

**Chris Taggart**

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**From:** C. Grandstaff <grandstaff@cybernet1.com>  
**Sent:** Wednesday, December 4, 2019 11:03 AM  
**To:** Chris Taggart  
**Cc:** Terry Nelson; Chris A. Hoffman; Greg Chilcott; Jeff Burrows  
**Subject:** GA extension request objection letter  
**Attachments:** GA objection 12-5-19.docx

**RECEIVED**

**DEC 04 2019**

**Ravalli County Commissioners**

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Chris,  
Please accept the attached letter of objection to the extension request for Grantsdale Addition from Bitterrooters for Planning, the meeting for which is scheduled for Dec. 5, 2019.  
Thank you,  
Carlotta

Dec. 2, 2019

To: Ravalli County Board of Commissioners

From: Bitterrooters for Planning

Commissioners:

Bitterrooters for Planning objects to the second extension request for the Grantsdale Addition subdivision scheduled for public meeting Dec. 5, 2019.

Ravalli County subdivision regulation section 3-13(B) states that the board may, at its discretion and at the written request of the applicant, extend its approval of the preliminary plat approval. The written request shall detail all the actions the applicant has taken to complete the requirements and meet the conditions of preliminary plat approval as listed in the PPD. **The board is required to evaluate the request for extension to determine whether the applicant has been working in good faith to complete the subdivision.**

The PPD was approved in April 2011. The board granted an extension 13 months later in May 2012. BfP has requested all documents related to the Grantsdale Addition subdivision, but we have not received any information detailing work in good faith towards completing the subdivision for the May 2012 extension request. We come to two conclusions:

- No work was done to advance the subdivision by the time the first extension was granted, but the extension was granted anyway, or;
- Documentation detailing the work completed by May 2012 exists but was never sent to BfP for reasons unknown to BfP.

In this objection letter BfP lists several of the 32 conditions in the PPD that were established by the board of county commissioners in 2011. These are embedded in the body of the RCA and the PPD before you. For your convenience, we have listed those conditions which are not required by final plat, **but which should have been met** by the Dec. 5, 2019 extension request. We request that you read these conditions. We further request that the developer provide documentation to the board that these conditions have been met as part of his required “good faith” effort demonstrating the work that has been accomplished on the subdivision to date. If no documentation exists, BfP asks that the board deny this second extension request for Phase 1A.

**Recommended conditions to mitigate effects of the subdivision** (from the PPD):

**Condition 1:** The notifications document shall include: notification of the proximity to agricultural operations; notification of location of irrigation easements to ensure that irrigation and water use practices that may affect the tract of record do not cause groundwater levels to rise above the level used for system approval; recommendations for “Living with Wildlife”; location of the no ingress/egress zones, the potential presence of radon, a recommendation to install full cut-off lighting, a notification of open burning season time frames, and notification regarding junk vehicle laws.

**Condition 2:** The protective covenants shall include provisions regarding posting of addresses and construction of accesses in accordance with fire district standards. A noxious weed provision shall also be included in the protective covenants filed with this subdivision.

**Condition 3:** The applicant shall include an RSID/SID waiver.

**Condition 12:** The applicant shall install temporary turnarounds with a 50-foot radius at all locations that will provide future road connections throughout the subdivision. Each temporary turnaround shall be constructed with a compacted all weather travel surface capable of accommodating emergency service vehicles.

**Condition 18:** The applicant shall improve Grantsdale Cut-Off Road to county standards for new construction beginning at the intersection with Skalkaho Highway and ending at the access to the subdivision property, including construction through the curve radius for eastbound traffic.

**Conditions 19, 22, 24, 26, 28 and 32:** The applicant shall construct pedestrian facilities in accordance with attachment A.

**Condition 20:** The applicant shall provide a letter from Daly Ditches Irrigation District indicating that the applicant has installed a flow meter at the diversion point with the Republican Ditch to monitor irrigation water flow that is acceptable to the district.

**Condition 25:** The applicant shall submit an approach permit from the Montana Department of Transportation (MDT) for the access to Skalkaho Highway. It is assumed that prior to issuing an approach permit MDT will ensure that any required improvements to mitigate the effects of the traffic generated by the subdivision onto state highways will be completed by the applicant in consultation with MDT. (Note: This condition “assumes” that the effects of traffic generated by the subdivision will be mitigated by the applicant in consultation with MDT. However, MDT cannot mitigate traffic impacts; only the BCC, in its oversight role, can compel mitigation.)

**Condition 29:** The applicant shall ensure that the common use area #3 be restricted for ag purposes only by filing an agricultural covenant to allow for the operations and maintenance of the waste-water treatment facilities.

Though BfP believes the board should evaluate **all** conditions set by the BCC in 2011, including conditions for final plat, we have listed only the absolute minimum conditions that should be evaluated for a second extension request.

BfP argues that the applicant has not provided any evidence or documentation that he has been working in good faith to complete the subdivision. Additionally, the exhibits attached to the 2011 PPD constitute old information dating back to 2006 at the earliest. Among them are these examples:

- Exhibit A-10, dated Feb. 4, 2011, is from MDT. Has the developer submitted drainage plans for Phase 1A development, or provided an updated Traffic Impact Analysis (TIA) for Phase 1A, as required by MDT? Has another TIA been completed since the first one in 2006? If not, BfP argues that the traffic data is so stale that granting an extension request is unwarranted.
- Exhibit A-11, dated Jan. 20, 2011, from Montana Fish, Wildlife and Parks, addresses the elk herd observed on the Grantsdale Addition property and notes “What is needed but lacking is a design feature that would allow wildlife to move through and out of the subdivision without staying.” Is this design feature included in the development plans for Phase 1A?
- Exhibit A-12, also from FWP, and dated Feb. 7, 2011, states, “. . . Grantsdale is . . . a large, dense subdivision that wildlife of all types will bump into and try to cross. It’s better to provide that passage than deal with the conflicts as the animals pick their way from lot to lot . . .“

The RCA before you also includes a series of emails between the developer’s consultant, Territorial Landworks, Inc, the Ravalli County planning department and the Montana Department of Environmental Quality regarding a pre-application meeting for the groundwater discharge permit required by DEQ for this subdivision. The RCA also includes what appears to be a brochure for a wastewater treatment system. BfP argues that these back-and-forth emails between the developer, Ravalli County and DEQ, and a brochure do not demonstrate a “good faith” effort at work on the subdivision, and are, in any case, immaterial and irrelevant since a wastewater discharge permit is a requirement for **final plat**, not for the extension request before the board.

Additionally, the pre-application meeting between Territorial Landworks and DEQ took place only because BfP recognized and pointed out the falsehood in Territorial Landworks’s August 2019 statement that DEQ had “improperly processed” the developer’s wastewater discharge permit, which led to a delay in the process. As the BCC knows by now, that was untrue; the actual reason for the lack of a permit was because a district court invalidated the original permit and remanded the issue to DEQ for full degradation review as the result of a lawsuit. (Cause No. CDV-2014-505).

In summary, a quick, 11<sup>th</sup> hour scramble to show “good faith” effort by holding a pre-application meeting, combined with stale data, and conditions that are likely unmet, constitutes a “poor faith” effort to meet the Dec. 31, 2019 deadline for Phase 1A of the project.

We urge you to deny the extension request.

Sincerely,

Carlotta Grandstaff  
Coordinator, Bitterrooters for Planning

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