

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 revied 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

Meghan 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.

Meghan 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.

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

Greg Chilcott: let's get our questions done.

Meghan 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.

Meghan 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 to 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, Marilyn 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: Marilyn, I miss heard, you said that they can't connect to your what system?

Marilyn 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 are is a fire hall lot. The concept there was that was appropriate in a commercial are 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 concurrency 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 concurrency 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 concurrency 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. Concurrency.

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

A handwritten signature in blue ink, appearing to read "Jenelle Berthoud". The signature is written in a cursive style with a horizontal line underneath the name.