



Stevensville Planning & Zoning Board SUBDIVISION REVIEW & RECOMMENDATION REPORT Burnt Fork Estates

The Town of Stevensville Planning & Zoning Board provides the following findings of fact, conclusions of law, and recommended Conditions of Approval for the Burnt Fork Estates Subdivision.

REVIEW PROCESS

The Town's Growth Policy adopted in 2016 outlines the process for reviewing subdivisions proposed for the Town of Stevensville. Currently Stevensville addresses subdivision review within its development code by requiring that proposed subdivisions be reviewed in accordance with the Montana Subdivision and Platting Act.

The Montana Subdivision and Platting Act requires that subdivision proposals be evaluated for their impact on the following seven primary review criteria:

- Agriculture
- Agricultural water user facilities
- Local services
- The natural environment
- Wildlife
- Wildlife habitat
- Public health and safety

Unless exempted under state law, when preparing a subdivision application, a subdivider must identify the anticipated impacts on the primary criteria. In the event adverse impacts are anticipated, the subdivider is required to present realistic measures to mitigate impacts. Each subdivision proposal is unique and as such there are no established guidelines for determining adverse impacts and appropriate mitigation measures. To determine if adverse impacts exist, and whether mitigation is needed, Stevensville evaluates each subdivision proposal to determine whether adverse impacts are likely and will work with developers to identify appropriate mitigation measures. In addition, Stevensville seeks comment from public agencies, service providers and other experts to determine whether adverse impacts are likely and whether mitigation should be required. In all cases, mitigation measures should be related and roughly proportional to the expected impact.

PUBLIC COMMENT

The Planning and Zoning Board acknowledges that the COVID-19 Pandemic posed many challenges in facilitating the review of a subdivision and maintaining public involvement in the process. Restrictions from the CDC and the State of Montana on group sizes and concern for safety were primary factors in the Board's decision to hold meetings virtually. The Board worked with the Town's administration to facilitate public notice of meetings which included legal notices in the Bitterroot Star and mailings to area property owners.

The Planning and Zoning Board held 3 meetings regarding the review of Burnt Fork Estates. The first meeting on September 3, 2020 the Planning and Zoning Board agreed to meeting



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formats and review process. The review of the proposal most substantially occurred in the final two meetings held on January 6 & January 13, 2021.

Altogether, the Planning and Zoning Board heard 1 hours and 20 minutes of public comment via telephone. The Board received 64 emails and letters of written public comment. In addition, the Town of Stevensville live-streamed all board meetings to YouTube and Facebook, reaching an audience of 3,081 people and engaging 1,313 citizens.

PROPOSAL

The developer is proposing to develop the 57.68-acre tract of the former Ellison Cattle Company to create 78 single-family lots adjacent to Creekside Meadows and 43 multi-family lots further to the south. For the 8+/- acres adjacent to Middle Burnt Fork Road the developer is proposing to re-zone the property to allow 16 light commercial lots. The project is proposed to be developed in as many as 7 phases.



EVALUATION OF THE IMPACTS ON THE FOLLOWING CRITERIA

CRITERION #1: EFFECTS ON AGRICULTURE.

- A. **Findings of Fact:** For many years the land has been a grazing meadow for cattle. This land is entirely open grassland with flood irrigation water flowing in from the southeast corner of the property. That water is piped across the property, delivering it to the adjacent property to the west. That property was previously part of the larger ranch.



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The properties to the west along Middle Burnt Fork Road include large residential and grazing land, along with the school bus barn and the Pantry Partners/Clothes Closet facility. The Stevensville School campus also occupies much of the land to the west, with newly improved soccer fields abutting the west boundary of the subdivision. The first phase of Creekside Meadows is located to the north.

When Ellison Cattle Company decided to subdivide the land in 2003, this 57.68 acres was included for the final three of the five original phases of the development. Ellison completed the first two phases of Creekside, but did not complete Phases 3, 4 and 5. As a result, the land remains undeveloped, although it has been annexed into the Town of Stevensville and zoned for residential use. Because of the amount of time that has passed since the approval of the preliminary plat for Phases 3-5 of the Creekside development has passed, a new preliminary plat process is required for this project which impacts the same land.

The proposed subdivision is not anticipated to have an effect on agricultural production as the property has not been used for agricultural production since the original subdivision efforts in 2003.

- B. Conclusions of Law:** The Board concludes that the proposed subdivision is not anticipated to have any significant adverse impact on agriculture.

CRITERION #2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

- A. Findings of Fact:** Ellison Cattle Company has transferred the irrigation water rights to Ralph and Dwight Hooley. It is the Hooleys' intention to in turn transfer the rights to the Town of Stevensville.

Agricultural water user facilities that exist on the property today will be maintained for the benefit of the end user of the waterway.

- B. Conclusions of Law:** The Board concludes that the proposed subdivision is not anticipated to have any significant adverse impact on agricultural water user facilities.

CRITERION #3: EFFECTS ON LOCAL SERVICES:

A. Findings of Fact

i. Findings of Fact – Water & Wastewater: The following is a summary of the effect of the proposed development on the existing water system and wastewater facility.

- a. Each proposed lot will be connected to the Town of Stevensville water and wastewater systems.
- b. The existing water booster station located on Lot C-12 will need to be upgraded when the total number of proposed connections exceeds 120. The booster station was originally a Condition of



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Approval for portions of the Creekside Meadows Subdivision that were never platted.

- c. The capacity of the water system and wastewater facility will be analyzed at the time of submittal for each future phase.
- d. All future improvements to the Town's water system and wastewater facility shall be approved by the Town of Stevensville.

ii. Findings of Fact – Storm Water: The following is a summary of the effect of the proposed development on the existing storm water facility.

- a. All storm water will be collected, treated, and released at the pre-development rate as defined in the Site Evaluation Report included with the subdivision application. Based on the information presented, it appears that the storm water plan will be in compliance with Montana DEQ standards. Review of the final storm water design will occur during the review and approval of the construction drawings during the final plat phase by the Town of Stevensville and Montana DEQ.

iii. Findings of Fact – Roads & Traffic: The following is a summary of the effect of the proposed development on the existing roads and traffic.

- a. A Preliminary Traffic Impact Report prepared by Abelin Traffic Services (ATS) evaluated the traffic impacts of this proposed development. The project would produce up to 1,675 new daily vehicle trips in this area. As proposed, the Burnt Fork Estates development will increase traffic volumes on the surrounding road network. Traffic volumes on the road network will increase by 10 to 20 % but no intersection modification will be required to improve capacity. Traffic volumes on Middle Burnt Fork Road will increase by approximately 700 VPD, Logan Lane and East Side Highway will see increases of 300 to 600 VPD. Total future traffic volumes on these roads will range from 2,000 to 4,000 VPD.
- b. Using the data collected for this project, ATS conducted a Level of Service (LOS) analysis at area intersections. This evaluation was conducted in accordance with the procedures outlined in the Transportation Research Board's Highway Capacity Manual (HCM) - Special Report 209 and the Highway Capacity Software (HCS) version 7.8. Intersections are graded from A to F representing the average delay that a vehicle entering an intersection can expect. Typically, a LOS of C or better is considered acceptable for peak-hour conditions. The traffic report demonstrates that the existing LOS at the intersection of Eastside Highway (S203) and Logan Lane is operating with minimal delay given the current roadway configuration in this area. All study



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intersections are operating with reserve capacity under normal traffic conditions. It is expected that overall peak-hour intersection delay will increase by 1-2 seconds per vehicle with the construction of the Burnt Fork Estates. No roadway modifications are recommended to improve intersection capacity at these locations.

iv. Findings of Fact -Police: The following is a summary of the effect of the proposed development on the existing Police Department:

- a. The proposed subdivision will receive law enforcement services from the Stevensville Police Department.
- b. The Stevensville Police Department has requested the following improvements:
 1. Stop signs be installed at each intersection for the roads internal to the subdivision.
 2. Installation of a visual detector that notifies drivers as someone approaches the intersection and/or speed feedback devices at the intersection of Middle Burnt Fork Road and Logan Lane.
 3. Installation of a speed feedback device(s) at the intersection of East Side Highway (S203) and Logan Lane.

v. Findings of Fact – Fire: The following is a summary of the effect of the proposed development on the existing Fire Department:

- a. The proposed subdivision will receive fire protection and emergency response services from the Stevensville Fire Department.
- b. The developer has proposed to donate Lot C-12 to the Town of Stevensville for a future fire station.

vi. Findings of Fact - School district: The following is a summary of the effect of the proposed development on the School district:

- a. Statistically, each residential unit will have 0.7 school aged children.

B. Conclusion of Law – Effects on Local Services: The Board concludes that the proposal adequately addresses the needs of the subdivision and that effects on local services are mitigated with the recommended conditions of approval.



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CRITERION #4: EFFECTS ON NATURAL ENVIRONMENT

- A. **Findings of Fact:** The proposed subdivision is not anticipated to have any significant adverse impact on the natural environment.
- B. **Conclusions of Law:** The Board concludes that the proposed subdivision is not anticipated to have any significant adverse impact on the natural environment.

CRITERION #5: EFFECTS ON WILDLIFE

- A. **Findings of Fact:** There are no known endangered species on or near the subject property. That said, the proposed subdivision is not anticipated to have any effect on wildlife.
- B. **Conclusions of Law:** The Board concludes that the proposed subdivision is not anticipated to have any significant adverse impact on wildlife.

CRITERION #6: EFFECTS ON WILDLIFE HABITAT

- A. **Findings of Fact:** There are no known endangered species on or near the subject property. That said, the proposed subdivision is not anticipated to have any effect on wildlife habitat.
- B. **Conclusions of Law:** The Board concludes that the proposed subdivision is not anticipated to have any significant adverse impact on wildlife habitat.

CRITERION #7: EFFECTS ON PUBLIC HEALTH AND SAFETY

- A. **Findings of Fact:** The subject property and surrounding area are not subject to potential natural hazards such as high winds, steep slopes, wildfire, flooding, nor potential manmade hazards such as high voltage power lines, high-pressure gas lines, or nearby industrial or mining activity. It should be noted that high groundwater exists in the area. As mentioned previously, the subject property is not located in a floodway of a 100-year flood event per FEMA's Flood Insurance Rate Map.
- B. **Conclusions of Law:** The Board concludes that the proposed subdivision is not anticipated to have any significant adverse impact on public health and safety.

PRE-REQUISITES FOR APPROVAL

PROVISION OF EASEMENTS

- A. **Findings of Fact:** Provisions for downstream water user easements, utility easements or designated public rights-of-way are designated on the Preliminary Plat. Easement widths are adequate for the utilities that fall within the easement.



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- B. Conclusions of Law:** The Board concludes that the proposed subdivision adequately provides the easements referenced.

PROVISION OF LEGAL AND PHYSICAL ACCESS

- A. Findings of Fact:** Physical access is provided directly off Middle Burnt Fork Road and Logan Lane. Roadways and streets within Creekside Meadows are owned by the Town of Stevensville and also provide access to the proposed subdivision.
- B. Conclusions of Law:** The Board concludes that legal and physical access to the proposed subdivision exists upon the developer acquiring the necessary approach permits from the authority having jurisdiction.

CONFORMANCE TO ADOPTED STEVENSVILLE GROWTH POLICY

- A. Findings of Fact:** The proposed subdivision conforms to the Town of Stevensville's current Growth Policy.

The interconnectivity of roads between the subdivision and already established areas of town conform with the Town's Master Streets Plan. Connectivity between Creekside Meadows west to the original townsite was explored and deemed unfeasible at this time and due to past objections from residents of Creekside Drive and the Stevensville School District.

The Planning and Zoning Board made good-faith efforts to ensure that public comment was addressed as the criteria was reviewed throughout their meetings.

- B. Conclusions of Law:** The Board concludes that the proposed subdivision conforms to the Town of Stevensville's current Growth Policy.

RECOMMENDED CONDITIONS OF APPROVAL

The Planning and Zoning board, in consultation with the Town of Stevensville staff report, offers and recommends the following conditions of approval:

1. This preliminary plat approval for all phases is valid for 10 years from the date of approval by the Town Council. The developer has the option to file the Final Plats out of sequential order, subject to Town's approval. The preliminary approval may be extended by the Town Council for a mutually agreed upon period of time, if the applicant requests an extension of time prior to the expiration date. A public hearing is required prior to the approval of the final plat of each phase.
2. If the applicant proposes to change the plat after preliminary plat approval but before the final plat approval, the applicant shall submit the proposed changes, all supporting documents, and required fee to the Town of Stevensville for review.



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3. The owner shall transfer a proportionate amount of the surface water rights to the Town of Stevensville at time of filing a final plat. The percentages of water rights transferred is directly related to the percentage of the lands being platted. For example, as Phase 1 represents 6.32% of the land area, then 6.32% of the surface water rights would be transferred to the Town. The Town and developer agree that the intent of the developers of Burnt Fork Estates will transfer all the water rights of the subdivision to the Town of Stevensville.
4. Each proposed lot shall be connected to the Town of Stevensville water and wastewater systems.
5. The existing water booster station located on Lot C-12 shall be upgraded before the issuance of final plat for Phase 4.
6. All future improvements to the Town's water system and wastewater facility shall be designed in accordance with local and Montana DEQ standards and approved by the Town of Stevensville and the Montana DEQ. Public comment shall be recognized in the DEQ application.
7. All utility, public access, drainage, and irrigation easements shall be shown on the face of the final plat.
8. All storm water improvements will be designed in accordance with local and Montana DEQ standards and approved by the Town of Stevensville and the Montana DEQ.
9. The property owners shall be required to waive their right to protest the formation of a Special Improvement District (SID) related to any potential future improvements to Middle Burnt Fork Road and Logan Lane along the subdivision frontage or areas of benefit as required to bring these roads into compliance with the applicable standards of the authority having jurisdiction.
10. The developer shall provide verification from the Montana Department of Transportation (MDT) that details the potential traffic impacts of Burnt Fork Estates on State highway facilities, and who is responsible for any required mitigation.
11. Encroachment permits shall be obtained from, and pro rata share paid to, the jurisdiction in charge of Logan Lane before the issuance of the final plat for Phase 2 and for Middle Burnt Fork Road before the issuance of final plat for Phase 7.
12. Internal subdivision roads shall be designed in accordance to the Town of Stevensville Streets Master Plan.
13. The internal subdivision roads and related infrastructure (water, sewer, curb, gutter, sidewalks, and storm drainage), shall be within a designated public right-of-way, and be accepted and maintained by the Town of Stevensville.
14. Stop signs shall be installed at each intersection for the roads internal to the subdivision as required by the Town of Stevensville Police Department.



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15. Visual detectors, speed feedback devices, or other appropriate safety measures deemed acceptable by the jurisdictional authority shall be installed at the expense of the developer at the intersection of Middle Burnt Fork Road and Logan Lane and at the intersection of East Side Highway (S203) and Logan Lane before the issuance of final plat for Phase 2.
16. Adequate access to parks and common areas shall be provided for fire protection or emergency response as approved by the Town of Stevensville Fire Department.
17. Fire hydrant spacing shall be approved by the Town of Stevensville Fire Department.
18. Lot C-12 shall be donated to the Town of Stevensville for a future fire station at the time of filing the final plat for Phase 7.
19. Parks and common areas within the subdivision shall be privately owned and maintained by the Burnt Fork Estates Homeowners Association and shall be handicap accessible, with the exception of storm water facilities which shall be owned, operated and maintained by the Town of Stevensville.
20. Structures within the subdivision shall not have basements or a crawl space.
21. Architectural standards ensuring a common architectural theme within the proposed C-2 zoning shall be established before the issuance of final plat for the commercial phase. (See board recommendation)
22. The Town of Stevensville reserves the right to revoke approvals, terminate or enjoin the use of the property, and order any structures removed if the applicants violate any conditions of preliminary plat approval.
23. After the Town Council has approved the final plat, the applicant shall provide the Town of Stevensville Planning Department with a copy of the recorded final plat within five working days of its recording (including an electronic version).
24. The developer is required to establish a Homeowners Association. Declarations shall be filed upon approval of the final plat for Phase 1.
25. The developer shall provide verification from Stevensville School District that details the potential impacts of Burnt Fork Estates on the school district.

RECOMMENDATION

Therefore, it is the unanimous recommendation of the Town of Stevensville Planning and Zoning Board that the preliminary plat for the Burnt Fork Estates Subdivision be approved with the conditions listed above.



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In addition, the Planning and Zoning Board recommends that the Town Council approve the C-2 re-zoning request with the following conditions:

- A. Additional restrictions provided through covenants of the homeowner's association, which should be subject to approval by the Town Council.
- B. The road serving the commercial zone be connected to the other internal subdivision roads, an identified preference of the developer to mitigate traffic impacts and interconnectivity concerns.

The Planning & Zoning Board thanks the Town Council for the opportunity to provide a recommendation and appreciates the support of the Town's administration and cooperation of the developer and their representatives throughout the process.

Respectfully submitted,

Greg Chilcott, Vice Chair
Meghan Hanson, Secretary
Trenis Hindle, Board Member
Paul Ludington, Town Council Representative
Dan Ritter, Board Member

