

Bob Michener 3/4/21

Good Evening, Mayor, Council members, Staff and Citizens of Stevensville.  
I come before you with Major Concerns regarding the Proposed **Burnt Fork Estates Subdivision**.

**Concern #1.**

Will there be adequate water or wastewater capacity? What we know seriously questions that enough water or wastewater facilities will be available  
The Town of **Stevensville's 2016 Growth Policy** states on page (10-12), "If phase two of the Twin Creeks subdivision were platted it would add an additional 45 lots. Altogether, with full subdivision approval and build out, there is potential for an additional 255 wastewater connections on lands currently within Stevensville town limits, which **EXCEEDS the current capacity of Stevensville's wastewater treatment system.**"

Mayor Dewey Wrote a letter to Dwight and Ralph Hooley on Oct. 4th, 2019 about verification regarding the proposed Burnt Fork Estates Subdivision. Some of Mayor Dewey's "facts" are not entirely true. **(See Item A)**.

The town of Stevensville's Water Wells are **NOT IN COMPLIANCE** with the DEQ!. **(Dept. of Environmental Quality)** and the town of Stevensville Holds **NO WATER RIGHTS** to our Water! **DNRC** has repeatedly stated that the town **SHOULD NOT MOVE FORWARD WITH ANY DEVELOPMENT** until these issues are resolved!. **(See Item B)**, Letter from Jim Nave - Regional Manager, Water Resources Services **(DNRC)**

On Feb. 25th 2020 Mayor Dewey received a letter from Ross Miller (Water rights attorney).

to discuss a Global Permit Application for Twin Creeks Well Field and Well-1. Im wondering if Mr. Miller's three (3) suggestions to bring the town in compliance with the Well Fields and Water Rights has been brought before the Council. (Hydro Solutions, WGM Group).

I recently had a person to person meeting with George Thomas (The town of Stevensville's ex-public works director).According to George in order for the Town of Stevensville to have enough Water/Sewer for the proposed Burnt Fork Development it would need to do the following:

**Add Water Capacity Storage Tank.**

**Purchase land to put the Storage Tank on.**

**Add another Service Line from the Storage Tanks to the town.**

**Add 1-2 Well Houses**

**Add another Lift Station**

**Add (2) Two new Water Wells.**

**The total cost of these upgrades would be estimated at between \$3-4**

**million dollars!! (George's estimates) Will the Developers pay this? Or will the town's taxpayers be left to foot the bill if this is approved?**

**Some Notes To Consider From The HDR Report:**

**HDR Report for Staff, Page 10:** "The approval of the Preliminary Plat is therefore not a guarantee that the water system and wastewater facility will have capacity for service at the time of final plat application and capacity will be evaluated.

**HDR Staff Report, 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."

**HDR Staff Report, Page 15:** "Encroachment permits shall be obtained from Ravalli County for access to Middle Burnt Fork Road and Logan Lane before the issuance of final plat for Phase One."

**Town Staff Report:** "The proposed development will have existing legal and physical access to two dedicated County Roads: Middle Burnt Fork Road and Logan Lane." As of today None of this has been done to my knowledge.

**Concern #2. Increased Traffic.**

Increased traffic will negatively impact all drivers on Logan Lane. There is already a major congestion at Middle Burnt Fork and Eastside Highway and Logan and Eastside Highway. The study done by BFE is incomplete. It does not address the Commercial area that does not have access to Middle Burnt Fork Road, (See Item C - Ravalli County Road Report).

**The traffic facts indicate a serious safety problem that MUST be addressed. Is Logan Lane adequate for this significant increase in traffic? What about shoulders, turn lanes, efficient movement of traffic? Can a town Put magnetic speed signs on a County Road or State Highway?**

**Has there been a Independent Comprehensive Study done regarding the Impact for the Stevensville School District as far as increase in Student population? Traffic? Safety?. Increasing our town's population by possibly a third has to have an impact. Has there been a independent Study on the Environmental Impact of this Development?**

**Concern #3. Commercial Zone.**

The proposed Commercial development is Not a buffer zone for the downtown businesses. (C-2 Zoning)

The Business goal should be to fill downtown with any projected businesses, not set them up far away from Stevensville's downtown business district. What will the businesses be? How Big? How much water will be needed?

The Town paid **\$4,629.52** on 9-10-20 and **\$2,150,84** on 2-21-21 for Burnt Fork Estates Plat Reviews.

May I ask why the town is paying for these when the costs should be incurred by the Developer?

Some past subdivision(s) proposals and developments in Stevensville have been failures. A good example is the Development on Spring Street in the late 1980's promising Lights, Curbs, Sidewalks, etc. The Developers went Bankrupt and many of those promises were never done. The Development of Winslet and North Avenue was also incomplete (Curbs,Sidewalks). Creekside Meadows promised a Big Park in its Development proposal in 2007. Whats to say the BFE California Developers won't leave the town's taxpayers footing the bill on this? I would hope You the Council would NOT approve this proposal as is and send it back to the planning and zoning board.

Respectfully Yours

Bob Michalson  
222 Turner St.  
Stevensville, Mt.

# Item A

Hon. Brandon E. Dewey  
Mayor of Stevensville

Monica Hoffman  
Town Clerk



Stevensville Town  
206 Buck S  
Stevensville, MT 5  
Phone: 406-777  
Fax: 406-777-

Mr. Dwight Hooley  
Mr. Ralph Hooley  
874 Garber Ln.  
Corvallis, MT 59828

October 24, 2019

Gentlemen,

You have requested a verification letter from the Town of Stevensville addressing a number of questions communicated to the Town in an October 8<sup>th</sup> letter from Jeff Alexander. Below are the best answers that the Town can determine at this time with the information available to us.

- 1) **Property Annexation & Zoning** - The 57-acre parcel in question is annexed into the Town of Stevensville and has been zoned R-1 and R-2 according to our zoning map.
- 2) **Water & Sewer Capacity** - Per the Town's 2016 Growth Policy, our engineers have determined that Stevensville's water and wastewater systems have adequate capacity to serve all developable property currently annexed. The Town continues to work with DNRC on a permit for the Twin Creeks Well-Field. This permit will update and broaden the place of use for municipal water. 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. Our water rights attorney believes that it is likely the Town has adequate rights currently to serve the development. However, we may require the transfer of some, or all water rights associated with the property to the Town in order to mitigate future water usage by the development. This would be determined prior to plat approval.
- 3) **Street Approaches** - As discussed in the concept briefing on October 15, the Town acknowledges and supports an approach onto Middle Burnt Fork Road, and an approach on Logan Lane between Creekside Drive and Middle Burnt Fork Road. The Town is currently in the process of

such maintain the systems and processes for streets and traffic in place today. Therefore, the approach permits would be subject to Ravalli County review and approval, with the support of the Town of Stevensville.

Please let me know if you have any further question or would like further clarification on the aforementioned items. The Town looks forward to the opportunity to work with you in facilitating the growth of our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon E. Dewey", with a long diagonal stroke extending from the end of the signature.

Brandon E. Dewey  
Mayor

2020

**Item B** ebMail

Dear Ms. Stoos,

I am scheduled for a vacation next week and prior to that I am trying to get as much work done as possible so that I may enjoy my vacation. That said I cannot guarantee that I will be able to provide a letter to your office prior to my departure. Additionally, I am not disposed to give an opinion on anything water rights related.

I will state what our records indicate, and the Town of Stevensville's water rights do not include a place of use in the E1/2 of Section 26, T09N, R20W, in Ravalli County. As such the Town of Stevensville cannot legally provide a municipal water supply to an area that is outside of their current service area, which is the W1/2 of Section 27 and the E1/2 of Section 26, T09N, R20W. This place of use, or service area, does not include the area proposed for the Burnt Fork Estates subdivision you are inquiring about. Additionally, the Town of Stevensville's water rights do not include the place of use legal land description for the existing Phase 1 of Creekside Meadows, which I understand is connected to the municipal water supply system despite being outside of the Town's place of use and service area.

The Town of Stevensville is aware of the issues and limitations of their water rights, including the current use of the replacement wells that do not have a water right. The Town's application to change a water right number 76H 30070414 was submitted to add these well and expand the service area to include the E1/2 of Section 26, T09N, R20W, however unfortunately it was terminated because they did not meet the correct and complete threshold. Ultimately the Town does need to reapply and receive authorization from the department to come into compliance with the Montana Water Use Act for the use of the new wells and to supply water to areas outside of the current service area, such as the E1/2 of Section 26. It is the department's desire that the Town of Stevensville voluntarily address these issues and reapply, however, until such time as they do, they should not be supplying water to any subdivisions that are not located within the place of use listed on their water rights.

Please accept this email as my response to your inquiry.

Sincerely,

Jim Nave

Regional Manager

**From:** Lizzie Stoos <lstoos@dmilaw.com>

**Sent:** Wednesday, August 12, 2020 12:38 PM

**To:** Nave, Jim <jnave@mt.gov>

**Cc:** Jill Johnson <johnson@dmilaw.com>; Bill VanCanagan <bvancanagan@dmilaw.com>; Hannah Woolsey <hwoolsey@dmilaw.com>

**Subject:** [EXTERNAL] Burnt Fork Estates



# Item C

Road & Bridge Department  
244 Fairgrounds Road  
Hamilton, MT 59840  
Phone 406-363-2733  
Fax 363-6701

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OG-20-9-25

September 11, 2020

PCI  
Andy Mefford, PE  
PO Box 1750  
Missoula, MT 59806

RE: Proposed Access Permit, Middle Burnt Fork Road, Stevensville, MT.

Dear Mr. Mefford,

The Ravalli County Road & Bridge Department (RCBRD) has reviewed the submitted access permits for the subject property which is proposed to serve commercial lots in a proposed subdivision.

Regarding the residential approaches on to Logan Lane, please see the attached Exhibit A

Based upon the access encroachment policy, the following item does not meet the approach policy for separation distance. For Middle Burnt Fork Road, a major collector, separation distance between accesses is required to be 600 feet. The proposed separation distances both east and west are around 550 feet.

Based on the above, the RCBD is denying the proposed approach permit. Please see Section V of the policy should you wish to appeal this action directly to the Board of County Commissioners.

Please give me a call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Horat".

John C. Horat, PE  
Administrator

cc: Correspondence File-General

## Exhibit A

Per Section K) TRAFFIC IMPACT ANALYSIS, the following items appear to not have been addressed. As you know, the analysis was required since the increased volume on Logan Lane is 25% or more.

- 3) structural capacity of existing roadway,
- 5) pedestrian traffic facility
- 6) other public safety concerns.

The section also states, "The OWNER shall alone be responsible for all costs associated with the Traffic Impact Analysis, the design and review process and the construction of any improvement recommended or identified through the analysis and as approved or directed by the County.

Please have the Traffic Impact Analysis revised to reflect the above in addition to the following:

- Current road counts for Logan Lane and Middle Burnt Fork Road.
- Pedestrian facilities to access Middle Burnt Fork roadway path should be addressed.
- Provide a map of trip distribution from new subdivision for all access points (three).
- Possible proposed road improvements based on item 3, above or pro rata fee estimate for consideration.
- Preliminary designs and cost estimates for any proposed intersection improvements as identified in item 6, above.