

*Creekside Meadows Home Owners Association
P.O. Box 477, Stevensville, MT 59870*

John Kellogg
Planner Principal
Professional Consultants, Inc.
3115 South Russell St.
Missoula, MT 59801
and
Stevensville Planning and Zoning Board chair
Town of Stevensville
206 Buck St.
Stevensville, MT 59870

Dec. 20, 2019

Dear John,

Please convey the following sentiments of Creekside Meadows HOA to the concerned parties.

The HOA is NOT in favor of development on the property listed for sale from the south boundary of Creekside Meadows HOA to Middle Burnt Fork Road.

The committee and board appreciated your presentation on Dec. 17. However, the issues (including water, safety and many others) still remain numerous and in the opinion of the committee and board are insurmountable.

Sincerely,



Jim Kalkofen
HOA president
Stevensville

CC: HOA Board and Committee

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

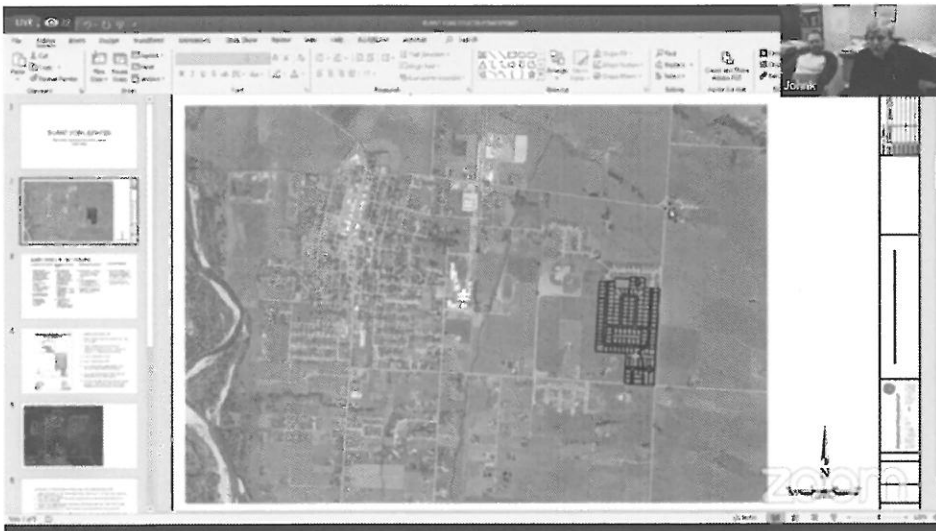
Follow Up Flag: Follow up
Flag Status: Completed

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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

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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

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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

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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

DO NOT REPLY DIRECTLY TO THIS EMAIL

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
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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.

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
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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



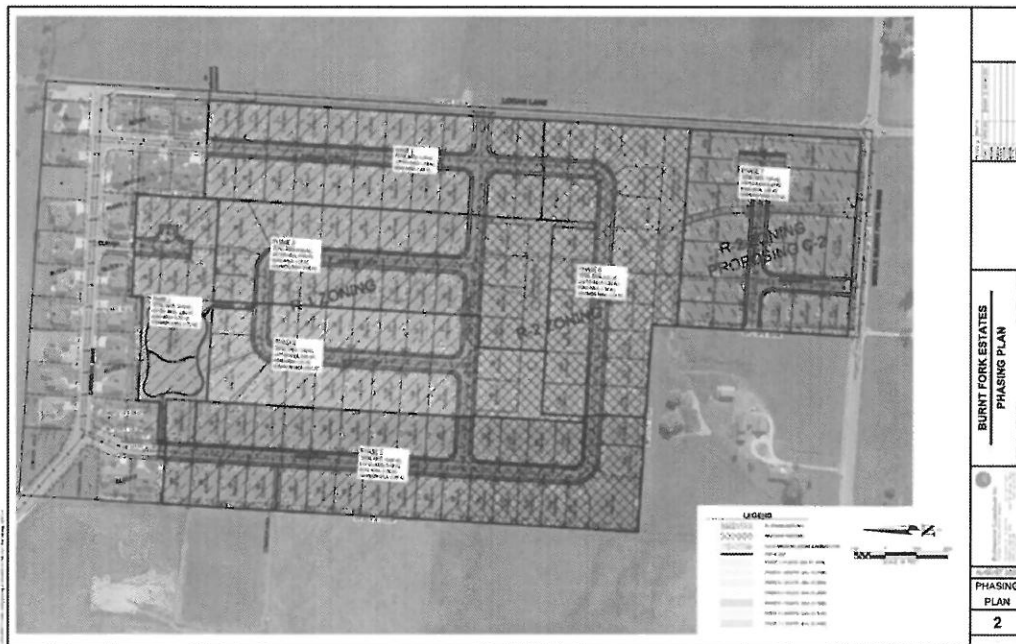
Stevensville Planning & Zoning Board SUBDIVISION REVIEW & RECOMMENDATION REPORT Burnt Fork Estates

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 hour 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.



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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



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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



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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.



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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.



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- 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.



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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.



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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.



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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

