

Glenda Wiles

From: C. Grandstaff <grandstaff@cybernet1.com>
Sent: Monday, July 23, 2018 8:18 AM
To: Glenda Wiles; Wade Humphries
Subject: wildlife data - Sand Hill Ridge public comment
Attachments: 140303NSERPmonthly.docx

I'm forwarding this data on elk research conducted by FWP and the MPG Ranch as part of the Northern Sapphires Elk Research Project as public comment on Sand Hill Ridge.

Begin forwarded message:

From: "James E Rokosch" <jrokosch@cybernet1.com>
Subject: Emailing: 100814NSERPmonthUpdate, 140303NSERPmonthly, 140421-3
Date: July 23, 2018 at 8:06:25 AM MDT
To: "Carlotta Grandstaff " <grandstaff@cybernet1.com>

MEMORANDUM

To: George Bettas, Chairman, Montana's Outdoor Legacy Foundation; Mike Thompson, Region 2 Wildlife Manager, Fish, Wildlife & Parks; Dr. Kelly Proffitt, Research Biologist, Fish, Wildlife & Parks; Dr. Philip Ramsey, Manager, MPG Ranch; Vivaca Crowser, Information and Education Manager, Fish, Wildlife & Parks; Nathan Borg, Bitterroot Area Wildlife Biologist, Montana Fish, Wildlife & Parks

From: Gregory Kennett and Craig Jourdonnais, Ecosystem Research Group

Date: March 3, 2014

Re: North Sapphire Elk Research Project – February 2014 Monthly Activity Update

Activity Update

Elk Capture



Figures 1 and 2. Quicksilver Capture Crew Net-gunning Cow Elk near Iron Cap (left) and Darting Bull Elk on Threemile Wildlife Management Area (right) on February 24, 2014

Kelly, Julee, Nathan, and Ben teamed up with Quicksilver, a helicopter capture crew to initiate elk capture operations for the North Sapphire Elk Research Project (NSERP) on Thursday, February 20, 2014. Weather delays prolonged capture efforts which ended on Tuesday, February 25, 2014. The capture total included 65 elk (45 cows and 20 bulls). Attached to this update is a map illustrating capture locations. FWP biologists obtained blood samples and estimated age from each animal. They evaluated body condition of each adult cow and placed up-loadable GPS radios on 60 of the 65 captured elk. Another five elk received a standard GPS radio. FWP programmed each radio to remain on these elk for 104 weeks. Each radio has a mortality sensor that sends a signal to Ben's, Julee's and Kelly's email address should a mortality occur anytime during the 104 weeks.

Vickie Edwards of FWP provided assistance during the capture. Craig spent one day in the fixed-wing spotter plane contracted through Choice Aviation of Hamilton and offered ground assistance during the first four days of capture. Teagan and Philip also accompanied ground crews during capture.

The north Bitterroot offers a very challenging landscape to conduct capture operations on elk. Most of the landownership is relatively small. Working on the MPG and Burnt Fork Ranches, two of the larger land holdings in the north valley, was a luxury. Elk became available to the capture operation on the Bitterroot Trails property southwest of Lolo and a 160-acre parcel of Department of Natural Resources and Conservation (DNRC) land located near Reed Butte (Iron Cap) east of Stevensville. Both of these locations are located in essentially urban settings and presented unique challenges for the capture crew. Quicksilver captured four adult cow elk at each location.

The capture crew darted a fifth cow elk on Bitterroot Trails property. The elk disregarded attempts by the helicopter pilot to keep her on the property. The cow succumbed to the immobilizing drug on lands overseen by Helena Maclay. Montana Fish, Wildlife & Parks (FWP) had not worked out permission to conduct capture on this property. FWP biologists contacted Helena by phone and obtained permission to access the elk and deliver the reversal drug. Upon delivering the reversal and observing this elk moving toward timbered slopes to the west, FWP took no other action with this animal. FWP staff plan to visit, in person, with the Maclay lands manager this week to inspect fences and accommodate any fence repair relating to the capture operation.

Fundraising

Tony Jones, President of Ravalli County Fish and Wildlife Association (RCFWA) contacted Craig last week to inform him of the group's intent to contribute an additional \$1,700.00 to the North Sapphire Elk Research Project (NSERP). RCFWA had previously donated \$300.00 to NSERP.

Pre-Capture Private Landowner Contacts

Ben, Julee and Craig worked on contacting private landowners to secure access for helicopter staging areas and capture operations. These contacts continued through the various capture schedule changes to alert and inform landowners of the most recent capture schedule.

NSERP Fund Transfer for Capture Operations

Kelly, George, Philip and Craig coordinated capture fund transfer from MPG Ranch Foundation to Montana's Outdoor Legacy Foundation (MTOLF) and ultimately FWP. FWP budget staff notified George that holding out \$2,000.00 to cover payment of contract aircraft and pilot involved in elk capture operations was not allowable under terms of the MTOLF/FWP contract. George will work with NSERP team members to find an alternate method, one that is consistent contractual terms, to pay the contract aircraft hired out of Choice Aviation.

Capture Day Education Event

Mike, Vivaca, Teagan Hayes, Joshua Lisbon and Craig made several attempts to plan and host an education event on MPG Ranch during elk capture operations. When Kelly was able to finalize initiation of the capture operation, several of the education event planners had previous commitments. Teagan and Craig scheduled a short-notice, scaled down version of an education day event during the first morning of elk capture operations on MPG Ranch. About a dozen folks participated in the gathering. Each participant observed the aerial capture activities and were able to visit with employees of MPG Ranch and FWP.



Figure 2. Education Day Participants Observing Elk Capture Operations on MPG Ranch, February 20, 2014

Media/Communications

Reporter Will Wadley of KECI-TV and Nate Hegyi, a graduate student in radio journalism at the University of Montana attended the education event. Wadley produced a news report for KECI. You can view the report at this link:

<http://www.nbcmontana.com/news/biologists-capture-collar-elk-to-kick-off-bitterroot-study/24591258>

One item worth noting in Mr. Wadley's report; elk capture operations occurred on MPG Ranch the day Mr. Wadley collected information and video for his report, however FWP captured elk throughout the study area over the next several days. The study area extends from Miller Creek to Burnt Fork Creek and west to the Mormon Ridge vicinity.

Nate is producing a radio program focusing on the management challenges facing hunters, private landowners and wildlife professionals with shifting elk distributions on private and public lands. He interviewed several people during his four hour visit during the education event. Nate will contact NSERP team members when a final media product is completed.



Figure 3 and 4. FWP's Ben Jimenez and Dr. Kelly Proffitt Prepare GPS Collars for Deployment (left) on 45 Cow Elk (right) From February 20-25, 2014

Non-Phased Subdivision Preliminary Plat Extension Guidance and Recommended Subdivision Regulation Amendments

Guidance: Public participation and the public's right to know are increasingly the subject of litigation in land use processes and decisions. In Montana, the public's right to know and to participate are fundamental rights provided by the Montana Constitution (Art. II Sec. 8 and 9). The *Legacy Ranch* decision out of Ravalli County in July of 2015 focused on the public's constitutional right to know and participate in regards to phased developments. The public's right to know and participate in phased developments were addressed in the 2017 legislative session with a phased development bill, HB 445. However, during discussions on HB 445, concerns were raised that the same issues regarding public participation and the public's right to know exist in regards to extensions of preliminary plat approvals for non-phased subdivisions.

The following subdivision regulations amendments have been developed to assist local governing bodies in amending their subdivision regulations to address extensions of preliminary plat approvals within the context and limitations of Section 76-3-610, MCA. It is important to keep in mind that when considering an extension for a non-phased subdivision preliminary plat approval, the extension **cannot** impose new conditions that the subdivider must meet before final plat. Failure to meet preliminary plat extension criteria may, however, be factored in the decision to grant or deny a requested extension.

It is also important to note that while there is not a limitation on how long an extension can be granted for a non-phased subdivision, extensions should be granted to allow periodic review and evaluation of the preliminary plat extension criteria. Individual extensions of preliminary plat approval for non-phased subdivisions should be limited to no more than 3 years; with the total extensions for preliminary plat approval for non-phased subdivisions no more than ten years. The information regarding impacts of the subdivision - and mitigation of those impacts – becomes increasingly stale and meaningless after approval of the preliminary plat, denying the public its constitutional right to know and participate in local government decision-making.

Recommended Amendments to Subdivision Regulations for Extension of Preliminary Plat Approval under Section 76-3-610.

1. All requests for extensions must be in writing and must provide responses to the following criteria and supporting documentation, if any:
 - A. Progress to date in completing or demonstration and evidence of good faith efforts to satisfy the required conditions of preliminary plat approval.
 - B. Duration of the required extension and the ability of the subdivider to meet the required conditions of preliminary plat approval within the requested extension period.
 - C. Significant changes in the vicinity of the subdivision that have occurred or are planned to occur within the requested extension period and whether the preliminary plat conditions adequately mitigate the significant changes. Significant changes constitute changes that may render the subdivision non-compliant with current design standards, such as road design, wildfire, or flood standards.
 - D. Consistency with adopted comprehensive planning documents, including but not limited to, the jurisdiction's growth policy, annexation policy, capital improvements plan, transportation plan, etc.
 - E. Impacts to public health, safety and general welfare.
 - F. Planning and provisions of public facilities and services in the vicinity of the subdivision and whether the requested extension conforms to those plans and provisions.
2. Prior to granting any extensions greater than 3 years past original signed statement of original preliminary plat approval for a major subdivision, the governing body must hold a public hearing. Notice of the hearing must be given by publication in a newspaper of general circulation in the county not less than 15 days prior to the date of the hearing.
3. Prior to granting any extension of a preliminary plat approval for a minor subdivision, the governing body should hold a public meeting noticed in accordance with the standard practices of the governing body.
4. After the hearing or meeting, the governing body shall determine the extent to which the request meets the criteria for extension, including whether or not any changes to the primary criteria impacts identified in the original subdivision approval or any new information not previously considered exists that creates any new potentially significant adverse impacts that would support denial of the subdivision extension request. Additional conditions may not be imposed as a condition of subdivision extension.

Glenda Wiles

From: C. Grandstaff <grandstaff@cybernet1.com>
Sent: Monday, July 23, 2018 8:22 AM
To: Glenda Wiles; Wade Humphries
Subject: MACo guidance to counties on public comment
Attachments: Preliminary Plat Extension Guidance.pdf

This is from MACo. The commissioners should have a copy, but if not, here's another.

Glenda Wiles

From: C. Grandstaff <grandstaff@cybernet1.com>
Sent: Monday, July 23, 2018 8:23 AM
To: Glenda Wiles; Wade Humphries
Subject: public comment on Sand Hill Ridge from Bitterrooters for Planning
Attachments: SandHill Ridge comments 72018.docx; Sandhill traffic data links.docx; Supreme Court exempt well order.pdf; WebPage.pdf; OPINIONANDORDER.pdf

https://leg.mt.gov/bills/mca/title_0760/chapter_0030/part_0060/section_0080/0760-0030-0060-0080.html<https://vimeo.com/254882935>

The Vimeo link shows all the radiocollared elk locations for Northern Sapphires Elk Research Project, animated over time. Colors don't really matter, since each dot represents a location and these locations change over time.

Glenda and Wade,

I'm forwarding comments on the Sand Hill Ridge subdivision on the schedule today for final plat decision. We'll be asking for a 60-day extension. I have more information that I'll send separately.

Thanks,
Carlotta

Sand Hill Ridge
July 20, 2018

Commissioners:

I'm here today representing Bitterrooters for Planning. Sand Hill Ridge has a poor track record:

- The developer first tried to pass this single-home residential subdivision off as a condo development. The Ravalli County attorney's office challenged this, successfully.
- The county commissioners, for reasons still unknown, voted to approve the subdivision AND give the developer \$600,000 after losing two lawsuits to the Bitterroot Star, the first of which successfully challenged the illegal decision-making process and a second lawsuit which resulted in an award of legal fees.
- The county lost the Legacy Ranch lawsuit, and as a result of that lawsuit, state law was amended to public opportunity to submit new data at every phase of a subdivision, and a requirement that the governing body review that data and come up with appropriate mitigation;
- The planning department/county commissioners never amended its subdivision regulations to reflect change in state law, specifically HB 445, sponsored by Rep. Ed Greef and supported by MACo, reflecting the requirement counties now have to accept new data on phased subdivisions;
- The public notice for final plat approval on Sand Hill Ridge was sent out on July 19 for a July 23 hearing, making it extremely difficult for citizens to find the data that county government should have – essentially giving citizens one 8-hour workday to find new data on the seven criteria. Specifically, Article II, Section 8 of the Montana Constitution Right of participation states: The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.
- You have the two sets of data we were able to find on short notice: wildlife data specific to this property and traffic data from MDOT specific to highway 93 and state route 203. How stale is the existing data for the seven criteria? Has the county researched new data? It's the responsibility of the county commissioners to answer this question and seek out new data, not the responsibility of the citizens. The county must review new data, and either impose new mitigation or deny the request.
- It is also your responsibility to determine whether the proposed wells on this property are exempt from permitting under the 1987 rule.

Bitterrooters for Planning requests a 60-day extension of the Sand Hill final plat decision to give the public adequate time to gather data and participate in local government decision-making as guaranteed under Article 2, Section 8 of the Montana Constitution, and to give the board the time to analyze the data submitted

today and to research if any changes have occurred relative to this property as described by the seven criteria in the MSPA.

HON. JAMES A. HAYNES
District Judge - Dept. 2
Twenty-First Judicial District
Ravalli County Courthouse
205 Bedford - Suite B
Hamilton, Montana 59840
(406) 375-6780
Fax (406) 375-6785

FILED
PAIGE TRAUTWEIN, CLERK

JUL 31 2015
Linda Cheyney
DEPUTY

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

<p>BITTERROOTERS FOR PLANNING, INC.</p> <p>Plaintiff and Petitioner,</p> <p>vs.</p> <p>BOARD OF RAVALLI COUNTY COMMISSIONERS, a body politic and a political subdivision of the State of Montana, and SUNNYSIDE ORCHARDS, LLC,</p> <p>Defendants and Respondents.</p>	<p>Cause No. DV - 2013-372 /53 Department No. 2</p> <p>OPINION AND ORDER</p>
---	---

This matter involves the August 14, 2013 written decision (“PPD”) approved by all five (5) of the members of the Defendant and Respondent Board of Ravalli County Commissioners (“Commissioners” or “BCC”) which decision grants conditional preliminary plat approval to the Legacy Ranch subdivision (“Legacy” or “Legacy Ranch”). Plaintiff and Petitioner Bitterrooters for Planning (“BFP”) is represented by Jack R. Tuholske of Tuholske Law office. BCC is represented by Alan McCormick of Garlington, Lohn and Robinson, PLLP.¹ Defendant and Respondent Sunnyside Orchards, LLC (“Sunnyside”) is represented by William K. VanCanagan and J.R. Casillas of

¹ Deputy Ravalli County Attorney Howard Recht also appeared on behalf of the BCC at the June 18, 2015 hearing.

Carlotta

Hello. I hope all is well with you.

All the information you requested is on MDT's website. Here are some links:

Map describing roadways - click on the roadway for information. <http://www.arcgis.com/home/webmap/viewer.html?webmap=1eab4f286f61456b87fa28dc42e49e8f>

Here is a map with volumes. Again, click on the dots on the roadway and the traffic data will show

up. <http://www.arcgis.com/home/webmap/viewer.html?webmap=8a0308abed8846b6b533781e7a96eedd>

This link will take you to all the traffic data reports that we have: https://www.mdt.mt.gov/publications/datastats/traffic_reports.shtml

This is a link with all the crash

data: <https://www.mdt.mt.gov/publications/datastats/crashdata.shtml>

If you want more detailed information, you will have to submit a request for information form. It will likely cost a bit of money as well. I think the links above will have all the information you might be looking for.

If you have questions, let me know.

Thanks.

Shane Stack

Montana Department of Transportation

(406) 523-5830

sstack@mt.gov

IN THE SUPREME COURT OF THE STATE OF MONTANA
Case No. DA 14-0813

THE CLARK FORK COALITION, a non-profit organization with senior water rights; **KATRIN CHANDLER**, an individual with senior water rights; **BETTY J. LANNEN**, an individual with senior water rights; **POLLY REX**, an individual with senior water rights; and **JOSEPH MILLER**, an individual with senior water rights,

Petitioners/Appellees,

v.

JOHN E. TUBBS, in his capacity as Director of the Montana Department of Natural Resources and Conservation and **THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION**, an executive branch agency of the State of Montana,

Respondents,

v.

MONTANA WELL DRILLERS ASSOCIATION,

Intervenors/Appellants,

v.

MONTANA ASSOCIATION OF REALTORS and **MONTANA BUILDING INDUSTRY ASSOCIATION**,

Intervenors/Appellants,

v.

MOUNTAIN WATER COMPANY,

Intervenor.

On Appeal from Montana First Judicial District Court, Lewis and Clark County
Cause No. BDV-2010-874, Hon. Jeffrey Sherlock, District Judge

BRIEF OF *AMICUS CURIAE* MONTANA ASSOCIATION OF COUNTIES



AN ACT REVISING LOCAL SUBDIVISION REVIEW LAWS; PROVIDING FOR PHASED DEVELOPMENT FOR WHICH A SUBDIVIDER MAY APPLY TO A LOCAL GOVERNING BODY; REQUIRING THAT A PHASED DEVELOPMENT APPLICATION INCLUDE INFORMATION ON ALL PROPOSED PHASES AND A SCHEDULE FOR REVIEW OF EACH PHASE; REQUIRING THAT ALL PHASES OF A PHASED DEVELOPMENT BE SUBMITTED FOR REVIEW AND ACTED ON WITHIN A CERTAIN TIME; REQUIRING A PUBLIC HEARING FOR REVIEW OF EACH PHASE AND REQUIRING A GOVERNING BODY TO CONSIDER CHANGED PRIMARY CRITERIA IMPACTS OR NEW INFORMATION WHEN REVIEWING EACH PHASE; ALLOWING A GOVERNING BODY TO IMPOSE NECESSARY, ADDITIONAL CONDITIONS ON APPROVAL OF EACH PHASE; ALLOWING A GOVERNING BODY TO CHARGE A FEE FOR REVIEW OF PHASES IN A PHASED DEVELOPMENT; PROVIDING DEFINITIONS; AMENDING SECTIONS 76-3-102, 76-3-103, AND 76-8-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-102, MCA, is amended to read:

"76-3-102. Statement of purpose. It is the purpose of this chapter to:

- (1) promote the public health, safety, and general welfare by regulating the subdivision of land;
- (2) prevent overcrowding of land;
- (3) lessen congestion in the streets and highways;
- (4) provide for adequate light, air, water supply, sewage disposal, parks and recreation areas, ingress and egress, and other public requirements;
- (5) require development in harmony with the natural environment;
- (6) promote preservation of open space;
- (7) promote cluster development approaches that minimize costs to local citizens and that promote effective and efficient provision of public services;
- (8) protect the rights of property owners; ~~and~~

(9) require uniform monumentation of land subdivisions and transferring interests in real property by reference to a plat or certificate of survey; and

(10) provide for phased developments."

Section 2. Section 76-3-103, MCA, is amended to read:

"76-3-103. Definitions. As used in this chapter, unless the context or subject matter clearly requires otherwise, the following definitions apply:

(1) "Certificate of survey" means a drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations.

(2) "Cluster development" means a subdivision with lots clustered in a group of five or more lots that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing other lands to remain undeveloped.

(3) "Dedication" means the deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted.

(4) "Division of land" means the segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to this chapter. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land.

(5) "Examining land surveyor" means a registered land surveyor appointed by the governing body to review surveys and plats submitted for filing.

(6) "Final plat" means the final drawing of the subdivision and dedication required by this chapter to be prepared for filing for record with the county clerk and recorder and containing all elements and requirements set forth in this chapter and in regulations adopted pursuant to this chapter.

(7) "Governing body" means a board of county commissioners or the governing authority of a city or town organized pursuant to law.

(8) "Immediate family" means a spouse, children by blood or adoption, and parents.

(9) "Minor subdivision" means a subdivision that creates five or fewer lots from a tract of record.

(10) "Phased development" means a subdivision application and preliminary plat that at the time of submission consists of independently platted development phases that are scheduled for review on a schedule proposed by the subdivider.

~~(10)~~(11) "Planned unit development" means a land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that compose a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use.

~~(11)~~(12) "Plat" means a graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, and other divisions and dedications.

~~(12)~~(13) "Preliminary plat" means a neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision that furnish a basis for review by a governing body.

~~(13)~~(14) "Public utility" has the meaning provided in 69-3-101, except that for the purposes of this chapter, the term includes county or consolidated city and county water or sewer districts as provided for in Title 7, chapter 13, parts 22 and 23, and municipal sewer or water systems and municipal water supply systems established by the governing body of a municipality pursuant to Title 7, chapter 13, parts 42, 43, and 44.

~~(14)~~(15) "Subdivider" means a person who causes land to be subdivided or who proposes a subdivision of land.

~~(15)~~(16) "Subdivision" means a division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise transferred and includes any resubdivision and a condominium. The term also means an area, regardless of its size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or mobile homes will be placed.

~~(16)~~(17) (a) "Tract of record" means an individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

(b) Each individual tract of record continues to be an individual parcel of land unless the owner of the

parcel has joined it with other contiguous parcels by filing with the county clerk and recorder:

(i) an instrument of conveyance in which the aggregated parcels have been assigned a legal description that describes the resulting single parcel and in which the owner expressly declares the owner's intention that the tracts be merged; or

(ii) a certificate of survey or subdivision plat that shows that the boundaries of the original parcels have been expunged and depicts the boundaries of the larger aggregate parcel.

(c) An instrument of conveyance does not merge parcels of land under subsection ~~(16)~~(17)(b)(i) unless the instrument states, "This instrument is intended to merge individual parcels of land to form the aggregate parcel(s) described in this instrument" or a similar statement, in addition to the legal description of the aggregate parcels, clearly expressing the owner's intent to effect a merger of parcels."

Section 3. Phased development -- application requirements -- hearing required. (1) A subdivider applying for phased development review shall submit with the phased development application an overall phased development preliminary plat on which independent platted development phases must be presented. The phased development application must contain the information required pursuant to parts 5 and 6 of this chapter for all phases of a development and a schedule for when the subdivider plans to submit for review each phase of the development. The subdivider may change the schedule for review of each phase of the development upon approval of the governing body after a public hearing as provided in subsection (4) if the change does not negate conditions of approval or otherwise adversely affect public health, safety, and welfare.

(2) Except as otherwise provided by this section, the phased development application must be reviewed in conformity with parts 5 and 6 of this chapter. In addition, each phase of the phased development must be reviewed as provided in subsection (4).

(3) The governing body may approve phased developments that extend beyond the time limits set forth in 76-3-610 but all phases of the phased development must be submitted for review and approved, conditionally approved, or denied within 20 years of the date the overall phased development preliminary plat is approved by the governing body.

(4) Prior to the commencement of each phase, the subdivider shall provide written notice to the governing body. The governing body shall hold a public hearing pursuant to 76-3-605(3) within 30 working days after receipt of the written notice from the subdivider. After the hearing, the governing body shall determine

whether any changed primary criteria impacts or new information exist that create new potentially significant adverse impacts for the phase or phases. Notwithstanding the provisions of 76-3-610(2), the governing body shall issue supplemental written findings of fact within 20 working days of the hearing and may impose necessary, additional conditions to minimize potentially significant adverse impacts identified in the review of each phase of the development for changed primary criteria impacts or new information. Any additional conditions must be met before final plat approval for each particular phase and the approval in accordance with 76-3-611 is in force for not more than 3 calendar years or less than 1 calendar year within the maximum time frame provided in subsection (3).

(5) The governing body may impose a reasonable periodic fee for the review under subsection (4) of the phases in the phased development.

Section 4. Section 76-8-101, MCA, is amended to read:

"76-8-101. Definitions. As used in this part, the following definitions apply:

(1) "Building" means 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. Except as provided in 76-3-103~~(15)~~(16) the term includes a recreational camping vehicle, mobile home, or cell tower. The term does not include a condominium or townhome.

(2) "Department" means the department of environmental quality provided for in 2-15-3501.

(3) "Governing body" means the legislative authority for a city, town, county, or consolidated city-county government.

(4) "Landowner" means an owner of a legal or equitable interest in real property. The term includes an heir, successor, or assignee of the ownership interest.

(5) "Local reviewing authority" means a local department or board of health that is approved to conduct reviews under Title 76, chapter 4.

(6) "Supermajority" means:

(a) an affirmative vote of at least two-thirds of the present and voting members of a city or town council;

(b) a unanimous affirmative vote of the present and voting county commissioners in counties with three county commissioners;

(c) an affirmative vote of at least four-fifths of the present and voting county commissioners in counties

with five commissioners;

(d) an affirmative vote of at least two-thirds of the present and voting county commissioners in counties with more than five commissioners; or

(e) an affirmative vote of at least two-thirds of the present and voting members of the governing body of a consolidated city-county government.

(7) "Tract" means an individual parcel of land that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office."

Section 5. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 76, chapter 3, part 6, and the provisions of Title 76, chapter 3, part 6, apply to [section 3].

Section 6. Effective date. [This act] is effective on passage and approval.

Section 7. Applicability. [This act] applies to phased development applications submitted on or after [the effective date of this act].

- END -

I hereby certify that the within bill,
HB 0445, originated in the House.

Speaker of the House

Signed this _____ day
of _____, 2017.

Chief Clerk of the House

President of the Senate

Signed this _____ day
of _____, 2017.

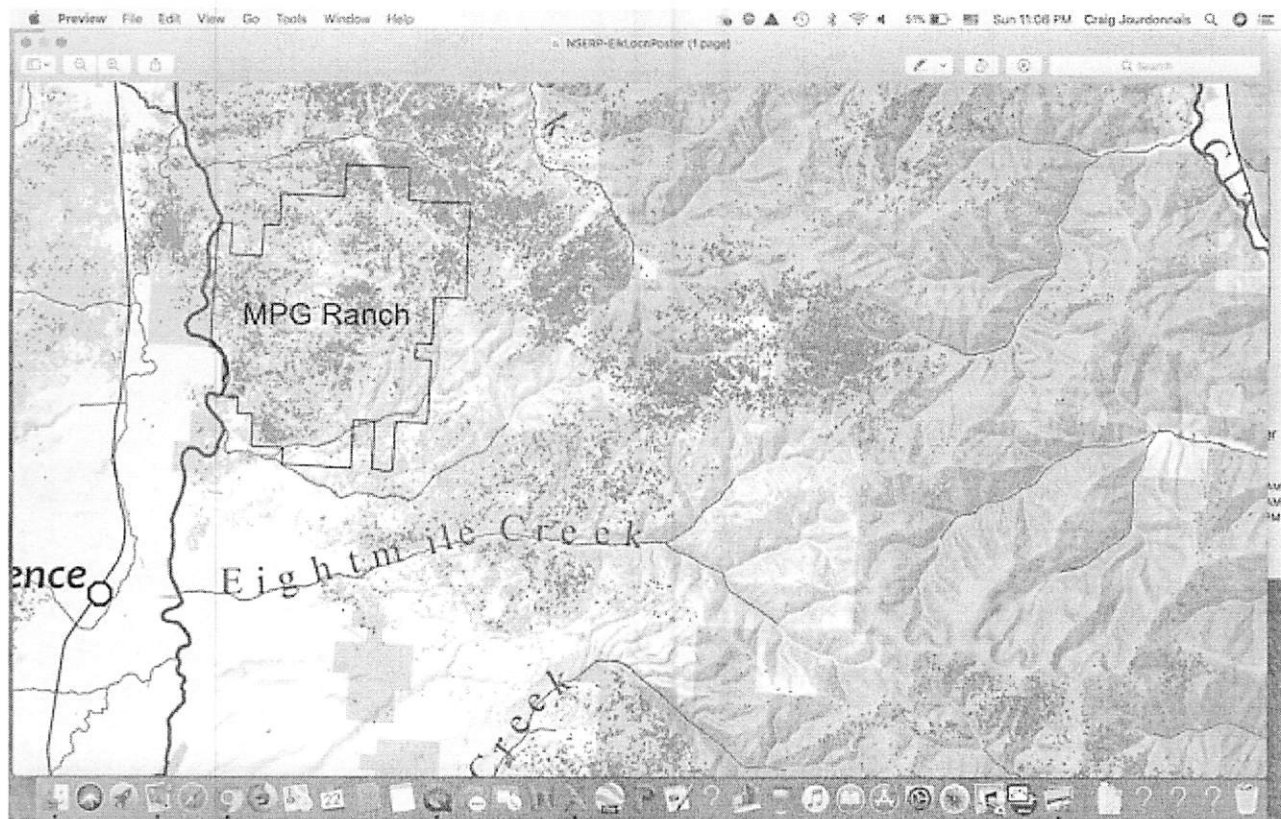
HOUSE BILL NO. 445
INTRODUCED BY E. GREEF

AN ACT REVISING LOCAL SUBDIVISION REVIEW LAWS; PROVIDING FOR PHASED DEVELOPMENT FOR WHICH A SUBDIVIDER MAY APPLY TO A LOCAL GOVERNING BODY; REQUIRING THAT A PHASED DEVELOPMENT APPLICATION INCLUDE INFORMATION ON ALL PROPOSED PHASES AND A SCHEDULE FOR REVIEW OF EACH PHASE; REQUIRING THAT ALL PHASES OF A PHASED DEVELOPMENT BE SUBMITTED FOR REVIEW AND ACTED ON WITHIN A CERTAIN TIME; REQUIRING A PUBLIC HEARING FOR REVIEW OF EACH PHASE AND REQUIRING A GOVERNING BODY TO CONSIDER CHANGED PRIMARY CRITERIA IMPACTS OR NEW INFORMATION WHEN REVIEWING EACH PHASE; ALLOWING A GOVERNING BODY TO IMPOSE NECESSARY, ADDITIONAL CONDITIONS ON APPROVAL OF EACH PHASE; ALLOWING A GOVERNING BODY TO CHARGE A FEE FOR REVIEW OF PHASES IN A PHASED DEVELOPMENT; PROVIDING DEFINITIONS; AMENDING SECTIONS 76-3-102, 76-3-103, AND 76-8-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Glenda Wiles

From: C. Grandstaff <grandstaff@cybernet1.com>
Sent: Monday, July 23, 2018 8:44 AM
To: Glenda Wiles; Wade Humphries
Subject: Fwd: sandhill ridge - final submission

The brown areas in the map represent areas where radio-collared bulls are located; yellow areas represent radio-collared cows. This is the Northern Sapphires Elk Research Project, a joint project between the MPG Ranch and FWP. Sand Hill Ridge lies south of Eight Mile Creek and north of the bend in Three Mile Creek. The study is now collecting data on mule deer. This data will constitute new information. The Region 2 FWP biologist to contact for information is Rebecca Mowry.



Craig Jourdonnais
406 580-0435
cjourdonnais@mpgranch.com