractor to pick up their solid waste.

Conclusion: Adequate water, wastewater and solid waste facilities are available to serve the duplexes.

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

There is one proposed access on to US Highway 287 for entering and exiting the property. The duplexes will have access on to the newly created Buckeye Road which will connect to the existing Banner Drive. Banner Drive has direct access to US Highway 287.

Conclusion: Adequate access to the site will be provided to serve the duplexes, based on the existing and newly created road network, MDT approach requirements and recommended conditions of approval.

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

According to the BLR Application, emergency services will be provided by the Townsend Fire Department (Broadwater County Rural Fire Department), Broadwater County Sheriff and Billings Clinic Broadwater. The nearest location to emergency services is the city of Townsend which is 4.5 miles south of the proposed BLR.

Conclusion: Adequate emergency medical, fire protection and law enforcement services are available to serve the duplexes. The structures shall have adequate identification signage in order to ensure public safety.

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

This property is not located within a designated floodplain.

Conclusion: The property is outside of the FEMA designated floodplain, therefore the flood plain regulations do not apply to this BLR application.

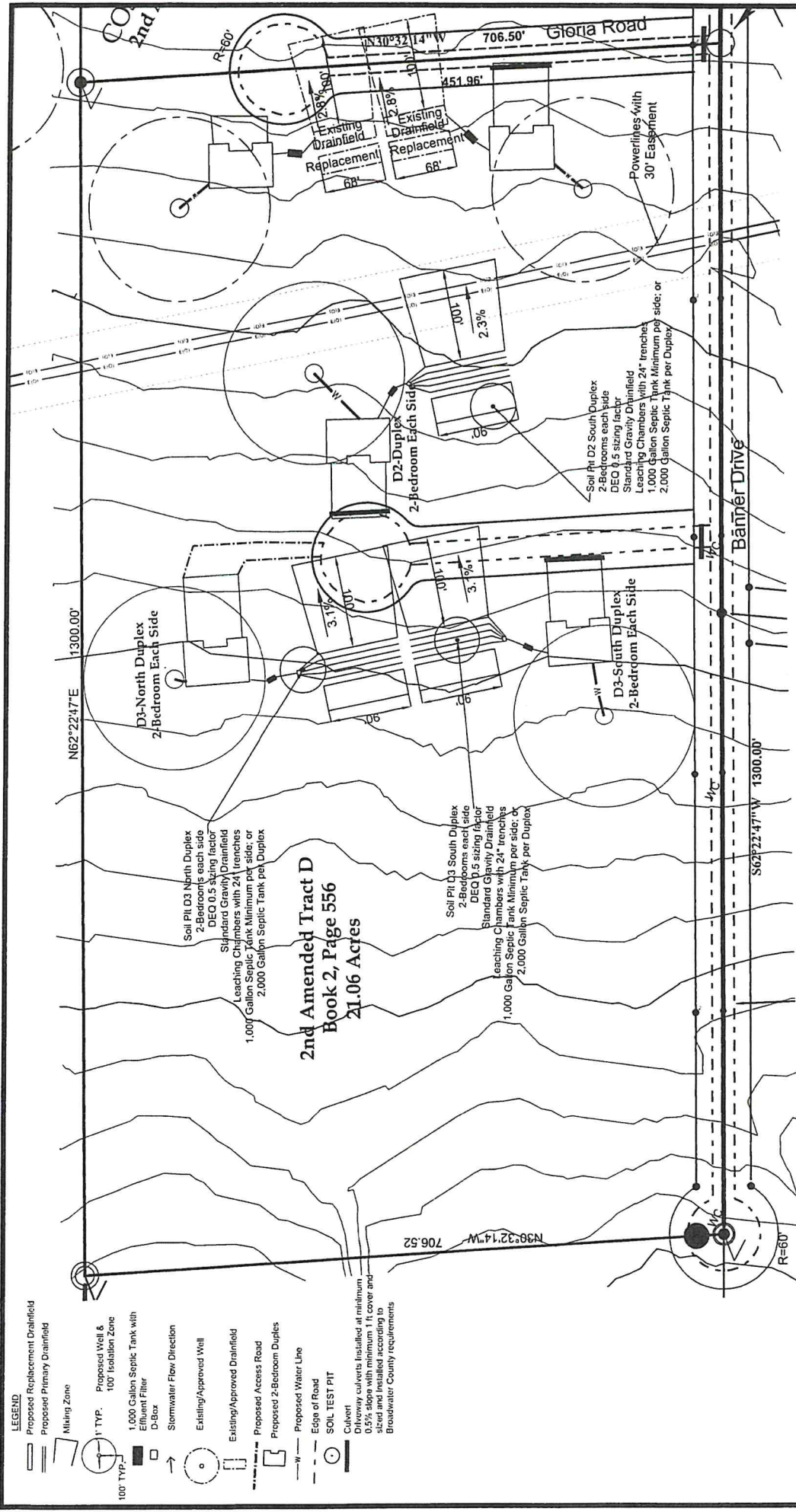
E. RECOMMENDATION

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

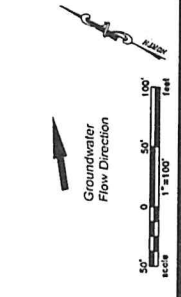
CONDITIONS

1. The development and use of the property as a residential duplex development providing buildings for lease or rent shall be in substantial compliance with the plans reviewed and approved by the governing body. *(BLRR 6.C)*
2. The approval of the Cook's Landing BLR application is based on the proposal to lease or rent the individual duplex units, which shall continue to be owned by the landowner. Any change that results in the current or future landowner or designee selling the individual duplex units, as a separately owned unit, is not approved. *(BLRR 6.C)*
3. An approach permit shall be obtained from the MT Department of Transportation for access to US Highway 287. Installation of the approach shall be completed in accordance with the approved permit and installation approved by MDT. The approved approach permit shall be submitted to the Broadwater County Community Development Office upon approval. *(BLRR 6.C)*
4. The water, wastewater, solid waste and storm water facilities for the duplexes shall be in compliance with the Montana Department of Environmental Quality (MDEQ) requirements. The MDEQ approval shall be submitted to the Broadwater County Community Development Office upon approval.
5. These conditions of approval shall be met within two years from the date of approval *(BLRR 2)*

6. All of the above conditions shall be adhered to or the approval shall become null and void. The applicant for this project is hereby informed that any unmet regulations, procedures, conditions and mitigations, or provisions that are not specifically listed as conditions of approval, does not, in any way, create a waiver or variance of the lawful requirements of the Broadwater County regulations or state laws. (BLRR 6.C)



Cooks Landing 2nd Amended Tract	
D-Duplexes	
Broadwater County, UT	
Lot Layout	
North 1/2 of S14, T7N, R1E	
DRWN. BY	CHK'D. BY
J.J. Connor	Teresa Connor
DATE	JJC Consulting LLC
	07/02/2022



- LEGEND**
- Proposed Replacement Drainfield
 - Proposed Primary Drainfield
 - Mixing Zone
 - 1" TYP. Proposed Wall & 100' Isolation Zone
 - 1,000 Gallon Septic Tank with Effluent Filter
 - D-Box
 - Stormwater Flow Direction
 - Existing/Approved Well
 - Existing/Approved Drainfield
 - Proposed Access Road
 - Proposed 2-Bedroom Duplex
 - Proposed Water Line
 - Edge of Road
 - SOIL TEST PIT
 - Culvert
 - Driveway culverts installed at minimum 100' from stormwater drainfield cover and sized and installed according to Broadwater County requirements

The existing and approved wells and drainfields within 100 & 500 feet of the existing property boundary are shown. There are no other known contaminants within 500 feet of the proposed property.

Area around drainfields would be graded so stormwater drains away from the drainfield. Duplexes to be built above existing grade and graded so stormwater drains away from homesites, driveway and other impermeable areas constructed on this lot.

Each duplex would either have a 1,000 gallon septic tank per side or share a 2,000 gallon septic tank.

Well must be constructed in accordance with ARM Title 36, Chapter 21, Subchapter 6.

For Gravity Systems:
Absorption Field, Transport Pipe, Manifold & Distribution Materials and Septic Tank must meet the requirements of DEQ 4 and the following applicable Standard Details:
4.1-1, 4.1-2, 4.1-3, 4.1-4, 4.1-5, 4.1-6, 4.1-7, 4.1-8, 4.1-9, 4.1-10, 4.1-11, 4.1-12, 4.1-13, 4.1-14, 4.1-15, 4.1-16, 4.1-17, 4.1-18, 4.1-19, 4.1-20, 4.1-21, 4.1-22, 4.1-23, 4.1-24, 4.1-25, 4.1-26, 4.1-27, 4.1-28, 4.1-29, 4.1-30, 4.1-31, 4.1-32, 4.1-33, 4.1-34, 4.1-35, 4.1-36, 4.1-37, 4.1-38, 4.1-39, 4.1-40, 4.1-41, 4.1-42, 4.1-43, 4.1-44, 4.1-45, 4.1-46, 4.1-47, 4.1-48, 4.1-49, 4.1-50, 4.1-51, 4.1-52, 4.1-53, 4.1-54, 4.1-55, 4.1-56, 4.1-57, 4.1-58, 4.1-59, 4.1-60, 4.1-61, 4.1-62, 4.1-63, 4.1-64, 4.1-65, 4.1-66, 4.1-67, 4.1-68, 4.1-69, 4.1-70, 4.1-71, 4.1-72, 4.1-73, 4.1-74, 4.1-75, 4.1-76, 4.1-77, 4.1-78, 4.1-79, 4.1-80, 4.1-81, 4.1-82, 4.1-83, 4.1-84, 4.1-85, 4.1-86, 4.1-87, 4.1-88, 4.1-89, 4.1-90, 4.1-91, 4.1-92, 4.1-93, 4.1-94, 4.1-95, 4.1-96, 4.1-97, 4.1-98, 4.1-99, 4.1-100.