



**Stevensville Planning and Zoning Board Meeting
Agenda for
WEDNESDAY, APRIL 28, 2021
6:30 PM**

Telephone Information: Dial (253) 215-8782

Meeting ID: 839 6695 3122

Passcode: 330400

Press *9 to raise your hand

1. Call to Order and Roll Call
 - [a.](#) January 6, 2021
 - [b.](#) January 13, 2021
2. Discussion on the Following Items
 - a. Growth Policy Update
 - b. Subdivision Regulations
 - c. Planning Board Work Plan
3. Adjournment

Guidelines for Public Comment

Public Comment ensures an opportunity for citizens to meaningfully participate in the decisions of its elected officials. It is one of several ways your voice is heard by your local government. During public comment we ask that all participants respect the right of others to make their comment uninterrupted. The council's goal is to receive as much comment as time reasonably allows. All public comment should be directed to the chair (Mayor or designee). Comment made to the audience or individual council members may be ruled out of order. Public comment must remain on topic, and free from abusive language or unsupported allegations.

During any council meeting you have two opportunities to comment:

1. During the public comment period near the beginning of a meeting.
2. Before any decision-making vote of the council on an agenda item.

Comment made outside of these times may not be allowed.

Citizens wishing to speak during the official public comment period should come forward to the podium and state their name and address for the record. Comment during this time maybe time limited, as determined by the chair, to allow as many people as possible to comment. Citizens wishing to comment on a motion for decision before any vote can come forward or stand in place as they wish. Comment must remain on the motion before the council.

File Attachments for Item:

a. January 6, 2021

Stevensville Planning & Zoning Board Meeting Minutes

JANUARY 06, 2021 6:30 PM

1. Call to Order and Roll Call

Greg Chilcott: how many people do we have on?

Mayor Dewey: looks to be 19 participants that is including board members and participants.

Greg Chilcott: called the meeting to order for 01/06/2021, virtual meeting, town hall. Meghan Hanson, Greg Chilcott, Trenis Hindle, Paul Ludington, Dan Ritter. All in attendance.

2. Approval of Minutes

a. September 3, 2020 Meeting

Greg Chilcott: I will entertain a motion.

Dan Ritter: I move that we approve the meeting notes as written.

Trenis Hindle: I will 2nd that.

Greg Chilcott: we have motion to move, and a 2nd is there any discussion on the motion? Public comment? All of those is favor of the motion signify with aye. All board members were "aye". Motion passes.

3. Unfinished Business

a. Discussion/Decision: Recommendation on Approval, Approval with Conditions, or Denial of Subdivision Application for Burnt Fork Estates

Greg Chilcott: introduced unfinished business item (a) Recommendation on Approval, Approval with Conditions, or Denial of Subdivision Application for Burnt Fork Estates. Is someone from HDR on to present the staff report?

Mayor Dewey: we do have Mr. Bill Buxton who helped put together the staff report. I will give a little bit of background to the board and those that are listening. Mayor Dewey gave a breakdown of the process of the staff report, it is available on the website for viewing. Myself, Mr. Buxton and a few staff members are available if there are any questions from the board.

Greg Chilcott: are there any questions from the board?

Meghan Hanson: is there going to be a run down or review, presentation, what does the overall timeline look like of that staff report or from PCI?

Greg Chilcott: we will give their developer an opportunity to present, this is my first subdivision with the Town of Stevensville it looks a bit different at Ravalli County.

Meghan Hanson: Brandon did you say that Bill Buxton was going to present that staff report.

Mayor Dewey: not necessarily, but if he is prepared, he is welcome to. it is a seven-page document, you have all had it for some time now. It is a plan, fact finding mission that takes facts from the proposal and compares those to the requirements that the town has for subdivisions. At that the end of that report there are staff recommendations that we recommend as conditions of approval. There are 24 recommendations, they are recommendations that we would hope would be met before final plat approval.

Meghan Hanson: I do have several questions than.

Paul Ludington: I have several questions as well I guess first being that I don't want to make an assumption that we are making an approval with conditions as we are proceeding with this subdivision and if that is the case of the staff recommendations, I would like us to go through them one at a time. Get questions and look for answers on each one of those.

Dan Ritter: I agree even if it looks to be a lengthy process, I think that it is the best way to go one by one.

Mayor Dewey: Greg I came into this meeting wondering if you were going to use that check list that you provided to us that we modified to fit our requirements and if that is the case a lot of what is in the staff report is going to be addressed through that check list.

Greg Chilcott: the entire board received a copy of that this week.

Mayor Dewey: it is in their packet that they were emailed last night.

Meghan Hanson: the 217 page one?

Mayor Dewey: I can tell you what page that is. We can go through the staff report and address each one as we go along.

Greg Chilcott: I think that we should give the developer a chance to present and then we should take public comment. Then we can go through our review I hope that we can get those answers from HDR or by the developer. Does that work for the board?

Meghan Hanson: I think that it is smart to have a developer present.

Greg Chilcott: if the board agrees put your thumb up to go forward. (all board members gave a thumb up) okay done, Andy or John are you going to present?

John Kellogg: yes Mr. Chairman. Andy Mefford and I are here to long last present for this subdivision and we hope to answer as many questions that you may have that will come up. We will try to make our presentation as precious as possible. John and Andy presented to the board an ariel view of the town. John and Andy presented the board their subdivision proposal on behalf of Ralph and Dwight Hooley, shared their screen that laid out their plans for the property proposed as Burnt Fork Estates. They reviewed the process that they are going through at this time.

Andy Mefford: talked and gave a broad overview of street plans for Burnt Fork Estates. Water and Sewer. Booster station will need to be upgraded and that is in our conditions. It would be good if Bill had any commentary to share with us and take some public comment.

Greg Chilcott: good time to take a five-minute break. We will come back and have board comments and public comments.

Greg Chilcott: are there any board questions for the developer?

Dan Ritter: the roads in the proposed subdivision, jurisdiction. I assume they are going to be town maintained and repaired?

Andy Mefford: if that is a question to the developer that is our plan. Roads, water, sewer all maintained by the town.

Dan Ritter: what are the Creekside Roads? Town?

Andy Mefford: yes, they are the town.

Megan Hanson: since the last time we reviewed this Hooley Street used to be called Philips Street? It looks that there was a plan to attach to town.

Andy Mefford: we thought that was a good idea, but after talking to the school there was a very strong opinion that they did not see that. So, we got rid of it. So, we had to give the street a name since it wasn't going through.

John Kellogg: I should mention that these road names have not been vetted through the county

Megan Hanson: the question was more about the connection through not the name. what about what can you tell me about retention ponds in the common area among the pathways.

Andy Mefford: when ever you have the pastureland and then you add roadways, driveways and roof tops that runs off faster than it does on the natural pasture grasses. Andy explained the DEQ requirements and how we are to control the water that comes in and goes out.

Megan Hanson: any examples of this in the area, mosquito problems.

Andy Mefford: we use them up and down the valley. Explained how they work in the area.

Megan Hanson: I have a lot of questions, any guidance Greg on when I should ask?

Greg Chilcott: let's get our questions done.

Megan Hanson: did we ever get the larger plat map with larger detail? Which packet is that in?

Greg Chilcott: in the packet that we just got.

Mayor Dewey: we have the whole print off from PCI if you would like to see this.

Megan Hanson: the traffic study. Did the guy that did this study talk about the width of Logan Lane? Your comment about the pathway was super encouraging. I know that there are a lot of concerns with the width of Logan Lane amongst our citizens.

Andy Mefford: I think the only thing that he noted was the facts, it is a road, it is asphalt, it is this wide. He does not come out and say that the road is too narrow.

Meghan Hanson: one of the big questions that I have is about pathways, which you did address, and you mentioned composed granite and the pathway is one of my big questions, in the C-2 zoning it is isolated from the residential component. I do see that you have a pathway. Why no road connection between R-2 and C-2?

Andy Mefford: you know that I think we played with that. I am not sure of the reason. We had this conversation with the fire department. Talked about the connection between the C-2 and the R-2 and keeping them separate. Same with the connections with Creekside, they could hop out onto Logan.

Meghan Hanson: in the proposed C-2, is there anything different with height restrictions, hours of operation, noise levels?

John Kellogg: there are limitation in the town. Nothing different.

Meghan Hanson: the other questions that I have I think can wait until after the public comment. I am reading public comment via email and some of it seems to be contradictory to what you have said.

John Kellogg: I guess we anticipated to respond to those questions when they come up. It has been frustrating to not be able to respond to those.

Greg Chilcott: I heard someone else had a question.

Paul Ludington: I have a couple questions one of them was answered about retention ponds. Andy you are looking at no more than 10-15 minutes of water retained in that common area at a time before it is released. Part of your study in the 100-year plan.

Andy Mefford: I will clarify DEQ has come out with some new requirements. They change all the time. The new requirements state minutes and so on.

Paul Ludington: asked about 4-foot depth.

Andy Mefford: we did some monitoring in there to see what the depth was, and we have that, and we will look at that final depth. They are usually very shallow ponds. We don't want deep retention ponds and holding water to extended amounts of time.

Paul Ludington: I will just make a comment that in my experience with transportation in the county, I know the county has tried more than once to get a grant to improve Logan Lane. I think that this will give more footing for a grant to move forward.

Andy Mefford: that comment has come up a couple of times, the more squeaky wheels that we get may help channel that, the other thing is a condition, they would wave the right to a SID.

Greg Chilcott: Bill did you have some questions?

Bill Buxton: I just want to clarify that DEQ requires that you retain the first half inch of water in a storm.

Greg Chilcott: any other board member questions? You have no approach permits; you actually have a denial from the county. At the county level if you don't have an approach permit than we deny the permit all together. I don't know how we are going to do that here.

Andy Mefford: we understand that based on the timing of this project we have not addressed the denials. We understand the differences between the county and the city.

John Kellogg: for clarification our approach was less than 600 feet from the intersection of Logan Land and Middle Burnt Fork Road.

Andy Mefford: we are at 550, we have moved it as far as we can. There was a booster station that was installed and that messed up the approach. It is going to take some conversation with the bridge and road.

John Kellogg: spoke to the design of the number of lots in our commercial area. We think that we have a safe approach.

Greg Chilcott: I bring it up because of a subdivision in the county and we lost. We want to make sure that the public has the opportunity to speak. We can discuss it with the board. We mentioned the impacts on Eastside Hwy and Logan Lane. We have identified the impact but have not identified the cost. Discussed the intersection.

Andy Mefford: I want to clarify; I don't think that our traffic impact study recommends that this project creates a need for that intersection redesign. We heard from the neighbors that there is already a problem at that intersection.

Greg Chilcott: in his summary and I quote "in the intersection of Eastside Hwy and Logan Lane currently warrants the installation of a south bound left turn lane based on standards, the intersection should be reconfigured to a single approach or round about to meet current road standards, the developer should work with MDT to develop plans. "

Andy Mefford: I guess I could re-read that, but he is saying that it is a problem today without the subdivision.

Greg Chilcott: I am not going to argue that with you.

Andy Mefford: and that is where are proposal to mitigate that, that is why we are setting money aside.

Greg Chilcott: any other board questions. I would like Jenelle to enter into the record all of the public comments that have been received.

Jenelle Berthoud: town clerk. Read the list of emails and mailings that were sent to the town clerk by name and date of receiving in my email box. (all emails and mailings were uploaded to the Burnt Fork Estates section of the town's website) *(they are also attached to the meeting minutes at the end of this transcription)*

Gabe Charbonneau, 12/29/20

Jim and Marsha Kalkofen, 01/01/2021

Marilyn Wolff, 01/01/2021
Jim and Marsha Kalkofen, 01/01/2021
Jim and Marsha Kalkofen, 01/01/2021
Jim and Marsha Kalkofen, 01/02/2021
Jim and Marsha Kalkofen, 01/02/2021
Marilyn Wolff, 01/04/2021
Text message, 406-239-1413, 01/06/2021
Jim and Marsha Kalkofen, 01/4/2021
Robin Johnston, 01/04/2021
Tony Norman, 01/04/2021
George Lundwall, 01/04/2021
John Croft, 01/04/2021
Walter McCrumb, 01/04/2021
Jim and Marsha Kalkofen, 01/04/2021
Mark Bickish, 01/04/2021
Lori Greene, 01/04/2021
Susan Turner, 01/04/2021
Wallace Whitney, 01/05/2021
Leonard and Karen Johnson, 01/05/2021
Steve Gibson, 01/05/2021
Nancy Kopszywa, 01/05/2021
Nancy Kopszywa, 01/05/2021
Julie Bachman, 01/05/2021
Peggy Pope, 01/05/2021
Al and Donna Mello, 01/6/2021
James Crews, 01/06/2021
Jim and Marsha Kalkofen, 01/06/2021
Dodson Sayre, 01/06/2021
Charles and Sandra Russ, 01/06/2021

John Croft, 01/06/2021

Greg Chilcott, thank you Jenelle. I will mention that Jenelle has been forwarding these all the members of the planning and zoning board and have all had an opportunity to read them and consider them. At this point we will open public comment. Brandon?

Mayor Dewey: we are going to put those public comments on the website so that folks can view them online.

Greg Chilcott: is there any public comment?

Mayor Dewey: no hands raised at this time. We have one.

Ending in 9701, Lori Greene, 302 Aspen Trail. Gave public comment, concerns walkway in my back yard, I would not want a chain link fence to look at I want it wood. Can we get the road to stop before my driveway? Why can't the development be much smaller? How are we going to pay for this, bonds, county bonds? For schools, infrastructures, police and fire. Who is going to pay for all of this? The developer should have to pay for this, not the citizens of the town of Stevensville. I totally disagree with this development.

Ending in 5676, Jim Kalkofen, you heard Jenelle read my name many times because I have many concerns. Tonight, I will just talk about the towns water capacity, the towns water capacity is not capable to handle BFE. Water rights are not on that property. The town and HDR report on page 13 states all of sight water improvement should be the responsibility of the developer. The growth policy states that 250 more connections would bring it to capacity. Jim listed the number of homes added to Stevensville and what is requested. Would like to see a public hearing from P&Z.

Greg Chilcott: are you requesting an in person hearing Jim?

Jim Kalkofen: yes. Offered a quote about commercial space and residential uses. 16 commercial spaces, zone and the buffer is just an excuse. I sent an email to all of the board members for you to read. Read a piece from his email in regard to DNRC.

Greg Chilcott: you are talking about the water use?

Jim Kalkofen: yes, we also don't have water rights in Creekside, we need to move forward.

Greg Chilcott: I have not seen the letter from DNRC. It is not in the book?

Mayor Dewey: it is not in the book. I think the letter Mr. Kalkofen is referencing was sent to him.

Jim Kalkofen: no, it was sent to an attorney of record at the time, I will forward that to all the board members and Jenelle so that it is public record. Thank you for your time and for reading the emails.

Ending in 3018, Marylin Wolff, 300 Aspen Trail, mentioned that I am disappointed in the meeting notice. I asked about the process of BFE, we were promised a hearing, we were promised a notice. Legal notices, I don't understand that. I do want to talk about the December 2019 meeting. We made it abundantly clear that we do not want to be attached to BFE. We

don't want traffic from BFE, we asked for a common area. Spoke about the retention pounds. I don't think that BFE has the legal rights to our storm water system.

Greg Chilcott: Marylin, I miss heard, you said that they can't connect to your what system?

Marylin Wolff: storm water. I think that I covered everything in my letter. I am concerned of the size of the subdivision.

Greg Chilcott: any further public comment?

Mayor Dewey: I will just let yourselves and the public that are watching, if you go to the website you can see all of the public comment under Burnt Fork Estates.

Ending in 9431, Tonya Eickert, 106 College Street, gave public comment on I don't think that this is fair to a lot of people to be able to call in. my other comment we are not a packem and stackem community. The subdivision if it goes through it needs to be downsized a lot to look more like Creekside. I think you need to go with a public hearing meeting.

Greg Chilcott: Tonya do you mean by public meeting, you mean in person meeting?

Tonya Eickert: that is correct.

Greg Chilcott: any further public comment?

Mayor Dewey: nothing further at this time.

Greg Chilcott: seeing no more public comment at this time, we will close the public comment for Burnt Fork Estates at 8:45 p.m. So, board discussion?

Dan Ritter: I have a question on whether we have a process to answer these public comments. But it might be worth identifying the comment and clarifying the issue. That is my thought what do you think about that.

Greg Chilcott: comments from the board?

Meghan Hanson: I think that is a good idea, but I am not sure what that looks like.

Paul Ludington: I think that is a great idea Dan but how to sperate opinion from fact. Opinions about what they understand to be their concerns or what they understand, what belongs to who and who belongs to what. I have read everyone of these comments, and I would like to be able to reply to them in fact, but I don't want to make them feel that I am dismissing their opinions. What has been stated tonight are opinions but there are facts that we have to make sure people understand.

Greg Chilcott: any further board comments?

Meghan Hanson: it seems like things here could be addressed, some of this I am confused like water rights. Are there water rights or no water rights? Water capacity? There is a lot of not in my backyard.

Paul Ludington: I can talk to you about water rights, I have been to meetings at the DNRC, in my opinion it was the most ridiculous thing in my life. They wanted to deny our application, we had

applied three times for a change of place of use and to substantiate the use that Stevensville has. They said they are going to deny because we think we need more information, great what information do you want, and he looked at me and said I don't know that. So, we have been working on this for years. Mr. Kalkofen is right Creekside is not in the area of use, neither is Twin Creeks. Water rights have been an issue for decades. Water rights are contested all the time, now we are behind the eight ball. There is no desire by anyone to turn off the tap. All of the water rights have been given to the town.

Greg Chilcott: I thought I saw in the packet 220 gallons and some change was still on the table. Surface water rights, irrigation rights.

Mayor Dewey: I am happy to provide an overview of water rights at least over the last three years. Between the meeting that Paul had with DNRC and I taking office as mayor not much has changed. Mayor Dewey gave an overview of water rights and the town of Stevensville. In regard to capacity and the subdivision I will refer to Bill Buxton.

Bill Buxton: so, when reviewing the subdivision in respect to water and sewer services and where is going to come from. Is going to come from a new public well in a new place. Individual wells? Public water system? Bill discussed water capacity within the subdivision, go through Phase 1, then it goes to DEQ and if it is not resolved then it has to be taken care of. During the next phase for final plat.

Greg Chilcott: you mentioned DEQ and DNRC do they have to demonstrate that?

Bill Buxton: discussed his experience with subdivisions in the same way that Stevensville is dealing with this. When it is appropriate maybe going through the conditions of approval may answer some questions.

Greg Chilcott: any further board comments? The review process goes through the conditions of approval before the staff report.

Meghan Hanson: maybe before we go through that we can clarify one of the accusations or points with in this 30 some vs 24.

Bill Buxton: Brandon had brought me and HDR into the process, a neutral person to go through the process. We met with the town and I am the author of the collected data for the staff report. We were working on the staff report additional info was provided and not added at the time of printing.

Meghan Hanson: if I understand you right it is not that anything was omitted, it is a response to the first round.

Bill Buxton: yes, we were given the additional information and then updated.

Greg Chilcott: maybe this is a time for the board to discuss their meeting format. We are tasked to take public comment to share with the town council. I have no idea what the near future has with COVID. Does the board have concerns with that?

Paul Ludington: as a member and a council representative I reviewed the minutes and I think those conditions and those concerns still exists. For us to do a fifteen-day hearing that is in

public I would think that we should get some cooperation from the developers. I agree with you Greg, I am keeping myself away and I think we have concerns with people that don't want to wear masks at a public meeting.

Dan Ritter: I agree with Paul, the pandemic has not gotten any better, I don't think we are in a different position than we were before to hold a safe meeting in public. I don't think there are any other options at this time.

Meghan Hanson: I agree.

Greg Chilcott: here is my concern, this town of Stevensville is going to be litigated. I am not sure how to make this any better.

Andy Mefford: I would like to comment to that. I understand everyone's concerns and the safety concerns I also understand from the developer they were granted a 30-day extension and they are entitled to a process that has been drug out for a long time.

Greg Chilcott: my interpretation of Governor Bullocks it took all of those time frames off the table. Your point is well taken, and you want to get through the process.

Andy Mefford: spoke to the process and schedule. If it means that there are two within a month, to hit pause indefinitely.

John Kellogg: the Hooley's have been really great at saying we understand COVID and the planning board, but our submittal was back in June and a typical 60-day review is so far off. At some point we would like to see a time to go to the town council.

Greg Chilcott: before we start the review.

Paul Ludington: I don't want to put this off any longer. There are some of this on the recommendations that won't take very long at all and some that may take some time.

Dan Ritter and Meghan Hanson gave a thumbs up.

Greg Chilcott: addressed the staff report in front of the board. what process do you want to follow?

Meghan Hanson: I am no expert here; the report is easier for me to follow.

Paul Ludington: speaking as a council member, but the council is going to most likely look at that staff report from the staff at the town and towns engineer. The one that the county/Greg put forward is unfamiliar to me. The staff recommendations are reviewed by the staff.

Greg Chilcott: I would suggest that this format, the seven criteria and identify our findings of fact and conclusions of law. If we started with criteria number one bullet point three effects on agriculture.

Board went through the staff report as addressed.

Effects on Agriculture. Board discussed the Effects on Agriculture.

Bill Buxton: this was already done with the original subdivision. It has already been concluded.

Terry: gave his concerns to why we should go over each steps.

Bill Buxton: I am up to that.

Greg Chilcott: concurrence on Effects on Agriculture.

Effects on Agricultural and water users. Board discussed the Agricultural and water users.

Paul Ludington: gave comment to agricultural and water users.

Greg Chilcott: is there an easement?

John Kellogg: yes, there will be an easement.

Greg Chilcott: we will have to have a condition for downstream users.

Paul Ludington: underground right?

John Kellogg: gave comment on the downstream users.

Greg Chilcott: concurrence on Effects on Agricultural and water users.

Effects on Local Services.

Board discussed effects on local services.

Water and Sewer, Storm Water, Roads/Traffic, Police, Fire.

Greg Chilcott: DEQ makes the final decision on water and sewer and we are required to provide public comments/or the developers are required. Brandon can we capture the public comment in both written form and in minutes?

Mayor Dewey: Jenelle, ordinarily Meghan takes these notes. Jenelle will offer her services and type the minutes, the written public comments will be included in the minutes.

Bill Buxton: gave comment to roads. The town maintaining the roads?

Greg Chilcott: gave comment to the ones that aren't maintained by the county.

Paul Ludington: discussed gas tax. If we want gas tax, then we have to do this. HOA through BFE would like to bill someone. I think the town needs to own the roads, sidewalks and the lighting.

Greg Chilcott: we have to talk about Logan Lane/Middle Burnt Fork Rd and Logan Lane/Eastside HWY. Remind the board that our job is to recommend to the town council. This may make the intersections worse, but they are already bad, as Andy said. Traffic was at a 50% increase, the county owns that road, and 50% is going to impact those roads. Has MDT been contacted, have they given us anything more than a fly over? Is there record of this?

Andy Mefford: I don't think we have seen anything on this, I know that MDT was reached out to. I have not seen a comment letter from MDT.

John Kellogg; they have not.

Greg Chilcott: you have done this with the county before and have had this ready before.

Andy Mefford: is there a significant impact is the question. Every traffic adds a small impact. Andy talked about the traffic impacts.

John Kellogg: to follow up the intersection is a bad situation, whether our subdivision goes in or not. John talked about the impacts and the contribution of \$200 to go towards traffic impacts, mitigation.

Andy Mefford: I want to add two things to that. We could say that we have a letter from MDT as a condition. I haven't heard anything from Bill or the town if they have anything from MDT.

Mayor Dewey: I guess I can say to agency comments that is not addressed in the towns process. We understood that you were communicating with those other agencies. The county does send out an agency comment request, but it is not addressed in our process.

Greg Chilcott: we just need something information to meet our statutory requirements. To mitigate the impacts.

Andy Mefford: what do you think about a letter from MDT that says that there is a problem or not. Andy gave comment to the intersections.

John Kellogg: the problem exists now, we a percentage of impact on this not 100%.

Mayor Dewey: I am thinking in my head, similar to the water capacity issue, because the demands change over time. The time that it takes to get final approval on the plat traffic will change considerable, could I don't know that does it make sense to have a condition or some sort of analysis before the final plat approval does that mitigate the concerns we are discussing?

Terry: discussed how that has been tried before and a judge told us no. What John has said they have set aside \$200.00 per household. Until we have that answer from MDT, we can't say that \$200.00 per household is the proportional impact.

John Kellogg: from MDT in less than two years in an act of congress. To get them to say the impact on this intersection for the dollar amount is impossible.

Terry: gave comment to an identified issue.

Paul Ludington: some comments. How about Logan Lane from Eastside Hwy to Middle Burnt Fork Rd become part of the town or we extend 3rd Street or Philips Street and don't connect to Logan Lane. The fact of the matter is that is still a county road and you are still responsible for it. We need to make sure that everyone knows that this is a problem road.

Greg Chilcott: gave comment to the road issue.

Paul Ludington: the developers look at an SID district, if they don't propose an SID it will be a lot.

Greg Chilcott: I have to go back to what you said Paul and taking Logan Lane and give it to the town.

Paul Ludington: there should be a connection to the town, with a fire station being out there, there is no connection directly to town. Paul gave his comment to connecting the town to BFE.

And the connection to BFE through Creekside. I understand your concerns, but if we don't grow today, we won't grow tomorrow.

Andy Mefford: page 10 of the updated traffic study, he does have his dialog on this.

Mayor Dewey: we have identified the impacts, but we don't know how high we will go with an SID.

Terry: what we are referring to is the intersection of Eastside and Logan, this has been identified as a problem. Terry gave comment on MDT and what they request. A letter from MDT would be good.

Andy Mefford: gave comment to the four items that they are requesting/providing for traffic concerns.

Terry: gave comment that MDT are the ones that have to say this.

Andy Mefford: gave comment to the letter from MDT.

Terry: gave comment back to Andy, that MDT should weigh in.

Greg Chilcott: board comments?

Trenis Hindle: I think the four steps is a good way to go.

Greg Chilcott: there is one more to talk about, the Middle Burnt Fork Rd and the commercial business there. Besides having an approach permit what else?

Paul Ludington: with in the conditions, they can't have an approach until it is approved for the C-2 area. That is a condition on that zone.

Meghan Hanson: do we have a conversation on C-2?

Greg Chilcott: eventually I think it can fit in anywhere.

Paul Ludington: gave comment on the types of business' that might go into the C-2 area of BFE. I am on the fence if I want to see a C-2 zone out there.

Meghan Hanson: live and work, concept of commercial all the way out there doesn't make sense to me at this time, but maybe ten years down the road it will. Gave comment on what it could look like or not look like. I don't have a comment at this time to this it is years down the road.

Greg Chilcott: it is there we have to define it; it is part of the subdivision proposal.

Meghan Hanson: I don't mean punt it that way, can't we say approved subdivision with xxx stipulations and one of those stipulations is that we will revisit the C-2 zoning idea.

John Kellogg: Paul had some good points, if you are looking at it outside of Stevensville yes, it is. John gave a list of C-2 uses that could potentially go out there. When we discussed it with the Hooley's their idea was a dentist office, professional office. Not high-volume traffic use. Also spoke to what else can go into the area zoned C-2.

Paul Ludington: then on that note I will say that there is an error in the staff recommendations on number 22, it says C-1 and it should say C-2.

Dan Ritter: when I originally saw this, I didn't think it was a fit with me but after that discussion I see what is being said.

Trenis Hindle: my gut says right now that commercial is not the right thing. Gave comment on the commercial zone and what type of businesses.

Meghan Hanson: looking through what is allowed in C-2 most of it is in line, but there are a few things I can't imagine.

Trenis Hindle: it could potentially take away from the downtown/personality.

Greg Chilcott: I think that the approach permit is going to help identify some of that as well depending the level of service that is going to be required on that road.

Andy Mefford: I did not see how you could have a cell tower in C-2. Gave comment on zoning with conditions.

Meghan Hanson: page 52 ordinance 152.

John Kellogg: you are right a cell tower is permitted. John spoke to the restrictions of a cell tower.

Paul Ludington: gave comment to the cell tower at the school already.

Mayor Dewey: does the covenants of the subdivision address the commercial at all?

John Kellogg: it currently does not, but you it could be adapted to the concerns that the town and the developers might have.

Andy Mefford; we have seen where a local agency can be the only one to change it, it could be discussed at a condition.

Greg Chilcott: is that something that the developer might offer?

John Kellogg: we would offer it, but we don't have the parameters from the board. With out guidance we would need to know what the board wanted to do.

Andy Mefford: speaking for the developer, we have limited contact with them if it was a cell phone tower alone, I think we could say not a problem.

Greg Chilcott: it looks like they would...

Meghan Hanson: the cell tower is just picking an item out of C-2. Greg what is your opinion?

Greg Chilcott: I am not a big fan of it out there, but I can see it as a convenience to the neighborhood/subdivision. But I don't see the connection to the neighborhood.

Paul Ludington: is this part of the entirety of approving the subdivision to me it is like changing a zone, if it is part of the proposal than we can't change the zone.

John Kellogg: incorporated into that commercial area is a fire hall lot. The concept there was that was appropriate in a commercial area not in a residential area. Wrapped up in this whole commercial proposal is a donated lot for a fire hall for the town. That type of use seemed appropriate in a commercial area.

Andy Mefford; the town will zone that PLI. Gave comment on zoning the fire hall area/commercial area.

Paul Ludington: gave comment that C-2 can have residential use as well if we are okay with that. There is no connection to the C-2 from the neighborhood by roads only by paths.

Meghan Hanson: we talked about this earlier. It is right that the commercial area is separate because of Creekside.

John Kellogg: if you look at the original Creekside it went straight through. Gave comment on the struggles with connecting the residential to the C-2 in BFE. We consulted the fire chief about this, growth is happening, he was not concerned about the access. Since that was not a concern, we looked at the other uses to the commercial area.

Greg Chilcott: did that answer your question Meghan?

Meghan Hanson: you had the same questions Greg, but yeah. I wish that they tied together.

Greg Chilcott: just letting everyone know that there is another public comment from Jim Sayer at 7 tonight. What does the board want to do with the C-2 zoning request? If it is denied and it is part of the request than the whole thing would be denied.

Paul Ludington: I will start out by saying that that email was also submitted from Mr. Sayer at 11:00 am this morning. The other thing that I will say is number 23 in the staff recommendation allows the town to revoke, approve or terminate the use of the property and order any structures removed if applicants violate the primary plat. To me it is a financial gamble, they could try that, and nobody go in there.

Greg Chilcott: I disagree Paul, the only way Stevensville reserves the right is if the applicant violates any conditions of the approval.

Paul Ludington: right, I noticed that as I read that. If they decide that the best use of the commercial is to have a fire hall.

John Kellogg: I want to bring up a point in the phasing plan we anticipate in Phases 1-6 in the residential development according to a timeline, we separate it out so that the commercial phase it depended on what the Hooley's found in terms of demand with the commercial lots in the subdivision. John gave comment on the commercial area and commercial uses.

Andy Mefford: gave comment to the commercial area of the subdivision.

John Kellogg: folks have looked at a bakery or restaurant.

Greg Chilcott: phasing, 76317 on phase development, we are required to have a schedule from you guys as to when the plans are going to be submitted and the phases completed and all we have is a ballpark of 10 years.

John Kellogg: look at the preliminary plat/phasing plan we have specific dates that we are proposing to meet. Phase 1 submitted prior to December 31, 2022, Phase 2 submitted prior to December 31, 2022, Phase 3 is proposed to be submitted by December 31, 2024, Phase 4 would be submitted by December 31, 2026, Phase 5 would be submitted prior to December 31, 2028, Phase 6 the last of the residential lots would be submitted prior to December 31, 2030, Phase 7 the commercial phase would be submitted prior to December 31, 2030. John gave commented to the commercial phase and how it would be out of "sink".

Greg Chilcott: back to the C-2 zoning, I just have to be honest with the board and I have a concern you look at the C-2 and the high-density residential uses and the traffic uses on the two-lane Middle Burnt Fork Road and up in that area I think that it is 45 but I am not sure would have a higher impact on that road than your mom-and-pop stores. That would have to be discussed before an approach permit.

Paul Ludington: if all of this falls on the approach permit on whether the road and bridge department how they are since they denied the original haven't entered into negotiations with the developer on how that is going to work out. I think that may partly solve itself if they have to move the approach to a different location that may settle how this is going to go. The original plat, this was the only way, one on Logan and one on Middle Burnt Fork. I think we need to continue with the county on the approach permit.

Greg Chilcott: I agree but in think our job is to identify findings and fact and we can't find a fact in here to mitigate.

Paul Ludington: we had conversation about this, 75% of this is out of our hands because it is not our road. We have to rely on someone else.

Mayor Dewey: it sounds similar to MDT.

Greg Chilcott: it is similar to MDT and I think the board needs to address it in the near future in our subdivision rigs that this information needs to be submitted with the application rigs. Findings of fact, anyone have anything else not in the staff report?

Paul Ludington: I heard something about mailboxes is there a letter from the post office?

Greg Chilcott: lets stick with the roads right now. I think we can add a finding and fact,

Conclusion would be they have to have those permits and it would be a condition.

Thumbs up from all of the board.

Effects on Local Services (Police)

Greg Chilcott: we have two findings; do we concur those are accurate findings and fact?

Thumbs up from the board.

Andy Mefford: can I add something, we had some discussion with Marble, and there was some terminology I know what we have intended, findings and fact state visuals at both ends. Comments on visual detectors. What we heard was more about a visual speed sign one at both ends.

Paul Ludington: MDT is working on an expansion south from Pine Hollow and Birch Creek. They are going to install a detector at Bell Crossing. I am in favor of that at Logan and Burnt Fork. It flashes when traffic is coming.

Greg Chilcott: we have one in Hamilton. Is that what Chief Marble is requesting?

Paul Ludington: at East Side and Logan.

Mayor Dewey: this was an issue that seemed to get lost in translation between our staff meetings and Bill's report and Andy brought this up previously. Brandon gave comment to meeting with Chief Marble and that is what he wanted for traffic.

Andy Mefford: if I understand correctly you are asking for one at Eastside and Logan and Logan and Middle Burnt Fork?

John Kellogg: I find that a bit confusing, Eastside and Logan is already a multiple roadway.

Andy Mefford: in terms of clarity. Andy gave comment to the visual detectors and these areas of concern and MDT. He heard more from the locals about speed.

Mayor Dewey: my memory, the discussion was around Logan Lane and Middle Burnt Fork. Eastside has its own issues. Bill?

Bill Buxton: in my notes it was at two locations, but it may have been a speed detector at Eastside and visual detector at Middle Burnt Fork.

Mayor Dewey: with that you know the options planning board, what do you want. Gave comment to the board that this up to them and the council.

Paul Ludington: I agree with John trying to do visual detectors at both areas would be hard. I do think it would help at Logan and Middle Burnt Fork. Gave comment to the speed on Logan.

John Kellogg: to follow up with Paul. Traffic engineer talked about Logan and Middle Burnt Fork. Gave comment to what the Chief of police suggested.

Andy Mefford: we have a hybrid, one possibility we could always leave a condition open that would say visual detector and or speed detector. We could leave it as an and or subject to agency approval.

Greg Chilcott: I like that idea I think that the intersection at Logan and Middle Burnt is not good and we have looked at that for years. I think the and or is a good idea.

Meghan Hanson: question. Is the speed limit posted well? Okay it is. I like the idea of a contingency of and or.

Andy Mefford: I could take it one tiny step further, but I have thought about rumble strips or it could say "or other means deemed appropriate".

Greg Chilcott: Dan what do you think?

Dan Ritter: I think the and or option is a pretty good idea.

Trenis Hindle: agreed on all of the above, gave comment to the rumble strips and speed sign.

Greg Chilcott: I am going to put words in your mouth that we have concurrence with findings and fact with the either or with a condition.

Thumbs up from the board.

Effects on Local Services (Fire)

Greg Chilcott: we have two findings of fact, any additional staff information that we need? Do we have concurrence on findings and fact under fire?

Thumbs up from the board.

Effects on the Natural Environment

Greg Chilcott: findings and fact on natural environment. Do we have concurrence on that?

Meghan Hanson: technically that is not true.

Greg Chilcott: how would you word that Meghan?

Meghan Hanson: it is how it is worded; I don't know why it is in here.

Dan Ritter: I agree maybe significant effect it is kind of throw away statement that is not even true.

Greg Chilcott: that is why I read it, in the county we would say has no significant effect.

Dan Ritter: if someone was to say prove it, we would not have any proof.

Meghan Hanson: the next one makes more sense. That can be a proven fact.

Paul Ludington: gave comment to the effect that it is a pasture, it was already affected years ago.

John Kellogg: one way to look at this, any development is going to have an effect. Gave comment to this subdivision and the impact to the town vs the impact if this development was in the county.

Meghan Hanson: agree with John's wording on that.

Greg Chilcott: I don't know how to put it in there. Night sky and lighting.

Meghan Hanson: that is something around here, I wrote it and it is in there, night sky and lighting.

John Kellogg: we have found this out lately working with Northwest Energy.

Greg Chilcott: are we going to accept the language of the throw away statement, thumbs up?

Thumbs up from the board. Concurrence.

Effect on Wildlife and Wildlife Habitat

Greg Chilcott: effects on wildlife and wildlife habitat findings and fact, do we have concurrence?

Meghan Hanson: was it just an assumption?

Greg Chilcott: have you guys walked the property and looked for sign?

Joh Kellogg: I have lived in this area, gave comment to the fox dens. There is no significant habitat here that we are affecting.

Greg Chilcott: board discussion, anyone want to amend this statement. In the county we require a letter about species on the property.

Meghan Hanson: it sounds good to me, but I don't want to be the only one.

Paul Ludington: I am sure that there is a white tail or a bunny rabbit.

Dan Ritter: you could change the wording, but we could just parting words on a low impact.

Trenis Hindle: pretty much a moot point, I think that the deer are going to eat better because the grass is watered.

Concurrence thumbs up from the board.

Effects on Public Health and Safety

Greg Chilcott: effects on public health and safety.

Paul Ludington: I don't have a problem with that. Gave comment to the dam at the head waters at the top of Middle Burnt Fork Road and the depth of water by the time that it made it to town.

Terry: another aspect of public health and safety is the traffic concerns. Reiterated the traffic concerns with the public health and safety.

Greg Chilcott: that is just what we do at the county, what do you think?

Meghan Hanson: it makes sense, but basically you are just referencing the above and the letter from MDT.

Dan Ritter: I am nodding yes.

Trenis Hindle: nodding yes.

Greg Chilcott: we have thumbs up and concurrence from the board. can we add downstream easements to this? Developers okay with that. Andy and John?

Andy Mefford and John Kellogg: fine with that.

Provisions of Legal and Physical Access

Greg Chilcott: this is where I have some concerns, we can't demonstrate legal access onto this C-2 zoned lots, currently in this proposal it doesn't exist.

John Kellogg: I would suggest that the condition of approval that says that we have to obtain an approach permit would address that question and would be an important step in what is needed to get to that point.

Greg Chilcott: do we have concurrence on that?

Meghan Hanson: it seems that we have already talked about that, but I will defer to someone that knows this area better.

Greg Chilcott: the way that I read MT code is we are required to demonstrate that at subdivision review and we can't do that because it hasn't been done. So conditioning it I think it is a little gray but I don't know where else we go from here.

Paul Ludington: I think it is back to where we were explaining before, because we don't have control over. Gave comment to private and county roads and you get approach permits.

Greg Chilcott: we get a preliminary approach permit as a requirement for review.

Paul Ludington: gave comment on a subdivision in the town limits we have the roads, in this case conditioning it they have to work through it. Making an assumption that they will get what they designed.

Mayor Dewey: gave comment to 3rd street project and the rough estimate of one million dollars.

John Kellogg: gave comment about the school not wanting the connection to Phillips Street.

Greg Chilcott: any other comments? Do we want to quickly go through our conditions?

Meghan Hanson: I think we should.

Greg Chilcott: all phases valid for ten years, we have the dates, but we discussed the C-2, any suggestions?

Paul Ludington: change it to seven. Change it to seven years.

Andy Mefford: our suggestion is to not put a year, just make it a phase that could be filed in any order 10 years from now.

John Kellogg/Andy Mefford: those are end dates and you can always come back and ask for extensions if that is appropriate or change the phases around. That being said if there is not a problem filing in a subsequential order. The commercial phase, phases 1 and 2 have to be filed before commercial because of water and sewer. We would need to have the infrastructure in place first.

Paul Ludington: what the staff report says is 10 years. What I am saying is I would like to shorten that to 7 years. You may not need 10 or you may need more and then you ask for an extension.

John Kellogg: before phasing occurred, it used to be 3 years.

Meghan Hanson: Paul are you saying to shorten this to have a little more control, that makes sense to me.

Paul Ludington: we have delt with this before. Commented on other subdivisions in the town.

Greg Chilcott: under state law it states that between phases that there is a public hearing. If they ran into time frames, they could ask for extensions.

John Kellogg: we prefer 10 but could be comfortable with what you are proposing.

Mayor Dewey: phase code states with in 20 years of the date of the overall phase plat.

Greg Chilcott: wish of the board? I see 7. Shorting the phasing to 7. Board is good with that.

(board members gave comments and concerns to the following staff report)

#1. Change to 7 years.

#2. Unchanged

#3. Unchanged

#4. Unchanged

#5. Unchanged

#6. Add public comment and citizen concern to be recognized.

#7. Add all utilities, public access, drainage, and irrigation.

#8. Unchanged

#9. Take out "town of Stevensville development code growth policy and streets master plan" to read "appropriate jurisdiction"

#10. Unchanged

#11. Unchanged

#12. Unchanged

#13. Change to, roads within the public right away, sidewalks, storm drains are maintained by the town.

#14. Unchanged

#15. Concurrences amended this.

#16. Add the word "areas" after common and before shall.

#17. Unchanged

#18. Unchanged

#19 and #20. Become **#19** and states maintained by BFE Homeowner's Association.

#20. New number 20, unchanged

#21. Change C-1 to C-2.

#22. Unchanged

#23. Unchanged

#24. New. HOA condition requiring an establishment of an HOA and to be maintained.

#25. New. Condition, letter from MDT findings that the impacts of this subdivision are not warranting improvements onto their state facilities.

Board members continued conversation around roads connecting Creekside and BFE.

Board members commented on infrastructure fees, for R-1, R-2 and that is buys you into the system.

Mayor Dewey: commented on infrastructure fees.

Greg Chilcott: we can take public comment, or we can make the motion and then take public comment.

Mayor Dewey: are you ready to make a motion, or would you like us to update the findings and then make a motion?

Meghan Hanson: I see where Brandon is coming from.

Paul Ludington: I think that we should be clear with the public I am okay with us making a motion, but we can also look at the changes and then make a motion.

Trenis Hindle: I would like to see the changes made but will support the board either way.

Dan Ritter: I don't have a strong opinion either way.

Greg Chilcott: I think we should go over the changes. I guess we can have a motion to continue the meeting date and time certain. The 13th same time.

Mayor Dewey: that is a really quick turn around for minutes and that is not going to happen that soon. Is there any expectation of a notice for this meeting?

Greg Chilcott: this is a continuance of this meeting. I will entertain a motion to continue this meeting January 13th at 6:30 pm.

Meghan Hanson: I will make a motion.

Dan Ritter: 2nd.

Greg Chilcott: we have a motion to and a 2nd, any board comment? Any public comment?

Ending in 5676. Jim Kalkofen gave comment to the Stevensville growth policy and public hearings. Spoke to the water rights condition and the application.

Greg Chilcott: all of those in favor of the motion signify with aye.

All board members stated aye. Meeting was adjourned.

4. New Business

a. Discussion/Decision: Nomination and Election of Board Officers for 2021

5. Board Comments

6. Public Comment

7. Adjournment

MINUTES PREPAIRD BY TOWN CLERK, JENELLE BERTHOUD

DRAFT

From: Gabe Charbonneau <gabriel.dane.509@gmail.com>
Sent: Tuesday, December 29, 2020 4:41 PM
To: Monica Hoffman <monica@townofstevensville.com>
Subject: [EXTERNAL] opinion re: Burn Fork Estates

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jenelle,

My opinion is that the subdivision should be denied. I've heard too many concerns about traffic, water, and infrastructure to support the planned development being a burden to our community. I also live bordering on the land, and would be lying if I said it didn't bother me to imagine it. We are at risk of losing the beautiful area that drew us here in the first place. Knowing when to say yes or no to development is hard. I'm all for a thriving community. I love Stevensville. I vote no.

Gabe Charbonneau

Jenelle Berthoud

From: Kalkofen, Jim & Marsha <nisspak@brainerd.net>
Sent: Friday, January 1, 2021 1:16 PM
To: Dan Ritter; Meghan@naturaldwellings.com; greenroadlogistics@gmail.com; Paul Ludington
Cc: Greg Chilcott; Jenelle Berthoud
Subject: [EXTERNAL] Town Growth Policy

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

P & Z Board, Following is a note I sent to Greg yesterday. I thought all members should be aware of exactly what the Growth Policy states about public hearings. I will take the liberty of forwarding several details regarding the subdivision application that may be on your agenda soon. I feel instead of a meeting that this matter requires an official hearing at both the board and later the Council.

I will also copy Jenelle so she can make the correspondence a matter of public record.

Thank you. Jim Kalkofen, Stevensville

Greg, Please read page 37 and 38 of the Stevensville 2016 Growth Policy. This section specifically calls for public hearings by the P & Z board.

The section uses these words, "...requires public hearings..."

This section also states, "...public hearings will be conducted by the P & Z board and Town Council for proposed subdivisions in Stevensville."

Due to this language, I feel the Jan. 6 meeting to discuss the BFE application is premature and requires a public hearing. What is your interpretation of the words?

Jim K.

Jenelle Berthoud

From: Marilyn Wolff <wolffmarilyn@gmail.com>
Sent: Friday, January 1, 2021 2:31 PM
To: Kalkofen, Jim & Marsha
Cc: Dan Ritter; Meghan@naturaldwellings.com; greenroadlogistics@gmail.com; Paul Ludington; Greg Chilcott; Jenelle Berthoud
Subject: [EXTERNAL] Re: Town Growth Policy

Follow Up Flag: Follow up
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Good

Sent from my iPhone

> On Jan 1, 2021, at 1:15 PM, Kalkofen, Jim & Marsha <nisspak@brainerd.net> wrote:
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>
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>
> Jim K.
>
>
>
>

Jenelle Berthoud

From: Kalkofen, Jim & Marsha <nisspak@brainerd.net>
Sent: Friday, January 1, 2021 5:48 PM
To: Greg Chilcott; Dan Ritter; meghan@naturaldwellings.com; greenroadlogistics@gmail.com; Paul Ludington
Cc: Jenelle Berthoud
Subject: [EXTERNAL] Two Key Issues to Consider

Follow Up Flag: Follow up
Flag Status: Flagged

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Greg Chilcott and P & Z Board Members, When mulling over the BFE subdivision application, please consider these two key points:

1. The Ravalli County Road Administrator requested information from the developers in a letter dated Sept. 11, 2020. That's nearly four months ago, and they have blown him off ever since. The road report is a required element of an application. It has not been updated per the Road Administrator's request. This is just one incomplete item in the application.

Specifically, the Road Administrator asked for up-to-date road counts for Logan Lane and Middle Burnt Fork Road. He asked for a traffic distribution map (estimate of number of vehicles heading north and south from the development's Logan Lane access). He asked for a pedestrian bike/walking path plan from the residential area to Middle Burnt Fork Road. He also denied the developer's request for an access onto Middle Burnt Fork Road. The lack of response is a slap in the face of a valued county employee and the entire Ravalli County. Without these answers the application should be dead in the water.

2. The BFE plat indicates that Phase One has no road access within the development, contrary to state law. The entrance/exit is only onto Creekside Drive. This must be rectified with a new plat. Until the corrected drawing is in front of you, this application does not deserve your time.

Thank you, Jim Kalkofen, Stevensville

Jenelle Berthoud

From: Kalkofen, Jim & Marsha <nisspak@brainerd.net>
Sent: Friday, January 1, 2021 6:17 PM
To: Greg Chilcott; meghan@naturaldwellings.com; Paul Ludington; Dan Ritter; greenroadlogistics@gmail.com
Cc: Jenelle Berthoud
Subject: [EXTERNAL] Major Water Issues

Follow Up Flag: Follow up
Flag Status: Flagged

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Greg Chilcott and P & Z Board Members, The land proposed for the BFE subdivision does NOT have water rights. Until this issue is settled, there should be no action taken regarding this proposal. Stevensville tried to change these rights, but the DNRC terminated the request in 2015 because according to Jim Nave, regional DNRC manager, the Town did not meet the correct and complete threshold. Apparently nothing has been done to rectify the situation, and as of this time, Nave from the DNRC stated in an Aug. 12, 2020 email, "As such the Town of Stevensville cannot legally provide a municipal water supply to an area that is outside of their current service area..." He also stated, "This place of use, or service area, does not include the area proposed for the Burnt Fork Estates..."

The Ravalli County subdivision form, question number 26 asks about water rights with yes or no blanks. In the case of the application, the answer is, "No." That means, at least to this simple guy, that the project must be terminated.

With no action by the Town for five years, why rush the BFE proposal? Instead, demand that water rights be settled. Once that question is addressed and the rights become known, then take a look at the BFE proposal, not before.

The second water issue relates to the state subdivision laws. In Part II, Required Information for Approval of Subdivisions under Sanitation in Subdivision Laws, Section B, paragraph 3, "Where a public water system is proposed or existing," and continuing in paragraph 3.a., "If an existing system will be used," and Number 2, "Provide evidence that the system is approved by DEQ and is in compliance with the regulations." Here's yet another reason to halt proceedings regarding the BFE application. The Town wells are not in compliance. To move forward assuming this matter will be swept under the rug is not prudent. Correct the issues first, then place the application on the agenda, not before.

Point of Information: In August 2020, the Town water wells were running almost 24 hours daily, which increased the NW Energy electricity bill that month by \$3,000. If current usage is causing the wells to run continuously, how can the P & Z Board even consider 220 more BFE homes be added to the end of the hose?

Thanks for understanding my concerns, Jim Kalkofen, Stevensville

Jenelle Berthoud

From: Kalkofen, Jim & Marsha <nisspak@brainerd.net>
Sent: Saturday, January 2, 2021 12:14 PM
To: Greg Chilcott; Meghan Hanson; Dan Ritter; greenroadlogistics@gmail.com; Paul Ludington
Cc: Jenelle Berthoud
Subject: [EXTERNAL] Stevensville Code - Subdivision Review

Follow Up Flag: Follow up
Flag Status: Flagged

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P & Z Board, I feel the direction in the Subdivision Review section of the Stevensville Code is of critical importance as you contemplate a subdivision application.

Chapter 10 of the Code, under Development, Article VIII 10-378 states, "Only after the zoning administrator has officially notified all parties that plans are complete and in conformance to all applicable state statutes and town ordinances, shall the town planning and zoning board, within time limits as specified by state statute: (1) Review the plans and all recommendations from town employees and officials."

The plans are incomplete, as you know from my recent emails. The County Road Administrator has not received any response from the developers to his many concerns. The state requires the public water system to be in compliance. The Town's wells are not. Water rights are not available to the parcel under consideration. A revised plat showing Phase One connecting to roads within the subdivision has not been re-drawn. Water capacity, even if water rights were available would exceed the town's system. The sewage/wastewater facilities would also be exceeded.

The key word is COMPLETE. The BFE application is NOT. Jim Kalkofen, Stevensville

Jenelle Berthoud

From: Kalkofen, Jim & Marsha <nisspak@brainerd.net>
Sent: Saturday, January 2, 2021 1:13 PM
To: Greg Chilcott; Dan Ritter; Meghan Hanson; greenroadlogistics@gmail.com; Paul Ludington
Cc: Jenelle Berthoud
Subject: [EXTERNAL] BFE Commercial Re-Zoning Request

Follow Up Flag: Follow up
Flag Status: Flagged

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Greg and P & Z Board, When the BFE subdivision application comes before the board, please consider these comments.

Stevensville Code, Section 10-219 - C-2 Limited Commercial District contains this definition, "The C-2 commercial district is intended to serve as a transitional buffer between residential areas and the more intensely developed downtown area. Small scale commercial and recreation uses that generate LITTLE traffic are allowed, together with a wide range of residential uses."

My take on the commercial district:

1. It does NOT belong on the corner of Logan Lane and Middle Burnt Fork Road.
2. The Ravalli County Road Administrator denied access from the proposed commercial district onto Middle Brunt Fork Road.
3. There is nothing to "buffer" here, with downtown being a mile to the west.
4. Businesses in Stevensville should be in the traditional downtown area.
5. The proposal calls for 16 commercial lots. There is absolutely ZERO chance that these businesses would result in "...LITTLE traffic..." as stated in the Code above.
6. The BFE subdivision proposal requests re-zoning a portion of land from residential to commercial. That being the case, since the commercial re-zoning is not possible according to CODE, the entire application should be shelved immediately.

Once again, thanks for your attention to this and other serious concerns about the BFE subdivision application. Jim Kalkofen, Stevensville

Jenelle Berthoud

From: Marilyn Wolff <wolffmarilyn@gmail.com>
Sent: Monday, January 4, 2021 8:48 AM
To: Jenelle Berthoud
Subject: [EXTERNAL] Emails to the Planning & Zoning Board
Attachments: Planning & Zoning Board Letter Jan 2021.docx

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The attached letter is for the Board as I've listed the members, please distribute to them before the Jan 6, 2021 meeting. Thank you.

Marilyn Wolff
529-3018

January 3, 2021

RE: Burnt Fork Estates Subdivision Application Review and Board Meeting January 6, 2021

TO: Stevensville Planning and Zoning Board Members: Greg Chilcott Acting Chair (with John Kellogg recused, BFE Developer's Consultant), Meghan Hanson, Dan Ritter, Paul Ludington, Council Rep, and Trenis Hindle, newly appointed by the Mayor

I'm a resident of Creekside Meadows (CM) and my home is by the boundary cow fence with Burnt Fork Estates (BFE), the proposed subdivision of 220 family units of mixed housing, plus a strip of 16 commercial business lots. The multi-family units, per the BFE Application, are for 16 four-plexes, 25 duplexes, one 7 plex and one 10 plex. This buildout will increase Stevensville's population 20-25%. The 2018 census listed Stevensville's population at 2,025. CM residents are opposed to this major subdivision as currently platted which would be the largest subdivision ever approved in the county. Under the Town Code, Chapter 10 (a), your review and recommendations should, "regulate the use of land in order to promote public health, safety and general welfare... to retain a small town environment."

I am upset by holding a Board "meeting" vs a "Hearing" to review the BFE Application during a pandemic and near busy holidays. My meeting notification letter arrived Dec 23, 2020, two days before Christmas, to announce a Zoom meeting by your Board on Jan 6, 2021. I'm 73, fearful of Covid, but I resent a Zoom meeting which limits public participation when so many people want to comment on BFE, particularly in person. Stevensville has a large population of seniors who will be limited by not having a computer or the knowledge to use Zoom. A major subdivision should have robust citizen involvement in a real public process. Why not hold a public hearing this summer after many receive Covid vaccinations? These are unprecedented times, as a Board you should make such a recommendation to the Town Council.

I spoke at a P&Z Board meeting January 27, 2020, the Minutes were approved at the September 3, 2020 meeting and can be reviewed on the town's website, September Agenda packet, page 4. The 1/27 meeting has disappeared from the town meeting list and I have no idea if they are archived but they should be. The audio would reveal more detail of my questioning the Board. My name was misspelled but more importantly I asked the Board and Mayor about the Board's review process regarding BFE. I asked if the 2016 Growth Policy would be followed. John Kellogg, the Chair and the BFE developer's consultant, and the Mayor said yes to my question. ***They stated two hearings and two ads in the local paper. Why has this not been followed?***

I really worry you not will have adequate time to review the Application details to make informed recommendations about BFE. Citizens also need more meetings/hearings for comment. You will be making recommendations that either protect town residents, town infrastructure, schools, law enforcement, roads or forever subject a small community to over development at a huge price as well as loss of public health, safety and general welfare. A cursory review invites legal action against the town.

I have studied the BFE Application and find many deficiencies and omissions and here are some of my concerns:

The original HDR engineering report ordered by the town in lieu of a town planner to manage the process made a number of points including “all off-site water and wastewater improvements related to the need to increase system capacity as a result of this project shall be the responsibility of the developer”. That needs to be a firm, required impact fee the Board should recommend.

“Encroachment permits shall be obtained from Ravalli County for access to Middle Burnt Fork Rd and Logan before the issuance of the final plat for Phase 1.” Absolutely, the road issues should be settled right away before there’s any digging. As of now the Middle Burnt Fork Rd approach permit has been denied by the county road manager because of the nearness of the intersection of that road with Logan Lane. Also, did you realize the Middle Burnt Fork Rd approach was only for the 16 commercial businesses, not BFE residents? Think of the number of cars 220 families will add to nearby roads. Accidents for sure, hopefully no deaths. Roads and intersections must be improved at the developer’s expense and this should be a Board recommendation.

BFE needs to obtain their own approaches. BFE is a separate subdivision and cannot run their traffic through CM. BFE roads will be private and maintained by the BFE HOA. CM residents’ property rights are being ignored, MCA 76-3-102 (8). Another Board recommendation.

The Stevensville Growth Policy, page 35 and 36, Local Services, requires services listed such as schools to be evaluated for impact cost. “The cost of providing services by determining the per capita or per lot cost of services and current and anticipated tax and fee revenue.” Absolutely needed, Stevensville residents just passed a bond issue and it may be impossible to pass another bond anytime soon to build more school rooms and pay additional staffing. To date there is no report in the Application on school impact and the Superintendent and School Board have not been contacted. This needs cost analysis and assessment to the developers, not current town residents. The BFE Application is not complete until this is done. The Board needs to insist this omission be corrected.

This same section applies to law enforcement and it would seem reasonable for the size of this development that another town officer should be hired at an appropriate cost to the developer.

Let me direct you to the enlarged maps you have of BFE, Preliminary Plat 1, Storm Water Plan Map 5, and Park Plan 6. The largest common area/park shown on 5 and 6 is right by CM and incidentally my home. The majority of this area is comprised of two huge retention ponds to hold toxic storm water runoff. Keep in mind there is shallow groundwater in BFE, 12-39 inches below the surface as stated in the Site Evaluation Section of the Application. These ponds will hold water year round without rain or snow melt. One is 2 feet deep, the other 4 feet. Map 5 does **not** show an emergency overflow pipe or spillway which my nephew a civil engineer mentioned to me. I am not convinced the water mitigation system, i.e. wastewater system will work and may in fact cause flooding in CM. The area is considered minimal floodplain by FEMA which is still potential with high groundwater already present and then throw in a huge wet period, it could be bad. It would seem grading and fill with berms between CM and BFE might be a solution. With the developers handing off the stormwater system to their HOA, what assurance does CM have that this complicated system of sumps, detention and retention ponds will be properly maintained over the years. Lastly, the stormwater system presumes to connect to CM’s stormwater system (BFE App Site Evaluation, 6.1). **BFE is a new subdivision which I don’t believe has the legal right to connect to CM’s system which could overwhelm and cause flooding in CM.** This matter should be of great concern for the Board and Town Council.

Retention ponds have a long history of being particularly dangerous to children and pets. These ponds will require fencing, a monitoring system and cleaning. Retention ponds are big breeding sites for mosquitos, form algae, produce algae blooms which are toxic and stink. I DON'T WANT THESE PONDS BY MY HOME AND OUR COMMUNITY. Relocate these water traps elsewhere in BFE. A deduction of this large pseudo park from the required green space per state law and BFE is below what is required. This isn't a park for residents' enjoyment, it's a HAZARD ZONE. Furthermore this "park" is proposed for the first Phase of the development along with a six lot cul-de-sac on Clover Lane, a CM street. Please refer to Preliminary Plat 1 map. The only road access these future BFE residents will have is in and out of Creekside Drive in CM! This cul-de-sac needs to be turned around into BFE and tied into their road system. This is a violation of state law unless changed on the plat, MCA 76-3-608 (3)(d), " the provision of legal and physical access to each parcel within the proposed subdivision and the required notation of that access on the applicable plat...".

I've listed many serious problems besides the big one with BFE not having legal town water rights. The town needs to settle their water use areas and well permits with DNRC before permitting a major subdivision. The water rights deeded to the town by the developers are for "irrigation only" six months of the year, hardly any help with municipal water needs. The Application needs to be tabled until it is complete with all the problems resolved or properly negotiated. To do otherwise is negligence.

Good Luck, you have a real lemon to review.

Sincerely,

Marilyn Wolff

300 Aspen Trail, Stevensville MT 59870

406-529-3018

Dear Jenelle: I am concerned about the seniors in Stevensville who may not have a computer and are not zoom Savy missing out on the council meeting about the proposed BFE subdivision. I am 83 and I know many others are being left out. Please bring this to the attention of the P/Z board. Thank you.

Public comment for P&Z meeting 01/06/2021
From: 4062391413

Jenelle Berthoud

From: Kalkofen, Jim & Marsha <nisspak@brainerd.net>
Sent: Monday, January 4, 2021 10:11 AM
To: Greg Chilcott; Dan Ritter; greenroadlogistics@gmail.com; Paul Ludington; Meghan Hanson
Cc: Jenelle Berthoud
Subject: [EXTERNAL] Read both Engineering Reports, Please

Follow Up Flag: Follow up
Flag Status: Flagged

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Greg and P & Z board members,

A critical component of the BFE subdivision application is the engineering report. The Town hired HDR engineering to compile a report. That occurred to the tune of \$6,143. That report was only made available when I filed a Freedom of Information form with the town clerk.

The reason is simple. The engineering report on the Town's website and likely enclosed with your packet is the mayor's sanitized engineering report. Please compare the two reports; the "edits" are obvious and should give each P & Z board member cause to pause in this process and ask one simple question, "Why?"

One glaring difference is the original HDR Report, page 10. It reads, "The approval of the Preliminary Plat is therefore not a guarantee that the water system and wastewater facility will have capacity for service at the time of final plat application and capacity will be evaluated for each phase. If capacity issues are identified the developer will be required to address these issues as part of their final plat submittal."

The Town did not mention this in the engineering report they want you to believe.

Also, on Page 13, the original HDR Report reads, "All off-site water and wastewater improvements related to the need to increase system capacity as a result of this project shall be the responsibility of the developer."

The Town's engineering report conveniently omitted this key fact.

Does that mean that you and I and the Town's other taxpayers will be on the hook for these expansions?

You are in position to uncover these and many other unknowns related to this application. Thanks much for digging into this situation.

Jim Kalkofen, Stevensville

Jenelle Berthoud

From: Robin J <robinjohnst@gmail.com>
Sent: Monday, January 4, 2021 10:51 AM
To: Jenelle Berthoud
Subject: [EXTERNAL] BurntFork Subdivision

Follow Up Flag: Follow up
Flag Status: Flagged

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As a resident and mother of an active 11 year old, I am strongly concerned about the proposed subdivision. If the traffic came through Creekside I would be very concerned for traffic safety with cars and children playing. Also, as a parent I am concerned about having an overcrowded school in Stevensville, particularly the High School. Finally, I am concerned about the huge demand on water supply. Water pressure at Creekside is already low. This will be impacted if the subdivision goes through.

Thank you
Robin Johnston
Resident of Creekside

Jenelle Berthoud

From: Laura Miller
Sent: Monday, January 4, 2021 12:02 PM
To: Jenelle Berthoud
Subject: FW: [EXTERNAL] Form submission from: Contact Us

Follow Up Flag: Follow up
Flag Status: Flagged



-----Original Message-----

From: Stevensville Montana via Stevensville Montana <noreply@townofstevensville.com>
Sent: Monday, January 4, 2021 12:00 PM
To: TOS Info <info@townofstevensville.com>
Subject: [EXTERNAL] Form submission from: Contact Us

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Submitted on Monday, January 4, 2021 - 11:59am Submitted by anonymous user: 63.153.102.215 Submitted values are:

First Name: Tony
Last Name: Norman
Email: griznation2@gmail.com
Question/Comment:

Janelle, please see that a copy of this letter is distributed to the planning and zoning board in advance of their scheduled meeting this week and also that a copy is given to the mayor and town council. Thank you. My wife and I have lived in Creekside Meadows for 15 Years and am writing this letter in opposition to the proposed Burnt Fork Estates, "BFE", development for the following reasons:

1. Water is a major concern in that we have noticed a decrease in our water pressure since the ongoing building of homes in the Twin Creeks development. As this is an ongoing development we can only expect our water pressure to continue to decrease. With the addition of the major BFE development, our question is, where is the additional needed water going to come from and what will happen to our already decreasing water pressure? As we are already on water rationing, we shudder to think of the possible consequences.
2. Water drainage in our crawl space has been an ongoing issue depending on the weather and with the proposed addition of over a hundred slab foundations next to us, where is that additional water going to go? In my crawl space? And if it does, causing structural damage, who is going to be responsible, the developer, you?
- 3.. Sewage is also a major concern as we question the ability of our existing infrastructure's ability to handle the proposed new demands that will be required on it.
4. With the additional demands that will be made regarding water and sewage, can we expect new town bond issues to finance both ?
5. Traffic is a major concern as the BFE developers are proposing to direct a large portion of this traffic through Creekside Meadows. This will increase drastically safety issues and also change some of our neighborhood roads to major arterials. In addition, as the town is unable to repair major issues with our existing Creekside Meadows roads, how do they expect to handle the additional requirements? With all the traffic that will be generated by the BFE and Twin Creeks developments, the Middle Burnt Fork and Logan roads are going to require major upgrades. Is this an issue discussed in the proposal?

6. A development of this size is going to put a major strain on Stevensville's school system and might require ANOTHER bond proposal. Are the citizens of Stevensville aware of and prepared for all the possible expenses that might be required by the BFE development?

My wife and I are senior citizens and do not have the expertise to use Zoom and can only express our views and feelings with this email. We were hoping that because of the importance of this issue and the effects it will have on the whole town, that open meetings would be held which could require masks and social distancing. As a lot of the residents of Creekside Meadows and the town of Stevensville are senior citizens and do not have computers or smart phones, they are totally denied access to all Zoom meetings, especially those that can effect them and the whole town .

Janelle, once again, thank you in advance for seeing that the mayor, town council, and zoning and planning board get a copy of this email before their next scheduled meetings Tony Norman

303 Syringa
396-1004

The results of this submission may be viewed at:

<https://www.townofstevensville.com/node/7/submission/2331>

Jenelle Berthoud

From: George lundwall <geowlundwall@hotmail.com>
Sent: Monday, January 4, 2021 12:23 PM
To: Jenelle Berthoud
Subject: [EXTERNAL] Burnt Fork Estates Subdivision
Attachments: BFES Concerns.docx

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Mayor Brandon Dewey, Stevensville Town Council and Planning and Zoning Board,

I assume all of the supporting documents from the September 3, 2020 meeting agenda concerning the Burnt Fork Estates Subdivision will be considered during the new meeting date of January 6, 2021. I have attached another copy of my letter dated August 31, 2020 expressing my concerns for your review.

Regards,
George Lundwall
1700 Creekside Drive
Stevensville, MT 59870

Dear Mayor Brandon Dewey and StevensvilleTown Council Members,

August 31, 2020

This email/letter is in response to the letter I received from you on August 26, 2020 regarding comments on the Burnt Fork Estates Subdivision. I am **strongly opposed** to such a poorly planned subdivision by the California Developer near Creekside Meadows Subdivision in the Town of Stevensville, MT.

The detrimental consequences to the residents of Creekside Meadows Subdivision are immeasurable. I have never had water in my crawl space in 15 years and am now concerned. The Hooley brothers have already installed three (3) massive sump basins on the proposed subdivision property for the purpose of re-directing groundwater to the Creekside Meadows Subdivision storm sewers during construction. I was told by PCI Inc. representatives on July 31, 2020 that you gave them permission to survey our storm sewers for connecting these sumps to our subdivision...is that true or for that matter even legal? Groundwater issues alone should be reason enough to **reject** the Burnt Fork Estates Subdivision.

Next issue. How is the town of Stevensville going to supply water to this new subdivision? Water pressure and supply are already pushed to the limit. Do the residents of Stevensville have to pay for additional water for the benefit of a California developer? Keep in mind once this 10 year development is complete he goes back to California with a ton of money and leaves the current residents of Stevensville holding the bag. Another reason to **reject** the Burnt Fork Estates Subdivision.

Next issue. The traffic on Logan Lane and Middle Burnt Fork road will be a dangerous situation. Are you Mayor Dewey and the Stevensville Town Council willing to approve this subdivision knowing that the risk for collisions and injuries will be dramatically increased? Numerous vehicles already enter Logan Lane from Eastside Highway at 70 MPH with no intent of slowing down. I have been passed on a double yellow line like I was standing still. Also, current Stevensville residents will be delayed even more when trying to get onto Main Street from Eastside Highway. Every Stevensville resident can attest to that problem. Another reason to **reject** the Burnt Fork Estates Subdivision.

Next issue. The Hooley brothers are dead wrong when they stated in the Bitterroot Star that the Burnt Fork Estates Subdivision is part of Creekside Meadows that was approved 17 years ago. That approval expired a long time ago...if it was still current why they would have to seek approval again. Under no circumstances should the three (3) stub roads in Creekside Meadows be opened to traffic into Burnt Fork Estates Subdivision. That is a separate subdivision with their own lenient covenants. Creekside Meadows is a quiet elderly community and should not be forced to endure 10 years of construction activity through our neighborhood. Another reason to **reject** the Burnt Fork Estates subdivision.

With all the potential damaging consequences why would the Hooley brothers, PCI Inc., John Kellogg, Mayor Dewey and any Stevensville Council member who votes in favor of the Burnt Fork Estates Subdivision put themselves at personal risk for legal action? This email/letter is now a public record.

Sincerely,

George Lundwall (406)381-1591

1700 Creekside Drive
Stevensville, MT 59870

To: Mayor Brandon Dewey, Stevensville Town Council and Planning and Zoning Board,

I assume all of the supporting documents from the September 3, 2020 meeting agenda concerning the Burnt Fork Estates Subdivision will be considered during the new meeting date of January 6, 2021. I have attached another copy of my letter dated August 31, 2020 expressing my concerns for your review.

Regards,
George Lundwall
1700 Creekside Drive
Stevensville, MT 59870

Jenelle Berthoud

From: John Croft <cia0648@yahoo.com>
Sent: Monday, January 4, 2021 1:11 PM
To: Jenelle Berthoud
Cc: James Kalkofen
Subject: [EXTERNAL] Comments for the Town Planning & Zoning Board Meeting 1/6/2021

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Town Clerk Berthoud,

Please provide my written comments below to the P&Z Board for the January 6, 2021 meeting. Thanks.

Regards, John Croft

Dear Planning and Zoning Board Members Kellogg, Chilcott, Ritter, Hanson, and Hindle

Thank you for the opportunity to comment on the application for a major subdivision know as Burnt Fork Estates (BFE).

As a resident of Creekside Meadows I have grave concerns relative to the BFE application:

First, traffic on Logan (aka the Stevensville Bypass) and Middle Burnt Fork is substantial. With over 200+ homes and the commercial businesses in the proposed BFE subdivision, the significant increase in vehicle traffic on Logan and Middle Burnt Fork will be extremely dangerous. There are no shoulders on Logan as it is a farm road. Several bike riders use Logan which is already dangerous because there is no shoulder and no enforcement of the 45 mph speed limit. Even now on Logan, there are drivers that far exceed the speed limit and will even pass other vehicles in the no pass zone. Obviously with a significant increase in traffic on Logan and Middle Burnt Fork the risk for more accidents will substantially increase. Someone will get killed. Moreover, the additional traffic through Creekside Meadows will dangerous. Many of the residents in Creekside Meadow walk in the area. The BFE application should be denied because of the huge traffic issue.

Second, water will be a major issue. Apparently BFE does not have water rights to the Town of Stevensville's water. How will the 200+ homes and commercial businesses get water? Moreover, will the town's sewer system be significantly impacted by so many homes and commercial businesses? Is

there any assurance the town's sewer treatment plan can handle the additional sewage? The BFE application should be denied because of the water and sewer issue.

Third, commercial businesses in the proposed BFE will have a huge negative impact on the small businesses on Main Street. It is especially difficult for the existing small businesses to survive in a small town such as Stevensville. With additional competition it is likely that many of the businesses on Main Street will close. It will be sad to see so many empty store fronts on Main Street. The BFE application should be denied because of this issue.

Finally, the above concerns are just a few of the issues. There are issues related to potential crime, additional need for fire and police services, impact on schools, town services such as snow removal and street maintenance, employment and welfare, and environmental impacts. This issues will result in additional property taxes. The BFE application should be denied because of these issues.

Please use the power of the Town Planning & Zoning Board to provide the Town Council with a recommendation for denial relative to the BFE application for a major subdivision.

Regards,

John Croft
1618 Creekside Drive

Jenelle Berthoud

From: Walter McCrumb <sikiq4me@gmail.com>
Sent: Monday, January 4, 2021 1:21 PM
To: Jenelle Berthoud
Subject: [EXTERNAL] Burnt Fork Subdivision Comments

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am not against the growth and expansion of our town of Stevensville. But, when that growth does not include the necessary infrastructure like water and sewer considerations and just plan to use the existing facilities that are already beyond their estimated capacities then I must oppose this planned expansion. Our Planning and Zoning Board is there to protect and plan for expansion. This includes finding funding and sources for future projects. My understanding is that this has not happened and current users may lose their existing water pressure and sprinkler systems may not cover lawn areas and showers may lose pressure. Please call me if you need support or help. Walt and Faye McCrumb, 406 381-7941 or sikiq4me@gmail.com. Walt

Jenelle Berthoud

From: Kalkofen, Jim & Marsha <nisspak@brainerd.net>
Sent: Monday, January 4, 2021 2:27 PM
To: Jenelle Berthoud
Cc: Greg Chilcott
Subject: [EXTERNAL] Comments for P & Z Board

Follow Up Flag: Follow up
Flag Status: Flagged

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Jenelle, Prior to the October regularly scheduled P & Z board meeting, a number of town residents submitted written comments. I was one of those. I feel all those comments should be submitted once again. There are new members on the board and it would be wise for these letters to be part of the record for this postponed meeting.

It will be especially important since the public will not be able to appear in public to express their opinions. Also, if some of the letter writers did not see the single legal notice, they may not be aware. By including their sentiments from three months ago, their voices will be heard at the upcoming meeting.

Thanks. Jim Kalkofen, Stevensville

Jenelle Berthoud

From: Mark Bickish <mbickish@yahoo.com>
Sent: Monday, January 4, 2021 3:05 PM
To: Jenelle Berthoud
Subject: [EXTERNAL] Burnt Fork Subdivision

Follow Up Flag: Follow up
Flag Status: Flagged

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I support the Burnt Fork Subdivision. We need proper growth and places for people to live. This subdivision makes a lot of sense, maybe not the exact proposal, but expanded growth for housing is important. Growth is coming, we need to plan it and prepare for it.

Thanks
Mark Bickish

Sent from my iPhone

Jenelle Berthoud

From: Lori Greene <gvlorg@gmail.com>
Sent: Monday, January 4, 2021 5:32 PM
To: Jenelle Berthoud
Subject: [EXTERNAL] BHE subdivision

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a concerned citizen of Stevensville, I have many concerns with the Proposed BHE plan.

1. Why is the developer allowed to alter the 2016 approved growth plan?
2. City hasn't gained approval from the county on new road access on Logan rd. Creekside Meadows subdivision can't handle the traffic and it's completely unfair to allow a different HOA to use Creekside Meadows subdivision roads. Logan Road cannot handle the added traffic on that narrow road. Safety is a major concern!
3. Water and sewer issues. No citizen of Stevensville should pay for added improvements.
4. Commercial property added to the plans. Totally unacceptable.
5. Too high density for the amount of land. No apartments should be built. The original plan on lot size and homes is the only plan that should be passed after water and sewer expansion is paid for solely by the developer.
5. Increase in school expansion passed on solely to developer.
6. I don't approve of this development. Should a modified plan be approved, please use the 2016 approved plan. The plan as it is, will destroy quality of life for all citizens. This is not California.
7. Town of Stevensville must be fair, transparent and not in bed with the developer. Which I believe is 🤝 happening. Mayor Dewey must follow the laws and not reinvent policies already in place, yet not followed.
8. Please reject this housing plan and resubmit a reasonable housing development which creates harmony for all citizens.

Respectfully,

Lori Greene

Sent from my iPhone

Jenelle Berthoud

From: Susan Turner <sturner@timberedgemachine.com>
Sent: Monday, January 4, 2021 10:45 PM
To: Jenelle Berthoud
Cc: patrogj@gmail.com
Subject: [EXTERNAL] Planning & Zoning Board Zoom Meeting, Wed, Jan 6, 6:30 pm OBJECTION TO BFE
Attachments: Goliath Is At The Door.docx
Importance: High
Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jenelle:

I understand there is a Planning & Zoning Board zoom meeting this Wednesday, Jan 6, 6:30 pm. I'd like to be on public file with the Town of Stevensville stating my objections to the Burnt Fork Estates subdivision. It is my understanding any objections need to be to you by noon on Wednesday, Jan 6, so kindly reply to all on this email so I know the attached letter was received and you have distributed it prior to the meeting for all to read. I am also requesting the log in details for the zoom meeting prior to Wednesday.

I do not have a computer so am sending this letter to you from my daughters computer (sturner@timberedgemachine.com). If you need to verify the legitimacy of this letter please contact me on my cell phone at 406 239-1413. I do get a lot of spam calls so please leave a vm if you call and I do not answer.

Thank you in advance for letting me know this email was received and you will distribute my letter prior to the meeting on Wednesday, Jan 6, 6:30 pm.

I submitted the attached letter to the Editor of the Bitterroot Star twice but to date it has not yet been printed.

Respectfully,

Pat Johnson
Stevensville, MT
patrogj@gmail.com
406 239-1413

Jenelle:

I understand there is a Planning & Zoning Board zoom meeting this Wednesday, Jan 6, 6:30 pm. I'd like to be on public file with the Town of Stevensville stating my objections to the Burnt Fork Estates subdivision. It is my understanding any objections need to be to you by noon on Wednesday, Jan 6, so kindly reply to all on this email so I know the attached letter was received and you have distributed it prior to the meeting for all to read. I am also requesting the log in details for the zoom meeting prior to Wednesday.

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Thank you in advance for letting me know this email was received and you will distribute my letter prior to the meeting on Wednesday, Jan 6, 6:30 pm.

I submitted the attached letter to the Editor of the Bitterroot Star twice but to date it has not yet been printed.

Respectfully,

Pat Johnson
Stevensville, MT
patrogi@gmail.com
406 239-1413

GOLIATH IS AT THE DOOR ...

I am referring to the mega subdivision proposed to go in adjacent to Creekside Meadows subdivision. We should all be concerned about public safety if Burnt Fork Estates (BFE) is allowed to funnel about 600 more cars through Creekside Meadows.

Montana Code Annotated 2019

TITLE 76. LAND RESOURCES AND USE

CHAPTER 3. LOCAL REGULATIONS OF SUBDIVISIONS

Part 1. General Provisions

Statement of Purpose

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

(3) lessen congestion in the streets and highways.

If BFE is allowed access through Creekside Meadows, it will add chaos to the already existing traffic on Logan Lane.

A few weeks ago I was headed South on Logan Lane (headed home) when a truck came off Eastside Hwy going at least 60 mph which is the speed limit on Eastside Hwy. The truck passed me in a 45 mph speed zone disregarding the double yellow lines and passing the truck ahead of me, which had flashers on with a big road grader ahead of him. Had someone been coming from the opposite end of Logan Lane, he had nowhere to go and no shoulder to pull off on; someone likely would have been killed. Should BFE be allowed to use our entrance, major construction would need to be done and that would come at a high price for all Ravalli County tax payers.

BFE has offered to pay \$200 per lot toward road construction, which would be just a drop in the bucket for that sort of construction.

Please let your voice be heard when the public hearing is held (very soon.)

Respectfully submitted,

Pat Johnson
Stevensville, MT

Jenelle Berthoud

From: wallace whitney <wallaceawhitney@gmail.com>
Sent: Tuesday, January 5, 2021 6:54 AM
To: Jenelle Berthoud
Subject: [EXTERNAL] Burnt Fork Subdivision

Follow Up Flag: Follow up
Flag Status: Flagged

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I am strongly opposed to the proposed subdivision. There is simply no rational reason for the planning board to approve this project given the endless list of potential hardships which will be placed on the current residents for year to come. The list has been well documented for months and yet the project moves forward. It's simply time for the members of the zoning and planning board to take a stand. Are you for corruption and greed or fairness and honesty? Please stop this madness once and for all with a unanimous ant outright rejection of this proposal.

Wallace Whitney
Stevensville

Sent from my iPad

Jenelle Berthoud

From: lrkmjohnson@frontier.com
Sent: Tuesday, January 5, 2021 12:54 PM
To: Jenelle Berthoud
Cc: Jenelle Berthoud; 'James Kalkofen'
Subject: [EXTERNAL] Comments on Burnt Fork Estates Subdivision

Follow Up Flag: Follow up
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TO: Stevensville Planning and Zoning Board

FROM: Leonard and Karen Johnson, 1508 Creekside Dr, Stevensville, Montana

We have written twice – in August and again in October 2020 – concerning the proposed Burnt Fork Estates development, but have not had a response, nor seen any adjustments to the current plans in the intervening months.

As adjacent neighbors, we have significant concerns to the density of the development and the proposed street entrances. The plans include use of the existing Creekside Drive, utilizing Syringa and Aspen Streets and another proposed street that also exits onto Logan Lane. Traffic on Logan Lane is already hazardous as it is increasing used as a bypass of downtown Stevensville; traffic that seems to have little regard for the 45 MPH speed limit. The increase in truck and passenger traffic already adds to the hazard of exiting from Creekside Drive, where there is limited sight distance to the south without edging onto a very narrow road. **It makes absolutely no sense not to add a primary exit from the development at or near the existing entrance to the property on Middle Burnt Fork Road.** We understand that access onto Middle Burnt Fork Road was not approved by the county road manager, but that decision needs to be revisited. The potential traffic impacts on residents of Creekside Meadows and Logan Lane are both severe and hazardous. The plan should also not preclude direct connection to other existing streets that are located to the west of the proposed subdivision. Rather than add to congestion and traffic at the dangerous intersection of Eastside Highway and Logan Lane, a Burnt Fork entrance would provide a logical alternative for much of the newly generated traffic from the development.

Another concern relates to the impact on the infrastructure of the Town of Stevensville. Development and approvals should be withheld until there are definitive studies of the water and sewer capacity of Stevensville and resolution of the water rights issue regarding this subdivision. It does not represent prudent or wise planning to approve such a large addition until those issues are fully understood. We have not seen any current, reliable studies that indicate capacity on the part of Stevensville to handle this expansion. We have seen studies that indicate our water system would reach capacity with the build out of Twin Creeks subdivision. Now we find that we may not even have water rights to the water we have. What will 121 single family and multifamily units plus the proposed commercial activity add to that demand? Some definitive studies of the town's water and sewer capacity and plans to expand that capacity are needed before an expansion of this size is approved.

A third concern relates the proposal for retention ponds adjacent to Creekside Meadows to contain storm water runoff. There are already issues for some homes in Creekside Meadows having water in their crawl spaces. With general drainage of the area to the north and west, these holding ponds can only create additional issues as that water seeps into subsurface drainage. At a minimum they need to be relocated where potential drainage will be to the fields

to the west with planned drainage into existing drainage channels. In addition, their impact needs full engineering study with corresponding approvals from state and county authorities before subdivision approval.

We hope that the planning and zoning board will see the need for significant redesign of this proposal, will deny the application for commercial rezoning of the southeast corner if that still is in the proposal, and will request redesign of the proposed access to the development. The Town of Stevensville will be better served by that decision.

Jenelle Berthoud

From: stevedgibson52@gmail.com
Sent: Tuesday, January 5, 2021 1:40 PM
To: Jenelle Berthoud; meghan@naturalddwellings.com; greenroadlogistics@gmail.com; Paul Ludington; ritter4@mac.com; Jenelle Berthoud; gchilcott@rc.mt.gov
Cc: Steve Gibson
Subject: [EXTERNAL] Comments for Proposed Subdivision Meeting Burnt Fork Estates Planning and Zoning Board January 6th 2021
Attachments: Comments Regarding Proposed Subdivision of Burnt Fork Estates Public Meeting 1-6-2021.pdf

Follow Up Flag: Follow up
Flag Status: Completed

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Please see the attached letter.

Sent from my

To: Jenelle Berthoud
C.C. Board Members

Regarding planning and zoning board hearing for proposed Burnt Fork Estates Subdivision January 6th 2021

At this time the application for the proposed subdivision for Burnt Fork Estates is incomplete in relationship to following statutes, rules, procedures, required documentation, admissions, etc. This type of meeting also discriminates and restricts the ability of many citizens to participate in the process of a proposed subdivision of this magnitude.

The following are some of the concerns that have not been addressed by town officials and the developer:

1. Water rights. It has been documented that neither Creekside or Burnt Fork Estates have water rights.
2. Existing wells are not legally permitted. This has been documented and not addressed.
3. Both the 2016 growth plan and former town officials have stated that Stevensville does not have the capacity of water for what would be the largest subdivision in Ravalli County. This was stated even before this proposed subdivision of 220 family units and 16 commercial lots, as well as 16 family units being built behind ace hardware, and up to 40 new homes at Twin Creeks. Since 2016 there has also been many new residential homes built in Creekside and Twin Creeks. There would obviously be a large fee, tax increase to the citizens of Stevensville for upgrades. What is the cost? The town is already on water restrictions. In the summer of 2019, we could not water for two weeks due to failure of town pumps. What about the simple fact of there not being adequate water pressure?
4. No updated traffic study regarding impacts. There could be up to a thousand more vehicles per day. This proposal could increase the population of Stevensville by 20 to 25% not including increased traffic, mail, service providers, FedEx, contractors, school, and etc. What impact does this have on Logan and Burnt Fork Road as well as taking into consideration the dangerous intersection of Logan and Stevi Highway. An increase in the congestion on Main and Stevi highway which is already a problem. Who will pay and how much? In October the mayor requested that the developers move forward and obtain access of not just Logan but also Burnt Fork Road. It is my understanding that the county has not granted access off of Burnt Fork Road. In a meeting months ago the developers and consultants stated that they would limit traffic on Creekside Drive which is a separate subdivision with different covenants. Fact, it appears a majority of access would come through Creekside Meadows, which is a separate subdivision.
5. The school district has not been contacted in regards to impact on schools, with over a 20% increase in population, how much will this cost the taxpayers of Stevensville?
6. Recommendation of consultants that developer pay cost increases related to needed upgrades to current water and sewer capacity. This was deleted by town officials. Just yesterday this language was put back in the HDR report. What's up? Again, what cost to all taxpayers?
7. Proposed 16 commercial properties will have an impact to existing businesses. Proposed new fire station. What would this cost the taxpayer; building, fire trucks, man power. At this time it is ironic that this proposed fire station would not have access off Burnt Fork Road to the

subdivision. Where will the fire trucks go? Will they will have to come through this separate subdivision of Creekside Meadows?

8. Retention ponds to be placed within a few feet of residents in separate subdivision of Creekside Meadows. Many questions about retention ponds for waste water:
 - a. Safety concerns including children who are attracted to these ponds and can risk drowning and other water injuries.
 - b. Mosquitos lay eggs and hatch in these ponds. There are no mosquitos currently.
 - c. Unmaintained ponds can become a source of unpleasant smells, toxins in ground water, can have algae blooms and stink. Developers say that the Burnt Fork HOA association of this separate subdivision will maintain infrastructure. Who will be liable for issues that arise in relationship to Creekside Meadow residents who will have no control of these ponds? Other experts have stated that these types of retention ponds are not recommended anywhere due to the aforementioned issues.
 - d. Some have also reported that connecting the waste water system in to Creekside Meadows waste water system could potentially cause flooding.
9. Increase need for public safety since I have lived here for over 3 years there has never been more than 3 police officers currently two some times in the past only one.

With many unanswered questions and incomplete application with incorrect information, I respectfully request that action on this proposed subdivision be delayed and resubmitted.

Need to address issues:

- a. Water rights
- b. Illegal permitted wells
- c. School report
- d. Up to date traffic study
- e. Estimated cost to taxpayer for water and sewer upgrade
- f. Cost to county tax payer for needed upgrades of county highway

Finally, public hearing or any other action should be delayed till all citizens can participate. As was stated by the board chairman at the last planning and zoning board meeting, he was going to schedule public hearings and possibly multiple public hearings would be needed with a proposed subdivision of this magnitude.

In my opinion, to move forward at this time with the countless issues that are still unanswered or not completed may attract legal action and frankly is unethical. I am not opposed to reasonable and responsible development which this proposal is obviously not.

This impacts all the citizens of Stevensville, not just the special interests of out of state developers, paid consultants, and a few town officials.

Thank you for your time and consideration.

Steve Gibson

1517 Creekside Dr.

Stevensville, MT 59817

Jenelle Berthoud

From: Nancy Kopszywa <kopszywa@msn.com>
Sent: Tuesday, January 5, 2021 2:52 PM
To: Jenelle Berthoud
Subject: [EXTERNAL] Planning and Zoning committee meeting
Attachments: Planning Board meeting letter one.docx

Follow Up Flag: Follow up
Flag Status: Flagged

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Please enter this attachment into the record and distribute to committee members.

Sent from Mail for Windows 10

One major concern for all of Stevensville's residents is exceeding the capacity of the water and sewer systems. Even as far back as 2002 when Creekside Meadows was being considered, concerns rose over the developers planned sewer line size. The concern centered around the proposed line being capable of handling volume when Phase 2 was fully developed. It appears that the entire Burnt Fork Meadows sewer line is connecting and flowing through the sewer pipes that could be totally inadequate. They were designed to handle 60 families, not over 280 families! Stevensville's Growth Policy of 2016 clearly states "that with full subdivision approval and build out of Creekside Meadows and Twin Creeks , an additional 255 wastewater connections would exceed the current capacity of Stevensville's wastewater treatment system. In just the last 4 ½ years, there have been 53 residential connections, 4 commercial connections, and 16 more coming up with the approval of the 16 unit low income complex off Eastside Highway. If you simply do the math, add the number of lots still remaining to be added in the approved Creekside Meadows and Twin Creeks , plus any infill or businesses in the downtown area, you can see that the current system is woefully inadequate to accommodate Burnt Fork Estates.

The same numbers also apply to the water system per the 2016 Growth Policy. Read pages 10-13 for yourself as well as how understaffed our police department and our fire department would be.

There are over 30 years remaining on the water and sewer bonds; are you willing to pass more bonds, and pay even higher water and sewer bills to increase the capacities? For a overly large subdivision that doesn't fit with the life we came to Stevensville to live?

Jenelle Berthoud

From: Nancy Kopszywa <kopszywa@msn.com>
Sent: Tuesday, January 5, 2021 2:54 PM
To: Jenelle Berthoud
Subject: [EXTERNAL] Planning and Zoning Committee meeting
Attachments: Planning Board meeting letter two.docx

Follow Up Flag: Follow up
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Please include this in the comments for the committee meeting tomorrow and distribute to the committee members.

Sent from Mail for Windows 10

Of concern to me is the design, configuration and volume of the planned “retention ponds”. In their last revision, the developers made some changes but the fact remains that the volume still appears to be over 100,000 cubic feet. The two largest ponds are of a dangerous depth; one actually being 4 feet in depth. “Surrounded by a gravel path, with gentle rolling earth mounds for topographic relief” All of this in the center of their common area! Of note also, is that all of the drainage from these ponds appears to connect with the Creekside Meadows storm drainage system. **Is the re sufficient drainage capacity for those ponds? How will children, pets and other wildlife be kept safe around these ponds?**

To mitigate the drainage around the homes, a plan for “swales” and dry sumps is mentioned. By definition, a **swale is “a low-lying or depressed and often wet stretch of land”**. **Otherwise, a wide shallow ditch designed to carry away run -off water from rain, sprinklers and snow melt. Where does all this water go? Into the retention ponds? Into the storm drain system? Where does the water from the storm drainage system go? To the sewer plant? To the Bitterroot River?**

I foresee stagnant, standing water which we all know can lead to a mosquito issue which in turn can lead to mosquito borne illness. I lived in Lolo for 22 years; stagnant, standing water around that community lead to a perpetual SID for an annual 3 pronged attack on the mosquito population.

This planning board needs to consider all the negative implications Burnt Fork Estates has on our entire community. Traffic volume and safety, police protection, fire protection, overcrowding in our schools, and putting our water and sewer systems over their capacities. Absolutely **all** these items would put increasing property tax liabilities on **all of Stevensville’s residents.**

Jenelle Berthoud

From: Julie Bachman <jmbachman1234@gmail.com>
Sent: Tuesday, January 5, 2021 7:37 PM
To: Jenelle Berthoud
Subject: [EXTERNAL] BURNT FORK SUBDIVISION

Follow Up Flag: Follow up
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Dear Stevensville Planning and Zoning Board,

I am a resident of the Creekside Meadows subdivision, and I would like to voice my concerns in regards to the possible Burnt Fork Estates subdivision south of my property.

Please know that my property is on the North end of this particular piece of land, and I am extremely concerned for any kind of subdivision to be placed there.

There have been so many subdivisions put in our community in the last five years, it is affecting our way of life in our small town of Stevensville. I moved to this subdivision nearly five years ago, coming from Hamilton, because it was close to work, and there was freedom to roam without tons of traffic, people and problems. That has now changed in the last 5 years, because we are now becoming so overpopulated!

Ever since the subdivision to the south of me, which is the Middle Burnt Fork subdivisions, there is so much more traffic

making for dangerous situations on these two-way lanes, and I have even noticed the water pressure is not the same. In the morning when everyone is getting up, the pressure is a lot less than it is late at night! There are simply too many people using water for the capacity of what we have in our water supply.

Which brings me to the next concern with the Burnt Fork Estates subdivision. It is my understanding that there are NO water rights, so there should be NO way that this piece of land can be used as a housing development! There is a reason why there are NO water rights, and it should be respected.

Which brings me to the next concern of sewage. There is not an adequate sewer system the way it is in our town of Stevensville, and now we are going to add many, many more people to this tiny piece of land!? This proposal never should have gone through to begin with, but it seems to me that there are outsiders from different states that come into Montana and purchase the land at what is a small cost to them, and then put in these huge subdivisions, making millions of dollars, and then leaving the rest of us who live here to put up with the repercussions.

Which brings me to the traffic problems. I work eight miles away from my job, and I drive toward Florence everyday at 7:45 am in the morning. The traffic is so heavy, that it is usually bumper to bumper going into Stevi, and going north toward Florence, and even Ambrose has had very heavy

traffic! This was never like this until the last four or five years. Our beautiful little town is being overtaken by so many people, it is losing it's quaint feel of the humbleness we all know and love about Montana.

Which sadly brings me to the added issues of lawbreaking. I have seen more drunk drivers on the roads in our community in the last 4 years, than ever before, and I truly believe it is because more and more people are moving into our community and bringing with them unsavory acts of unlawfulness. There was even a murder in the last couple of weeks!!

Adding another huge subdivision to our little community is only going to harm what we know and love about our town, not to mention water issues, traffic issues, sewer issues, over-population issues, and lawlessness! I sincerely hope and pray that our Planning and Zoning Board will realize that there are definitely more concerns than benefits, and it won't just affect the people at the Creekside Meadows subdivision or the Middle Burnt Fork subdivision, it will affect ALL the people who live in or close to Stevensville.

It is imperative that the Burnt Fork Estates subdivision does not go through for all of the reasons stated above, but more importantly because our community is so congested right now it is literally suffocating our way of life.

Respectfully submitted,

Julie Bachman
303 Aspen Trail
Stevensville, MT 59870

Jenelle Berthoud

From: Peggy Pope <peggyannpoppe@gmail.com>
Sent: Tuesday, January 5, 2021 7:59 PM
To: Jenelle Berthoud
Subject: [EXTERNAL] Fwd: Planning and Zoning board

Follow Up Flag: Follow up
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en

----- Forwarded message -----

From: **Peggy Pope** <peggyannpoppe@gmail.com>
Date: Tue, Jan 5, 2021 at 6:14 PM
Subject: Re: Planning and Zoning board
To: Kalkofen, Jim & Marsha <nisspak@brainerd.net>

On Tue, Jan 5, 2021 at 6:59 PM Kalkofen, Jim & Marsha <nisspak@brainerd.net> wrote:
Very good. Email this to Jenelle@townofstevensville.com.

On Tuesday 05/01/2021 at 5:53 pm, Peggy Pope wrote:

RE: Burnt Fork Estate Subdivision Application Review and Board meeting January 6, 2021

I am a resident and homeowner of Stevensville and have many concerns and objections to the BFE proposed development. The town's infrastructure (water/wastewater) must be permitted and improvements completed before the proposed development can be considered by the Planning and Zoning board. Because of the recent passing of the Montana water compact S3019. The Montana Water Rights Protection Act was attached to the 1.4 Trillion omnibus package that just passed in the house and senate and signed by President Trump. How will this affect future water rights to Montana and the town of Stevensville? With unpermitted water wells this could greatly affect Stevensvilles future water permitting process with the DNRC to make them legal. As stated by Stevensvilles water rights lawyer Ross Miller in a letter to Mayor Dewey dated February 25, 2020. Mr Miller states as a next step we should arrange a meeting with the Missoula office of the DNRC to discuss the New Global Permit Application for the Twin Creek Well field. Question, has this been done yet? This is Stevensville water rights lawyers advice for Stevensvilles water rights needs and issues. This advice should not be ignored.

Also please do the math on how many more toilets will be flushing with this high density proposed development. When completed there could be possibly 500 residents or more living in this high density space using more and more water.

Peggy Pope, Stevensville

[Image] Virus-free. www.avast.com

Jenelle Berthoud

From: Alva Mello via Stevensville Montana <noreply@townofstevensville.com>
Sent: Wednesday, January 6, 2021 7:52 AM
To: Jenelle Berthoud
Subject: [EXTERNAL] 9-3-2020 Public Comment

Follow Up Flag: Follow up
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Submitted on Wednesday, January 6, 2021 - 7:51am Submitted by user: Visitor Submitted values are:

First & Last Name: Alva Mello
Address: 304 Smith avenue, Stevensville
Agenda Item : Public Comment (General)
Comment:

I have a very hard time believing that the city wants to take on more responsibility , costs as well as having to hire more people to maintain roads, water pumps as well as sewer needs.
I'm expressing my opinion because I've come to the Mayor as well as George no less than 7-8 different times in the last 2 years about continual flooding at the slightest rain or snow melt on the corner of heritage and smith. Also due to the flooding the sidewalk and the storm drain has sunk to the point that it is a safety hazard.
The patent answer that I always get is the city is short on manpower and costs to repair the the hazard. I have photos and videos where the city drainage water comes down to my corner and floods 4-6 feet onto my lawn where the landscaping company could not complete my project nor warrant the work if the the city can't or won't make the necessary repairs to the city drains and hazardous sidewalks.
It's shameful that you want to take on more responsibilities & costs where you can't take proper care of what you already have. Also by taking on more obligations with this new development taxes will surely go up..
We have a wonderful town and people, let's not turn this community into another Missoula!
Thank you for your consideration.

Regards
Al & Donna Mello
304 Smith Ave
Stevensville
406-361-0050

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Jenelle Berthoud

From: James Crews via Stevensville Montana <noreply@townofstevensville.com>
Sent: Wednesday, January 6, 2021 7:56 AM
To: Jenelle Berthoud
Subject: [EXTERNAL] 9-3-2020 Public Comment

Follow Up Flag: Follow up
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Submitted on Wednesday, January 6, 2021 - 7:56am Submitted by user: Visitor Submitted values are:

First & Last Name: James Crews

Address: 316 9th St., Stevensville, Montana 59870 Agenda Item : Discussion/Decision: Recommendation on Approval, Approval with Conditions, or Denial of Subdivision Application for Burnt Fork Estates

Comment:

I do not support the Burn Fork Estates Project (BFE). The town does not have the water or sewer capacity to support a project of this size, nor will the developers pay to have the required infrastructure upgraded to support this project.

This project will cause an excess amount of traffic on Middle Burnt Fork, Logan and East Side Highway. We already have people who ignore the 45 mph speed zone on Logan and the 35 mph speed zone on Middle Burnt Fork Road. The stop sign at Logan and East Side Highway are already considered just a suggestion by most folks and sooner or later there will be deaths at all of the intersections.

There is no plan to extend Second Street thru the Creek Side Subdivision, nor the incorporation of those homes in that area to augment the tax base creating another "Town Limit Island."

The BFE Project will require securing additional water rights. The Town does not currently have water rights needed to support this project. The Town's Water Rights are in question as it is and there seems to be no relief in sight.

The town does not have the water infrastructure to support this project and the citizens of Stevensville cannot afford the additional costs for development and I see the BFE Project developers are not putting up the funds to develop the infrastructure.

The town does not have the sewer infrastructure to support this project and the citizens of Stevensville cannot afford the additional costs for development and I see the BFE Project developers are not putting up the funds to develop the infrastructure nor the additional funds needed to build a new Waste Water Treatment Facility.

The Town already has a commitment regarding annexation to develop waste water treatment and water supply infrastructure at the Airport as part of the annexation of the Stevensville Airport. See the annexation plan for the Stevensville Airport 5 and 10 year plan.

This project will also require additional streets and alley support regarding street maintenance, snow plowing, repairs, etc., that are not happening inside town at this time due to poor town maintenance management practices.

Additionally this project may require an additional substation installation by NorthWestern Engery, and expansion services by Spectrum and Centurylink.

James Crews

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Jenelle Berthoud

From: Kalkofen, Jim & Marsha <nisspak@brainerd.net>
Sent: Wednesday, January 6, 2021 9:00 AM
To: Jenelle Berthoud
Cc: Greg Chilcott
Subject: [EXTERNAL] P & Z Board Public Comments

Follow Up Flag: Follow up
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Jenelle, Good Morning. A couple questions for you this fine day:

When the P & Z board scheduled a public in-person meeting Oct. 7, 2020, there were a number of public comments submitted in advance.

Those letters were made part of the record and featured on the Town website.

Question # 1: Will the comments that have arrived at your desk be treated similarly?

Question # 2: Will the letters/comments be read at this evening's P & Z board meeting?

Question # 3: How will the letters/comments already submitted be addressed by board members? Asking this because the public will hopefully be tuning in as best they can, and it would only be fair for Town residents to know what others think about the proposed subdivision. Consider this a way to create the meeting as close to an "in-person" meeting as possible.

Thank you. Jim Kalkofen

Jenelle Berthoud

From: Jim Sayre <105csmo@gmail.com>
Sent: Wednesday, January 6, 2021 9:57 AM
To: Jenelle Berthoud
Subject: [EXTERNAL] Communication to Planning and Zoning Board for 6 January 2021 Meeting
Attachments: Sayre_PandZ010621.docx

Follow Up Flag: Follow up
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Jenelle

Please provide the attached communication to the Planning and Zoning Board members prior to the Planning and Zoning Board meeting this date.

Thank you for all you do for the Town.

**Jim Sayre
Stevensville, Mt.**

January 6, 2021

To: Stevensville Planning and Zoning Board
Re: 6 January Meeting - Burnt Fork Estates Subdivision

I would like to call the Planning and Zoning Board's attention to just one of many traffic safety concerns I have related to the Burnt Fork Estates subdivision proposed to be developed at Logan Lane and Middle Burnt Fork Road.

I served as a peace officer for 15 years . My basic training was via the Missouri Highway Patrol. I have spent many hours patrolling and working accidents on county roads. I hold a Masters Degree in Criminal Justice /Public Administration, am a Graduate of the National Traffic Management Institute and the FBI National Academy. I have served as an Adjunct Professor of Police Science and as a consultant to police departments. It is from this experienced perspective I address the Board.

Logan Lane between Eastside Highway and Middle Burnt Fork Road is a dangerous stretch of roadway. Middle Burnt Fork and Logan Lane has, at this time, an ABOVE average crash rate, even based on the developer's report.

The proposed Burnt Fork Estates subdivision, as planned, would add another intersection on Logan Lane between Creekside Drive and Middle Burnt Fork Road. With the added traffic generated by up to 220 families plus a commercial strip, the dangers of high speed crashes on Logan Lane will increase significantly at Creekside Drive and the proposed new intersection.

Currently, traffic traveling south on Eastside Highway is often racing the oncoming Eastside Highway traffic through the intersection of Logan Lane and Eastside Highway. Some vehicles appear almost airborne through the intersection. Often they continue south past the entrance to Creekside Drive at speeds I estimate approaching 70 mph. There have been many close calls in front of the Creekside Meadows subdivision.

The Ravalli County Road and Bridge Department estimates the Burnt Fork Estates subdivision would cause a minimum 25% increase in traffic volume on Logan Lane versus the developer's estimate of 10 % and 20 %. My common sense and experience causes me to estimate an increase closer to 50% over time when you factor in the increasing population to the south and east of Stevensville and the growing traffic to and from Missoula.

To further exacerbate conditions, Logan Lane has no shoulder and is narrow. This type road is especially hazardous to young distracted drivers and the elderly. 35 % of young driver fatalities result from rollover accidents common on this type of county road with no shoulder. Distracted drivers run off road then over correct, which causes sharp turns across the road and then the rollover or the out of control vehicle is propelled into oncoming traffic resulting in a head on collision. Often the young are not using seat belts and are ejected through the windshield or through doors which are flown open on impact. To help reduce these dangerous crashes, Logan Lane needs widening and a safe shoulder. There is also a need for a solution to the dangerous intersection of Logan Lane and Eastside Highway with the increased traffic expected from this proposed subdivision.

In my years in Stevensville, I have yet to witness any law enforcement agency working radar or making any serious effort at traffic control on Logan Lane. The responsibility for traffic control on Logan Lane does not rest with the Stevensville Police Department, as this roadway is not in the

Town limits. That leaves the Montana Highway Patrol and the Ravalli County Sheriff's Department. The Sheriff's Department has a host of other duties to perform that most citizens are not aware of. Suffice it to say, that no corresponding enforcement to deal with increased traffic should be expected from the Ravalli County Sheriff. This is not a criticism. To the contrary, it is just a realistic expectation based on several years experience with a Sheriff's department with a limited budget and a multitude of non traffic functions to perform.

According to the latest Town Staff report , paragraph 14, " "The developer shall pay to the Town of Stevensville \$300 /lot for payment of future off-site traffic related improvements as a result of the capacity being consumed by the proposed development. Payment shall be in conjunction with each phase of the project."

Subdivision driven road improvements to at least maintain the traffic safety status quo will be expensive. \$300 per BFE subdivision lot will be just a drop in the bucket and if spread over multiple subdivision construction phases will make serious well planned improvements impossible. The required improvements can not be made in unsystematic partial measures. I trust the Ravalli County authorities, and county taxpayers have their eyes on this proposed subdivision and are asking the necessary questions to ascertain the associated future cost to county taxpayers.

Please do not approve this proposed subdivision until the developers have made prior provisions to fund the complete road improvements required to neutralize the traffic dangers directly resulting from their poorly planned project. Our citizens deserve your life saving attention to these traffic safety issues. The taxpayers should not be compelled to fund improvements by incurring debt just to smooth the way for unsafe and congested development.

Thank you.

Jim Sayre
Stevensville, Mt. 59870

Jenelle Berthoud

From: cgwruss@aol.com
Sent: Wednesday, January 6, 2021 11:52 AM
To: Jenelle Berthoud
Subject: [EXTERNAL] New Subdivision

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Our home is in Creekside Meadows and we feel that the proposed new subdivision not be connected to Creekside meadows by extending the three truncated streets, Syringa, Aspen and Clover. The new subdivision has stated that they are not willing to have the same covenants as Creekside. The new subdivision will have homes which will have many more children than Creekside. Creekside is mostly made up of empty nesters and retirees. The two would be incompatible. Property values in Creekside would most likely drop causing lower taxes that benefit the city of Stevensville. The three short streets could end in a small Cul-de-sac. The school district will be impacted with a large number of students needing to be added.

Charles and Sandra Russ 1717 Creekside Drive

Jenelle Berthoud

From: John Croft via Stevensville Montana <noreply@townofstevensville.com>
Sent: Wednesday, January 6, 2021 5:00 PM
To: Jenelle Berthoud
Subject: [EXTERNAL] 9-3-2020 Public Comment

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Submitted on Wednesday, January 6, 2021 - 4:59pm Submitted by user: Visitor Submitted values are:

First & Last Name: John Croft
Address: 1618 Creekside Drive
Agenda Item : Public Comment (General)
Comment:
Dear Planning and Zoning Board Members Kellogg, Chilcott, Ritter, Hanson, and Hindle

Thank you for the opportunity to comment on the application for a major subdivision know as Burnt Fork Estates (BFE).

As a resident of Creekside Meadows I have grave concerns relative to the BFE application:

First, traffic on Logan (aka the Stevensville Bypass) and Middle Burnt Fork is substantial. With over 200+ homes and the commercial businesses in the proposed BFE subdivision, the significant increase in vehicle traffic on Logan and Middle Burnt Fork will be extremely dangerous. There are no shoulders on Logan as it is a farm road. Several bike riders use Logan which is already dangerous because there is no shoulder and no enforcement of the 45 mph speed limit. Even now on Logan, there are drivers that far exceed the speed limit and will even pass other vehicles in the no pass zone. Obviously with a significant increase in traffic on Logan and Middle Burnt Fork the risk for more accidents will substantially increase. Someone will get killed. Moreover, the additional traffic through Creekside Meadows will be dangerous. Many of the residents in Creekside Meadow walk in the area. The BFE application should be denied because of the huge traffic issue.

Second, water will be a major issue. Apparently BFE does not have water rights to the Town of Stevensville's water. How will the 200+ homes and commercial businesses get water? Moreover, will the town's sewer system be significantly impacted by so many homes and commercial businesses? Is there any assurance the town's sewer treatment plan can handle the additional sewage? The BFE application should be denied because of the water and sewer issue.

Third, commercial businesses in the proposed BFE will have a huge negative impact on the small businesses on Main Street. It is especially difficult for the existing small businesses to survive in a small town such as Stevensville. With additional competition it is likely that many of the businesses on Main Street will close. It will be sad to see so many empty store fronts on Main Street. The BFE application should be denied because of this issue.

Finally, the above concerns are just a few of the issues. There are issues related to potential crime, additional need for fire and police services, impact on schools, town services such as snow removal and street maintenance, employment

and welfare, and environmental impacts. This issues will result in additional property taxes. The BFE application should be denied because of these issues.

Please use the power of the Town Planning & Zoning Board to provide the Town Council with a recommendation for denial relative to the BFE application for a major subdivision.

Regards,

John Croft
1618 Creekside Drive

DO NOT REPLY DIRECTLY TO THIS EMAIL

Jenelle Berthoud

From: Lori Greene <gvlorg@gmail.com>
Sent: Wednesday, January 6, 2021 11:31 PM
To: Jenelle Berthoud
Subject: [EXTERNAL] BFE proposal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

After listening to the traffic study tonight. A major concern on Logan and Middle Burnt Fork intersection is the building on the corner of C2. No cars will be able to see any oncoming traffic with high building heights and no sideways or set backs.

Please address this!

Respectfully,

Lori Greene

Sent from my iPhone

File Attachments for Item:

b. January 13, 2021

Stevensville Planning and Zoning Board Meeting Minutes

JANUARY 13, 2021 6:30 PM

1. Call to Order and Roll Call

Greg Chilcott called the meeting to order. Board members Paul Ludington, Meghan Hanson, Trenis Hindle and Dan Ritter were present. Mayor Dewey and Jenelle Berthoud, Town Clerk were also present.

Greg Chilcott: meeting is being continued from January 6, 2021.

2. Discussion on the Following Items

Public comments that were received by either email or here at town hall were recognized by their name and the date received by the town clerk, Jenelle Berthoud.

Citizens that were recognized by the town clerk were:

Gabe Charbonneau, 01/10/2021

Steve Gibson, 01/11/2021

Marilyn Wolff, 01/13/2021

John Croft, 01/13/2021

Robert & Joan Brummond, 01/13/2021

Jim Kalkofen, 01/13/2021

Nels Anderson, Voice Mail Message, 406-777-701701/13/2021**

Craig Siphers, 01/13/2021

**Voice Mail Message from Nels Anderson was played by Mr. Chilcott as public record.

(all emails and mailings were uploaded to the Burnt Fork Estates section of the town's website)
(they are also attached to the meeting minutes at the end of this transcription)

Public comments were also heard by the board via phone.

Citizens that called in and gave public comment:

Ending in 3018, Marilyn Wolff, 300 Aspen Trail, public comment to the board about ZOOM meetings and public comments. Please recommend that the council table this until the public can attend in person. Gave comment on the Creekside stormwater and the towns involvement.

Ending in 5676, Jim Kalkofen, public comment issues raised at last weeks meeting. Did you receive copies from the DNRC?

Greg Chilcott: I did not.

Jim Kalkofen: I gave that to Jenelle. Last week commented on the proposal and the water capacity. Mr. Kalkofen commented on a board members opinion from the last meeting. Mr. Kalkofen gave comment on water and wastewater, capacity of water. Gave comment on the fire station. Gave comment to the traffic concerns and the intersections.

Ending in 5822, Peggy Pope, 1321 Creekside Drive, public comment on the subdivision and having a public hearing. Gave comment on water rights. Gave comment on the differences between Creekside and BFE. Multi family units.

John Croft, 1618 Creekside Drive, public comment on the public notice for this meeting. Would like to see this meeting postponed to give more notice. Commented on the facts that Jim gave tonight. Gave comment on the access to Logan and Middle Burnt Fork. Gave comment on water rights.

Ending in 1971, Jim Sayer, 1412 Creekside Drive, public comment two issues that I would like to discuss. Gave comment to the letter dated September 11 between Mr. Mefford and the county road and bridge department referring to section K. Gave comment about traffic/speed concerns.

Greg Chilcott: any other hands raised Brandon? Any public comment? One more call for public comment. We will offer to the developer's agent to give comment on the issues raised.

John Kellogg: all of the comments have been important to the review of this subdivision. Gave a review on how a subdivision goes through. Water rights.

3. Unfinished Business

a. Discussion/Decision: Recommendation on Approval, Approval with Conditions, or Denial of Subdivision Application for Burnt Fork Estates

Greg Chilcott: we will go with discussion from the board. Everyone received the updated report and the highlights that are clearly new.

Mayor Dewey: this isn't an updated staff report this is an update to your conditions. We left the original staff report alone.

John Kellogg: I emailed to the board members a suggested amendment to the recommendations.

Greg Chilcott: so, the public has an opportunity to hear that, John can you go over that.

John Kellogg: shared his screen with the board and the public. In the last meeting there was discussion of the phasing plan (#1), original 10 year build out. State law says you can extend out to 20 years. Water rights issue could take some time. Our proposal is a **15**-year buildout.

Greg Chilcott: gave comment to the public that if new impacts are identified in phase 1 and 2 it will be addressed.

John Kellogg: also suggesting that the final plats may not be filed in sequential order. (#3) water rights be transferred to the town.

Greg Chilcott: we have gone through #1 and #3 any questions from the board?

Meghan Hanson: had a question on #3, why wouldn't you hand them over to the town?
Commented on the grazing of animals on town property.

John Kellogg: commented on what is currently going on with the land may be a violation of the town's codes.

Meghan Hanson: #1, 15 years makes sense, so does the 7 years, my question is why it would be so bad to put the portion forward now.

Greg Chilcott: gave comment to Meghan.

John Kellogg: it is a crucial issue on how phasing is done. Gave comment to phasing in 2008.

Meghan Hanson: why not apply for phases 1 and 2 now with water rights.

John Kellogg: I have a concern about the time, developer investing in infrastructure.

Meghan Hanson: what leeway does the town council have between each phase.

John Kellogg: once that approval is obtained DNRC, DEQ and MDT along with the county and approach permits. The city approving what can be installed (water, sewer).

Meghan Hanson: the town would not have a chance to revisit around the C-2?

John Kellogg: yes, that is correct. That is anticipating that the C-2 is adopted.

Mayor Dewey: gave comment to town code and animals allowed, 1 and ½ cows per acre.

Greg Chilcott: anything further on #1 or #3.

Paul Ludington: I understand why you are seeking the longer term, with water rights. I think that the town would agree on an extension.

John Kellogg: our intention is to give all water rights to the town. We would want to be able to proportionally to the town.

Paul Ludington: you wouldn't have a problem with putting that in writing. I would recommend that we add that to #3. **The intention of the developer of Burnt Fork Estates is to transfer all of the water right of this preliminary plat to the town of Stevensville.**

Andy Mefford: I could add comments to #1 and #3, that is our intention for the water.
Commented on water rights.

Paul Ludington: I would say to the developer that this is part of the town. It was annexed and surprised that the water rights weren't already transferred.

Andy Mefford: gave comment to annexation, but not our intent.

Greg Chilcott: 5-minute break.

Greg Chilcott: Trenis or Dan any questions? No questions from either. I have a question on the number of gallons per minute transferred to the town.

Mayor Dewey: John and Andy do you want me to speak to this on how the towns water rights and the community. Gave comment on the water rights, the town and BFE impacts of the water.

Greg Chilcott: Paul you wanted to add in **The intention of the developer of Burnt Fork Estates is to transfer all of the water right of this preliminary plat to the town of Stevensville.** Thumbs up of board members.

Meghan Hanson: I am not writing notes.

Mayor Dewey: Jenelle is taking notes.

Dan Ritter: process question are we going to come back to this or are we leaving it the way that it is written.

Greg Chilcott: great question, so maybe we should get concurrence of #1 to this language.

Meghan Hanson: 15 years seems like a long time, commented on the final plat may not be filed in sequential order. Maybe it is possible.

Paul Ludington: possible that there can be some delay here. Water rights may take a longer time. 10 years is better for me.

Greg Chilcott: referenced title 76-3-617. Commented on #1 and the schedule of the plats.

Mayor Dewey: subject to town's approval could be the answer.

Paul Ludington: gave comment on the number of years. They have set a schedule for the phasing of this subdivision.

Greg Chilcott: approval of a final plat.

Paul Ludington: I think 10 years based on the approval of the town council. Based on what it says, 10 years from the time of approval? Gave comment on the number of years.

Greg Chilcott: I have 10 years from Paul and Meghan how about Dan and Trenis? (Yes, from all, 10 years.)

John Kellogg: I believe you are correct, if the water right issue drags on and on, we will be back in front of you with the phasing plan. How the condition is written, the phase that would be out of order would be the commercial phase.

Mayor Dewey #1, changed to **10 years**, and states **The developer has the option to file the final plats of sequential order, subject to town's approval.**

Greg Chilcott: #11

John Kellogg: #11, and MDT, defer to Andy.

Andy Mefford: we spoke to the engineer about those intersections, he did not think that there were issues. Gave comment to the MDT and their response to the intersection issues. #11 added the word “solely”.

Greg Chilcott: comments from the board? I don’t see anything from MDT and that concerns me, don’t like that word solely. (#11). I would not support putting the amendment in there.

Paul Ludington: does that mean when the county approves a subdivision, they expect improvements as part of the subdivision.

Greg Chilcott: yes, a road that primarily feeds the subdivision and take a prorated share. Gave comment to the traffic concerns.

Meghan Hanson: since this says MDT is this only Eastside HWY and Logan?

Greg Chilcott: yes. They may take Eastside Hwy and Middle Burnt Fork. He is stating that the additional lots would not add impact.

Paul Ludington: as these are roads that the county maintains. I have a problem with solely, but I don’t think that a developer is responsible for Eastside Hwy and Logan.

Greg Chilcott: gave comment on MDT. When we go back to number 9 I will speak to that. This is just MDT here. What does the rest of the board want to do?

Dan Ritter: we could drop the word “solely” and still meet the intent of what this condition is supposed to do. I say drop solely.

Meghan Hanson: all good points.

Trenis Hindle: don’t like the word solely, maybe replace it with something else.

Paul Ludington: gave comment on we want this letter, but we are not saying what we want this letter to say.

Greg Chilcott: what we have here is a letter that says the probable impacts of this subdivision. If DOT says you are adding this % this is your share to mitigate the impact.

Paul Ludington: their traffic impact study says no impact, we want to make sure that they concur and if they don’t then who is responsible?

Greg Chilcott: Brandon you put in, **details and on State highway facilities and who is responsible for any required mitigation.**

Meghan Hanson: gave comment.

Paul Ludington: gave comment.

Greg Chilcott: do we have **concurrence on #11** as amended. Good, thank you. Can we go back to **#9**? Gave comment on the impact and the county road and bridge department will come up with a prorated share and the impact. \$200.00 has to be by unit not by lot.

Mayor Dewey: are you saying that you don't think a special improvement district mitigates those impacts for the county?

Greg Chilcott: gave comment to the SID.

Mayor Dewey: you have to maintain those roads for other homeowners.

Greg Chilcott: that is why we do a prorated share on that road based on the development.

Mayor Dewey: if that is a need to offset this subdivision on the road and if you know what that share is why wouldn't you set an SID.

Greg Chilcott: because there are a lot more people on that road that could vote against.

Mayor Dewey: just put the SID on the new development.

Greg Chilcott: gave his comment on the SID.

Mayor Dewey: asked questions about a possible condition, and in 2-3 years the town acquires that road.

Greg Chilcott: gave comment back to the mayor. This may be a moot point.

Mayor Dewey: one more point. I think you are in a good position as the county commissioner to say if the town of Stevensville is going to continue to approve these subdivisions then you guys need to take care of these roads.

Greg Chilcott: I said last week you could have it.

Mayor Dewey: gave commented back that the county needs to make that statement, what does the future of these roads look like.

Greg Chilcott: we saw this on Twin Creeks and on Creekside. The county picks this up on the outskirts of Hamilton, Corvallis, Pinesdale, and Stevensville.

Paul Ludington: my point of view do you have a recommended edit to #9 or do we look at #12. Gave comment on wording of #12.

John Kellogg: made a comment on pro rata share is great when you are dealing with the county the city does not have a pro rata share.

Andy Mefford: gave a comment on pro rata share. I think that #10 should be taken off completely.

Mayor Dewey: why can't we have it read instead of MDT is says Ravalli County. (#11).

Greg Chilcott: am not arguing with Andy Mefford but putting in Ravalli county wording is because it is our roads.

Paul Ludington: Andy's point is that he has to negotiate with the town and then the county as well. Gave comment on the county road.

Andy Mefford: I am seeing a set up here. If I have to go to the county? If I am going that then \$200 comes off the table.

Greg Chilcott: gave comment to pro rata share. I like the way that it is as far as #10, I don't know where it is going.

Paul Ludington: gave comment on the \$200.

Greg Chilcott: pro rata shares and permit are two different things.

Paul Ludington: change lanes, if we are going to keep #9 the way that it is and change #12, I would consider taking out #10. SID, \$200 and pro rata share is a triple.

Greg Chilcott: I am happy with **dropping #10**. Thumbs up from the board, ALL. We will go onto #16.

Andy Mefford: gave comment to #16, visual detectors. We brought that back and followed up with the traffic engineer.

Paul Ludington: commented on the visual detectors, and the comment from the traffic engineer.

Andy Mefford: gave comment to what was already provided. Just wanted to open up more options.

Greg Chilcott: you crossed out, are they still on the table?

Andy Mefford: visual detectors are not off the table. Just thought it was extra words not needed.

Meghan Hanson: the other piece that is missing, shouldn't it say by the developer?

Andy Mefford: gave comment to Meghan's statement.

Meghan Hanson: it is not my question but a comment that came through, the traffic study was done during the COVID outbreak.

Andy Mefford: I believe that is was done again. I think that is where we would have to look at the crash data and all of the measures into account.

John Kellogg: the traffic study did have an update.

Greg Chilcott: change **to #16, at the expense of the developer**. #20 next.

Andy Mefford: just added that to #20 to clarify, but if that is not needed, we can take that out.

Paul Ludington: I think that it is important that this be a condition for the town.

Mayor Dewey: is this addressed in the easement document? Gave comment to the common area, and the possible impact to the town.

Andy Mefford: that was not the intent, it was to capture the storm water.

Paul Ludington: I am sure that there will be a chance to discuss this.

Greg Chilcott: do we have **concurrence on #20 as written**? ALL good. #25, Andy.

Andy Mefford: just need to have it established.

Meghan Hanson: gave comment to the HOA.

Dan Ritter: I agree with Meghan I don't think that a developer is going to have much say.

Meghan Hanson: gave comment to how a HOA usually works in the beginning of development.

John Kellogg: you are right Meghan, and this is how this one is set up. Gave comment to how this HOA is set up.

Meghan Hanson: does this also cover the C-2 zoning.

Mayor Dewey: gave comment, I know that it is a condition.

Greg Chilcott: we have gone through our recommended report. I think we need to go through the P&Z report.

Mayor Dewey: if you don't mind, I would like to take a minute to update with the new wording.

Paul Ludington: unfortunately, we have another one that we need to talk about and that is #14 in the conditions.

The board went over all of the findings and fact, discussed.

Criterion #1 thumbs up from all board members.

Criterion #2 thumbs up from all board members.

Criterion #3. (all findings and fact)

school district, findings, and fact (a) statistically each residential unit will have 0.7 school age children. (letter from the school district) thumbs up from all board members.

Criterion #4 thumbs up from all board members.

Criterion #5 **effects on wildlife.** thumbs up from all board members.

Criterion #6 **effects on wildlife habitat.** thumbs up from all board members.

Criterion #7 thumbs up from all board members.

provisions of easements thumbs up from all board members.

provisions of legal and physical access (findings of fact roadways and streets within Creekside Meadows are owned by the town of Stevensville) thumbs up from all board members.

conformance to adopted Stevensville growth policy thumbs up from all board members.

Meghan Hanson; made comment to an easement at that end of town.

Greg Chilcott: gave John or Andy a time to discuss this.

John Kellogg: made comment to the school property and the long-range plan. The school stated that in the future the school will look at a new high school location between 3rd and Philips Street. The new school would be in the way of a Philips Street connection to BFE. Proposed a pathway and it is in phase 4 of our proposal. If the plans change in the future, then we may come back in front of you to move that pathway.

Greg Chilcott: we have a raised hand; I would like to entertain it.

Mayor Dewey: our streets master plan needs to be updated. The town accepted a lesser standard of that road because we knew it was unlikely that it would connect.

Public Comment: Ending in 3018, Marilyn Wolff, 300 Aspen Trail, Stevensville. gave public comment via phone. Access concerns, Clover Lane access on to Creekside Drive. Recited MCA code 76-3-6(d). Clover needs to be connected into BFE.

Mayor Dewey: commented that it means that the subdivider is not allowed to land lock.

Greg Chilcott: legal access means that they have legal access to the lot.

Marilyn Wolff, I am not reading it that way, I hope you are right.

Greg Chilcott: Mr. Kalkofen made a comment about public hearing, I would agree with him but with COVID restriction and with the states adjustments on how we conduct business.

Paul Ludington: is there a time frame involved?

Greg Chilcott: he dropped those time frames.

Mayor Dewey: would help to state in the report, summarize the public comment that you received.

Greg Chilcott: divide their comments by topic. We have concurrence, thumbs up from all. Did we concur to what we amended? #10

Paul Ludington: we might want to put in the highlighted portion that might based on the conversation that we just had with John we might have to put in there that connectivity between Creekside Meadows west to the original town site was explored and deemed unfeasible at this time and due to expected objections.

Greg Chilcott: since it was raised in the public comment, circumstances around the pandemic efforts were made to include as much public comment as possible. Something to that effect, or maybe you don't want to go with that. He raised it as part of the growth policy.

Dan Ritter: word smith that highlighted area. Take out expected.

Paul Ludington: gave comment to the connection on 2nd and 3rd street.

Dan Ritter: do you want to say past objections?

Mayor Dewey: done.

Greg Chilcott: public comment?

Ending in 5676, Jim Kalkofen, public comment. Marilyn had a good point. One more fact about the town staff report. It is under parks and trails. Commented on access. Page 37, public hearings within the growth policy.

Greg Chilcott: those are public areas, roads, sidewalks. This meeting was done twice in the paper?

Mayor Dewey: tonight's? Last weeks meeting was record in the paper twice and a letter was sent out to any one within 500 feet of the subdivision proposed.

Greg Chilcott: this public meeting met all of the criteria besides the meeting title?

Mayor Dewey: that was our intent. Yes.

Greg Chilcott: with the exception of it being called a meeting, tonight's meeting is a continuation of last weeks meeting.

Mayor Dewey: does the subdivision meets the growth policy not necessarily the process.

Greg Chilcott: back to the adopted growth policy we have our findings of fact amended and we have a conclusion of law and we concurrence of law. Thumbs up from all.

Greg Chilcott: any other changes?

Paul Ludington: #14, internal subdivision roads, it is now #13. Since originally their proposal was that the roadways would belong to the HOA and we took that out I think we need to say not only will the roads and infrastructure are designated public right away to the town, but they also need to be accepted. They shall be designated a public right away and accepted by the town of Stevensville, so we have to be able to say that we accepted how they did it. So, this has to be done to the towns standard and accepted by the town. I am sure that is their intent, but I think we have to state that.

Greg Chilcott: any discussion on that? Do we have concurrence? Thumbs up from all, we have concurrence.

Mayor Dewey: do you want to add a 25th? School district letter.

Greg Chilcott: mitigation from the Stevensville school district that they tried negotiation with the school district. Any other discussion? Is there a motion on the recommendation? Is there a motion or a denial for conditional approval to the town council? We need a motion.

Paul Ludington: removed himself from making a motion due to the fact that he is on the town council.

Meghan Hanson: comments on the C-2 and the multi family how do we all feel about that?

Greg Chilcott: I agree. The county will have a conversation on that with the approach permits.

Trenis Hindle: C-2 zoning within the subdivision for commercial use, not the right place, effects on downtown businesses.

Paul Ludington: I certainly think that the board can give feed back on how the town proceeds with the C-2. We are just making a recommendation; the town council can look at a mediation with the developer.

Meghan Hanson: that is a big one for me. The subdivision is not part of the Commercial, frankly it is not going to service the neighborhood.

Dan Ritter: I am uncomfortable with the C-2 changes, my biggest issue is the lack of integration to the subdivision.

Greg Chilcott: no side boards on this, going from a hair salon to a 16 plex unit. How so we look at those impacts. Do we have any more discussion on that?

Meghan Hanson: I think the discussion on that is the language that we would be comfortable with.

Paul Ludington: looking at the setbacks for C-2. Somethings that looks less like a strip mall, with the set backs it looks pretty small even if it was residential.

Meghan Hanson: I thought there was a zero-backyard setback.

Paul Ludington: that is what I thought. This going to be space in between them on the side and in the back.

John Kellogg: commented on the look of the C-2 area, look similar to what is behind the post office. 11,000 sq feet up to 30,000 sq feet.

Greg Chilcott: we are at the point where we are seeing resistance to the C-2.

Terry: I get the sense from the board about the commercial zone. Commented and gave recommendation of what the board could do to recommend to the council.

Andy Mefford: there are pros and cons to everything, there is a public need. Commercial gives them more opportunity.

Meghan Hanson: Andy is right, they could say forget it. Gave comment to the access of the subdivision to the commercial area. I would think that people would walk, but I think they will get in their car and drive over. C-2 commercial is probably less traffic than R-2.

Paul Ludington: I agree with what you said. I envisioned something else than what I saw in the ordinance. Commented on the possible uses, and the coverage on the lots.

Trenis Hindle: any idea when we could potentially know on the approach onto Middle Burnt Fork?

Andy Mefford: commented on the commercial area and why it is separated from the subdivision. On the question of the connection, Middle Burnt Fork connection could disappear, maybe it goes to Logan Lane. I see us getting approach permits in a soon fashion.

Dan Ritter: ugh.

Andy Mefford: if there is a denial of the C-2 then I think there would be no fire station.

Dan Ritter: as I listen to this, now I have two minds. I open to some how figuring this out.

Public Comment came in from Victoria Howell.

Greg Chilcott: read a public comment from Victoria Howell who sent an email (unable to call in).

Greg Chilcott: express preference to mitigate the traffic concerns of C-2 zoning change would be to build a road an internal road and streets for the C-2 zoning. Is that fairly close to what you said.

Andy Mefford: I think that is very close consideration from the C-2 to the north.

Greg Chilcott: poll the members to the C-2 amendment. Who wants to go first?

Meghan Hanson: this is a really hard one, I am glad that I am no on town council. I would probably feel a lot better if the C-2 was not a part of this. All of Victoria's points are good.

Mayor Dewey: Victoria just texted that she wanted on the record that she is not recommending a commercial zone.

Dan Ritter: I am leaning towards C-2 with recommendations. But I am on the fence. How is that for being wishy washy. I don't know.

Greg Chilcott: if we agree to the C-2 I am pretty adamant that the internal road should be connected to the subdivision. I don't like that the fire station is being held out there.

Trenis Hindle: I am with you Greg, the road. I am not 100% with the C-2. Apartment buildings I don't like that so I would choose commercial over that.

Paul Ludington: I will confer to John.

John Kellogg: I don't think that Andy is holding the fire station. Gave comment about the business that are on Middle Burnt Fork Rd.

Paul Ludington: I am not going to offer to much of an opinion because I will go over this as a council member. Commented on the differences between R-1 and R-2 and C-2. I think there are better uses.

Mayor Dewey: gave comment to the characteristics of the C-2 and what the board likes and dislikes. I don't see why your recommendation to the town council can't say here is a recommendation for the C-2.

Greg Chilcott: thanks Mayor.

Meghan Hanson: gave comment on what the alternative may be. I get that none wants to make the motion here. I get why Paul shouldn't.

Greg Chilcott: I would entertain a motion to recommend conditional approval of the Burnt Fork Estates Subdivision with a recommend of approval of the zoning change to a C-2 with additional restrictions provided through the covenants or the HOA and the road connecting to the internal subdivision road which was an expressed preference by the subdivider to mitigate traffic and interconnectivity concerns.

Trenis Hindle: I like that, what about the covenants being approved through council instead of through the HOA?

Greg Chilcott: that would work. They are going to negotiate them anyway.

Trenis Hindle: looks like we get more of the town say when we do it that way instead of just Burnt Fork Estates.

Greg Chilcott: so, is that a motion?

Trenis Hindle: I think that it is about as good as we are going to get, given circumstance. No?

Greg Chilcott: I agree, is there a 2nd?

Meghan Hanson: I will 2nd.

Greg Chilcott: we have a motion and a 2nd to conditionally approve Burnt Fork Estates subdivision including the C-2 zoning change with increased CCR's or declarations or covenants further restricting the development there and the internal road connecting the internal roads of the subdivision. Is there any discussion? Is there any public comment?

Public comment on the motion:

Jim Kalkofen, a lot of comment on C-2 after listening to all of the comments and everything that has been said it seems like you are just trying to pull something out. Either it is going to be C-2 or not. I suggest you vote no on this big time, that is my comment on that whole C-2.

Marilyn Wolff, 300 Aspen Trail, I just don't see the C-2. Why not look at having a combination of duplexes and single-family homes? Maybe you could modify that, but a combination of what is already approved in BFE.

Greg Chilcott: thank you for your comment, is there any other public comment? So, we have a motion on the table all those in favor of the motion please signify with aye. Unmute yourselves please.

Mayor Dewey: would it be possible to do role call vote on this?

Greg Chilcott: yes, it would.

Dan Ritter: aye.

Trenis Hindle: aye.

Meghan Hanson: aye.

Paul Ludington: aye.

Greg Chilcott: and I vote aye as well. Motion passes we will get some paperwork in the next couple of days from town and review it and we will forward our recommendation onto town council. Paul you have heard a lot of discussion and a lot of concerns I am confident that you will share those with town council for us.

Paul Ludington: absolutely.

Greg Chilcott: I just want to say thank you to planning and zoning board, you put a lot of time and effort into this, you read a ream of paper and truly appreciate it. John and Andy thank you for your patience with us and answering our questions. And most importantly thanks to the citizens that hung in there and sat through this, holding a phone to their ear, oh my gosh. So, thank you, hopefully subdivision in the future will be in person. So, with that being said is there any other business before this body?

Yep.

Paul Ludington: there is another item on your agenda.

Mayor Dewey: you don't get off that easy. You need to elect your officers please.

b. Discussion/Decision: Nomination and Election of Board Officers for 2021

Greg Chilcott: I nominate Meghan to be the chair.

Meghan Hanson: this is the perfect time to say I am done at the end of this year, I will be going on sabbatical, so I won't be in the, I won't be anywhere near year. I appreciate the nomination but no can do.

Greg Chilcott: Dan is already bailed, Trenis I guess it is up to you Mr. Chairman.

Trenis Hindle: I don't know if I have the seniority for that. I believe that should be left up to Dan first. Dan is truly gone.

Dan Ritter: I am here, I have told the Mayor and the chair that I am stepping aside when we are done with this subdivision review. So, whenever the Mayor tells me we are done, I am done.

Greg Chilcott: Dan I have enjoyed working with you.

Meghan Hanson: Greg you have done such a good job as interim.

Greg Chilcott: I have plenty on my plate right now.

Meghan Hanson: John isn't technically on the board so we could at least get him nominated.

Greg Chilcott: I have a nomination, is there a second?

Trenis Hindle: I 2nd.

Greg Chilcott: we have a second to appoint John as the chair of the Stevensville Planning and Zoning Board. any discussion? Any public comment? Any other nominations. All of those in favor thumbs up.

Thumbs up was unanimous from all.

Greg Chilcott: congratulations Mr. Kellogg alright vice chairman, are you ready Trenis?

Paul Ludington: I will 2nd the nomination. And I will also say to Meghan and Dan if you don't find a replacement for yourself you never get off the board.

Meghan Hanson: that is why I am giving you almost a year's heads up.

Paul Ludington: find your own replacement and you will be fine.

Greg Chilcott: all those in favor as Trenis as vice chair of the Stevensville Planning and Zoning Board please signify with aye of thumbs up.

Unanimous from all.

Mayor Dewey: you need to elect a Secretary Greg and it is not Jenelle.

Greg Chilcott: I nominate Jenelle. I nominate Paul Ludington.

Meghan Hanson: I 2nd that as the current secretary.

Greg Chilcott: any other nominations? Nominations closed congratulations Paul is there any other business before this board?

Paul Ludington: yeah, I am glad that I brought that up.

John Kellogg: I have to say as a side that the folks that serve on this board, a volunteer board, and a nonpaying situation it is amazing the amount of time you put in over the last few years. Trenis you will obviously understand what they have put in the last few years. It is a contribution to the community, and it is for the benefit of the community and I am just impressed. I think you Meghan and unfortunately, we are losing Mr. Ritter, the time that you have put in is a contribution to everyone in the town and I hope that they appreciate it.

Greg Chilcott: we are adjourned.

4. New Business
5. Board Comments
6. Public Comment
7. Adjournment

Jenelle Berthoud

From: Gabe Charbonneau <gabriel.dane.509@gmail.com>
Sent: Sunday, January 10, 2021 8:53 PM
To: Jenelle Berthoud
Subject: [EXTERNAL] comments on town meeting

Follow Up Flag: Follow up
Flag Status: Completed

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Thank you all for spending **so much time** on that meeting last week!

Whatever happens, I have confidence that this group will make decisions with the best interest of our community in mind.

I do want to bring up a concern I have that I didn't feel comfortable sharing during the meeting. I do think that we should have higher standards for social distancing and measures to prevent spreading of COVID. Note the two men well within 6 feet of each other while indoors and not wearing masks:



I think we should require participants in community events to abide by health department and CDC recommendations for safety.

My 2c.

Thanks again!

Gabe



Jenelle Berthoud

From: stevedgibson52@gmail.com
Sent: Monday, January 11, 2021 12:31 PM
To: gchilcott@rc.mt.gov; oici8abb4u812@hotmail.com; meghan@naturaldwellings.com; greenroadlogistics@gmail.com; Paul Ludington; Jenelle Berthoud
Subject: [EXTERNAL] January 13th Meeting on Burnt Fork Estates Comments
Attachments: Comments on January 13th Board Meeting for Burnt Fork Estates Development.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see the attached letter.

Steve Gibson

Sent from my iPhone

Comments Regarding Burnt Fork Estates Subdivision

Dear Chairman Chilcott, other board members, Town Clerk

Thank you for this opportunity to at least be able to communicate my concerns regarding the proposed Burnt Fork Estates Subdivision. First of all, there seems to be many unanswered questions regarding this proposal. The application is obviously incomplete and contains some misleading information. It seems to me that many of these questions need to be answered before moving forward with any recommendation. Also, it does not appear that numerous requirements have been met or approved by agencies and government jurisdictions. The following are some of my concerns:

1. School – request regarding future impact on school population growth and potential cost to the tax payer.
2. Review and approval of agency reports from the DNRC and DEQ regarding the issue of the water rights as it relates to Burnt Fork Estates and Creekside Meadows. Current water wells have never been legally permitted by the state.
3. Need for updated traffic study as it relates to a possible increase of 50% while also increasing the population by 20% to 25%. It is my understanding that the traffic study that was privately done was some time last spring during the state lockdown, including but not limited to, only essential business being open, schools closed for virtual learning, people not driving to work, etc.
4. Cost for improvement to county and state highways as it relates to safety concerns. It has been pointed out that the county has not approved access off of Middle Burnt Fork Road. There was a long discussion at your last meeting regarding an increased impact on the intersections of Middle Burnt Fork Road and Logan, Logan and the East Side Highway. One further problem that was not discussed was the increase in the further congestion at Main Street and East Side Highway. There was a discussion regarding the former chief of police recommendations in relationship to electronic signs being placed at Logan and Middle Burnt Fork Road and Logan and East side Highway. There was also a discussion about rumble strips. In my opinion the towns requests are irrelevant in that East Side Highway, Logan and Middle Burnt Fork Road are state and county roadways. MDT needs to be contacted along with addressing the mitigation for the county.
5. Towns water and sewer capacity as it relates to an additional 220 users along with the fact that more users have been added in the past few years at Twin Creeks and Creekside Meadows since the 2016 growth policy that stated that even before these additions the town did not have capacity. It has been stated by the former public works director that the town does not have capacity for this new subdivision. The town of Stevensville is already under watering restrictions. Two summers ago, residents could not water for many days due to a pump break down.
6. Still need to address further concerns about safety issued in relationship to proposed retention ponds
7. Still many questions regarding proposed 16 commercial lots, type of businesses and access to businesses
8. New fire station – it was stated that the developers were going to donate a lot or two to the town for a future fire station, that's nice. What about the cost to the taxpayer to build a new station, equipment costs including firetrucks, and additional firefighters?

Finally, and most importantly, the public needs to be made aware of any meetings so that they can be allowed to participate before any recommendations can be considered. At your last meeting, January 6th and 7th, at 1am Thursday morning it was decided that you would have another meeting on the 13th. How many people would know and were present when this was streamed? The mayor stated he would not have time to submit the public notice to the Bitterroot Star regarding the meeting scheduled for the 13th – not true. There was already a publication previous to this meeting and all that would have to be changed was a new date and that should take maybe 5 minutes. I called the Bitterroot Star on Thursday and they stated that they needed the information no later than Monday morning of January 11th but would prefer to receive it at the end of the workday Friday January 8th. The mayor stated that the notice would be on the town's website. How many citizens go to this website daily? I would assume that the majority of the Stevensville population never go there or even know that it exists. With the aforementioned issues in mind, I don't see how any recommendation could move forward at this time.

All the citizens of Stevensville should be allowed to be heard. This could be done with hybrid virtual and in person meeting, in a larger area that masks and social distancing requirements could be adhered to.

The last meeting seemed to focus more on the needs of the developer by some board members. Also, it seems unfair that the developers' paid consultants were permitted to sit at the table with the board and make comments at any time throughout the entire six- and one-half hour meeting, while the public was given the opportunity to call in on the phone with comments at the beginning of the meeting and at 1 am. The best way for the public to be heard is to give them the opportunity to be heard in person. We are all aware of the sacrifices that have been made in relationship to Covid-19; no in school learning, loss of income to businesses and wage earners, not being allowed to visit our relatives at Easter, Thanksgiving, and Christmas, not being allowed to visit our relatives at nursing homes and hospitals. Unfortunately, that is the way it is right now.

I believe that any further meeting or hearings be delayed until some people are vaccinated in the hope that we can return to in person meetings in a place that would allow, virtual, social distancing and masks. This can be enforced. Even though it is clear that the developers want to move forward as quickly as possible they need to be patient like all of us.

Thank you for your time and consideration.

Steve Gibson

1517 Creekside Dr.
Stevensville, MT 59870

Jenelle Berthoud

From: Marilyn Wolff <wolffmarilyn@gmail.com>
Sent: Wednesday, January 13, 2021 10:21 AM
To: Jenelle Berthoud
Subject: [EXTERNAL] Letter to Planning & Zoning Board Members for 1/13 Meeting
Attachments: Planning and Zoning Meeting Jan 13 2021.docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Janelle,
Please forward my letter to Board Members before tonight's meeting. Thank you.

Marilyn Wolff



Virus-free. www.avast.com

Jan 13, 2021

To: Stevensville Planning and Zoning Board Members, Greg Chilcotte, Meghan Hanson, Dan Ritter, Paul Ludington

Dear Board,

Zoom meetings are woefully inadequate to allow for public participation in the review process of the 220 family unit and 16 commercial lot Burnt Fork Estates (BFE) subdivision. As with the Board, meetings will fail again to hit a high bar with Town Council Meetings. This is evidenced by few call-ins and comment letters because citizens don't know about the meetings with legal notices irregularly in the paper and not as required by town policy. The town website as well is not user friendly and is clunky.

In the midst of a pandemic there is only one way to protect public right to know and that's through public open air meetings in the spring or when a majority of Phase 1B vaccinations for those 70+ and those 16-69 with health concerns are completed in Ravalli County. Please recommend to the Town Council a major subdivision with multiple impacts must be tabled until the public is safe to participate. Your Board and the Town Council work for Stevensville citizens, not the developers and their agents who want a speedy approval.

A Board member at the Jan 6 meeting said, "if a town doesn't grow, it dies." That rang out loud and clear as a rubber stamp for development over common sense. This kind of talk points to the fragility of the current model of growth and development. Short term gains for long term financial burdens especially for small towns. A Ponzi scheme dilemma that comes back to haunt. I recommend you all review Burnt Fork Estates like you're paying for all the long term deficiencies the developers will dodge and it's next door to your home.

On the preliminary plat look carefully at Clover Lane, a spur road in Creekside Meadows (CM). BFE has a 6 lot cul de sac faced into CM with no other access to BFE! Talk about confusion for those BFE lot owners. CM has different covenants, different HOA, and resident supported parks. Board, recommend those lots be turned into BFE to connect to the BFE road and sidewalk system. To do nothing on this is in violation of state subdivision law.

Last week at the 1/6 meeting I questioned the ownership of CM's storm water system and the ability of BFE to attach. If BFE roads are to be private as per the Application, maybe that's still a relevant question as the road system contains the storm water structure. The reason I even questioned ownership is based on a call I made to Stevensville's Public Works Department a month ago and asked if the town owns CM's system and if the town monitors and maintains it. I was told ownership by the town is unknown and Public Works has never monitored or done any maintenance on CM's system. The outlet of CM's storm water system is through a large culvert into a ditch that flows to North Swamp Creek I believe and it's clogged with aquatic vegetation. The discharge flows over the ditch and has made CM's Phase 2 park a bog seasonally. Town Hall needs to take system ownership and maintenance especially if BFE is connected to CM with their big and overly complicated storm water system. To the Board and the town administration, don't let this slip thru the cracks like CM's streets that are heavily fractured and have never been sealed and maintained as they should be.

Marilyn Wolff, 300 Aspen Trl, Stevensville MT 406-529-3018

Jenelle Berthoud

From: John Croft <cia0648@yahoo.com>
Sent: Wednesday, January 13, 2021 12:16 PM
To: Jenelle Berthoud
Subject: [EXTERNAL] Public Comments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Town Clerk Berthoud,

Please provide my written comments to the P&Z Board for their January 13, 2021 meeting.

Regards, John Croft

Dear Planning and Zoning Board Members,

Re: Comments are for the January 13, 2021 Stevensville Planning and Zoning Board (P&ZB) Meeting

Thank you for the opportunity to comment on the application for a major subdivision in the Town of Stevensville (Town) called Burnt Fork Estates (BFE).

I don't believe a public notice relative to the January 13, 2021 P&ZB meeting was issued. Without public notice of the meeting there will be very little public input. This subdivision denial/approval process is very important to the Town residents and is worthy of wide spread public notice. If wide spread public notice was not made for this meeting it should be postponed. Then, wide spread public notice should be made prior to the date of a re-scheduled P&ZB meeting.

If the January 13, 2021 meeting is continued please see my comments and suggestions below:

First, the owners, their consultant and agent(s) need to revisit and substantially adjust their subdivision plans and covenants. The density of homes in the BFE subdivision is way too high. The subdivision needs much larger lots so as to reduce vehicle traffic, save water, and reduce environmental impacts in the area. Further, multiple family units such as the ten plexus, seven plexes, four plexes and duplexes need to be eliminated. These multiple family units will cause substantially more unsafe traffic in the area. The covenants need to include language prohibiting the rental of properties in the subdivision. These actions would make the area more compatible with the adjoining Creekside Meadows (CM) subdivision.

Second, traffic on Logan (aka Stevensville Bypass) and Middle Burnt Fork is substantial and unsafe. Having Logan as the only exit from the subdivision is critically unsafe. The subdivision must have others exits. The subdivision consultant and agent(s) stated they contacted the school district about attaching to Phillips street for an exit. Apparently, the school superintendent denied their request. The subdivision owners, consultant and agent(s) need to aggressively pursue attaching to Phillips street. They need to present this option to the school board. Even if the school denies access to Phillips I believe the Town has eminent domain capabilities to make this happen. Having Phillips as an exit to the subdivision will be beneficial to the BFE residents as well as the community and local businesses. Moreover, the BFE subdivision needs to aggressively pursue approval to access to Middle Burnt Fork. This will help reduce traffic on the farm road called Logan. Furthermore, the confusing and dangerous intersections at Logan and East Side Highway need to be redesigned and properly fixed before any construction in the BFE. Additionally, Logan needs three foot shoulders on both sides. All costs associated with the obtaining

proper access and correcting traffic deficiencies should be borne by the subdivision owners. All these deficiencies need to be corrected prior to any construction in the subdivision.

Third, it would be beneficial to the BFE subdivision and the CM subdivision to have a green belt area from Logan to the school property. This will help eliminate excessive traffic through CM subdivision while providing the BFE subdivision with a little more green park area.

Four, commercial businesses in the BFE subdivision will have a great negative impact on the Town's Main street businesses. Small businesses in Town already struggle to make ends meet. It will be sad to see many empty store fronts on Main street.

Five, my understanding there are no water rights approved for either the CM subdivision or for the BFE subdivision. I believe the water rights issue needs to be resolved prior to any construction in the BFE subdivision.

Finally,, the above concerns and suggestions are just a few of the issues. There are issues related to potential crime, additional need for fire and police services, impact on schools, Town services such as snow removal , street maintenance, employment and welfare, and environmental impacts. These issues will result in additional property taxes for all Town residents.

I realize some participants in your meeting will discount my comments above by saying they are just opinions and not fact based. But I hope the the P&ZB will consider some of my common sense suggestions to correct the deficiencies noted above. In my opinion, because there are so many problems associated with this subdivision the P&ZB should recommend denial of the application. Thanks for your consideration.

Regards,
John Croft
1618 Creekside Drive

January 13, 2021

Stevensville Planning Board

RE: Burnt Fork Estates

received
1-13-21

Board Members,

We would like to address our disappointment in the January 6, 2021 planning board meeting. We chose to sit through the entirety of the whole meeting. The cavalier attitudes that were displayed was not only disappointing but were very unprofessional. At the end of the meeting we felt that public voices were not considered and in fact disparaged. The remarks made about Creek Side Meadows were inappropriate and derogatory.

Mr. Ludington, we invite you to sit in the back of our house and observe traffic, your 3 trips weekly does not make you an expert. I will pour coffee for you while you observe the speeding, reckless traffic that has considerably increased since we purchased this home 10 years ago. Also throughout this process no one has mentioned the number of cars that has ended up in the pasture just south of us. As a representative of our ward, your comments were insulting. Creekside Meadows is a very desirable community and of course its residents wish to maintain their values

Mr. Kellogg should not be a part of these conversations. His befuddlement about the school issues were obvious. Creekside Meadows HOA has had actual face to face meetings with the school and they were told there WILL be impacts. I don't think Mr. Kellogg's email gave him the required expertise to say there would not be an impact. Mr. Kellogg's comment about no wildlife on the acreage to be built on was also totally unqualified. He cannot observe the proposed BFE property from his property. Our property adjoins the BFE property and in the 10 years we have lived here we have observed a multitude of various wildlife. What we haven't personally observed has been captured on security cameras. Again he is not the authority that should be commenting on wildlife on said property. Nor is the authority on how the water table affects property owners in Creekside Meadows. So while the citizenry has indeed offered opinions, they are based on the lack of facts.

While it is obvious that each person on the planning board is in favor of BFE that does not deprive the rest of the community of their rights and concerns. Each item on the check list should be addressed and considered seriously. A remark was made about the lack of opposition to the proposed BFE. However, that is not true because the planning board's use of Zoom has effectively silenced the citizenry voice of Stevensville. Because of that the citizens has not been given due process.

This proposed project is larger than a multitude of small Montana towns. Pollution of that many people and cars has not been mentioned. There are so many unaddressed concerns beyond water and traffic. We urge the board to please consider the long term ramifications and not too hastily try to push this project through.

We don't see where the major concerns have been resolved and you are not following your own rules and guidelines. Our property adjoins the proposed BFE and we did not receive notice of the meeting which we find concerning and negligent.

Respectfully submitted,
Robert and Joan Brummond
304 Syringa Street
Stevensville, Mt .

Jim Kalkofen Comments for 1-13-2021 P & Z Board Meeting

Good Evening once again. My name is Jim Kalkofen. I am a resident taxpayer of Stevensville. I want to address a few important issues that were raised at last week's P & Z board meeting.

One of the board members slighted all letter writers and callers when he labeled the public comments as "opinions." He then showed his non-objective position by stating he would reply with facts. "Most of what is stated here tonight are opinions. We need to give them facts." That is his opinion. It should not be the viewpoint of an impartial board member who might want to consider what Town residents have to say.

HERE ARE JUST A FEW FACTS:

The first FACT was from HDR engineering in their original engineering report about the Burnt Fork proposal that was later edited by the mayor and Town staff. Unfortunately, the board has been utilizing the sanitized version, omitting significant elements. One item is especially noteworthy.

1. The original report stated on page 13, "All off-site water and wastewater improvements related to the need to increase system capacity as a result of this project shall be the responsibility of the developer." This was edited out of the Town staff report, leaving the taxpayers the responsible party. We know that 220 family units will exceed the water and sewer capacity according to the Town 2016 Growth Policy, when other developments (46 new homes and 4 businesses built in 2017 to 2020, the 16-unit apartment building going in near Ace, 16 commercial businesses in the re-zoning request, and 40 to 50 new homes in the next phase of Twin Creeks about to start. Water capacity impacts every home owner and business in Stevi.
2. FACT: Well, other than what one P & Z board member said last week, "We're using water we BELIEVE WE HAVE." That is an opinion from a board member. It is definitely NOT a FACT.
3. FACT: The board did not reference the 2016 Town Growth Policy during the meeting last week. The Town adopted this Policy for such a major subdivision as the one on the table tonight.

4. FACT: The 2016 Town Growth Policy states on page 37, "...public hearings will be conducted by the P & Z board AND Town Council for proposed subdivisions in Stevensville." This fact has been conveniently overlooked by the board. Why deprive and disenfranchise Town residents?
5. FACT: Montana statute 76-1-601-3-i clarifies any doubt about hearings. It requires that a community's growth policy contain a statement explaining how public hearings regarding proposed subdivisions will be conducted. The Growth Policy says hold a hearing. Again, why is this Policy not being followed?
6. FACT: The nature of this meeting via phone and Zoom eliminates many taxpayers who would normally show up and voice their concerns in person. Here is my opinion: With the vaccines soon available, wait until the public can meet like was scheduled in October in the school gym. Then, invite the Town to participate in person.
7. FACT: HDR engineer Bill Buxton said during the meeting last week, "The DEQ won't approve a project until the DNRC approves water rights."
8. FACT: The mayor attempted to sponge the water rights issue out of the discussion last week. He talked in circles about the DNRC and the supposed efforts by the Town which he said was "working on this for at least 3 years." The mayor said water rights were under adjudication and paperwork could not be filed until that was completed.
9. FACT: In an Oct. 24, 2019 letter to Burnt Fork developers, the mayor said, "The Town continues to work with DNRC on a permit for the Twin Creeks well-field. A change application will be required to include this development in Stevensville's place of use, as the parcel currently lies outside of the permitted place of use." The mayor said last week, "We are continuously working on this." Why then, when I called the DNRC the day after last week's meeting, did the manager in charge of this matter emphasize, "I haven't heard from them in a long time." He of course was

referring to the Town of Stevensville. Until water rights are granted for the Burnt Fork subdivision property, this issue should be shelved.

10. FACT: The Ravalli County subdivision review asks a Yes or No question: Does the property have water rights? That FACT is answered with one word - NO. If Stevensville P & Z board members would ask this same question, the FACT is, the answer would still be NO.
11. The road access to Middle Burnt Fork Road was denied. This makes the subdivision application insufficient. FACT: The Stevi Code, Section 10-219 states, "The C-2 commercial district is intended to serve as a transitional buffer between residential areas and the more intensely developed downtown area. Small scale commercial and recreation uses that generate LITTLE traffic are allowed, together with a wide range of residential uses."
12. FACT: What exactly does a buffer a mile from downtown buffer? Nothing. FACT: Who believes 16 commercial businesses along Middle Burnt Fork would create LITTLE traffic. It was stated at last week's meeting that potential uses might be similar to the medical complex on the corner of Middle Burnt Fork and Main Street. Drive by anytime. There is no way traffic could be described as LITTLE.
13. FACT: The Town's water wells are not in compliance. The Montana code for subdivisions makes it abundantly clear, stating, "Provide evidence that the system is approved by DEQ and is in compliance with the regulations." How can the P & Z board kick this can down the road? The wells are not approved. Period. How could any hook-ups occur? Why not solve this problem?
14. FACT: In August 2020, the Town water wells were running almost 24 hours daily, which increased the NW Energy electricity bill that month by \$3,000. If current usage is causing the wells to run continuously, how can the P & Z board in good conscience ADD 220 more BFE homes to the end of the hose?

- 15.FACT: The original HDR engineering report listed the payment for future off-site traffic related improvements at \$300 per lot. The mayor's report had the number at \$200. However, in the meeting last week, Chair Chilcott said that this figure is normally settled once the county reviews the road proposal. The developer's representatives did not respond to the road administrator for nearly 4 months; I hope they have finally done so. However, I feel the mitigation number needs to be vetted by more than this board.
- 16.FACT: Stevensville is the oldest Town in Montana. Since 1841, growth has been progressing without the need for 220 more family units. Creekside added 57 homes over 18 years. A total of 46 new Stevi homes were built since the 2016 Growth Policy. A 16-unit apartment complex is going up now. Why is a mega-development mandatory now? If the Town cannot comply with water rights and their wells are out of compliance, what makes any reasonable person believe that conditions for this subdivision proposal will NOT fall into the same pit? A P & Z board member said last week, "If a small town doesn't grow, it dies." My opinion is that a 220 unit development will do more long-term harm than the traditional growth the Town has enjoyed for nearly 2 centuries.
- 17.FACT: There was a big deal made at last week's meeting about the Ellison flood irrigation water rights being transferred to the Burnt Fork developers who would then transfer them to the Town. However, the FACT is these rights are for irrigation from April 15 to Oct. 15. How surface rights translate to ground water is a good question to bring up with the DNRC.
18. FACT: The commercial district without an access included one lot for a Fire Station. Question: What amount of Town taxpayer money is available for such a station? For trucks? For gear? Where will volunteers come from? If the developers are serious, why not drop the remainder of the Commercial district re-zoning request and donate land for a future fire station. Again, what amount is in the Town budget for a new fire station?
19. FACT: The Montana subdivision codes call for each property in a subdivision to have physical access within the subdivision. The proposed Phase 1 does NOT access their own subdivision streets.

Until this plat is redrawn so these lots and the developer follow state law, this application is incomplete. FACT: The Montana Code is 76-3-608-3-d.

20. FACT: The Town staff report includes this Key requirement under Parks & Trails, "Three parks, or common areas, accessible to ALL the residents via the proposed boulevard sidewalks have been proposed." FACT: No Way!!! Six lots currently access the world only via Clover Lane onto Creekside Dr. They CANNOT and DO NOT touch these sidewalks or streets within the subdivision. FACT: They MUST, according to the Town and the State. The P & Z board knows this plat is incomplete until rectified. When the re-drawn plat is on the table, then and only then, should this proposal be re-considered by the board.
21. FACT: The developer's agent said at last week's meeting, "The problem already exists at Logan Lane and Eastside Highway. We're willing to contribute what's necessary." If a problem exists and traffic from the proposed development would add as much as 50 % more traffic as Chair Chilcott said last week, won't we face an even larger issue? This serious intersection problem should be addressed with all authorities involved. The developer's traffic study noted, "Ideally this intersection should be improved by bringing the two approaches together in the middle of the curve and installing a southbound left-turn deceleration lane. This intersection reconfiguration would address the existing vehicle speed issues..." Imagine the nightmares if this proposal would be approved and 220 more families travel this route daily?
22. FACT: The developer's agent ran over the school superintendent with a bus last week, figuratively speaking. He said the super doesn't want to extend Phillips. That is a FACT. Drivers would have to navigate two right-angle turns from Park Ave. on the south side of the school, cross an old wooden bridge, and fly over a 9-acre private parcel to access Burnt Fork Estates. The Super may have stated this because Phillips is not remotely possible as a western access.
23. FACT: Retention ponds, engineer Buxton said, "They will be a sore spot for the neighborhood." What are the maintenance plans?

Who cares for the ponds? What is the liability? Do these ponds subtract from designated park LAND? The ponds subtract from the designated park land to the tune of 9/10ths of an acre. The developer points out that the minimal state requirement for this subdivision is 3.77 parkLAND acres. The total parkland in the plan is 4.55 acres. Subtracting 9/10ths of an acre of pond water leaves 3.65 acres of park land. FACT: Ponds are NOT parkland. 3.65 is not 3.77.

24. FACT: A board member said last week, "I don't see much difference between BFE and the original CM." The FACTS are in the proposal. BFE calls for a 10-plex unit, a 7-plex, 16 4-plexes, 25 duplexes and a commercial district. CM has 57 single family homes. BFE will have 220 family units.

25. FACT: In case you may have missed it earlier, I repeat what HDR engineer Bill Buxton said last week, "The DEQ won't approve a project until DNRC approves water rights."

26. Someone asked me the other day, "As president of the Creekside HOA, are your residents opposed to progress?" The answer is a definite NO. When progress is defined as the high-density subdivision proposal, most Creekside HOA owners are opposed. Burnt Fork is not a good fit for Stevensville. The reasons have been highlighted many times: too much traffic, too dense with too many multi-family units, a strange commercial re-zoning request where the road access has been denied, water & sewer capacities will be exceeded, etc. It is not progress. In fact, it is a hot branding iron scorching each and every Town resident. If this was modified to reflect Arlo Ellison's original plan, the Creekside residents might look at it differently. Of course, water issues alone should shutter this entire proposal until they are squared away.

Thank you for the time to share these points. I remain available to answer questions now or at the convenience of the board.

Jenelle Berthoud

From: Craig Siphers via Stevensville Montana <noreply@townofstevensville.com>
Sent: Wednesday, January 13, 2021 6:28 PM
To: Jenelle Berthoud
Subject: [EXTERNAL] 9-3-2020 Public Comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Submitted on Wednesday, January 13, 2021 - 6:27pm Submitted by user: Visitor Submitted values are:

First & Last Name: Craig Siphers

Address: 241 Barbara Street, Stevensville, MT 59870 Agenda Item : Discussion/Decision: Recommendation on Approval, Approval with Conditions, or Denial of Subdivision Application for Burnt Fork Estates

Comment:

Planning and Zoning ideas in the Bitterroot have been met with some resistance over the years. The county and residence were really moving nicely toward developing some type of county wide zoning a number of years back. There was really some great progress made, particularly in the Stevensville area, but Darby pretty much opted out and nothing happened for the rest of the communities just in the county. Stevensville has a unique opportunity to be a leader in development and planning. We are going to have strong continued interest in housing that NEEDS to be addressed in a rational manner. The most logical place to build housing is where you can get public sewer and water. Affordability is also crucial to a growing population.

When the Stevesville Growth Policy, which is cited often by opponents of the subdivision off Middle Burnt Fork, indicates how many housing units would be expected by 2036, a thoughtful person might expect the town would grow. Right in the Growth Policy document it has maps, it also outlines that the expected growth would be south and east. A rational person would expect that the area proposed for Burnt Fork Estates would one day be an expansion of the Town of Stevensville.

We need housing, we need to limit sprawl, we need to expand our public services to adequately provide for water and sewer in an environmentally sensitive and efficient way. Adding housing to already existing towns is EXACTLY the planning we need to have. There is 62 billion gallons of water in the top two aquifers in the valley. That is roughly through the first 200' on the valley floor. There is as much as 4,000' of glacial fill in the valley and the Burnt Fork Drainage is also known for substantial amounts of water. It is not the case that it is not there. There are things the State of Montana can do in conjunction with the counties and cities and towns to provide resources and services for their citizens.

The Burnt Fork Estates needs to be done. Naturally it needs to be done correctly but to object to it is ludicrous and in my view the loudest opponents may have some technical reasons for the moment but they can ALL be effectively addressed. To continue to be a barricade to sensible growth in the valley smacks of NIMBY.

I fully support Burnt Fork Estates.

Craig Siphers

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Jenelle Berthoud

From: Greg Chilcott <gchilcott@rc.mt.gov>
Sent: Wednesday, January 13, 2021 6:21 PM
To: Jenelle Berthoud
Subject: [EXTERNAL] FW: Voice Mail (1 minute and 36 seconds)
Attachments: 4067777017 (1 minute and 36 seconds) Voice Mail.mp3

Follow Up Flag: Follow up
Flag Status: Completed

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Janelle,
Please share this voice mail with the P&Z Board.
Thank you,
greg

From: Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@rc.mt.gov> **On Behalf Of**
ANDERSON NELS
Sent: Wednesday, January 13, 2021 9:54 AM
To: Greg Chilcott <gchilcott@rc.mt.gov>
Subject: Voice Mail (1 minute and 36 seconds)

You received a voice message from ANDERSON NELS at [4067777017](#).

Caller-Id: [4067777017](#)

Voice Mail Preview isn't available for this message.

The message is too long.

Jenelle Berthoud

From: Victoria Howell via Stevensville Montana <noreply@townofstevensville.com>
Sent: Wednesday, January 13, 2021 10:53 PM
To: Jenelle Berthoud
Subject: [EXTERNAL] 9-3-2020 Public Comment

Follow Up Flag: Follow up
Flag Status: Flagged

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Submitted on Wednesday, January 13, 2021 - 10:52pm Submitted by user: Visitor Submitted values are:

First & Last Name: Victoria Howell

Address: 609 Middle Burnt Fork Road

Agenda Item : Discussion/Decision: Recommendation on Approval, Approval with Conditions, or Denial of Subdivision Application for Burnt Fork Estates

Comment: Allowing commercial development in the proposed subdivision will have a negative impact on our downtown, regardless of whether or not there is internal connectivity. Stevensville is lucky to have zoning that would typically not allow this. Stevensville is a small, rural community, not a "Missoula" with a variety of neighborhoods that can have their own commercial developments. The Stevensville Main Street worked for 20 years to build and preserve a resilient downtown district and attract people to do business there. Please do not tear that apart with this ill-conceived proposal. Recommend approval of this with the commercial component.

DO NOT REPLY DIRECTLY TO THIS EMAIL



Stevensville Planning & Zoning Board SUBDIVISION REVIEW & RECOMMENDATION REPORT Burnt Fork Estates

The Town of Stevensville Planning & Zoning Board provides the following findings of fact, conclusions of law, and recommended Conditions of Approval for the Burnt Fork Estates Subdivision.

REVIEW PROCESS

The Town's Growth Policy adopted in 2016 outlines the process for reviewing subdivisions proposed for the Town of Stevensville. Currently Stevensville addresses subdivision review within its development code by requiring that proposed subdivisions be reviewed in accordance with the Montana Subdivision and Platting Act.

The Montana Subdivision and Platting Act requires that subdivision proposals be evaluated for their impact on the following seven primary review criteria:

- Agriculture
- Agricultural water user facilities
- Local services
- The natural environment
- Wildlife
- Wildlife habitat
- Public health and safety

Unless exempted under state law, when preparing a subdivision application, a subdivider must identify the anticipated impacts on the primary criteria. In the event adverse impacts are anticipated, the subdivider is required to present realistic measures to mitigate impacts. Each subdivision proposal is unique and as such there are no established guidelines for determining adverse impacts and appropriate mitigation measures. To determine if adverse impacts exist, and whether mitigation is needed, Stevensville evaluates each subdivision proposal to determine whether adverse impacts are likely and will work with developers to identify appropriate mitigation measures. In addition, Stevensville seeks comment from public agencies, service providers and other experts to determine whether adverse impacts are likely and whether mitigation should be required. In all cases, mitigation measures should be related and roughly proportional to the expected impact.

PUBLIC COMMENT

The Planning and Zoning Board acknowledges that the COVID-19 Pandemic posed many challenges in facilitating the review of a subdivision and maintaining public involvement in the process. Restrictions from the CDC and the State of Montana on group sizes and concern for safety were primary factors in the Board's decision to hold meetings virtually. The Board worked with the Town's administration to facilitate public notice of meetings which included legal notices in the Bitterroot Star and mailings to area property owners.

The Planning and Zoning Board held 3 meetings regarding the review of Burnt Fork Estates. The first meeting on September 3, 2020 the Planning and Zoning Board agreed to meeting



Stevensville Planning & Zoning Board SUBDIVISION REVIEW & RECOMMENDATION REPORT Burnt Fork Estates

formats and review process. The review of the proposal most substantially occurred in the final two meetings held on January 6 & January 13, 2021.

Altogether, the Planning and Zoning Board heard 1 hours and 20 minutes of public comment via telephone. The Board received 64 emails and letters of written public comment. In addition, the Town of Stevensville live-streamed all board meetings to YouTube and Facebook, reaching an audience of 3,081 people and engaging 1,313 citizens.

PROPOSAL

The developer is proposing to develop the 57.68-acre tract of the former Ellison Cattle Company to create 78 single-family lots adjacent to Creekside Meadows and 43 multi-family lots further to the south. For the 8+/- acres adjacent to Middle Burnt Fork Road the developer is proposing to re-zone the property to allow 16 light commercial lots. The project is proposed to be developed in as many as 7 phases.



EVALUATION OF THE IMPACTS ON THE FOLLOWING CRITERIA

CRITERION #1: EFFECTS ON AGRICULTURE.

- A. Findings of Fact:** For many years the land has been a grazing meadow for cattle. This land is entirely open grassland with flood irrigation water flowing in from the southeast corner of the property. That water is piped across the property, delivering it to the adjacent property to the west. That property was previously part of the larger ranch.



Stevensville Planning & Zoning Board SUBDIVISION REVIEW & RECOMMENDATION REPORT Burnt Fork Estates

The properties to the west along Middle Burnt Fork Road include large residential and grazing land, along with the school bus barn and the Pantry Partners/Clothes Closet facility. The Stevensville School campus also occupies much of the land to the west, with newly improved soccer fields abutting the west boundary of the subdivision. The first phase of Creekside Meadows is located to the north.

When Ellison Cattle Company decided to subdivide the land in 2003, this 57.68 acres was included for the final three of the five original phases of the development. Ellison completed the first two phases of Creekside, but did not complete Phases 3, 4 and 5. As a result, the land remains undeveloped, although it has been annexed into the Town of Stevensville and zoned for residential use. Because of the amount of time that has passed since the approval of the preliminary plat for Phases 3-5 of the Creekside development has passed, a new preliminary plat process is required for this project which impacts the same land.

The proposed subdivision is not anticipated to have an effect on agricultural production as the property has not been used for agricultural production since the original subdivision efforts in 2003.

- B. Conclusions of Law:** The Board concludes that the proposed subdivision is not anticipated to have any significant adverse impact on agriculture.

CRITERION #2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

- A. Findings of Fact:** Ellison Cattle Company has transferred the irrigation water rights to Ralph and Dwight Hooley. It is the Hooleys' intention to in turn transfer the rights to the Town of Stevensville.

Agricultural water user facilities that exist on the property today will be maintained for the benefit of the end user of the waterway.

- B. Conclusions of Law:** The Board concludes that the proposed subdivision is not anticipated to have any significant adverse impact on agricultural water user facilities.

CRITERION #3: EFFECTS ON LOCAL SERVICES:

A. Findings of Fact

i. Findings of Fact – Water & Wastewater: The following is a summary of the effect of the proposed development on the existing water system and wastewater facility.

- a. Each proposed lot will be connected to the Town of Stevensville water and wastewater systems.
- b. The existing water booster station located on Lot C-12 will need to be upgraded when the total number of proposed connections exceeds 120. The booster station was originally a Condition of



Stevensville Planning & Zoning Board SUBDIVISION REVIEW & RECOMMENDATION REPORT Burnt Fork Estates

Approval for portions of the Creekside Meadows Subdivision that were never platted.

- c. The capacity of the water system and wastewater facility will be analyzed at the time of submittal for each future phase.
- d. All future improvements to the Town's water system and wastewater facility shall be approved by the Town of Stevensville.

ii. Findings of Fact – Storm Water: The following is a summary of the effect of the proposed development on the existing storm water facility.

- a. All storm water will be collected, treated, and released at the pre-development rate as defined in the Site Evaluation Report included with the subdivision application. Based on the information presented, it appears that the storm water plan will be in compliance with Montana DEQ standards. Review of the final storm water design will occur during the review and approval of the construction drawings during the final plat phase by the Town of Stevensville and Montana DEQ.

iii. Findings of Fact – Roads & Traffic: The following is a summary of the effect of the proposed development on the existing roads and traffic.

- a. A Preliminary Traffic Impact Report prepared by Abelin Traffic Services (ATS) evaluated the traffic impacts of this proposed development. The project would produce up to 1,675 new daily vehicle trips in this area. As proposed, the Burnt Fork Estates development will increase traffic volumes on the surrounding road network. Traffic volumes on the road network will increase by 10 to 20 % but no intersection modification will be required to improve capacity. Traffic volumes on Middle Burnt Fork Road will increase by approximately 700 VPD, Logan Lane and East Side Highway will see increases of 300 to 600 VPD. Total future traffic volumes on these roads will range from 2,000 to 4,000 VPD.
- b. Using the data collected for this project, ATS conducted a Level of Service (LOS) analysis at area intersections. This evaluation was conducted in accordance with the procedures outlined in the Transportation Research Board's Highway Capacity Manual (HCM) - Special Report 209 and the Highway Capacity Software (HCS) version 7.8. Intersections are graded from A to F representing the average delay that a vehicle entering an intersection can expect. Typically, a LOS of C or better is considered acceptable for peak-hour conditions. The traffic report demonstrates that the existing LOS at the intersection of Eastside Highway (S203) and Logan Lane is operating with minimal delay given the current roadway configuration in this area. All study



Stevensville Planning & Zoning Board SUBDIVISION REVIEW & RECOMMENDATION REPORT Burnt Fork Estates

intersections are operating with reserve capacity under normal traffic conditions. It is expected that overall peak-hour intersection delay will increase by 1-2 seconds per vehicle with the construction of the Burnt Fork Estates. No roadway modifications are recommended to improve intersection capacity at these locations.

iv. Findings of Fact -Police: The following is a summary of the effect of the proposed development on the existing Police Department:

- a. The proposed subdivision will receive law enforcement services from the Stevensville Police Department.
- b. The Stevensville Police Department has requested the following improvements:
 1. Stop signs be installed at each intersection for the roads internal to the subdivision.
 2. Installation of a visual detector that notifies drivers as someone approaches the intersection and/or speed feedback devices at the intersection of Middle Burnt Fork Road and Logan Lane.
 3. Installation of a speed feedback device(s) at the intersection of East Side Highway (S203) and Logan Lane.

v. Findings of Fact – Fire: The following is a summary of the effect of the proposed development on the existing Fire Department:

- a. The proposed subdivision will receive fire protection and emergency response services from the Stevensville Fire Department.
- b. The developer has proposed to donate Lot C-12 to the Town of Stevensville for a future fire station.

vi. Findings of Fact - School district: The following is a summary of the effect of the proposed development on the School district:

- a. Statistically, each residential unit will have 0.7 school aged children.

B. Conclusion of Law – Effects on Local Services: The Board concludes that the proposal adequately addresses the needs of the subdivision and that effects on local services are mitigated with the recommended conditions of approval.



Stevensville Planning & Zoning Board
SUBDIVISION REVIEW & RECOMMENDATION REPORT
Burnt Fork Estates

CRITERION #4: EFFECTS ON NATURAL ENVIRONMENT

- A. **Findings of Fact:** The proposed subdivision is not anticipated to have any significant adverse impact on the natural environment.

- B. **Conclusions of Law:** The Board concludes that the proposed subdivision is not anticipated to have any significant adverse impact on the natural environment.

CRITERION #5: EFFECTS ON WILDLIFE

- A. **Findings of Fact:** There are no known endangered species on or near the subject property. That said, the proposed subdivision is not anticipated to have any effect on wildlife.

- B. **Conclusions of Law:** The Board concludes that the proposed subdivision is not anticipated to have any significant adverse impact on wildlife.

CRITERION #6: EFFECTS ON WILDLIFE HABITAT

- A. **Findings of Fact:** There are no known endangered species on or near the subject property. That said, the proposed subdivision is not anticipated to have any effect on wildlife habitat.

- B. **Conclusions of Law:** The Board concludes that the proposed subdivision is not anticipated to have any significant adverse impact on wildlife habitat.

CRITERION #7: EFFECTS ON PUBLIC HEALTH AND SAFETY

- A. **Findings of Fact:** The subject property and surrounding area are not subject to potential natural hazards such as high winds, steep slopes, wildfire, flooding, nor potential manmade hazards such as high voltage power lines, high-pressure gas lines, or nearby industrial or mining activity. It should be noted that high groundwater exists in the area. As mentioned previously, the subject property is not located in a floodway of a 100-year flood event per FEMA's Flood Insurance Rate Map.

- B. **Conclusions of Law:** The Board concludes that the proposed subdivision is not anticipated to have any significant adverse impact on public health and safety.

PRE-REQUISITES FOR APPROVAL

PROVISION OF EASEMENTS

- A. **Findings of Fact:** Provisions for downstream water user easements, utility easements or designated public rights-of-way are designated on the Preliminary Plat. Easement widths are adequate for the utilities that fall within the easement.



Stevensville Planning & Zoning Board SUBDIVISION REVIEW & RECOMMENDATION REPORT Burnt Fork Estates

- B. Conclusions of Law:** The Board concludes that the proposed subdivision adequately provides the easements referenced.

PROVISION OF LEGAL AND PHYSICAL ACCESS

- A. Findings of Fact:** Physical access is provided directly off Middle Burnt Fork Road and Logan Lane. Roadways and streets within Creekside Meadows are owned by the Town of Stevensville and also provide access to the proposed subdivision.
- B. Conclusions of Law:** The Board concludes that legal and physical access to the proposed subdivision exists upon the developer acquiring the necessary approach permits from the authority having jurisdiction.

CONFORMANCE TO ADOPTED STEVENSVILLE GROWTH POLICY

- A. Findings of Fact:** The proposed subdivision conforms to the Town of Stevensville's current Growth Policy.

The interconnectivity of roads between the subdivision and already established areas of town conform with the Town's Master Streets Plan. Connectivity between Creekside Meadows west to the original townsite was explored and deemed unfeasible at this time and due to past objections from residents of Creekside Drive and the Stevensville School District.

The Planning and Zoning Board made good-faith efforts to ensure that public comment was addressed as the criteria was reviewed throughout their meetings.

- B. Conclusions of Law:** The Board concludes that the proposed subdivision conforms to the Town of Stevensville's current Growth Policy.

RECOMMENDED CONDITIONS OF APPROVAL

The Planning and Zoning board, in consultation with the Town of Stevensville staff report, offers and recommends the following conditions of approval:

1. This preliminary plat approval for all phases is valid for 10 years from the date of approval by the Town Council. The developer has the option to file the Final Plats out of sequential order, subject to Town's approval. The preliminary approval may be extended by the Town Council for a mutually agreed upon period of time, if the applicant requests an extension of time prior to the expiration date. A public hearing is required prior to the approval of the final plat of each phase.
2. If the applicant proposes to change the plat after preliminary plat approval but before the final plat approval, the applicant shall submit the proposed changes, all supporting documents, and required fee to the Town of Stevensville for review.



Stevensville Planning & Zoning Board SUBDIVISION REVIEW & RECOMMENDATION REPORT Burnt Fork Estates

3. The owner shall transfer a proportionate amount of the surface water rights to the Town of Stevensville at time of filing a final plat. The percentages of water rights transferred is directly related to the percentage of the lands being platted. For example, as Phase 1 represents 6.32% of the land area, then 6.32% of the surface water rights would be transferred to the Town. The Town and developer agree that the intent of the developers of Burnt Fork Estates will transfer all the water rights of the subdivision to the Town of Stevensville.
4. Each proposed lot shall be connected to the Town of Stevensville water and wastewater systems.
5. The existing water booster station located on Lot C-12 shall be upgraded before the issuance of final plat for Phase 4.
6. All future improvements to the Town's water system and wastewater facility shall be designed in accordance with local and Montana DEQ standards and approved by the Town of Stevensville and the Montana DEQ. Public comment shall be recognized in the DEQ application.
7. All utility, public access, drainage, and irrigation easements shall be shown on the face of the final plat.
8. All storm water improvements will be designed in accordance with local and Montana DEQ standards and approved by the Town of Stevensville and the Montana DEQ.
9. The property owners shall be required to waive their right to protest the formation of a Special Improvement District (SID) related to any potential future improvements to Middle Burnt Fork Road and Logan Lane along the subdivision frontage or areas of benefit as required to bring these roads into compliance with the applicable standards of the authority having jurisdiction.
10. The developer shall provide verification from the Montana Department of Transportation (MDT) that details the potential traffic impacts of Burnt Fork Estates on State highway facilities, and who is responsible for any required mitigation.
11. Encroachment permits shall be obtained from, and pro rata share paid to, the jurisdiction in charge of Logan Lane before the issuance of the final plat for Phase 2 and for Middle Burnt Fork Road before the issuance of final plat for Phase 7.
12. Internal subdivision roads shall be designed in accordance to the Town of Stevensville Streets Master Plan.
13. The internal subdivision roads and related infrastructure (water, sewer, curb, gutter, sidewalks, and storm drainage), shall be within a designated public right-of-way, and be accepted and maintained by the Town of Stevensville.
14. Stop signs shall be installed at each intersection for the roads internal to the subdivision as required by the Town of Stevensville Police Department.



Stevensville Planning & Zoning Board
SUBDIVISION REVIEW & RECOMMENDATION REPORT
Burnt Fork Estates

15. Visual detectors, speed feedback devices, or other appropriate safety measures deemed acceptable by the jurisdictional authority shall be installed at the expense of the developer at the intersection of Middle Burnt Fork Road and Logan Lane and at the intersection of East Side Highway (S203) and Logan Lane before the issuance of final plat for Phase 2.
16. Adequate access to parks and common areas shall be provided for fire protection or emergency response as approved by the Town of Stevensville Fire Department.
17. Fire hydrant spacing shall be approved by the Town of Stevensville Fire Department.
18. Lot C-12 shall be donated to the Town of Stevensville for a future fire station at the time of filing the final plat for Phase 7.
19. Parks and common areas within the subdivision shall be privately owned and maintained by the Burnt Fork Estates Homeowners Association and shall be handicap accessible, with the exception of storm water facilities which shall be owned, operated and maintained by the Town of Stevensville.
20. Structures within the subdivision shall not have basements or a crawl space.
21. Architectural standards ensuring a common architectural theme within the proposed C-2 zoning shall be established before the issuance of final plat for the commercial phase. (See board recommendation)
22. The Town of Stevensville reserves the right to revoke approvals, terminate or enjoin the use of the property, and order any structures removed if the applicants violate any conditions of preliminary plat approval.
23. After the Town Council has approved the final plat, the applicant shall provide the Town of Stevensville Planning Department with a copy of the recorded final plat within five working days of its recording (including an electronic version).
24. The developer is required to establish a Homeowners Association. Declarations shall be filed upon approval of the final plat for Phase 1.
25. The developer shall provide verification from Stevensville School District that details the potential impacts of Burnt Fork Estates on the school district.

RECOMMENDATION

Therefore, it is the unanimous recommendation of the Town of Stevensville Planning and Zoning Board that the preliminary plat for the Burnt Fork Estates Subdivision be approved with the conditions listed above.



**Stevensville Planning & Zoning Board
SUBDIVISION REVIEW & RECOMMENDATION REPORT
Burnt Fork Estates**

In addition, the Planning and Zoning Board recommends that the Town Council approve the C-2 re-zoning request with the following conditions:

- A. Additional restrictions provided through covenants of the homeowner's association, which should be subject to approval by the Town Council.
- B. The road serving the commercial zone be connected to the other internal subdivision roads, an identified preference of the developer to mitigate traffic impacts and interconnectivity concerns.

The Planning & Zoning Board thanks the Town Council for the opportunity to provide a recommendation and appreciates the support of the Town's administration and cooperation of the developer and their representatives throughout the process.

Respectfully submitted,

Greg Chilcott, Vice Chair
Meghan Hanson, Secretary
Trenis Hindle, Board Member
Paul Ludington, Town Council Representative
Dan Ritter, Board Member

