

Jan. 28, 2019

To: Ravalli County Commissioners  
Re: Preliminary Plat Extension Approval Request by  
George and Delores Bandow for Saddle Hills, LLC

Commissioners:

Bitterrooters for Planning objects to the preliminary plat extension request submitted by George and Delores Bandow for Saddle Hills, LLC, a 25-lot major subdivision.

The developers have had nearly nine years to meet the required conditions set forth in the preliminary plat decision of July 2010. The Commission has granted two extensions since the preliminary plat was approved, but to our knowledge, the developers did not submit any evidence or documentation indicating progress on meeting the conditions established in the preliminary plat, nor is there any indication that the Commission required any evidence or documentation of such from the developers.

The Commission has set aside 30 minutes for this event, which indicates that no substantive discussion is planned on whether the developers have made a good faith effort to meet the requirements of the preliminary plat approval; whether there have been any significant changes in the area of the subdivision and, if so,

whether the preliminary plat conditions mitigate those changes; or whether the subdivision is still compliant with conditions established nearly a decade ago. We suspect that this public meeting is a pro forma event that has been scheduled simply to comply with state law requirements, and that the Commission has little or no interest in examining whether this subdivision still complies with the original conditions set forth in the preliminary plat decision, or whether and how neighborhood conditions have significantly changed.

In their request, developers cite the failure of local real estate sales to rebound enough to warrant further improvements. Land speculation is exactly that: speculation. Developers voluntarily take a financial risk when they decide to enter into the real estate speculation market. Local governments should not be expected to approve extensions or variances to land speculators if and when real estate sales fall, remain flat or “fail to rebound enough.” Meeting conditions established in a preliminary plat decision designed to protect the taxpayers’ interest is the mutual responsibility of the developer and the local government.

As the Commission undoubtedly knows, county variance requests as they pertain to land development do not allow for financial hardship as a reason to approve a variance. An extension request to a

preliminary plat decision is nothing more than a variance and should be judged as such.

Bitterrooters for Planning is submitting for your review a document titled: **Non-Phased Subdivision Preliminary Plat Extension and Recommended Subdivision Regulation Amendments**. The Montana Association of Counties prepared this document for the 2017 Legislature and for their member counties to consider following the Legacy Ranch court decision that resulted in changes to state law as it pertains to phased development. We believe the same legal logic applies to unlimited preliminary plat extensions. Therefore, we recommend the Commission apply these guidelines in the Saddle Hills request before you. We ask that you schedule a public hearing in this matter, and following the hearing we ask that you determine “the extent to which the request meets the criteria for extension, including whether or not any changes to the primary criteria impacts identified in the original subdivision approval or any new information not previously considered exists that creates any new potentially significant adverse impacts that would support denial of the subdivision extension request” as described in the MACo guidelines.

Bitterrooters for Planning submitted elk migration data from Montana Fish, Wildlife and Parks for the Sand Hill Ridge, phase 1, final plat decision. We request that you obtain similar data for the Saddle Hills request since this would constitute “new information not previously considered” as per MACo’s recommended guidelines. We

are also aware that similar big game movement data is available for mule deer in this area. We ask that you contact Rebecca Mowry at FWP to obtain this data.

Undoubtedly, motor vehicle traffic volume has increased in the Saddle Hills area since 2007. In 2013, the relevant section of road, S.R. 203 between Stevensville and Florence, was rated as one of the top 10 most severe crash corridors in the state of Montana. In light of the Legacy Ranch court decision that determined that traffic data was stale beyond seven years, we believe it would be prudent for you to consider additional traffic data, and we ask that you request an additional traffic impact study from the Montana Department of Transportation.

Thank you for your consideration in this matter.

Carlotta Grandstaff  
Bitterrooters for Planning