

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.