

Park County Commission Agenda Item

Park County, Montana

Agenda Title:	<u>Rigler Riverside Tracts First Minor Subdivision</u>
Meeting Date:	Public Meeting scheduled for January 6, 2025 at 10:00am in the Community Room of the City/County Complex and online—login information can be viewed at www.parkcounty.org and on the regular Commission Agenda
Department:	Park County Planning Department
Presented By:	Wm. Michael Inman, Director/Subdivision Administrator

- I. **Proposal:** Gordon and Cynthia R Rigler are proposing the creation of four (4) residential approximately three-acres in size. The project is located approximately one mile north of Corwin Springs on the west side of US HWY 89 South, between the Highway and the Yellowstone River. Situated in Lots 5 and 8 of Section 13 and Lot 1 of Section 24, Township 8 South, Range 7 East, P.M.M., Park County, Montana (See **FIGURE 1 and 2**).

The Park County Subdivision Regulations require all subdivisions be reviewed by the Park County Planning Board and Park County Commission. This proposal is being reviewed under the 2010 *Park County Subdivision Regulations* as a First Minor subdivision under Chapter III. It is the responsibility of the Subdivision Administrator to forward a recommendation to the Park County Planning Board. The Planning Board is responsible for reviewing the proposal and all relevant information, and forwarding a recommendation to the Park County Commission. The Park County Commission is the final authority concerning all proposed subdivisions in Park County.

Planning Board Recommendation:

The Planning Board recommends approval of the Rigler Riverside Tracts First Minor Subdivision with the findings and conditions proposed in this Board Report, to the Park County Commission.

II. **Background:**

A. Site: Agricultural Tract of Certificate of Survey No. 1597, SW1/4 of Section 5, Township 5 South, Range 9 East P.M.M., Park Count, Montana (See **Figure 2**). The property is currently undeveloped land with no structures.

Figure 1: Vicinity Map



Continued on next page

B. Timing and Authority:

- Given the 35 working day review period for major subdivision, Park County has until January 15, 2025 to approve, conditionally approve or deny the proposed Rigler Riverside Tracts First Minor Subdivision.
- A public meeting before the Park County Planning Board occurred on December 18, 2025 at 5:00pm in the Community Room of the City/County Complex and online via ZOOM.
 - No formal site visit is planned for this subdivision—given the proximity to public rights-of-way and relatively flat topography, Board members and the Commission are encouraged to visit the site on their own to review the property.
- A public meeting before the Park County Commission is scheduled for January 6, 2025 at 10:00am in the Community Room of the City County Complex and online via the GoMeet Platform, login information can be found on the County website www.parkcounty.org

First Minor Subdivision applications must be evaluated by the criteria outlined in chapter III of the 2010 *Park County Subdivision Regulations*, as applicable. The Park County Commission may approve, conditionally approve, or deny the proposed subdivision based upon the evidence of record. The Park County Commission is the final authority regarding all subdivisions in Park County.

III. Variance Request:

The Applicants are not requesting a variance as part of the proposed Subdivision.

III. Review Criteria included under Section 76-3-608, MCA:

Impact to Agriculture:

Summary: The subdivision will have minimal impact on Agriculture in the area. The property will not remove prime farmland or farmland of statewide importance, according to the Summary of Probable Impacts and the NRCS web soil survey information provided in the application. The subdivision is located adjacent to some agricultural production to the south, and across the Yellowstone River. The property located across the Yellowstone River is under conservation easement from the Rocky Mountain Elk foundation to ensure their continued use for agricultural production. In addition, the Yellowstone River serves as a barrier minimizing possible conflicts. In addition, chapter III-A-6.B.4 includes the following criteria related to impacts to Agriculture for consideration:

1. **Affect on adjacent agricultural production:** Adjacent Agricultural production will not be impacted by the proposed subdivision. The agricultural property to the south is separated by the Yellowstone River.

2. **Interference with movement of livestock or farm machinery:** Movement of livestock and farm machinery will not be impacted from the subdivision. All livestock and machinery movement will take place off Old Yellowstone Trail South and the area adjacent to the agricultural property.
3. **Interference with the agricultural production and machinery:** The adjacent agricultural production is accessed from Old Yellowstone Trail South. The proposed subdivision is accessed off US HWY 89 South and will not impede any movement of livestock or farm machinery on the agricultural property located across the Yellowstone River.
4. **Maintenance of Fences:** Maintenance of boundary fences are regulated by State Statute.
5. **Proliferation of Weeds:** The Subdividers are required to develop a Weed Management Plan prior to Final Plat approval, and will be required to adhere to the Weed Management. The Subdivision includes the following restrictive covenant: *The Owners of the Properties shall be responsible for the control of noxious weeds on the Properties in accordance with applicable state, county, and local regulations. In the event the Owners fail to adequately control the weeds on the Properties the County may take action to control such weeds and assess the defaulting Owner the costs thereof.*
6. **Increased human activity and nuisance complaints:** The Subdivision includes the following restrictive covenant to address impacts due to increased human activity and nuisance complaints: *All purchasers of the tracts within the subdivision understand and agree that landowners adjacent to the subdivision actively farm and ranch their lands. Such farm and ranch activities include, without limitation, spraying and crop dusting, utilization of heavy machinery, grazing, feeding, watering of stock and fowl, cultivation, planting and harvesting of crops and hay, baling of hay, and harvesting and otherwise managing timber resources. All subdivision tract owners understand and agree that such farm and ranch activities can create, without limitation, noise, dust, allergens and offensive odors, and all subdivision lot owners hereby waive all rights to protest or take any other action that would in any way inhibit the subdivision's adjacent landowners from engaging in farm or ranch activities. All subdivision tract owners further understand and agree that adjacent landowners may take whatever action is O- 8 necessary to maintain their farm and ranch activities, including, without limitation, the right to protect their livestock from harassment by household pets.*
7. **Harassment of Livestock by pets:** Uncontrolled pets may harass livestock in the area—the Subdividers have included a covenant which requires strict control of all dogs within the subdivision.
8. **Restrictions on diversification of existing agricultural land uses.** The Subdivision will not impede the ability for diversification of existing agricultural lands in the area.
9. **Affect on Agricultural Soils.** The Subdivision is not located on prime farmland or farmland of significant statewide importance, according to the Summary of Probable Impacts and the NRCS web soil survey information.

- 10. Restrictions on weed spraying, dust, livestock odors and noise which are incidental to agricultural operations.** The Subdivision property owners may be impacted by agricultural production in the area with normal practices, including; weed spraying, dust, livestock odors, excessive noise levels and lighting. The Subdivision includes a restrictive covenant which puts lot owners on notice of such practices (see number 6 above).

I. Impacts on Agriculture			
Recommended Findings		Recommended Conditions	
A	The Subdivision includes the following covenant: <i>All purchasers of the tracts within the subdivision understand and agree that landowners adjacent to the subdivision actively farm and ranch their lands. Such farm and ranch activities include, without limitation, spraying and crop dusting, utilization of heavy machinery, grazing, feeding, watering of stock and fowl, cultivation, planting and harvesting of crops and hay, baling of hay, and harvesting and otherwise managing timber resources. All subdivision tract owners understand and agree that such farm and ranch activities can create, without limitation, noise, dust, allergens and offensive odors, and all subdivision lot owners hereby waive all rights to protest or take any other action that would in any way inhibit the subdivision's adjacent landowners from engaging in farm or ranch activities. All subdivision tract owners further understand and agree that adjacent landowners may take whatever action is necessary to maintain their farm and ranch activities, including, without</i>	1	Prior to final plat approval, a covenant shall be filed that states: <i>"All purchasers of the tracts within the subdivision understand and agree that landowners adjacent to the subdivision actively farm and ranch their lands. Such farm and ranch activities include, without limitation, spraying and crop dusting, utilization of heavy machinery, grazing, feeding, watering of stock and fowl, cultivation, planting and harvesting of crops and hay, baling of hay, and harvesting and otherwise managing timber resources. All subdivision tract owners understand and agree that such farm and ranch activities can create, without limitation, noise, dust, allergens and offensive odors, and all subdivision lot owners hereby waive all rights to protest or take any other action that would in any way inhibit the subdivision's adjacent landowners from engaging in farm or ranch activities. All subdivision tract owners further understand and agree that adjacent landowners may take whatever action is necessary to maintain their farm and ranch activities, including, without</i>

	<i>limitation, the right to protect their livestock from harassment by household pets. (See Element 14 of the Preliminary Plat Application)</i>		<i>limitation, the right to protect their livestock from harassment by household pets.</i>
B	The Subdivision includes the following covenant related to impacts to agriculture production by the spread of noxious/nuisance weeds: <i>The Owners of the Properties shall be responsible for the control of noxious weeds on the Properties in accordance with applicable state, county, and local regulations. In the event the Owners fail to adequately control the weeds on the Properties the County may take action to control such weeds and assess the defaulting Owner the costs thereof.</i> "In addition, the Subdivision will be required to include, and adhere to a Weed Management Plan. (See Element 14 of the Preliminary Plat Application)	2	Prior to final plat approval, a covenant shall be filed which states: <i>The Owners of the Properties shall be responsible for the control of noxious weeds on the Properties in accordance with applicable state, county, and local regulations, and the Final Weed Management Plan. In the event the Owners fail to adequately control the weeds on the Properties the County may take action to control such weeds and assess the defaulting Owner the costs thereof.</i>
C	The Subdivision includes the following covenant related to impacts to agriculture due to uncontrolled pets: <i>Pets shall be permitted on the Properties except as limited herein. All dogs must be contained or supervised in a manner that prevents them from harassing wildlife, people, or other animals on the Properties or the Properties. Chronically barking dogs must be kept indoors to the greatest extent possible to prevent them from becoming a nuisance. No potentially invasive species shall be permitted as pets. No commercial kennel or other breeding operation shall be permitted on</i>	3	Prior to final plat approval, a covenant shall be filed which states: <i>Pets shall be permitted on the Properties except as limited herein. All dogs must be contained or supervised in a manner that prevents them from harassing wildlife, people, or other animals on the Properties or the Properties. Chronically barking dogs must be kept indoors to the greatest extent possible to prevent them from becoming a nuisance. No potentially invasive species shall be permitted as pets. No commercial kennel or other breeding operation shall be permitted on the Properties</i>

	<i>the Properties</i> (See Element 14 of the Preliminary Plat Application)		
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Impacts on Agricultural Water User Facilities:

Summary: No formal agricultural water user facilities are located on the property. In addition, the Park County Subdivision Regulations, chapter III-A.6.B.4 identify the following criteria related to impacts on Agricultural Water User Facilities:

1. **Affect on water availability for agricultural water users.** The Subdivision does not include any access or use of agricultural water user facilities, nor do any exist on the immediate surrounding property.
2. **Affect on owner of water user facilities, including access for maintenance and liability risk of accidents involving persons:** No formal agricultural water user facilities exist on the property.
3. **Affects on facility users and potential conflicts with subdivision residents, including seeps, flooding and washouts; obstructions and interference; recreation and camping; and maintenance access.** No formal agricultural water user facilities exist on the property.

II. Impacts on Agriculture Water User Facilities			
Recommended Findings		Recommended Conditions	
A	No formal agricultural water user facilities are located on the property, or the adjacent properties.		No recommended condition

Impacts to Local Services:

Summary: The subdivision will have minimal impacts to local services. The Subdivision includes the addition of four residential properties, which will utilize US HWY 89 South for primary access to the Subdivision, including two shared road approaches, and two internal subdivision roads providing access to each lot in the subdivision. In addition, four additional residential properties will include the potential for additional school-aged children. No additional public infrastructure/utilized will be needed to service the subdivision,

the Subdividers will be responsible for installing/maintaining two additional shared road approaches, internal roads, driveways and all water/sanitation will be provided onsite, and will be privately-owned and maintained. In addition, Chapter III-A-6-B.4 include the following criteria related to impacts to local services for consideration:

1. **Affect on current and planned level of service capacity, including; Sheriff, Fire Departments, Emergency Medical Services, Road, bridges, culvers and cattle guards, schools, solid waste facilities, water and wastewater facilities:** The Subdivision is located within the Park County Rural One Fire District, and is serviced by the Park County Sheriff. Both, Chief Dell (Rural One Assistant Fire Chief) and Brad Bichler (Park County Sheriff) provided email responses to the Subdivider indicating no/limited impact resulting from the Subdivision. No impacts to service by both agencies was indicated in their respective emails (both are included in the Community Impact Report).

When the Rigler Riverside Tracts First Minor Subdivision is built out, four single family residences are expected to be constructed. According to Statista and the Census Bureau there are an average number of 0.78 children per family in the United States. ([Number of Children](#)) . The school district could see the addition of 4 +/- school age children. Jeanatte Bray, Superintendent of Gardiner Public School District stated that the districts would be more than able to accommodate new students from the Subdivision with no problems for attendance or transportation (See e-mail from Superintendent Bray in section 27h of the Community Impact Report).

The Subdivision does not cross any bridges, culverts or cattle guards. The Subdivision is served by the County Green Box Solid Waste facilities, which require permits for use by all county-residents, ensuring all associated costs are mitigated. All water/wastewater facilities will be privately owned and maintained by the property owner(s).

2. **Affects on Cost of Services, including current and anticipated tax revenues, service costs and need for rural improvements districts:** The Subdivision is required to maintain all proposed improvements, including the two shared access road approaches, shared internal subdivision roads, individual driveways, water/sanitation facilities, and fire protection features. No rural improvement districts are needed to accommodate future use of the proposed subdivision.
3. **Affects on County Roads:** The Subdivision is located and accessed off US HWY 89 South, and State owned and maintained highway. MDOT reviewed/approved the proposed shared road-approaches for access to each lot in the subdivision. No impacts to County roads will occur.

III. Impacts on Local Services

Recommended Findings		Recommended Conditions	
A	The proposed subdivision is located within the Gardiner Public School District with the potential of 4+ additional school-aged children. The Gardiner Public School District indicated no significant impact resulting from the Subdivision, with capacity in both Districts to handle additional school-aged children. (See Summary of Probable Affects, section 27.h)		No recommended condition
B	The proposed subdivision includes two new road approaches, shared internal roadways, individual driveways, individual septic systems, drainfield and domestic water wells, and will not require any additional public infrastructure or expansion. (See Element 3, Element 12 and Element 33)	1	Prior to final plat approval, a covenant shall be filed which states: <i>All road approaches shall be constructed to MDOT standards, and all shared internal subdivision roads and individual driveways shall be built and maintained to Park County standards, in perpetuity, by the property owners of the Rigler Riverside Tracts First Minor Subdivision.</i>
C	The proposed subdivision is located within the Gardiner Fire District and the service area for the Park County Sheriff's Department. Both agencies provided letters which indicate no anticipated issues with regards to providing fire/sheriff services to the subdivision (See Community Impact Report, section 4 [Fire and Police Protection])		No recommended condition

D	The proposed subdivision will be accessed off US HWY 89 South, a MDOT owned and maintained highway. The application includes an approved road encroachment permit for two shared road approaches (see Element 12 and 19).		No recommended condition
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Impacts to the Natural Environment:

Summary: The subdivision will impact the natural environment. Soil disturbance with the development of roads, infrastructure and structures will increase the spread of nuisance and noxious weeds. Historic, paleontological, archaeological and cultural sites will be impacted if found during the construction of any aspect of the subdivision. The applicants will be required to reseed any areas disturbed during the construction of improvements, comply with an approved Weed Management Plan, and will be required to address any impacts related historic, paleontological, archaeological and cultural sites if discovered during any construction. The applicants hired Dr. Sylvester L. Lahren, Jr. Ph.D. to conduct Cultural Resource Inventory specific to the property and did not locate any cultural sites on the property.

The Subdivision includes a storm drainage analysis and calculations for storm runoff in the Summary of Probable Impacts, under section 4. Groundwater will not be impacted from wastewater facilities, which will include four septic/drainfields (which required design/approval by the Department of Environmental Quality). Eight test pits were dug to a depth of eight feet which showed no groundwater in that range. Nitrate Sensitivity analysis, Phosphorus Breakthrough Analysis and Trigger Value Calculations for Adjacent to Surface Water Dilution Analysis all resulted in below those set by the Montana Department of Environmental Quality to prevent contamination of groundwater to adjacent waterways (see section 4 of the Summary of Probable Impacts and 27m included as an appendix).

Impacts to groundwater from the use of a four additional domestic water wells will fall within the allocated 10-acre feet per/subdivision. The applicants Alan Froberg, P.E. with Air Water Soil, LLC to evaluate the test well data along with evaluating published geologic and hydrogeologic reports and maps, and modeled effects to the source aquifer from the anticipated usage of four new domestic wells. The conclusion of the report states: *"The objective of the herein evaluation was to assess the*

groundwater source aquifer below the Subdivision and evaluate if the groundwater supply would be adversely affected by the 4 new planned residential drinking water wells. The herein presented information substantiates that the aquifer below the Subdivision will not be adversely affected by the planned residential use of the new wells at the Subdivision. The lot owners will be limited to a combined 35 gallons/minute water consumption, and 10-acre feet per/year domestic water consumption. The Park County Subdivision Regulations, Chapter III-A.6.B.4 requires consideration of the following impacts to the natural environment:

1. **Affects on air quality:** The Subdivision will not impact air quality with the addition of four residential lots.
2. **Affects on groundwater quality and quantity:** Groundwater quality will be controlled through design standards for water/wastewater facilities, and nondegradation analysis. The Subdivision is not located on an impaired or closed water basin. According to the Hydrogeology of Upper Yellowstone River Valley Report (Bureau of Mines and Geology Water Resource Center) the project is located in Quaternary Alluvium Aquifer, which is primarily supplied by water run-off from the mountainous region surrounding the valley. The Quaternary alluvium aquifer is unconfined and shallow, with a median well depth of 65 ft below ground surface, and a median yield of 35 gpm, and considered the most productive aquifer in the valley. The hydrological analysis was based upon water consumption of four additional residential structures. No commercial water consumption, or additional residential consumption was considered in the analysis of impacts to groundwater quality and quantity. The proposed restrictive covenants allow for guest house(s) and commercial activity, which would increase impacts to groundwater.
3. **Affects on surface water features:** The Subdivision is located adjacent to the Yellowstone River. All development is located near the highway and away from the banks of the river. No development is planned directly adjacent to the river. Run-off will be conveyed via sheet flow or shallow flow generally following existing drainage patterns. Grading adjacent to the homesites will be completed in such a manner as to ensure positive drainage away from the structures. Any runoff will be directed to, and contained on site in retention ponds located on each lot (see 27k following the Summary of Probable Impacts).
4. **Affects on wetlands:** The subdivision will not impact wetlands as none exist on or adjacent to the property.
5. **Affect on residential ambient exterior light level:** The Subdivision will impact the surrounding area with ambient exterior light levels.
6. **Affect on historic and prehistoric sites:** No cultural sites were located on the property.

IV. Impacts on the Natural Environment			
IV. Impacts on the Natural Environment		Recommended Conditions	
A	Soil disturbance during the construction of this proposed subdivision will increase the potential for the spread of noxious weeds on the property and the surrounding area. Section 7-22-2116, MCA states; "it is unlawful for any person to permit any noxious weeds to propagate on their property."	1	See condition 2 under Impacts to Agriculture
C	VI-B of the 2010 <i>Park County Subdivision Regulations</i> states, "All vegetation disturbed during construction shall be reestablished with vegetation types that have been recommended by the NRCS or MSU Extension Office and approved by the Planning Office."	2	Any areas disturbed during construction shall be reseeded by the subdivider(s) for the purpose of establishing adequate ground cover. The choice of species to be used shall be approved by the Natural Resources Conservation Service or the County Noxious Weed Control Board which reviews the choice of species to ensure it is compatible with the climate and soil types of the subdivision.

D	If areas disturbed during construction are not properly re-vegetated erosion and weed problems can occur and storm water drainage can compromise water quality (See Chapter VI.B and VI.G of the Park County Subdivision Regulations).	3	Prior to final plat approval, the applicant(s) at their own expense shall provide evidence of reseeding for any areas disturbed and a contract that guarantees a 70% revegetation for a period of at least one full growing season beyond the final plat approval date, if applicable. Reseeding practices shall be in accordance with recommendations provided by the Park County Extension which reviews reseeding practices to ensure they are compatible with the climate and soil types of the subdivision. The Park County Noxious Weed Control Board and Weed Supervisor shall inspect and provide written approval prior to final plat approval.
E	New construction may impact cultural/historical/paleontological resources in the area (See Chapter III.B.4.c.6 of the Park County Subdivision Regulations).	4	A covenant shall be filed with the final plat stating: <i>"If during the implementation of any project cultural resources (archaeological/historic/paleontological) are encountered, or if previously known cultural resources will be affected, all work should cease and the Park County Planning Department shall be notified immediately. The County will evaluate the cultural resources in consultation with the State Historic and Preservation Office (SHPO) to determine if the resources constitute a cultural property and if any mitigation or curation is required."</i>

F	The Rigler Riverside Tracts First Minor Subdivision will include four residential properties, ranging from 2-4 acres in size and will require review/approval by the Montana Department of Environmental Quality for water/sanitation.	5	The Rigler Riverside Tracts First Minor Subdivision shall be reviewed and approved by Montana Department of Environmental Quality prior to final plat approval to protect the quality and potability of water public water supplies for domestic uses and to protect the quality of water for other beneficial uses, including uses relating to agriculture, industry, recreation and wildlife as set forth in Section 76-4-101, MCA. Prior to Final Plat Approval, a covenant shall be filed which states: <i>"All lot owners within the Rigler Riverside Tracts First Minor Subdivision shall comply with the water/sanitation site layout and requirements outlined in the Certificate of Subdivision Approval provide by DEQ."</i>
G	The subdivision proposal is being held to the 1987 "Combined Appropriation" definition: "An appropriation of water from the same source aquifer by means of two or more groundwater developments, the purpose of which, in the department's judgement, could have been accomplished by a single appropriation. Groundwater developments need not be physically connected nor have a common distribution system to be considered a combined appropriation."	6	Prior to final plat approval, the applicant shall file a covenant which states: <i>"The Rigler Riverside Tracts First Minor Subdivision property owners shall comply with the 1987 Combined Appropriation definition: An appropriation of water from the same source aquifer by means of two or more groundwater developments, the purpose of which, in the department's judgement, could be accomplished by a single appropriation."</i>
K	The Park County Subdivision Regulations, chapter III-A-6.D; Section 76-3-622(I)(e), and (f), MCA, requires the Governing Body to consider water quality and quantity, and impacts to ground water		Prior to final plat approval, the applicants shall file a covenant which states: <i>"All Properties within the Rigler Riverside Tracts First Minor Subdivision shall be limited to one single-family residential</i>

	and surface water quality and quantity. Given four additional residential properties, and based upon the nondegradation analysis provided by the applicants and the information regarding groundwater provided by the applicant, and further found under the Upper Yellowstone River Hydrogeology Report, minimal impacts will result to groundwater and surface water quality. The hydrological analysis did not consider commercial water consumption or additional residential development beyond the four single-family residential structures.		<i>structure per/lot. No commercial activities of any kind are permitted on any lot within the subdivision. And no additional residential dwellings are permitted on any lot within the subdivision."</i>
L	The Mineral Rights may have been severed from the property. Future mining or subsurface exploration may adversely affect the natural environment. The applicant(s) have indicated no mineral rights were found on the property. (Chapter II-B-5.a.16 of the Park County Subdivision Regulations)	7	A covenant shall be filed with the final plat stating: <i>"Owner(s) are hereby informed that no mineral rights have been transferred to any lot owners within the Rigler Riverside Tracts First Minor Subdivision."</i>
M	The proposed subdivision may result in an increase in residential ambient exterior lighting, which may impact adjoining landowners (See Chapter IV.A.8.B.4.d.v of the Park County Subdivision Regulations).	8	Prior to final plat approval, the applicant shall file a covenant which states: <i>"All exterior lighting within the Rigler Riverside Tracts First Minor Subdivision shall be subdued and downward facing."</i>

Impacts on Wildlife:

Summary: The Subdivision is located on undeveloped property, with native grasses and smaller shrubs/plant communities. Per a letter from Fish, Wildlife and Parks (See Summary of Probable Impacts),

the property is not located in critical wildlife habitat. Grizzly bears, Black bears, elk, deer, wolves, bison pronghorn, bighorn sheep and numerous other species live and move through the area. FWP provided numerous recommendations to mitigate any harmful impacts, including maximizing open space and ensuring connected wildlife corridors, locating development away from the Yellowstone River, minimizing construction of new roads, wildlife friendly fencing, utilizing bear-proof trash containers, landscaping recommendations, pet food storage, prohibiting domestic sheep and goats, control of pets (see section 5 of the Summary of Probable Impacts and draft Restrictive Covenants).

The Park County Subdivision Regulations, chapter III-8-6-B.4 requires the following considerations:

1. **Affect on potential of human-wildlife conflicts:** Any increase in human activity will result in increased human-wildlife conflicts. Certain landscaping will attract wildlife, non-wildlife resistant outdoor garbage containers will attract wildlife, non-wildlife friendly fencing will impede wildlife movement. The subdivision is located on property identified as critical wildlife habitat with wildlife traveling the corridor and along the Yellowstone River. Boundary fencing may impede wildlife movement.
2. **Affect on potential of pet-wildlife conflicts:** Domestic Sheep and Goats may adversely affect wild Bighorn Sheep populations. Uncontrolled pets may affect wildlife populations. Livestock may serve as an attractant to predatory animals, such as Grizzly and Black bears, and Wolves. The applicants have permitted livestock within the subdivision which will adversely impact wildlife populations.

V. Impacts on Wildlife			
Recommended Findings		Recommended Conditions	
A	The subdivision proposal is considered a wildlife-rich environment, as identified by Montana Fish, Wildlife and Parks (See Summary of Probable Impacts).		No recommended condition
B	Storm water run-off and erosion caused by the proposed subdivision may impact native vegetation and other wildlife food supplies (See Chapter VI.I.B of the Park County Subdivision Regulations).	1	The applicants have proposed a storm water drainage plan which will minimize storm run-off potential and erosion. The final <i>Storm Water Drainage Plan</i> shall be certified by a professional engineer and submitted to the Planning Department prior to final plat approval.

C	Conflicts may occur between landowners and wildlife with regards to landscaping (See chapter III-A-6.B.4. of the Park County Subdivision Regulations).	2	A covenant shall be filed with the final plat and shall state: <i>"All landscaping is encouraged to be comprised of plant species that do not attract wildlife as recommended by the MSU Extension."</i>
D	Conflicts may occur between wildlife and pets. The Subdivision includes restrictive covenants requiring strict control of all dogs to mitigate impacts to wildlife. (See Montana FWP response letter dated 12-4-2024 and located in the Summary of Probable Impacts supplements)	3	A covenant shall be filed with the final plat and shall state: "All dogs must be contained or supervised in a manner that prevents them from harassing wildlife, people or other animals."
E	Outdoor garbage may attract wildlife and may increase human/wildlife conflicts. The Subdivision includes a covenant requiring all trash, waste, garbage and litter to be kept in bear-resistant containers or bear-resistant enclosures and shall not be allowed to accumulate or remain on the Properties. (See Montana FWP response letter dated 12-4-2024 and located in the Summary of Probable Impacts supplements)	4	A covenant shall be filed prior to final plat approval which states: "outdoor garbage facilities shall be bear-resistant in accordance with Montana Fish Wildlife and Parks"
F	Domestic Sheep and Goats may spread disease to wild Big Horn Sheep populations which live in the area. (See Montana FWP response letter dated 12-4-2024 and located in the Summary of Probable Impacts supplements). In addition, livestock may serve as an attractant to some wildlife in the area and result in wildlife/human conflicts.	5	A covenant shall be filed prior to final plat approval which states: <i>"The keeping of livestock of any kind is prohibited on any lot within the Rigler Riverside Tracts First Minor Subdivision."</i>
G	Property owners should be aware that feed or supplements are considered wildlife attractants (Section 87-6-	6	A covenant shall be filed prior to final plat approval which states: <i>"Providing feed or supplements to wildlife populations is</i>

	216,MCA) and are prohibited. (See Montana FWP response letter dated 12-4-2024 and located in the Summary of Probable Impacts supplements)		<i>prohibited on any lot in the Rigler Riverside Tracts First Minor Subdivision, and in accordance with Section 87-6-216,MCA."</i>
H	Stormwater management systems delivering any sediment or chemicals into the Yellowstone River may adversely affect water quality and habitat of native wildlife species. (See Montana FWP response letter dated 12-4-2024 and located in the Summary of Probable Impacts supplements)	7	Prior to Final Plat Approval, the applicant shall submit a storm management system which does not convey any stormwater discharge into the Yellowstone River, and in accordance with DEQ Circular 8.

Impacts on Wildlife Habitat:

Summary: The Subdivision is located in in the Gardiner Basin, which is considered important winter range for elk, bison, wolves, mule deer, and pronghorn as well as big horn sheep. These animals may travel through the area and the Subdivision. Per the MFWP letter submitted as part of the Summary of Probable Impacts: *Primary impacts resulting from development are: impermeable fences; habitat fragmentation; erosion of habitat quality via noxious weeds and annual grasses; conifer encroachment and unsustainable land use practices, and vehicle collisions.* The Park County Subdivision Regulations, chapter IV-A-8.B.4 requires consideration of the following impacts to wildlife habitat:

- Affect of Subdivision location and access road on wildlife habitat, including nesting sites, winter range, travel corridors and wetlands:** The Subdivision will generate two new road approaches and internal access roads. Montana Fish, Wildlife and Parks did provide a letter and indicated the Subdivision is a wildlife-rich environment.

VI. Impacts on Wildlife Habitat	
Findings	Conditions

A	The spread of noxious weeds may adversely affect wildlife habitat in the area (See Chapter III-A-6.B.4. of the Park County Subdivision Regulations).		See Condition 1, 2 and 3 under Section V [Impacts to the Natural Environment]
B	The subdivision proposal is located in an area of significant wildlife habitat, as identified by Montana Fish, Wildlife and Parks letter submitted as part of the Summary of Probable Impacts.		No recommended condition
C	The Subdivision is located in the Gardiner Basin which is considered winter range habitat for elk, bison, wolves, mule deer, pronghorn and big horn sheep and other wildlife populations. Wildlife movement in the area may be impeded with additional structures and fencing. Boundary fences may impede wildlife movement and corridors.	1	A covenant shall be filed prior to final plat approval which states: <i>"Protective fences shall be limited to a 10,000 square foot area around each residential structure for each lot in the subdivision. avoided if possible, and All fences shall be built in accordance with Montana Fish Wildlife and Parks Wildlife Friendly Best Management Practices. Boundary Fencing should be avoided to allow for wildlife movement in the area."</i>
D	Montana Fish Wildlife and Parks subdivision guidelines recommends a 250-foot vegetative buffer from the Yellowstone River, and an additional 50-foot setback for all buildings. In addition, Montana Fish Wildlife and Parks recommends maintaining an intact riparian zone free of disturbance. (See Montana FWP response letter dated 12-4-2024 and located in the Summary of Probable Impacts supplements)	2	Prior to final plat approval, the applicant shall rearrange the house locations and lot lines, if necessary, to ensure all structures are a minimum of 300 feet from the mean high-water mark of the Yellowstone River. A covenant shall be filed prior to final plat approval which states: <i>"All construction activities and buildings, including all roads/trails or any other development shall be located a minimum of 300 feet from the mean high-water mark of the Yellowstone River, for all lots within the Rigler Riverside Tracts First Minor Subdivision."</i>

E	Large scale bank stabilization projects reduces the natural fisheries habitat in rivers. (See Montana FWP response letter dated 12-4-2024 and located in the Summary of Probable Impacts supplements)	3	See covenant 2 (above) under Impacts to Wildlife Habitat.
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Impacts on Public Health and Safety

Summary: The property is located in an area with some health and safety hazards. The property is adjacent to US HYW 89 South, a State-owned highway with significant traffic during peak tourist seasons. The property is adjacent to the Yellowstone River, which at times sees significant flooding events. Property in the Gardiner Basin saw significant erosion during the flooding event of 2022, with one home falling into the river, and several homes

In addition, the Park County Subdivision Regulations, chapter III-A-6.B.4 include the following Public Health and Safety Criteria:

1. **Affect on traffic safety:** The Subdivision includes two road approaches (approved by the Montana Department of Transportation) which will provide access to each lot in the Subdivision. Given the low volume of anticipated traffic counts (21.8 daily traffic trips total), impacts to traffic safety will be minimal.
2. **Affect on emergency vehicles access and response time:** The Subdivision is served by the Park County Rural One Fire District and the Park County Sheriff—both agencies indicated no concerns related to emergency response capabilities and response time. The Subdivision will impact public health and safety due to treats posed by wildfire in the area—the property is located within the Wildland Urban Interface (See Park County Community Wildlife Protection Plan). The property is accessed off a State Highway, and the proposed road approaches, shared roads (and internal driveways) are required to be built and maintained to County design standards.
3. **Affect on groundwater quality due to the cumulative affect of septic systems and/or wells:** The Subdivision will have minimal impact to groundwater from septic/drainfield systems, and from domestic water consumption. The subdivision is being reviewed/approved for water/sanitation, and the applicants have completed the necessary nondegredation analysis for impacts resulting from sanitation facilities. The applicants dug a test pits (eight feet) to ensure adequate drainage capabilities for sanitation facilities. In addition, the applicants conducted a pump tests on the proposed Lot 3 and 4 with a static water level of 63 feet bgs for Lot 3, and 78 feet bgs for Lot 4.

Both wells were pump tested on May 22, 2025 at an average rate of 19.25 gallons per minute. Prior to pumping the static water level was measured at 60.69 feet. Pumping occurred for 8 hours, the static level for dropped approximately 30 to 34 feet, with a recovery time of 56 hours.

4. **Affect of exposure to natural/or manmade hazards:** The adjacent State Highway and Yellowstone River provide the most exposure to hazards—MDOT reviewed and approved the proposed shared road approaches, which will be built to MDOT standards to minimize health and safety hazards. And no development is allowed within the regulated flood hazard area of the Yellowstone River, nor is development allowed within three hundred feet of the mean high water mark, which will minimize flooding hazards associated with the property.
5. **Affect of development on adjacent land uses:** The subdivision will have little impact to adjacent land uses—The adjacent property to the north/east is residential in nature, and the Subdivision includes restrictive covenants limiting use to residential, and places limitations on any land uses deemed a nuisance. Lighting may impact adjacent properties, and new construction could result in the spread of noxious weeds.

VII. Impacts on Public Health and Safety			
Recommended Findings		Recommended Conditions	
A	The Subdivision may adversely impact public health and safety with regards to fire protection and emergency services. The proposal is located within the Rural One Fire District and served by the Park County Sheriff's Department.		No Recommended Condition
B	Wildfire may impact the proposed subdivision as it is located within the Wildland Urban Interface (WUI) (See Park County Wildfire Protection Plan, WUI Map and definition). The Subdivision includes a Fire Protection Plan, including self-suppression sprinkler systems in all residential structures, and defensible space provisions for minimizing wildfire threats. (See element 29 [Fire Protection Plan])	1	Prior to final plat approval, the applicant shall delineate on the Final Subdivision Plat a reference to the Fire Protection Plan Requirements and associated restrictive covenants, and shall require compliance by all landowners within the Subdivision. The Applicant shall also identify the County as a party to all restrictive covenants related to fire protection. The Fire Protection Authority shall review and

			approve of the Final Fire Protection Plan prior to Final Plat Approval.
C	Access road approaches, internal (shared) roadways and driveways shall be built to MDOT/Park County design standards in order to provide for adequate access and emergency service capabilities (See Chapter VI.F.1.l and m of the Park County Subdivision Regulations).	2	The two shared road approaches, shared internal roads and individual driveways shall be aligned, platted, designed, constructed and certified by a Professional Land Surveyor or Registered Engineer, and shall comply with the design standards outlined MDOT standards, and in accordance with Park County design standards, found in Chapter VI of the Park County Subdivision Regulations.
D	Unmaintained road approaches, internal subdivision roads and driveways may impact public health and safety and emergency response services (See Chapter VI.F.1.n.vii of the Park County Subdivision Regulations)		See Condition 1 under section III, Impacts to Local Services

Compliance with the survey requirements in part four of the Montana Subdivision and Platting Act:

All subdivisions reviewed in Park County, Montana shall comply with the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates.

VIII. Compliance with the survey requirements in part for of the Montana Subdivision and Platting Act

Recommended Findings	Recommended Conditions
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A	Plats shall conform to Section 76-3-401-406 MCA of the Montana Subdivision and Platting Act.	1	The proposed Rigler Riverside Tracts First Minor Subdivision shall conform to the Section 76-3-401-406 MCA of the Montana Subdivision and Platting Act.
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Physical and Legal Access:

IX. Compliance with the provisions of Physical and Legal Access to each parcel within the subdivision and the required notation of that access on the applicable plat and any instrument of transfer concerning the parcel

Findings		Conditions	
A	Legal and physical access is required to each parcel within the subdivision and the required notation of that access must be shown on the plat and any instrument of transfer concerning the parcel (See the definitions and Chapter VI.H of the Park County Subdivision Regulations). The Subdivision is accessed off US HWY 89 South, an MDOT owned and maintained highway.	--	See Condition 2 under Impacts to Public Health and Safety (above)
B	The 2010 Park County Subdivision Regulations require all roads providing physical and legal access be built to the design and improvement standards as delineated in section VI, or in accordance with MDOT standards, as applicable.	--	See Condition 2 under Impacts to Public Health and Safety (above)

Compliance with the provisions of easements for the location and installation of any planned utilities:

Summary: The proposed Subdivision has access to utilities via US HWY 89 South and the proposed road approaches, providing utility easements to each lot in the subdivision. Chapter VI.M of the Park County Subdivision Regulations requires all subdivision proposals to include adequate and appropriate easements for the construction and maintenance of utilities within the subdivision.

X. Compliance with the provisions of easements for the location and installation of any planned utilities			
Recommended Findings		Recommended Conditions	
A	Utility easements are required and must be delineated on the final plat. The preliminary plat indicates public utility easements within all relevant road rights-of-ways.	1	The final plat shall indicate utility easements as required by the 2010 <i>Park County Subdivision Regulations</i> . The final plat shall state "Public Utilities."

Compliance with the review procedures contained in the Park County Subdivision Regulations and Montana Subdivision and Platting Act: All subdivision being proposed in Park County must comply with the review procedures contained in the current Subdivision Regulations and applicable statutes contained in the Montana Subdivision and Platting Act.

XI. Compliance with the review procedures contained in the Park County Subdivision Regulations and the Montana Subdivision and Platting Act			
Recommended Findings		Recommended Conditions	
A	The Rigler Riverside Tracts First Minor Subdivision is required to be processed in compliance with the 2010 <i>Park County Subdivision Regulations</i> and the <i>Montana Subdivision and Platting Act</i> .	1	The Rigler Riverside Tracts First Minor Subdivision shall be processed in compliance with the 2010 <i>Park County Subdivision Regulations</i> and the <i>Montana Subdivision and Platting Act</i> .

Consideration of an officially adopted Growth Policy for the area involved: All subdivisions being proposed in Park County must be reviewed for consistency with an officially adopted Growth Policy. The current Park County Growth Policy was adopted in 2017.

XII. Consideration of an officially adopted Growth Policy for the area involved			
Recommended Findings		Recommended Conditions	
A	The Subdivision is consistent with Goal 2 of the Park County Growth Policy, as it will minimize impacts to wildlife in the area, with the recommended findings and conditions outlined under Impacts to Wildlife and Wildlife Habitat.		No recommended condition
B	The Subdivision is consistent with Goal 4 of the Park County Growth Policy, as it requires design standards to aid in emergency service response capabilities, which in turn helps promote public health and safety.		No recommended condition
C	The Subdivision is consistent with Goal 15 as it protects private property rights.		No recommended condition

Compliance with the Park County Subdivision Regulations:

Summary: Subdivisions that do not comply with the *2010 Park County Subdivision Regulations*, section VI—*Design and Improvement Standards* may adversely affect the primary criteria under Section 76-3-608, MCA.

Amendments made to any covenants imposed by the County or which mitigate potential adverse effects may nullify the intent of the covenant. The *2010 Park County Subdivision Regulations* require that a platting certificate showing the names of the owners of record of the subdivision and the names of any lien-holders or claimants of record against the land be submitted to the County Attorney. Parkland Dedication is not applicable for this proposal. The *2010 Park County Subdivision Regulations*, section III-A.6.(F)(1) requires a subdivider(s) to complete all conditions of preliminary plat approval and apply for final plat approval thirty days prior to the expiration of the three year approval period, unless an extension is requested by the subdivider(s). Any changes made to the original application or preliminary plat, other than changes made to meet the required conditions of final plat approval, may substantially alter the information used to evaluate the proposed subdivision under the primary review criteria (Section 76-3-608, MCA) and requirements of this subdivision. All subdivision applicants are required to comply with all other standards and procedures of the *2010 Park County Subdivision Regulations*, which are applicable to all subdivisions prior to receiving final plat approval. Any unmet regulations, procedures, or provisions that are not specifically listed as conditions of approval, do not create a waiver, variance, or other relaxation of the lawful requirements of the *2010 Park County Subdivision Regulations* or state law.

XIII. Compliance with the Park County Subdivision Regulations			
Recommended Findings		Recommended Conditions	
A	Subdivisions approved by the County Commission shall comply with the provisions of Chapter VI, <i>General Design and Improvement Standards</i> in the <i>2010 Park County Subdivision Regulations</i> .	1	Subdivisions approved by the County Commission shall comply with the provisions of Chapter VI, <i>General Design and Improvement Standards</i> in the <i>2010 Park County Subdivision Regulations</i> , unless a variance has been granted by the Governing body.
B	Any covenants which are imposed by the governing body to mitigate the adverse effects of a subdivision proposal shall not be amended except with the consent of the governing body.	2	The final covenants shall be submitted to the Park County Planning Office prior to applying for final plat approval. It shall be clearly delineated in the final covenants that those covenants required in these conditions shall only be amended with the consent of the Park County Commission. The Planning Office shall approve the

			covenants for the compliance with this order prior to final plat approval.
C	Any covenant required as a “condition of final plat” cannot be amended without the written consent of the Park County Commissioners.	3	The applicants shall clearly identify all County imposed covenants and it shall be noted; <i>“All county-imposed covenants shall not be amended or repealed without the written consent of the Park County Commission.”</i>
D	The 2010 <i>Park County Subdivision Regulations</i> require that a platting certificate showing the names of the owners of record of the subdivision and the names of any lien holders or claimants of record against the land be submitted to the county attorney.	4	A platting certificate shall be submitted to the Park County Planning Office prior to final plat approval.
E	The applicant(s) shall have three years from the date of preliminary approval to complete the conditions and apply for final plat approval (see section III-A-6.F of the 2010 <i>Park County Subdivision Regulations</i>).	5	The applicant(s) shall have three years from the date of preliminary approval to complete these conditions and apply for final plat approval. Application for final plat shall be submitted at least thirty days prior to the expiration of the preliminary plat approval period, unless the applicant(s) request an extension, not to exceed one year. Failure to comply with the final plat provisions or the conditions of final plat thirty calendar days prior to the expiration of the preliminary plat approval period will render the governing body’s approval null and void.
F	Any changes made to the original application or preliminary plat, other than changes made to meet the required	6	Any changes made to the original application or preliminary plat, other than changes made to meet the required

	conditions of final plat approval, may substantially alter the information used to evaluate the proposed subdivision under the primary review criteria and requirements of this subdivision.		conditions of final plat approval, may require the subdivider(s) to resubmit the application for subdivision review pursuant to state law and section II-B-5 of the 2010 <i>Park County Subdivision Regulations</i> .
G	Parkland Dedication is not required for the Rigler Riverside Tracts First Minor Subdivision, as the subdivision is First Minor Subdivision (See chapter III-A-2 of the Park County Subdivision Regulations).		No Recommended Condition
H	Applicant(s) are required to comply with all other standards and procedures of the 2010 <i>Park County Subdivision Regulations</i> , which are applicable to all subdivisions prior to receiving final plat approval. Any unmet regulations, procedures, or provisions that are not specifically listed as conditions of approval, do not, in any way, create a waiver, variance, or other relaxation of the lawful requirements of the 2010 <i>Park County Subdivision Regulations</i> or State law.	7	The applicant(s) shall comply with all other standards and procedures of the 2010 <i>Park County Subdivision Regulations</i> , which are applicable to this subdivision prior to receiving final plat approval. The applicant(s) for this proposed subdivision is hereby informed that any unmet regulations, procedures, or provisions that are not specifically listed as conditions of approval, does not, in any way, create a waiver, variance, or other relaxation of the lawful requirements of the 2010 <i>Park County Subdivision Regulations</i> or State law.

VI. Conclusion:

The proposed Rigler Riverside Tracts First Minor Subdivision, with the inclusion of the recommended findings and conditions identified in this Board Report, mitigates the adverse effects of the review criteria and brings the subdivision in compliance with the requirements of Section 76-3-608(3), MCA.

VII. Park County Commission Role and Options:

The Park County Commission shall consider the preliminary plat application, preliminary plat, supplements, public testimony, and this Planning Board Report before making a final determination.

The Park County Commission shall make one of the following determinations:

1. Approve the Rigler Riverside Tracts First Minor Subdivision with findings and conditions as identified in the Board Report;
2. Approve the Rigler Riverside Tracts First Minor Subdivision with the Findings and Conditions as amended by the Park County Commission;
3. Deny the Rigler Riverside Tracts First Minor Subdivision with the Findings and Conditions as amended by the Park County Commission.