

# STAFF REPORT

## Westside Woods Major Phased Subdivision

### *Annexation*

*Case# ANXP-2209-002*

Christopher J. Brink, AICP  
*Director*

Community Development Department  
316 North Park Avenue, Room 445  
Helena, Montana 59623





City of  
**Helena**

## Table of Contents

Section 1 - Project Overview .....	3
Section 2 - Staff Recommendation .....	3
Section 4 - Public Comment.....	5
Section 5 – Annexation Analysis .....	6
Section 6 - Growth Policy Analysis.....	8
Section 7 - Staff Recommendation .....	9
Appendix A – Annexation Subject Maps .....	11
City Zoning Map.....	11
Vicinity Map .....	12
Preliminary Plat .....	13
Appendix B – Comments.....	14



## Section 1 - Project Overview

The applicant, Sussex Development, has requested annexation into the City of Helena and preliminary plat review. The property described as “the SW ¼ of the SW ¼ of Section 23, Township 10 North, Range 4 West, P.M.M., Lewis and Clark County, Montana. Together with a tract of land being Portion A, located in Block 307 of the Bellview Addition as shown on the Amended Plat filed under Document # 3310725. Excepting therefrom COS filed under Document # 462306 -T, and Deed of Highway Right of Way recorded in Book 241 of Deeds, Page 177 and Blocks 4, 5, 6, and 9 of Highland Park in Section 26, Township 10 North, Range 4 West, P.M.M, in Lewis and Clark County Montana as shown on the Retracement filed under Document # 3339312” is a 58.85-acre site approximately 600 feet west of the intersection of Granite Avenue and Hauser Boulevard.

Pre-zoning of the subject properties, to R-2 and R-3, was approved by 1<sup>st</sup> pass of an ordinance of the City Commission on January 24, 2022. Final pass of the pre-zone ordinance was TABLED on April 25, 2022 and will need to be moved from the table and acted on. The City Commission will then hear the 2<sup>nd</sup> pass of the pre-zone ordinance approximately 30 calendar days following action on the Intent to Annex and Preliminary Plat.

The proposal calls for the annexation of the entire 58.85 acres, the creation of a total of 100 lots, comprised of 92 lots intended for single family development, 4 lots intended for multifamily construction with 80 condominium units, and 4 open space lots. This will be developed over 4 phases according to the schedule set by the developer with phase 4 intending to be final platted in late 2029.

The proposed parkland dedication of approximately 13.410 acres is scheduled to be dedicated in smaller tracts in each of the 4 anticipated phases.

The applicant is also the owner of 100% of the land within the annexation area and as such this process will not require an election of the City. (*See Mont. Code Ann. § 7-2-4601*)

Annexation action relative to the petition to annex the subject tracts will result in adjacent and nearby private parcels and associated rights-of-way in becoming wholly surrounded by the City of Helena. It is not the intention for the action on the subject annexation petition to impact (annexation) any of the properties that may now be surrounded by the City.

## Section 2 - Staff Recommendation

City staff recommends the project be annexed into the City and the conditions of annexation in this report be implemented prior to final annexation and final plat approval. Formally, the recommendation is to:

Approve a Resolution of Intention to Annex property described as “the SW ¼ of the SW ¼ of Section 23, Township 10 North, Range 4 West, P.M.M., Lewis and Clark County, Montana. Together with a tract of land being Portion A, located in Block 307 of the Bellview Addition as shown on the Amended Plat filed under Document # 3310725. Excepting therefrom COS filed under Document # 462306 -T, and Deed of Highway Right of Way recorded in Book 241 of Deeds, Page 177 and Blocks 4, 5, 6, and 9 of Highland Park in Section 26, Township 10 North, Range 4 West, P.M.M, in Lewis and Clark County Montana as shown on the Retracement filed under Document # 3339312 and adjacent rights of way onto the City of Helena, Montana and establish conditions for annexation.

## Section 3 - General Information

Application Date:	September 16, 2022
Meeting Dates:	City Commission – March 13, 2023
Applicant:	Sussex Development, Inc. 3060 Cabernet Drive #4 Helena, MT 59601
Property Owner:	Sussex Development, Inc. 3060 Cabernet Drive #4 Helena, MT 59601
Representative:	Jeremy Fadness WWC Engineering 1275 Maple Drive, Suite F Helena, MT 59601
Legal Description:	The SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 23, Township 10 North, Range 4 West, P.M.M., Lewis and Clark County, Montana. Together with a tract of land being Portion A, located in Block 307 of the Bellview Addition as shown on the Amended Plat filed under Document # 3310725. Excepting therefrom COS filed under Document # 462306 -T, and Deed of Highway Right of Way recorded in Book 241 of Deeds, Page 177 and Blocks 4, 5, 6, and 9 of Highland Park in Section 26, Township 10 North, Range 4 West, P.M.M, in Lewis and Clark County Montana as shown on the Retracement filed under Document # 3339312
General location:	600 feet west of the intersection of Granite Avenue and Hauser Boulevard in Lewis and Clark County, Montana.
Present Land Use:	Vacant
Adjacent Land Uses:	North: Residential East: Residential West: Residential South: City of Helena Open Space
Adjacent zoning:	North: R3 & R2 (Residential) East: Urban Residential Mixed Use (County), Upper West Side #9 (County) South: Rural Residential Mixed Use (County), City Open Lands West: Urban Residential Mixed Use (County)

Current zoning:	Pre-Zoned R-2 and R-3 (Ordinance 1 <sup>st</sup> Pass 1/24/2022) (Ordinance Final Pass TABLED 4/25/2022; will be considered for final pass approximately 30 calendar days post Annexation and Preliminary Plat action) Urban Residential Mixed Use (County)
Tract/Property Size:	Approximately 58.85 total acres.
2019 Growth Policy Land Use Designation:	Urban – Includes predominantly moderate to high density residential uses; may include public uses such as schools, churches, and open lands such as parks; and occasional commercial uses that serve the immediate area or are relatively small and low density. Within the County, it includes areas closer to the City; areas with few development constraints; areas that may be currently developed or could be redeveloped at higher densities; and may include a variety of uses including commercial and light industry.
Within Urban Standards Boundary:	Yes

## Section 4 - Public Comment

As of January 31<sup>st</sup>, 2023, there have been over 50 comments received regarding the proposed subdivision and annexation. Staff began receiving comments prior to an official application being submitted and/or deemed complete. Comments received prior to staff application review and the determination of a sufficient application, have been kept as part of the overall case record and file but are not attached here, as there was no official, sufficient application upon which to comment at the time. All public comments received after the application had been deemed sufficient and in general review are attached. Any comments received during and after the hearing conducted by the Consolidated Planning Board will be attached.

## Section 5 – Annexation Analysis

The area of the Westside Major Phased Subdivision is within the Urban Standards Boundary, which is identified in the 2019 Growth Policy as locations where the city can potentially and more easily provide essential services like water and wastewater infrastructure and as areas ideal for growth and annexation. This subject property will utilize city water and wastewater services for future development.

The route of annexation will be via Hauser Boulevard, Park Drive, and Flowerree Street for all phases. This property is only adjacent to city limits on the north side and there is no legal or physical access. The route of annexation must be built to City standards. In accordance with State law, all adjacent rights of way that are not currently annexed into the City will be annexed when the property is annexed. These include Hauser Boulevard and Park Drive. This ensures that all Phases will have access to a public right of way that is fully improved in accordance with the City Engineering Standards. Together, the above right of way sections represent the route of annexation for this subdivision. As such, it is important for these roadways to be improved to city standards for vehicles, pedestrians, and emergency services to be able to access this development.

The applicant has submitted a Traffic Impact Study (TIS) as part of the preliminary platting process that shows approximately 1,407 new vehicle trips per day from this development at full buildout. There is potential for upwards of 2,800 new vehicle trips per day based on allowed uses for the R-2 and R-3 zone districts. It is estimated by the submitted TIS that over 80% of these new trips will end up at the Granite Avenue and State Highway 12 intersection. The intersection is currently not signalized, and it is not likely that a traffic signal will become warranted due to the construction of the Westside Woods development.

As requested by the City of Helena, a study was performed at the intersection of Euclid Avenue (Hwy 12) and Granite Avenue to determine if this intersection meets signalization warrants now or in the future. The study was based on traffic data collected in September 2022 by ATS and information from the traffic impact study. The analysis concluded that based on the traffic data collected for this project, traffic signal warrants are not currently met at the intersection of Euclid Avenue and Granite Street.

There are several other issues relating to increased traffic on the transportation network that serves the westside of the City. The roadways directly adjacent to the subdivision site are not built to City Engineering Standards and without facilities for pedestrians or stormwater conveyance. Roads that are constructed to city standards provide several functions. One is to convey pedestrians, cyclists, and motor vehicles in a safe and efficient manner. Another is to convey stormwater to various stormwater facilities throughout the city, prevent flooding of private property and environmental degradation. City staff is recommending the following annexation conditions to mitigate these issues:

- *The entire Park Drive / Hauser Boulevard corridor (north/south) must be annexed into the city and built to City Engineering Standards for a local road.*

Requiring Park Drive and Hauser Boulevard to be improved to City standards achieves several goals that will benefit the west side and its residents. Boulevard sidewalks separating pedestrians from vehicles, will reduce the likelihood of conflicts improving safety and efficiency of transportation for residents of all ages. A paved roadway will provide emergency services



more reliable access in the case of emergency. Improving the right of way surface with paving, curbs and gutters will also aid in storm water drainage and water quality.

- *Hauser Boulevard from Park Drive to Granite Avenue (east/west) must be annexed into the city and built to City Engineering Standards for a local road.*

This section of roadway is a key link from this new neighborhood to the city at large. Hauser Boulevard between Granite Avenue and Park Drive provides the most direct and efficient route of ingress and egress from the new subdivision in addition to serving as a potential route of access to Kessler School for students. With the estimated addition of at least 70 new students to the area, this link, and its improvements become even more important. The Traffic Impact Study submitted with the preliminary plat application assumes that 80% of new traffic generated from this proposed development will utilize this route to access Hwy 12. The major collector classification is in line with the 2014 Greater Helena Area Long Range Transportation Plan.

- *Granite Avenue from Hauser Boulevard to Knight Street must be improved to City Engineering Standards for a Major Collector. (Matching the existing asphalt section of Granite Avenue north of Knight Street and include boulevard sidewalks on both sides of the roadway).*

The 2014 Greater Helena Area Long Range Transportation Plan Update identifies this section of Granite Avenue as a Major Collector. Granite Avenue from Hauser Boulevard to Knight Street is an important link in the transportation network for the immediate area. Currently the roadway is paved but has no pedestrian facilities. This link becomes more important with the influx of new residents and increased non-motorized travel to access area amenities.

- *Flowerree Street from Park Drive to Granite Avenue must be annexed into the City and built to City Engineering Standards for a local road.*

Flowerree Street will continue on the subject property to provide access to approximately 50 residential units. Flowerree Street currently is an unimproved county road. By improving Flowerree Street to city standards, safe and reliable access is ensured for emergency services and residents. This route would potentially serve as another vehicle and pedestrian route to access Kessler School for students and parents.

- *Park Drive and Woodward Avenue must be connected, and the intersection constructed to City Engineering Standards for complete streets.*

This intersection will complete and connect two City of Helena rights of way and as such needs to be built to City Engineering Standards complete with ADA ramps, curb & gutter, sidewalks, and an approved surface. Connectivity in this location provides access for westside residents to better access area trails and open space and offer more transportation alternatives and avenues. Ideally having more transportation options will spread out trips and ease congestion.

- *The applicant must construct curb, gutter, and boulevard sidewalks on Granite Avenue from Hauser Boulevard to Flowerree Street.*

Flowerree Street could serve the subject property as a means of primary access to upwards of 50 residences. In order to properly serve those future residences with safe and reliable access to their properties, complete streets need to be implemented. This ROW could also serve as a

means of access to Kessler School for area children. Constructing Granite Avenue with complete streets features to this point will provide that access and allow all westside residents safe access to area amenities and their properties.

The property, if annexed, would be served by City of Helena Police, Fire and Solid Waste services. Both Helena Police and Fire services indicated their ability to serve the property and any subsequent development and that their response times would vary based on call volume and call priority.

This property, once developed, will add wastewater collector system loads decreasing the available capacity of the treatment system. Per the City Engineering Standard 3.4.1 once a wastewater main reaches 75% capacity it must be upgraded by the developer. Wastewater mains that are at or exceed 75% capacity have a greater likelihood of backing up causing impacts to downstream users. For the city to protect the integrity of the overall wastewater system mains must be upsized once they reach that 75% capacity threshold. City Public Works staff analysis concluded that threshold is likely to be met.

Development on site will also add users to the water system, reducing the city's overall capacity. This project lies in the Malben High, Malben Low, and Valley pressure zones which has approximately 1.3 mil to 1.4 mil gallons of available finished water storage. Due to its size and potential impacts on the water distribution system there may be a possibility that additional storage facilities will be required to serve the proposed development extension.

## Section 6 - Growth Policy Analysis

The 2019 City of Helena Growth Policy identifies this general area of the City of Helena ("West End") as being best suited for an urban style of development. According to the Growth Policy, Chapter 3, *"Individual West end properties have suffered from aging or failing septic systems; elevated levels of nitrates in well-water test samples; lack of storm drainage, poorly constructed streets, and limited opportunities for pedestrian access."* The proposed development provides opportunities to address issues that have affected the west side relative to water quality and transportation infrastructure. The Future Land Use Map identifies this same general area as Mixed Use, Suburban, and Urban. Urban is the designation for the property being considered for development.

The growth policy defines "Urban" as *"...moderate to high-density residential uses and may include public uses such as schools, churches, and open lands and occasional commercial uses that serve the immediate area or are relatively small and low-intensity."*

The overriding theme of the 2019 Growth Policy Update is for the City of Helena to grow around urban centers which promote compact development in areas and clearly defined locations to be identified with neighborhood plans. These urban centers are meant to be complimentary and supportive of existing neighborhoods and in some cases multiple existing neighborhoods. As such these centers are more appropriately located along major transportation routes with good ingress and egress options for all users.

The subject property is not ideally suited for the most dense and intense set of uses or users and would be most appropriately utilized as a residential neighborhood. The R-2 and R-3 zone district designations and with the subject property's proximity to existing City limits and existing

infrastructure, Growth Policy goals relating to the provision of quality housing and its proximity to city services are being met. Building housing closer to city services could help reduce sprawl in the Helena Valley and lessen development pressures on wildlife habitats and open space.

This project and its components will be built to city standards for water, wastewater, and transportation, providing quality infrastructure and ensuring the provision of services to residents of the west side. Currently there are very few safe options for pedestrians to access area amenities. With the improvement of the road network to complete streets standards access and safety for all modes of travel will greatly increase.

## Section 7 - Staff Recommendation

City staff recommends the project be annexed into the City and the conditions of annexation in this report be implemented prior to final annexation and final plat approval. Formally, the recommendation is to:

Approve a Resolution of Intention to Annex property described as “the SW ¼ of the SW ¼ of Section 23, Township 10 North, Range 4 West, P.M.M., Lewis and Clark County, Montana. Together with a tract of land being Portion A, located in Block 307 of the Bellview Addition as shown on the Amended Plat filed under Document # 3310725. Excepting therefrom COS filed under Document # 462306 -T, and Deed of Highway Right of Way recorded in Book 241 of Deeds, Page 177 and Blocks 4, 5, 6, and 9 of Highland Park in Section 26, Township 10 North, Range 4 West, P.M.M, in Lewis and Clark County Montana as shown on the Retracement filed under Document # 3339312 and adjacent rights of way onto the City of Helena, Montana and establish conditions for annexation.

### **Annexation Conditions:**

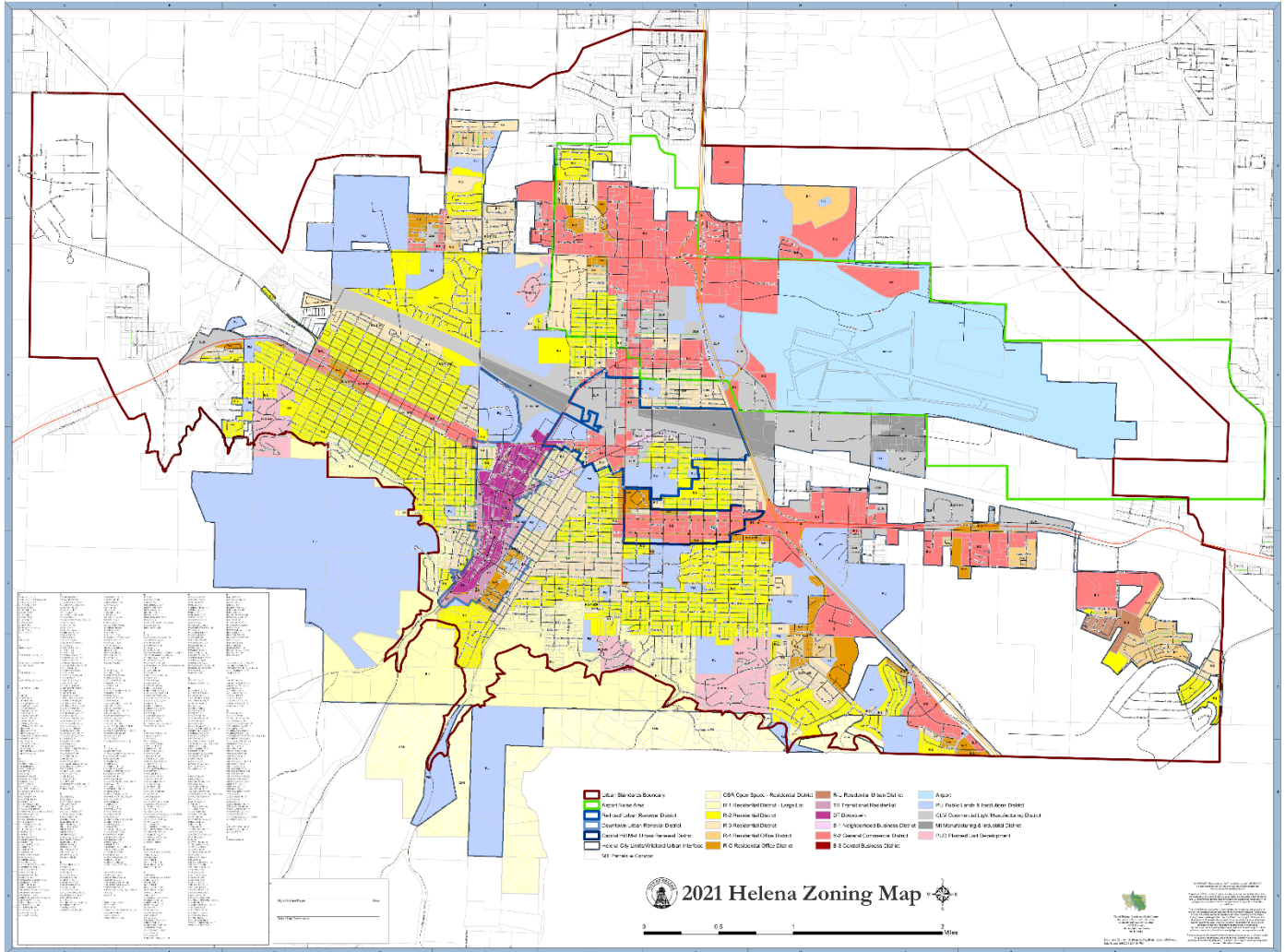
Infrastructure: The property owner must install all infrastructure improvements required by the City of Helena, to City standards, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferment of the improvements including, but not limited to,

1. With Phase 1 of project development, the entire length of Hauser Boulevard from Granite Avenue to the Overlook Subdivision must be annexed into the city and constructed to local road standards including curb, gutter, and boulevard sidewalks.
2. With Phase 1 of project development, the applicant must construct curb, gutter, and boulevard sidewalks to major collector standards on Granite Avenue from Hauser Boulevard to Knight Street.
3. With Phase 1 of project development, the applicant shall coordinate with the City to install traffic calming mitigation measures at the intersection of Hauser Boulevard and Granite Avenue, such as a compact roundabout.
4. With Phase 3 of project development, Park Drive from Woodward Avenue to Hauser Boulevard must be annexed into the city and constructed to local road standards including curb, gutter, and boulevard sidewalks.
5. With Phase 3 of project development, Park Drive and Woodward Avenue must be connected, and the intersection constructed to City Engineering Standards for complete streets.

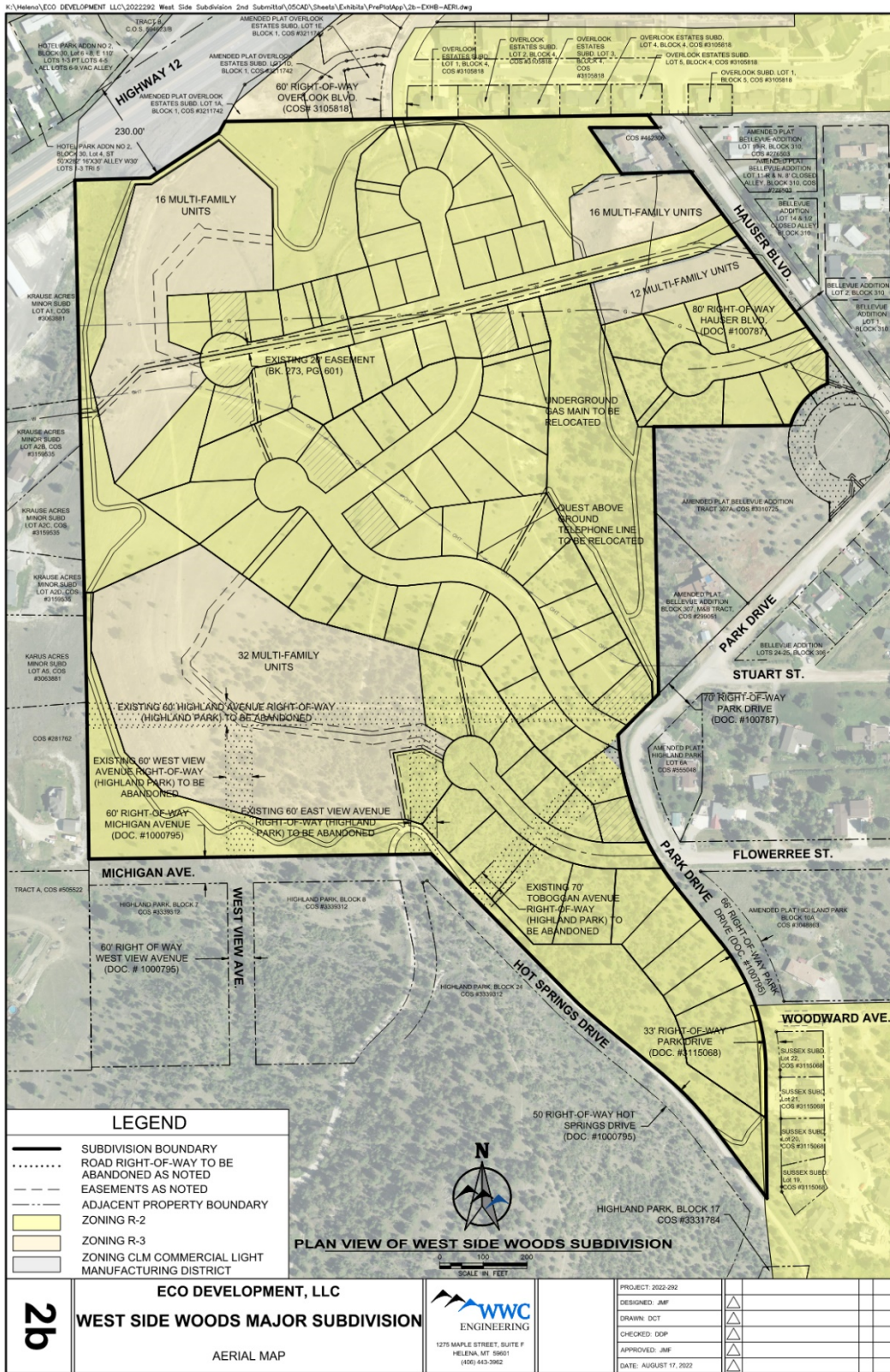
6. With Phase 4 of project development, the applicant must construct curb, gutter, and boulevard sidewalks to minor collector standards on Granite Avenue from Flowerree Street to Hauser Boulevard.
7. With Phase 4 of project development, Flowerree Street from Park Drive to Granite Avenue must be annexed into the city and built to City Engineering Standards for a local road including curb, gutter, and boulevard sidewalks.
8. During each phase of project development, the applicant must submit an update to their Traffic Impact Study, including signal warrant analysis and supporting documentation during buildout prior to final annexation of each phase of development. New counts must be conducted during midweek while school is in session. Updated TIS should also clarify vehicle crash types and identify any safety mitigation strategies.
9. Review of New Construction: The property owner must submit plans for review by the City of Helena for compliance with City infrastructure, zoning, and other Code requirements, provide proof of compliance with all building and fire codes for all new construction or remodels subsequent to the adoption of this resolution and prior to annexation of the property, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the City.
10. Taxes and Assessments: Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.
11. Notice of Special Districts: The property owner must waive the right to notification and protest and consent to the alteration of boundaries of Urban Forest Maintenance District and Landfill Monitoring District in order to include the Property prior to annexation pursuant to 7- 11-1023, MCA.
12. Final Plat: The final plat of each phase of the Westside Major Phased Subdivision must be submitted to the City Commission for approval prior to annexation.
13. Completion of Conditions: These annexation conditions must be completed prior to the end of the period during which the preliminary plat approval is in force including any agreement extending the preliminary plat approval period. If the conditions are not completed within that time frame, the City is under no obligation to annex the property and may discontinue any City services to the property, including water and sewer service.

# Appendix A – Annexation Subject Maps

## City Zoning Map

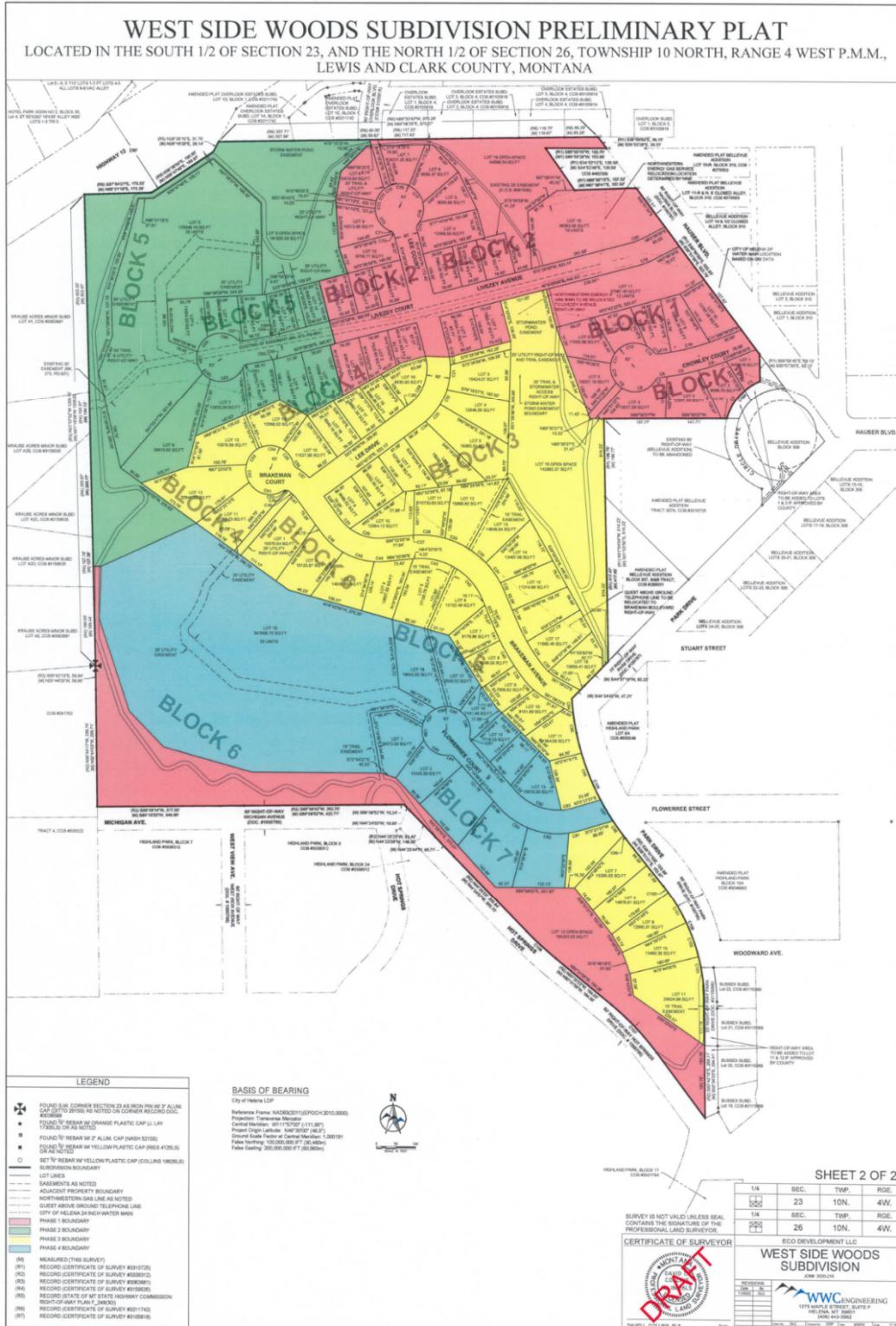


Vicinity Map



<b>2b</b>	<b>ECO DEVELOPMENT, LLC</b>	<b>WVC</b> ENGINEERING 1275 MAPLE STREET, SUITE F HELENA, MT 59601 (406) 443-2962	PROJECT: 2022-292				
	<b>WEST SIDE WOODS MAJOR SUBDIVISION</b>		DESIGNED: JMF	△			
AERIAL MAP			DRAWN: DCT	△			
			CHECKED: DDP	△			
			APPROVED: JMF	△			
			DATE: AUGUST 17, 2022	△			

# Preliminary Plat



## Appendix B – Comments