

From: [Alfred Brule](#)
To: [Alex Eidam](#)
Subject: River View Subdivision
Date: Thursday, February 10, 2022 11:34:48 AM

Good morning Alex:

My name is Al Brule' and I am president of the Orchard Homes Ditch Company and a resident of the River Road neighborhood at 1810 1/2 River Road. I have a couple of comments to this proposed subdivision from two different perspectives.

First, as a resident, I think the existing density and zoning should be adhered to if at all possible. My reasoning has likely been shared with you by my neighbors that include everything from increased traffic, to lack of sidewalks, and everything in-between when you introduce this many people and vehicles all at once. And while I'm saddened at how much the Orchard Homes neighborhood is transitioning from a mixed urban/agricultural community to a sprawling high density mirror of North Reserve Street, those kinds of reasons are generally not considered relevant at most levels of government. And I realize that personal experiences are also not relevant but I had a similar opportunity to develop my 2 acre parcel on my land to accommodate 6 to 8 housing units back in 2018 when I subdivided this land. At that time, I chose to keep some of the characteristics of the River Road Community and decided to split it into only two lots despite having multiple offers from developers who wanted this ground. Of course, my reasons were personal since I decided to stay here but it's unfortunate that the housing market is driving these kinds of proposals and changing the Orchard Homes community to another highly congested, urban neighborhood.

From a second perspective, I do have some say in this endeavor inasmuch that this proposed subdivision will need to include the Orchard Homes Irrigation Company as an approving entity. This relates to issues that only pertain to the irrigation channel that bounds the south edge of the property and include things like addressing our 12-foot unobstructed easement from the ditch centerline, any construction and scheduling interactions with this development, as well as potential construction of infrastructure to allow access to the water at each unit. Some developers will attempt to bypass these requirements and skirt around these issue at construction which ends up creating additional problems for OHDC down the road. This is a big enough project that OHDC will not ignore so we need to avoid these issues if at all possible. In addition, any proposed subdivisions that takes an existing parcel of land and breaks it down into multiple parcels that has an OHDC water rights share, as this property does, must include language in the new titles that ensure those water rights are divided equally among those individual parcels. The title companies are legally required to make these notations in the new deeds but again, is often overlooked at closing. The requirements for these property transfers and water rights/shares recordings, are included in Montana code and cannot be overlooked. In addition, any HOA's and their drafted by-laws will need to include language that allows collection of annual fees by each property owner, currently at \$35/parcel but will be going up for 2023 to \$45/parcel.

Thank you for your time.

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