Guy Alsentzer

ALSENTZER LAW OFFICE, PLLC PO Box 128

Bozeman, MT 59771

Tel: (406) 570-2202

GuyAlsentzer@gmail.com

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*Paige Trautwein*

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Ravalli County District Court

STATE OF MONTANA

By: Valerie Garcia DV-41-2024-0000193-JR

Lint, Jennifer B.

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David K. W. Wilson. Jr.

Robert Farris-Olsen

MORRISON SHERWOOD WILSON & DEOLA, PLLP

401 North Last Chance Gulch PO Box 557

Helena, MT 59624

Tel: (406) 442-3261

kwilson@mswdlaw.com rfolsen@mswdlaw.com

*Attorneys for Plaintiffs*

# MONTANA TWENTY-FIRST JUDICIAL DISTRICT, RAVALLI COUNTY

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| BITTERROOT RIVER PROTECTION ASSOCIATION, KAREN & CHARLIE MCGUIRE, and JEN AND SEAN ROBERTS,Plaintiffs,v.RAVALLI COUNTYDefendant | ))))))))))) ) | Case No.**COMPLAINT** |

COMES NOW Plaintiffs Bitterroot River Protection Association, Karen and Charlie McGuire, and Jen and Sean Roberts, through counsel, and in support of their complaint seeking review of the April 8, 2024, decision of Ravalli County approving a preliminary plat for the Sapphire Valley Estates Subdivision (the ‘Subdivision’) and declaratory relief, and their other claims and causes of action, state and allege as follows:

# INTRODUCTION

1. This case challenges decision-making by Ravalli County that authorizes a preliminary plat for a new major subdivision in rural Ravalli County, reliant on a combination of exempt groundwater wells and shares in a ditch company for water supply, and dozens of individual septic systems for wastewater disposal.
2. Despite widespread opposition from local residents and requests for adequate compilation of relevant information on the subdivision's impacts - such as groundwater characterization, whether there exists adequate water supply, and water pollution impacts - including public comments by Plaintiff Bitterroot River Protection Association (BRPA) and its members, Ravalli County failed to comply with mandatory duties under the Montana Subdivision and Platting Act (MSPA) when it failed to assure the developer provided an adequate Environmental Analysis and application, and when it failed to adequately evaluate the subdivision's impacts.
3. The Subdivision's Environmental Analysis and Community Impact report failed to adequately identify probable impacts to water resources, adjacent landowners, or public health and safety.
4. Public comment identified probable impacts to agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety, yet Ravalli County arbitrarily determined those impacts insignificant and/or mitigatable without disclosing legitimate rationales for its determinations based on the evidence before it.
5. The MSPA required Ravalli County to assure the Sapphire Valley Estates subdivision application contained, among other items, available groundwater information, and similarly

required an examination of specific, documentable, and clearly defined impacts, including offsite impacts.

1. Despite clear legal duties, Ravalli County failed to assure the compilation of relevant information, failed to adequately identify or assess the impacts of a new major subdivision, and arbitrarily dismissed public concern and evidence of potentially significant impacts based on conclusory findings.
2. Ravalli County’s decision to approve the Sapphire Valley Estates' preliminary plat on the basis of an inadequate application and incomplete analyses was arbitrary and capricious, and unlawful.

# PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Bitterroot River Protection Association (BRPA) is a Montana non-profit, public- benefit organization that works, in part, to protect the surface and ground waters of the Bitterroot River watershed from degradation and depletion. The organization also works to assure water quality protection, sound governance, and wise land use planning.
2. Members of BRPA live in the State of Montana and in Ravalli County and use Eight Mile Creek, including the surface water adjacent to the proposed Subdivision, and members have an interest in preserving water resources. Members of BRPA use Eight Mile Creek and the downstream Bitterroot River for recreation, nature appreciation, and water supply, and those interests will be adversely affected by Defendant's actions because of the diminution and/or degradation of local water resources unlawfully sanctioned by Ravalli County's preliminary plat approval, and such harm can be redressed by granting the relief requested herein.
3. Several of BRPA's members are individual plaintiffs in this case, with properties contiguous to Sapphire Valley Estates, with water rights and private wells that may be affected by the

project. BRPA's members, including individual plaintiffs in this case, are among dozens of people who submitted comments to Ravalli County urging local government to gather best available science and thoroughly evaluate the many potentially significant impacts of a major new subdivision proposal. BRPA's members’ aesthetic, conservation, recreational, scientific, educational, economic, and wildlife preservation interests have been, are being, and will

continue to be adversely affected by Ravalli County’s failure to gather available water resources information or adequately evaluate and disclose all the impacts of the proposed subdivision.

1. Karen and Charlie McGuire own property located adjacent to the proposed Subdivision, and submitted extensive testimony to Ravalli County identifying probable impacts of the Subdivision.
2. Jen and Sean Roberts also own property located adjacent to the proposed Subdivision, and likewise submitted extensive testimony to Ravalli County identifying probable impacts of the Subdivision.
3. Sean Roberts is also a member and current director of the Eight Mile Water Company, the ditch company in which the proposed Subdivision holds shares.
4. Individual plaintiffs all live in the State of Montana, reside in Ravalli County, are adjacent to or proximate property owners to the Subdivision with water rights and/or wells and interests that may affected by the decision-making at issue, and have an interest in lawful governance and preserving the quality of their neighborhood.
5. This action is brought on behalf of Plaintiffs and BRPA members' behalf.
6. Defendant Ravalli County is a local government of the State of Montana. It regulates subdivision development through implementation of the Montana Subdivision and Platting Act.
7. Jurisdiction is based on, *inter alia*, Art. II, Sec. 3, 8 and 9, and Art. IX, Sec. 1-3 of the Montana Constitution as-applied; MCA § 2-3-101 et seq. (Public Participation in Government Act); the Montana Subdivision and Platting Act, MCA § 76-3-601 *et seq.* and specifically MCA § 76-3-625; and the Montana Declaratory Judgments Act, MCA § 27-8- 201 *et seq.*
8. Venue is proper in this judicial district because the challenged subdivision authorization was approved by Ravalli County and will occur in Ravalli County.

# FACTUAL BACKGROUND

## The Sapphire Valley Estates Major Subdivision

1. Sapphire Valley Estates is a new major subdivision located adjacent to Eight Mile Creek, in the Southeast 1/4 of the Southeast 1/4 Section 4 & the North 1/2 of the Northeast 1/4 of Section 9, Township 10 North, Range 19 West, Prime Meridian Montana, Ravalli County, Montana.
2. The preliminary plat authorization authorizes the transformation of 49.22 ac existing alfalfa field into a 33-lot subdivision. Lots range in size from 1.25 to 2.5 ac.
3. The proposed subdivision is surrounded by state and private land, all of which is presently open space, low-density residential, and/or used in agricultural production.
4. Each subdivision lot will be served by on-site individual wells and on-site individual septic systems.
5. Each lot is allotted a residential water supply of 250 gallons per day, or .28 ac-ft water per year. The proposed residential water use gross for the Subdivision is 9.80 ac-ft per year.
6. The Montana Dept. of Natural Resources and Conservation (DNRC) issued the Subdivision developer a letter stating that the use of 9.8 ac-ft/yr of residential water constitutes an exempt water use under MCA 85-2-306(iii). This water use is intended for all residential water supplies at 33 lots in the Subdivision.
7. In addition, each lot is proposed to have its own individual water supply for irrigation demand, with such water to be provided by the 49 irrigation shares the developer holds with the Eight Mile Water Company.
8. The Eight Mile Water Company provided Ravalli County correspondence indicating it is unable to guarantee the availability of irrigation water during summer season, and expressing concerns with the Subdivision's proposed irrigation works plans insofar as the potential for water shortages during the summer season.
9. The Eight Mile Creek watershed drains to the Bitterroot River.

## Ravalli County’s Flawed Review Process

1. Ravalli County began its review of the Sapphire Valley Estates subdivision after receiving an initial application in January 2023.
2. The Ravalli County Planning Board (Planning Board) held a public hearing regarding the proposed subdivision on January 17, 2024 with continuances on January 31 and February 1, 2024. Members of the public, including BRPA members, attended these meetings and expressed concerns that the public did not possess sufficient details to make informed comments, and specifically expressed concerns regarding water supply and water pollution

based on proposed use of individual exempt wells, septic systems, and the finite and interconnected water resources of the valley.

1. The Planning Board issued a Staff Report on the Subdivision dated February 22, 2024. The Staff Report summarized the Subdivision proposal and proposed findings of fact and conclusions of law.
2. The Planning Board Staff Report did not make any findings, or reasonably reconcile evidence based on public comment, regarding the inadequate documentation of probable impacts contained in the Subdivision's Environmental Analysis or Community Impact Report.
3. The Planning Board Staff Report did not identify or assess the specific, documentable, and clearly defined impact of the Subdivision on local water resources, including the adequacy of water supply, offsite dewatering impacts, offsite pollution impacts related to wastewater, or offsite impacts related to stormwater and seasonal flooding.
4. The Ravalli County Board of Commissioners held a public hearing regarding the Subdivision on February 22, 2024 with a continuance on March 4, 2024. Members of the public, including Plaintiffs, attended these meetings and provided comments in opposition citing

both an incomplete record and failures to adequately assess the subdivision’s potential impacts.

1. Ravalli County Commissioners voted to approve the Sapphire Valley Estates preliminary plat application, adopted findings of fact and conclusions of law at its March meeting, and the County issued a written preliminary plat approval on April 8, 2024.

## Failure to Describe Surface Water or Gather Available Groundwater Information

1. Preliminary plat application materials and the environmental assessment (EA) prepared in support of the Sapphire Valley Estates major subdivision failed to include available groundwater information.
2. The subdivision’s EA and Community Impact Report noted the proposed use of individual water supply wells, irrigation water from Eight Mile Creek Water Company, and individual septic systems per lot.
3. Subdivision application materials noted the presence of Eight Mile Creek adjacent to the subdivision’s border, less than a 1/4 mi distant, and noted the Creek was perennial.
4. The Subdivision application, EA, and Community Impact Report are silent, however, with respect to baseline information concerning characterization of Eight Mile Creek in terms of its health or sensitivity to potential dewatering, or sensitivity to nutrient or stormwater pollution related to land use development.
5. The Subdivision application, EA, and Community Impact Report are also silent with respect to any assessment of the underlying aquifer, of fluctuations in the water table, of existing scientific reports on groundwater in the area, or any evaluation of whether groundwater underlying the subdivision is hydrologically connected to – and thereby affecting – flows in adjacent Eight Mile Creek or proximate landowners' private wells.

## B. Agricultural Water User Facilities Impacts

1. Sapphire Valley Estates would entail the use of 33 individual wells for residential use and 33 individual septic systems, yet neither the applicant’s EA or Community Impact Report, or the County’s staff report or Commission's written approval, evaluate the specific, documentable, and clearly defined impacts of the subdivision on the local aquifer, the water table, or adjacent Eight Mile Creek.
2. The County failed to evaluate specifically the potential impact of the Subdivision’s water usage on contiguous and nearby agricultural water user facilities dependent on long- established water rights/wells in both local groundwater, Eight Mile Creek, including but not limited to the Eight Mile Creek Water Company ditch system.
3. The County’s failure to assure the Sapphire Valley Estates' application materials possessed adequate surface water characterization or ‘available groundwater information’, including the failure to include adequate baseline information characterizing the underlying aquifer, compounds the County’s legal error in failing to identify, much less evaluate, potential agricultural water user facility impacts, and undermines the validity of proposed mitigation.

## C. Natural Environment & Public Health & Safety Impacts

1. The Subdivision’s use of dozens of new septic systems poses potentially significant water quality impacts on the natural environment.
2. Septic systems are not designed to actively remove nutrients, and nutrient pollution from septic systems is a well-known contributing factor to water degradation across the state of Montana, including a history of degrading water quality in the Bitterroot Watershed.
3. Neither the Subdivision's EA, Community Impact Report, or application provided the public with any site-specific analysis of how proposed septic systems - including their design and treatment specifications - may affect local water resources including but not limited to shallow private drinking wells or adjacent Eight Mile Creek, a surface water classified by the state as a high-quality waterway.
4. No information was provided detailing how proposed septic systems would, or would not, discharge pollution that could violate water quality standards in Eight Mile Creek, or whether

septic discharges could in conjunction with other sources of pollution, cause or contribute to degradation and harm sensitive beneficial uses such as cold-water fisheries or aquatic life.

1. The County's and the application's lack of analysis concerning potential water pollution impacts is exacerbated by the failure to investigate local hydrology and use such findings to rationally evaluate impacts on the natural environment, particularly in light of ample public comment identifying concerns regarding the Subdivision's reliance on dozens of new septic systems and other existing and proposed subdivisions also reliant on septic.
2. The Subdivision application also reflects a stilted grasp of probable stormwater pollution impacts on the natural environment. The application materials make conclusory statements that no probable impacts are expected related to the subdivision, yet public testimony provided clear evidence of recurrent seasonal flooding and testimony that, due to the

property’s gradient, stormwater from impervious surfaces and/or recurrent seasonal flooding could flow offsite onto adjoining properties and/or Eight Mile Creek. Neither the EA, Community Impact Report, or application identify or assess the probable impact of stormwater pollution and/or flooding offsite.

1. So too the County failed to evaluate the specific, documentable, and clearly defined impacts of subdivision stormwater pollution or offsite flooding related to impervious development of an agricultural property, which could carry fertilizers, pesticides, herbicides, and other household materials into local groundwater, onto neighboring properties causing damage, or affect surface water quality in Eight Mile Creek, instead relegating such review to state natural resource agencies.
2. The County similarly failed to evaluate the potential for surface or groundwater pollution impacts related to the creation of 33 new septic systems, and application materials failed to provide sufficient water resource data required under Section 622 of the MSPA.
3. Plaintiffs and BRPA members rely on private wells and water rights in local groundwater and Eight Mile Creek, including the conveyance system provided by the Eight Mile Creek Water Co., for residential, irrigation and stock purposes, yet the County did not assess whether and to what extent a major new subdivision could affect existing water uses.

# FIRST CLAIM FOR RELIEF

## (Violation of MCA § 76-3-603, Failure to Characterize Surface Water or Gather Available Groundwater Information)

1. The allegations in the foregoing paragraphs are re-alleged and incorporated herein by reference.
2. The Subdivision and Platting Act (MSPA) provides authority to the Counties to, among other items, implement rules that “avoid[.] subdivisions that would involve unnecessary

environmental degradation and danger of injury to health, safety, or welfare…lack of water, drainage, access, transportation, or other public services…” MCA § 76-3-501.

1. The MSPA contains two levels of detailed review intended to ensure that potential adverse impacts from subdivision of land are properly identified before a decision, and to potentially mitigate those impacts.
2. First, the MSPA requires that the applicant prepare a detailed environmental assessment (EA) as part of the application package. Among several items the EA for a major subdivision must provide available ground water information and a summary of probable impacts based on the criteria in MCA § 76-3-608.
3. An environmental assessment must include “a description of every body or stream of surface water that may be affected by the proposed subdivision, together with available ground water information, and a description of the topography, vegetation, and wildlife use within the area of the proposed subdivision.” MCA § 76-3-603.
4. The environmental analysis and/or community impact report for the Sapphire Valley Estates subdivision failed to adequately characterize adjacent Eight Mile Creek in terms of its high- quality status, its sensitivity to septic pollution, its relationship to local groundwater, its relationship to the downstream Bitterroot River which suffers from nutrient pollution challenges, or its propensity to be seasonally dewatered.
5. The environmental analysis and/or community impact report for the Sapphire Valley Estates subdivision also failed to contain "available ground water information," including but not limited to any characterization of the underlying aquifer, its transmissivity or storativity, or hydrologic connectivity to adjacent Eight Mile Creek or other water supplies in the area.
6. Ravalli County failed to assure the Sapphire Valley Estates subdivision application contained all necessary information, and in particular did not contain 'available groundwater information', and in so doing violated the plain language of MCA § 76-3-603(a)(i) and was arbitrary and capricious, and unlawful.
7. Ravalli County also failed to apply MCA §§ 76-3-603(1)(a)(a)(iii) and 76-3-501 to adequately examine the factual existence and availability of sufficient water for the Sapphire Valley Estates Subdivision.

# SECOND CLAIM FOR RELIEF

## (Violation of MCA § 76-3-608, Failure to Perform Required Analyses)

1. The allegations in the foregoing paragraphs are re-alleged and incorporated herein by reference.
2. in reviewing a subdivision, the County must itself evaluate many of the specific environmental and community impacts arising out of the proposal. A subdivision proposal must be reviewed for “the specific, documentable, and clearly defined impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife

habitat, and public health and safety…” MCA § 76-3-608.

1. The MSPA allows the County to mitigate potential impacts and specifically recognizes that “in some instances the impacts of a proposed development may be deemed unmitigable and will preclude approval of the subdivision.”
2. Ravalli County considered the Sapphire Estates Subdivision for approximately 90 days, during which time it received voluminous public opposition due to potentially significant impacts.
3. Plaintiffs and the public raised concerns about the inadequate compilation of data by the application and its EA/Community Impact Report, inadequate impact analyses, and particularized concerns about the subdivision's potential impacts on agricultural water user facilities like Eight Mile Creek Water Co., the natural environment, and public health and safety.
4. Ravalli County issued written approval of the Subdivision preliminary plat on April 8, 2024.
5. Ravalli County's approval relied on separate agency evaluations and future approvals by different entities, was not based on record evidence, and was conclusory in nature.
6. As set forth herein Ravalli County's decision-making process resulting in the approval of the Sapphire Valley Estates major subdivision failed to evaluate the specific, documentable, and clearly defined potential impacts on Section 608 criteria.
7. Ravalli County's failure to perform adequate analyses of potential impacts of the Sapphire Valley Estates subdivision violates MCA § 76-3-608(3)(a) and was unlawful, arbitrary and capricious.

# THIRD CLAIM FOR RELIEF

## (Violation of MCA §§ 76-3-604/605, Failure to Provide Required Information)

1. The allegations in the foregoing paragraphs are re-alleged and incorporated herein by reference.
2. Upon receiving an application for a subdivision, a County must review it and notify the applicant whether the application is sufficient to allow for further review. Section 76-3- 604(1)(b), MCA.
3. To determine if an application is sufficient, the County must review it to ensure that it contains the required materials as defined by the County regulations and MSPA.
4. The MSPA and Ravalli County’s regulations require that every application must contain an EA, a Community Impact Report, a Summary of Probable Impacts, and Water and Sanitation information. If that information, *inter alia*, is submitted the application may be deemed sufficient.
5. The Subdivision application did not provide the requisite summary of probable impacts under Section 603, or necessary water and sanitation information under Section 622.
6. Because necessary application materials were not submitted, the application was never “sufficient” under § 76-3-604, MCA and should not have advanced through the review process.
7. Ravalli County's approval of the Subdivision was therefore arbitrary, capricious or unlawful.

# FOURTH CLAIM FOR RELIEF

## (Violation of Ravalli County Subdivision Rules, RCSR Chapters 2- 3 *et seq*)

1. The allegations in the foregoing paragraphs are re-alleged and incorporated herein by reference.
2. Ravalli County created its subdivision regulations, effective June 4, 2012. Those regulations are meant to implement the MSPA on a county-wide level and all subdivision applications are required to comply with those regulations.
3. Pursuant to the County regulations, the Sapphire Valley Estates applicant needed to provide an EA, a Community Impact report, and a summary of the probable impacts respective to both RCSR and the MSPA requirements. *See*, RCSR §§ 2-3, Appendices E, F, G.
4. Ravalli County's decision-making process for the Sapphire Valley Estates Subdivision violated RCSR §§ 2 - 3 in a number of ways, including, but not limited to:
5. Neither the EA or the County's review provided requisite analysis of baseline water resource conditions, including but not limited to well logs, depth to seasonal water tables, or hydrologic connectivity between ground of surface waters;
6. There is no identification of seasonal minimum and maximum depths to groundwater.
7. There is no identification or analysis of known aquifers that may be affected by the subdivision.
8. There is no analysis of potential interaction between Eight Mile Creek and local groundwater, nor any discussion of potentially significant adverse impacts from surface pollution and entering groundwater.
9. The County's review also failed to make record-based findings on whether proposed plans were sufficient to meet the demands of the subdivision, or whether the proposed plans meet the standards of MDEQ and Ravalli Co.
10. The application failed to include a summary of probable impacts.
11. The County's failure to comply with its own subdivision regulations, and to determine the Sapphire Valley Estates EA, Community Impact Report and Summary of Probable Impacts sufficient based on the record before it, constitutes legal error and was arbitrary and capricious.

# FIFTH CLAIM FOR RELIEF

## (Declaratory Judgment, MCA § 27-8-201, *et seq.*)

1. The allegations in the foregoing paragraphs are re-alleged and incorporated herein by reference.
2. Ravalli County subdivision regulations do not require the County Commission or Planning Board to review major subdivision applications for potential cumulative impacts: *e.g*., a proposed subdivision's impacts when considered in conjunction with other existing and pending subdivision applications.
3. Pursuant to MCA § 27-8-201 *et seq.* Plaintiffs seek and are entitled to a declaration that the County's subdivision regulations do not comply with § 76-3-501(i), MCA, because they do

not provide for the “avoidance of subdivisions that would involve unnecessary environmental degradation” by failing to account for the cumulative impacts of individual wells and septic systems related to existing and pending subdivisions.

1. Pursuant to MCA § 27-8-201 *et seq.* Plaintiffs seek and are entitled to a declaration that as- applied Article II, Section 3 (clean and healthful), Article IX, Section 1 (protection and improvement), § 76-3-603, MCA, and § 76-3-608, MCA, require a County to review the potential cumulative impacts of a proposed subdivision *vis-a-vis* other existing and pending subdivisions.
2. Pursuant to MCA § 27-8-201 *et seq.* Plaintiffs seek and are entitled to a declaration that the County's reliance on separate agency review and approvals to meet the requirements of the MSPA § 608 criteria and approve the Sapphire Estates Subdivision, without itself conducting those analyses, constitutes legal error and was arbitrary and capricious.

# SIXTH CLAIM FOR RELIEF

## (Violation of Right to Meaningful Public Participation)

1. The allegations in the foregoing paragraphs are re-alleged and incorporated herein by reference.
2. Article II, Section 8 of the Montana Constitution guarantees the public a “right to expect government 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.”
3. Article II, Section 9 of the Montana Constitution guarantees “no person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.”
4. MCA § 2-3-101 *et seq.* effectuates the Right to Know, and its requirements apply to Ravalli County as a local government of the state.
5. The MSPA required Ravalli County to assure the Sapphire Valley Estates Subdivision application was sufficient, and to provide all application materials to the public.
6. Upon information and belief, Ravalli County failed to ensure adequate compilation of required application materials, and failed to provide all necessary application materials of the Sapphire Valley Estates Subdivision to the public, including but not limited to water and sanitation information.
7. Ravalli County's failure to assure the compilation of all necessary application materials, and its failure to provide the public with all required data supporting an application, violated the public’s Right to Know, and to “expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final

decision…” Mont. Const. Art. II, §§ 8, 9; MCA § 2-3-111(1).

# REQUEST FOR RELIEF

WHEREFORE, Plaintiffs pray for relief against Defendant as follows:

* 1. For an order declaring void *ab initio* Ravalli County’s approval of the Sapphire Valley Estates preliminary plat and remanding for reconsideration in light of its lawful mandates;
	2. For a determination and declaration that Ravalli County’s approval of the Sapphire Valley Estates preliminary plat was illegal, arbitrary and capricious, and violates the Montana Subdivision and Platting Act, Sections 603 and 608;
	3. For a determination and declaration that Ravalli County's approval of the Sapphire Valley Estates preliminary plat violated citizens' fundamental rights to meaningful Public Participation, to a Clean and Healthful Environment, and to adequate remedies at law, because failing to assure compilation of a sufficient application or publication of all application materials harms the public's ability to be informed of a decision's impacts or meaningfully participate, and because the County's failure to perform mandatory impact analyses threatens unreasonable depletion and degradation;
	4. For a determination and declaration that Ravalli County's approval of the Sapphire Valley Estates preliminary plat failed to satisfy its own Subdivision Regulations, and therefore its decision-making was illegal, arbitrary and capricious;
	5. For a determination and declaration that the County's subdivision regulations do not comply with § 76-3-501(i), MCA, because they do not provide for the “avoidance of subdivisions that would involve unnecessary environmental degradation” by failing to account for the cumulative impacts of individual wells and septic systems;
	6. For a determination and declaration that as-applied Article II, Section 3 (clean and healthful), Article IX, Section 1 (protection and improvement), § 76-3-603, MCA, and § 76-3-608, MCA, require a County to review the cumulative impacts of a proposed subdivision in conjunction with other existing and pending subdivisions;
	7. Award Plaintiffs their reasonable attorneys’ fees and expenses under the Private Attorney General Theory, MCA § 27-26-402, the UDJA under MCA § 27-8-313, the Public Participation in Government Act MCA § 2-3-101 and Art. II, Sec. 9 of the Montana Constitution, and/or as otherwise provided by law;
	8. For costs of suit; and
	9. For such relief as this Court deems equitable and just.

Respectfully submitted on this \_7th\_day of May, 2024.



Guy Alsentzer, Esq.

*Attorney for Plaintiffs*