

# STAFF REPORT

## Westside Woods Major Phased Subdivision

### *Preliminary Plat*

*Case# MP50-2209-002*

Christopher J. Brink, AICP  
*Director*

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





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## 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.

The proposal calls for 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 proposed dedication by the developer is over and above the 2.79 acres the applicant is statutorily required to provide. Parks staff has recommended that the proposed 13.410 acres of parkland be accepted with a condition that the forest fuels and noxious weed treatments be completed before dedication and/or is funded by the applicant. This recommendation was presented to the Consolidated Parks Board on January 4<sup>th</sup>, 2023. No action was taken on the proposal at that time. The item was tabled until their February 1<sup>st</sup> meeting date.

At their February 1<sup>st</sup>, 2023 meeting, the Consolidated Parks Board made a recommendation to the City Commission to accept the 13.410 acre dedication with a condition that forest fuels and noxious weed treatments be completed before dedication and/or be funded by the applicant.

The 8 proposed roads shown on the preliminary plat will be dedicated public rights of way. The developer’s traffic engineers have indicated that this project will attribute approximately 1,407 new vehicle trips per day at full build out.

## Section 2 - Staff Recommendation

Conditional Approval of the preliminary plat for the Westside Woods Major Phased Subdivision creating 100 lots and street rights-of-way from approximately 58.85 acres and to adopt the Findings of Fact and the conditions contained therein for the property legally described in the Findings of Fact.

## Section 3 - General Information

Application Date:	September 16, 2022
Application Complete:	September 27, 2022
Application Sufficient:	December 19, 2022
Meeting Dates:	Planning Board – February 21, 2023 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  
 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, 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 that 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 - Evaluation

### Draft Findings of Fact

The Helena City Code (HCC) § 12-2-9(B) provides the Consolidated Planning Board shall consider and weigh the primary review criteria found in § 76-3-608(3) Mont. Code Ann. and shall consider whether the proposed subdivision substantially complies with the City’s Growth Policy, and whether the subdivision conforms to the provisions of State law, HCC Title 11 (zoning), HCC Title 12 (subdivision), and other rules and regulations in effect for the area to be subdivided.

For reference, the review criteria found in § 76-3-608(3) Mont. Code Ann. are the specific, documentable, and clearly defined impacts on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety, excluding any consideration of whether the proposed subdivision will result in a loss of agricultural soils. City of Helena staff, and as an extension, the Consolidated Planning Board and the City Commission, are provided guidance in evaluating the mentioned review criteria. This guidance is outlined in Chapter 10 of the 2019 City's Growth Policy.

The basis for the City Commission's decision to approve, conditionally approve, or deny a proposed subdivision "...is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, planning board recommendations, or additional information demonstrates that development of the proposed subdivision meets the requirements of this chapter." The City Commission shall consider the same review criteria outlined in Montana Code Annotated § 76-3-608(3), and whether the proposed subdivision complies with State law, City Code, other rules and regulations in effect for the property being subdivided, and whether the proposed subdivision substantially complies with the City's Growth Policy.

## 1. Impacts to Agriculture

### *Findings:*

Chapter 10 of the Helena 2012 Growth Policy, Subdivision Review states: *Agriculture is defined as the use of land for growing, raising, or marketing of plants or animals to produce food, feed, and fiber commodities. Examples of agricultural activities include, but are not limited to, cultivation and tillage of the soil; dairying; growing and harvesting of agricultural or horticultural commodities; and raising livestock, fur-bearing animals, or poultry. Agriculture does not include gardening for personal use, keeping house pets, kenneling, or landscaping for aesthetic purposes.*

- A. According to the application "The West Side Subdivision is not located on or near any prime farmland. A small portion of the site (<1%) contains soils that could contribute to farmland of local importance and is located at the northern boundary of the site; this soil is classified as the Musselshell-Cargo complex. The surrounding area is mostly comprised of residential areas or open spaces that are used for recreation. The subject property is currently used as vacant open space and has not been used for agriculture recently." There are no identified agriculture users in the immediate area.
- B. The property is located adjacent to the City of Helena and is surrounded by mostly residential and open space uses, much of which is owned by the City and is likely to remain as such. Traditionally, the subject property has been used as an open space with the previous and current owner's permission, providing access to the wider City of Helena trail system and Mount Helena Park.
- C. According to the Soil Survey completed on the property, most of the soils on the property are classified as Windham-Lap channery loams (73%) with varying slopes of 8% to 45%; Windham-Whitecow-Lap channery loams (18%) with slopes ranging from 15% to 45%, and Crago-Musselshell gravelly loams (9%) that have typical slopes of 4% to 35%. These identified soil types are not indicative of prime, active farmland.
- D. The property has limited utility as an agriculture site due to the grade changes and rocky soils



located on the subject parcels.

*Conclusion:*

This proposed major phased subdivision will not impact agriculture production.

## **2. Impacts to Agricultural Water User Facilities**

*Findings:*

Chapter 10 of the Helena 2019 Growth Policy, Subdivision Review states: *Agricultural water user facilities are defined as facilities that provide water for irrigation and stock watering for the production of agricultural goods. They include, but are not limited to, reservoirs, ponds, ditches, pipes, and other water conveying facilities.*

- A. The application's Environmental Assessment (EA) does not specifically address agricultural water user facilities. There are, however, some references to water facilities in the Agriculture Impact section of the EA.
- B. The proposed 100 lot subdivision will utilize city water and wastewater services and there are no agricultural users or water facilities on the property or adjacent to the subject development or in the immediate vicinity.

*Conclusion:*

This proposed major subdivision will not impact agricultural water user facilities.

## **3. Impact to Local Services**

*Findings:*

Chapter 10 of the Helena 2019 Growth Policy, Subdivision Review, defines "Local Services" *as all services provided to the public by the City of Helena, other local governmental bodies, or public utilities, including, but not limited to, transportation systems and non-motorized facilities, law enforcement, fire protection, drainage structures, water supply, sanitary sewage disposal, solid waste collection and disposal, parks, and schools.*

- A. This local services definition as stated in the 2019 City of Helena Growth Policy will be applied during subdivision review subject to the following evaluation guidelines:
  - 1. Subdivision review should consider the recommendations of existing service and facility plans and compliance with other service needs assessments.
  - 2. Subdivision review could include the impact of the development on the levels of service, proximity of services, response times, and the subdivider's responsibility in the extension of services.
  - 3. The capacity and capability of local services is limited, and all developments should equitably participate in providing adequate services for, including replacement of consumed reserve capacity, to meet levels of service and facility design standards.

4. General design of local services within proposed subdivisions should be addressed during the preliminary plat review.
  5. Lack of adequate service capacity and capability within local services is adequate grounds for denial of subdivision approval when impacts of proposed subdivisions are not mitigated.
  6. Subdivision review shall include review of easements for the provision and maintenance of services.
  7. Subdivision review may require a percentage of improvements or specific types of improvements necessary to protect public health and safety to be completed before allowing bonding or other reasonable security for purposes of filing a final plat. An evaluation of the timing of infrastructure installation should be included in the subdivision review.
- B. Helena City Code §12-2-15 requires public improvements be installed in conformance with plans, specifications, and a construction schedule approved by the city.
- C. The applicant is proposing the following phasing schedule.
- Phase 1: December 2023  
Phase 2: December 2025  
Phase 3: December 2027  
Phase 4: December 2029
- D. The EA indicates that "The subject property will be annexed into the City of Helena. Streets and utilities will be extended to service the property; they will be designed to meet all regulations set forth by the City of Helena and MDEQ. Schools, infrastructure maintenance, and fire and police protections will be funded through property taxes generated from the lots. The subdivision will impact existing City of Helena water and sewer systems by increasing usage on those systems."

There is a concurrent Annexation action request along with this preliminary plat consideration.

Transportation:

- A. A Traffic Impact Study (TIS) was prepared for the project to analyze the impacts of the subdivision on the adjacent street network by Abelin Traffic Services (ATS). Traffic count data for this study was collected in August 2020, October 2021, and September 2022 on Granite Avenue, Hauser Boulevard, and Highway 12. Data was also obtained from a 2017 intersection count conducted by the Montana Department of Transportation at Granite Avenue and Highway 12.
- B. The TIS states "The proposed subdivision is anticipated to add up to 1,407 trips per day between Hauser Boulevard and Granite Avenue at full-build-out of the subdivision. The two primary routes to Granite Avenue will be via Hauser Boulevard with 80% of the vehicle trips and Knight Street with 20% of vehicle trips. Hauser Boulevard is currently an east/west collector road and traffic counts indicate that the road currently carries 700 vehicles per day. At full build-out of the subdivision, Hauser Boulevard between Park Drive and Granite Avenue is anticipated to have 1,826 vehicle trips per day. Knight Street is currently a local

road that services approximately 30 single-family residential homes within Overlook Estates Subdivision. Knight Street currently has approximately 283 vehicle trips per day and at full build-out Knight Street will have 564 vehicle trips per day. It is anticipated that 80% of the traffic from Hauser Boulevard from the development will utilize Granite Avenue to the north to access Highway 12 (Euclid Avenue) and 20% will utilize Hauser Boulevard to the east to access other parts of Helena or utilize other routes to get to Highway 12 (Euclid Avenue). Granite Avenue is currently a minor collector and traffic counts collected by ATS indicate a current traffic volume of 584 vehicle trips per day. Traffic counts on Granite Avenue have decreased significantly from the original traffic county in 2020 to the 2022 traffic count. In 2020 and 2021 the City of Helena was working on water and sewer installation project on the west side of Helena. Based on the traffic collected to date it appears the construction project was pushing additional traffic to Granite Street to access Highway 12. The project was completed in 2021 and it appears from the traffic counts that the traffic has dispersed to preconstruction patterns. At full build-out of the subdivision, Granite Avenue from Hauser Boulevard to Euclid Avenue (U.S. Highway 12) is anticipated to have 1,729 vehicle trips per day. All other roads adjacent to the subdivision will have varying amounts of traffic from several different access points but are anticipated to carry less than 1,500 trips per day.”

Several off-site improvements are recommended in the TIS to address the off-site impacts of the proposed subdivision.

The applicant is proposing the following public transportation/street improvements:

#### Phase 1

- This phase will consist of the construction of three new, internal streets – Crowley Court, Livezey Avenue/Livezey Court and Lee Court. Livezey Avenue and Crowley Court will both have direct access from Hauser Boulevard.
- An emergency access road will be constructed to the south to provide a secondary access for Phase 1. The emergency access road will be constructed within the footprint of proposed roads to be constructed in Phase 3 and will follow the horizontal and vertical alignments of the future roads; ensuring that the emergency access will meet City design standards.
- Hauser Boulevard will be upgraded as part of necessary off-site improvements for Phase 1, as recommended in the Traffic Impact Study. The portion of Hauser Boulevard immediately adjacent to the proposed subdivision boundary and extending north to Overlook Estates will be upgraded to the City’s local road standards with pavement, curb and gutter, boulevard, and sidewalk. The portion of Hauser immediately south of the subdivision boundary to the intersection with Park Drive will be paved only to the City’s local road width. The portion of Hauser from the intersection of Park Drive to the intersection with Granite Avenue will be paved only to the City’s minor collector road width.

#### Phase 2

- Livezey Court will be extended to the west and a cul-de-sac will be constructed at the end of the single-family lots section.

- No off-site road infrastructure improvements are required for Phase 2.

#### Phase 3

- One road will be extended with Phase 3, Lee Drive, and one road will be constructed, Brakeman Avenue/Brakeman Court. These internal roads, constructed as part of Phase 3, will follow the emergency access road alignment installed as part of Phase 1.
- Park Drive will be upgraded as part of Phase 3. The portion of Park Drive along the subdivision boundary, which is approximately from Woodward Avenue to Stuart Street, will be upgraded to full City local road standards and include pavement, curb and gutter, boulevards, and sidewalks. The portion of Park Drive not directly adjacent to the subdivision boundary will be improved to the City local road width and be paved only.

#### Phase 4

- One (1) public road will be constructed with Phase 4, Flowerree Court.

C. City of Helena Code regarding Subdivision Regulations §12-4-2 states blocks may not exceed six hundred feet (600') in length except when a longer length is needed to meet grade limitations, the existing built environment, water bodies or railroad crossings, or industrial uses. Several of the proposed publicly dedicated streets will exceed the 600' maximum. The applicant has provided justifications for exceeding this length and is requesting this exception be granted. Details relative to these specific exception requests are located in Section 7 of this report.

D. The TIS concluded that the following off-site improvements be recommended/considered:

#### Phase 1

- Livezey Avenue, Livezey Court, Lee Court and Crowley Court should be designed and constructed to City of Helena local road standards.
- The intersection of Livezey Avenue and Lee Court will be an uncontrolled intersection.
- Livezey Avenue and Crowley Court access to Hauser Boulevard will require stop sign control.
- An emergency access road from the intersection of Livezey Avenue and Lee Drive shall be constructed to a minimum 24-ft gravel surface south to Park Avenue following the future alignment for Lee Drive and Brakeman Avenue. A minimum 30-ft emergency access easement shall be provided on the Phase 1 final plat. The emergency access shall be maintained by the applicant or the HOA until the final alignment is constructed with Phase 3 and dedicated to the City of Helena.
- Hauser Boulevard directly adjacent to the proposed subdivision should be improved to the City of Helena local road standards.

- Hauser Boulevard not adjacent to the subdivision to the intersection with Hauser Boulevard should be paved to a local road width of 30-ft. It is not recommended at this time that curb and gutter and sidewalk be added to this section of road as adjacent existing roads are gravel and contain no sidewalks. This facilitates the existing stormwater drainage pattern for these streets.
- Hauser Boulevard from Park Drive to Granite Avenue should be paved to a minor collector width of 32-ft. It is not recommended at this time that curb and gutter and sidewalk be added to this section of road as existing Granite Avenue at this location and Hauser Boulevard east of Granite Avenue is paved with no curb and gutter or sidewalks. This facilitates the existing stormwater drainage pattern for these streets.
- Pedestrian connectivity will be provided via internal sidewalks on both sides of all internal roads. The sidewalks will connect to sidewalk improvements proposed on Hauser Boulevard. Pedestrians will then be able to utilize the sidewalks on Knight Street and Overlook Boulevard to connect to Granite Avenue at Kessler School. A trail system will also be provided that will connect through the open space lots and the internal roads. The trail system will connect with existing City of Helena open space on the south side the subdivision providing pedestrian and bicycle access to the wider City of Helena trail system.
- The developer has agreed, in cooperation with Kessler School and Helena School District staff, to install a pedestrian actuated flashing crosswalk sign at the current crosswalk at the Overlook Boulevard and Granite Avenue intersection as well as a streetlight to provide for better pedestrian safety at this location. Further, the developer has agreed to the installation of bulb outs on the south end of the Kessler School property at the east leg of the Knight Street and Granite Avenue intersection as well as a flashing electronic speed limit sign south of this intersection in an effort to slow traffic speeds through the school area.

#### Phase 2

- Livezey Court should be designed and constructed to City of Helena local road standards.
- Pedestrian connectivity will be provided via internal sidewalks on both sides of all internal roads. The sidewalks will connect to sidewalk improvements proposed on Hauser Boulevard. Pedestrians will then be able to utilize the sidewalks on Knight Street and Overlook Boulevard to connect to Granite Avenue at Kessler School. A trail system will also be provided that will connect through the open space lots and the internal roads. The trail system will connect with existing City of Helena open space on the south side the subdivision providing pedestrian and bicycle access to the wider City of Helena trail system.

#### Phase 3

- Brakeman Avenue, Brakeman Court, and Lee Drive should be designed and constructed to City of Helena local road standards.

- The intersection of Brakeman Avenue and Lee Drive will be an uncontrolled intersection.
- Brakeman Avenue access to Park Drive will require stop sign control.
- Park Drive directly adjacent to the proposed subdivision should be improved to the City of Helena local road standards.
- Park Drive not adjacent to the subdivision to Hauser Boulevard should be paved to a local road width of 30-ft. It is not recommended at this time that curb and gutter and sidewalk be added to this section of road as adjacent existing roads are gravel and contain no sidewalks. This facilitates the existing stormwater drainage pattern for these streets.
- Pedestrian connectivity will be provided via internal sidewalks on both sides of all internal roads. The sidewalks will connect to sidewalk improvements proposed on Hauser Boulevard. Pedestrians will then be able to utilize the sidewalks on Knight Street and Overlook Boulevard to connect to Granite Avenue at Kessler School. A trail system will also be provided that will connect through the open space lots and the internal roads. The trail system will connect with existing City of Helena open space on the south side the subdivision providing pedestrian and bicycle access to the wider City of Helena trail system.

#### Phase 4

- Flowerree Court should be designed and constructed to City of Helena local road standards.
  - Flowerree Court access to Park Drive will require stop sign control.
  - Pedestrian connectivity will be provided via internal sidewalks on both sides of all internal roads. The sidewalks will connect to sidewalk improvements proposed on Hauser Boulevard. Pedestrians will then be able to utilize the sidewalks on Knight Street and Overlook Boulevard to connect to Granite Avenue at Kessler School. A trail system will also be provided that will connect through the open space lots and the internal roads. The trail system will connect with existing City of Helena open space on the south side the subdivision providing pedestrian and bicycle access to the wider City of Helena trail system.
- E. All improvements proposed in the respective phases must be completed prior to final plat for each respective phase.
- F. This property has existing access points on Hauser Boulevard, Park Drive, and Flowerree Street and frontage onto State Highway 12. The applicant is planning on providing primary access from Hauser Boulevard, Park Drive and Flowerree Street with no direct connection to State Highway 12.
- G. Montana Department of Transportation has indicated that they would not support or approve any access onto Highway 12 for the subject development.

- H. The applicant is proposing street widths that comply with the City of Helena Engineering Standards but block lengths that are longer than 600'. The applicant has requested an exception from this standard that is explained in greater detail in Section 7 of this report.
- I. The applicant is proposing to improve only segments of Hauser Boulevard and Park Drive abutting the subject property to the city's complete streets standard, including boulevard sidewalks. Segments not directly abutting the subject property are proposed to be improved by paving only. The application materials state that this is to "facilitate the existing stormwater drainage pattern for these streets".
- J. 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.
- K. 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, and it is not likely that a traffic signal will become warranted due to the construction of the West Side Woods development.
- L. The 2014 Greater Helena Long Range Transportation Plan Update identifies the section of Granite Avenue from Hauser Boulevard to State Highway 12 as a Major Collector and shows the Highway 12 intersection level of service (LOS) to currently be D/E. By 2035 it is projected that this intersection will be operating at a LOS F/F if the intersection remains unsignalized. (Scale is A-F). There are no recommended improvements from the TIS for the intersection of Granite Avenue and Euclid Avenue (Highway 12) at this time.
- M. The 2014 Greater Helena Long Range Transportation Plan Update identifies both Hauser Boulevard and Park Drive as local roads.
- N. Transportation Systems staff recommends that the segment of Hauser Boulevard and Park Drive be improved to minor collector complete streets standards.
- O. Granite Avenue, Park Drive, Hauser Boulevard, and Flowerree Street will be the primary points for resident ingress and egress and emergency access to and from the development.
- P. Park Drive and Hauser Boulevard (north/south) should be built to minor collector Complete Street Standards.
- Q. Hauser Boulevard from Park Drive to Granite Avenue (east/west) should be built to Major Collector Complete Street Standards.
- R. Granite Avenue from Hauser Boulevard to Knight Street should be improved to Major Collector Complete Street Standards to improve connectivity.

## Non-Motorized:

- A. The application states “There are no existing sidewalk networks located near the subdivision with the exception of the Overlook Estates subdivision to the south of the development. It is proposed to construct Hauser Boulevard along the east boundary of the subdivision to City of Helena standards including sidewalks. The sidewalks from internal subdivision roads will connect to the new Hauser Boulevard sidewalks and will connect to the existing sidewalks in Overlook Estates providing for a continuous sidewalk network from the subdivision through Overlook Estates to the Kessler School and Highway 12.”
- B. Public bicycle and pedestrian facilities are not prevalent in the area. Large portions of the existing neighborhood are in unincorporated Lewis and Clark County which does not require development to meet complete street standards.
- C. The City of Helena requires that new roads meet complete streets standards except where specifically exempted. These standards include curb, gutter and boulevard sidewalks for all classifications of roads.
- D. The posted speed limit is 15 MPH near Kessler Elementary School during school hours and then becomes 25 MPH south of Knight Street. Traffic counts conducted by ATS suggest a current ADT Volume of 1,600 VPD south of Highway 12.
- E. The developer has agreed, in collaboration with Kessler School and the Helena School District staff, to install a pedestrian actuated flashing crosswalk sign at the current crosswalk at the Overlook Boulevard and Granite Avenue intersection as well as a streetlight to provide for better pedestrian safety at this location. Further, the developer has agreed to the installation of bulb outs on the south end of the Kessler School property at the east leg of the Knight Street and Granite Avenue intersection as well as a flashing electronic speed limit sign south of this intersection in an effort to slow traffic speeds through the school area.
- F. Bump outs should be installed at either end of the Kessler School drop off point on Granite Avenue and to install a solar powered speed limit sign at the Granite Avenue and Knight Street intersection to increase pedestrian safety.

## Stormwater:

- A. The project area is located in a portion of the City of Helena’s West Side Drainage Basin and currently discharges to the Overlook Estates Subdivision. The proposed development plan will modify the existing flow patterns within the subdivision and downstream of the subdivision to reduce surface water impacts to Overlook Estates by piping upstream flows to the Overlook detention pond. Two ponds will be constructed, one in each drainage, to treat the water quality event and provide a capacity large enough to detain the post- minus the predevelopment runoff volume. Additionally, the ponds will attenuate flows such that the post-development runoff rate is less than the pre-development runoff rate at both the West and Overlook Outfalls. The analysis for these systems is provided in the PER included with the subdivision application. The PER shows an 18-inch PVC pipe which would connect the development and its stormwater ponds in phase 1 to the Overlook Estates stormwater pond.
- B. According to the City Public Works Department, the measures included in the PER will be adequate to handle the stormwater generated from this development.



## Water/Wastewater:

- A. Water will be supplied to the West Side Woods Subdivision through a water distribution system that is connected to the City of Helena distribution system. The water will be supplied for domestic, commercial, and fire protection uses. The water distribution system will be designed to meet the City of Helena Design Standards as well as the standards set forth in DEQ Circular 1. Water will be supplied through a looped network with minimal dead-end lines tied into existing water mains. The distribution system will be designed to meet the needs of the entire proposed subdivision at full buildout.
- B. From the analysis performed by the applicant's engineering team in the City's hydraulic model, the proposed water distribution improvements in the West Side Major subdivision provide adequate pressure and fire flow. No off-site improvements for water and wastewater were identified in the PER.
- C. The development to connect to the City of Helena system at four points. Two connections will be along Hauser Boulevard into a ten-inch water main, one connection at Overlook Boulevard to an existing eight inch main and one connection at Woodward Avenue to an existing eight inch main. These connections will be designed to City of Helena Engineering Standards.
- D. The City of Helena's main source of potable water from the Ten Mile Water Treatment Plant is the Crosstown Connector. This 24-inch water main runs through the property from east to west. This important water main is in a recorded 20-foot easement to construct, operate and maintain a 24-inch underground water transmission main.
- E. The future accessibility for maintenance, repair and replacement of the Crosstown Connector must be ensured in perpetuity without undue impacts to private property/residences, water, sewer and/or transportation infrastructure.
- F. The PER states that a "proposed road will be constructed over the existing transmission main to facilitate access."
- G. The existing City of Helena 24-inch diameter steel water main crossing the proposed subdivision, known as the cross-town connector, must be kept at its current burial configuration, and kept so that it is no shallower than 6.5 feet below ground surface (BGS) and no deeper than 7.5 feet BGS and its current alignment must be maintained. No additional fill shall be placed on top of its current alignment that will put it greater than 7.5 feet BGS. No cut shall occur on top of its current alignment that will put it less than 6.5 feet BGS.
- H. The City of Helena Engineering Standards require that sewer mains which are at or exceed 75% capacity are to be upsized by the developer. Downstream sewer mains that meet or exceed 75% capacity must be upgraded.
- I. The City Public Works Department initially reviewed the analysis and determined that it was not completed in accordance with the standards established in the City Engineering Standards. The initial analysis for the wastewater capacity analysis presented in the PER did not use a minimum Manning coefficient of  $n = 0.013$  as required by the City of Helena Engineering Standards Section 3.4.1. When City staff ran the capacity analysis using the submitted numbers from the PER and the Manning coefficient as per City standards, it was

found that 17 downstream sewer mains were at or exceeded 75% capacity post development. The project developer provided updated calculations utilizing the correct Manning coefficient. This updated data indicated that there is adequate sewer capacity.

- J. The project developer's initial analysis for the wastewater capacity contained in the PER stated that the existing collection system downstream of the West Side Subdivision has sufficient capacity to accommodate the anticipated peak flows from the subdivision for full build out of all phases. No downstream upgrades would be required as a result of the additional flows from the proposed subdivision as the capacity for the existing downstream infrastructure will not exceed 75% capacity based on existing and projected flows.
- K. A collaborative analysis of wastewater capacity between the City Public Works staff and the development team will be required during infrastructure plan review.

#### Other Services:

- A. St. Peter's Hospital Ambulance Service will serve the proposed subdivision. There are no indications that they cannot provide emergency services. The subdivision is located approximately 5.5 miles from St. Peter's Hospital. The response time for ambulance service would be between 14 and 16 minutes and in urban areas response time depends on traffic loading at the time of the call.
- B. The Helena Police Department will provide law enforcement services. As growth of the city continues and the distance for service is increased, response times will vary and are subject to unit availability and road conditions in the areas they must serve. The Helena Police Department has stated that they can and will service the subdivision if it is annexed. The HPD stated that response times will vary based on call volume/severity and staffing levels.
- C. The Helena Fire Department will provide fire suppression for the subdivision. The Neil Avenue fire station is located approximately 2 miles from the proposed subdivision. Response times will be between 8 and 10 minutes and in urban areas response time depends on traffic loading at the time of the call.
- D. The City of Helena will provide solid waste collection services for each lot within the subdivision. Each single-family lot will be responsible for contracting with the City of Helena for a receptacle and service. All solid waste collection will occur within proposed street rights of-way for single-family residential. Each multi-family lot will have designated areas for solid waste containers, see attached map for locations. Locations will be off private internal roads designed per City of Helena requirements to ensure proper access.

#### Parkland Dedication

- A. Parkland is required for major subdivisions per City Code §12-4-12 (C).
- B. The applicant is proposing to make a land donation of approximately 13.410 acres, scheduled to be donated and dedicated according to the development's proposed phasing schedule. The proposed dedication by the developer is over and above the 2.79 acres the applicant is statutorily required to provide. The proposed dedication is both directly adjacent to City of Helena open space and other portions of the Le Grande Cannon Trail as well as spread throughout the proposed development, providing connections from both internally as well

as outside of the development. A portion of the Le Grande Cannon Trail is within the land being proposed for parkland dedication, and the parkland dedication proposed by the applicant to transfer to the City of Helena ownership would solve this issue.

- C. A majority of the proposed parkland dedication is on slopes of 25% or more. There are some areas, however, that are much less severe relative to slope, lending those areas to future parkland development.
- D. Parks staff has recommended that the proposed 13.410 acres of parkland be accepted with a condition that the forest fuels and noxious weed treatments be completed before dedication and/or is funded by the applicant. This recommendation was presented to the Consolidated Parks Board on January 4<sup>th</sup>, 2023, and the Board concurred with the recommendation.
- E. At their February 1st, 2023, meeting, the Consolidated Parks Board made a recommendation to the City Commission to accept the 13.410 acre dedication with a condition that forest fuels and noxious weed treatments be completed before dedication and/or be funded by the applicant. A summary of their recommendation will be provided as an attachment to this report when available.
- F. The property is located within the boundaries of the Helena School District. Local public-school enrollment will increase slightly with the addition of the West Side Woods Subdivision to the City of Helena. The subdivision will feed into Kessler Elementary School, Hawthorne Elementary School, CR Anderson Middle School and Capital High School. The subject property is 0.3 miles from Kessler Elementary, 2 miles from Hawthorne Elementary, 1.2 miles from C.R. Anderson, and 2 miles from Capital High School. There are currently no bus stops proposed within the subdivision.
- G. Based on census data for Helena, Montana, there are 2.14 people per household within the City of Helena. The census also indicates that 19% of households are under 18 years old. Based on this we can calculate that 0.40 people per household are school age. The subdivision proposes 92 single family residential lots with 80 condo units for a total of 172 proposed households. It is anticipated that 70 school age children will be generated at full build-out of the subdivision. The subdivision is planned with 4 phases, Phase 1 in 2023, Phase 2 in 2025, Phase 3 in 2027, and Phase 4 in 2029. The proposed 70 students would be phased in over 6 years. The City of Helena Growth Policy indicates that the projected total enrollment for all schools within the Helena School District will be 9,310 students by 2025. The anticipated increase from the proposed subdivision accounts for 0.8% of total enrollment in 2025. It is anticipated that the existing school system can absorb the anticipated students from the proposed subdivision.

*Conclusion:*

Impacts to local services have been identified, to emergency service call time, increased demand on city services such as water and wastewater, impacts to existing stormwater run-off, in increase in traffic generated from the proposed development, and impacts to the non-motorized transportation network surrounding the development. These impacts can be mitigated with the applicant's proffered conditions, proposed mitigating improvements, and supplemented with the approval conditions recommended by City staff.

#### 4. Impact to the Natural Environment

##### *Findings:*

Chapter 10 of the Helena 2019 Growth Policy, Subdivision Review, defines the “Natural Environment” as the physical conditions that exist within a given area, including, but not limited to, land, topography, climate, air quality, surface and ground water, wetlands and riparian areas, floodplains, minerals, flora, fauna, noise, light, and objects of historic, cultural, and aesthetic significance.

- A. The submitted EA concludes that “impacts to the natural environment are expected any time there is a change in land-use. The current rural-vacant land on the property will be changed to residential lots. Changing the land will modify the ecosystem in the immediate area but will have little effect on the larger scale. Easing the effects of the residential area will be aided by plans to incorporate open spaces within the subdivision with space for trails, storm water detention ponds, and natural landscape. During design and construction of this subdivision, all state and local regulations will be followed to protect water quality, prevent runoff rates from exceeding historic levels, and provide protection from noxious weeds.

Groundwater quality will see minimal impact from the implementation of the subdivision due to the use of City of Helena water and sewer facilities. The proximity of this parcel to municipal services while allowing open space corridors along existing watercourses attempts to serve as a balance between growth and preservation.

No geological or natural hazards have been identified on the property. Possible environmental contamination from nearby superfund sites or on-site pollution is also not likely.

One intermittent, seasonal drainage running through the eastern portion of the project site will be directly impacted by the implementation of the subdivision. During construction, care will be taken to minimize the impacts of the drainage. All codes set forth by the MDEQ and U.S. Army Corps of Engineers will be followed. Setbacks from lots, BMPs for sediment loading, and construction during low flow will be used to mitigate impacts to potential wetland features. The effect on the natural environment will be mitigated by dedication of parkland, open space, reseeding procedures, and wetland preservation practices. All infrastructure will be constructed to meet City of Helena and MDEQ design standards. Meeting these design standards will mitigate impacts to the natural environment.”

- B. The submitted EA states that “Information from the Montana Natural Heritage Program (MTNHP) website illuminates two species of concern that lie within Section 23 and 26, Township 10 North, Range 04 West. These two species include the Lesser Rushy Milkvetch (*Astragalus convallarius*) and the Wedgeleaf Saltbrush (*Atriplex truncata*). MTNHP indicates that the Lesser Rushy Milkvetch was listed as a species of concern due to invasion of noxious weeds and poor development within the Helena Valley. For the Wedge-leaf Saltbrush, it is listed as a species of concern due to its rare occurrence within the area. MTNHP also indicates two species of potential concern that may lie within the project site. These include the Small Yellow Lady’s-Slipper (*Cypripedium parviflorum*) and the Slender Wedgegrass (*Sepnopholis intermedia*).

The proposed subdivision has a strong likelihood of encountering these four species due to its vicinity to the current open space of Mt. Helena. Prior to construction, proper precautions

will be taken to identify potential areas that may contain the species of concern. The developer will be cognizant of areas where these plant species may exist and will try to minimize disturbance of these areas to the best of their ability.”

- C. The applicant’s EA notes that there are no areas of historic or cultural significance associated with the subject property.
- D. The Westside Woods subdivision is on the periphery of the City and has many rural characteristics. The property is primarily wooded with stretches of grasslands, indicating a wide variety of flora and fauna. Due to the proximity to the city limits and the dense developments located therein, it is expected that there will be some impacts related to the natural environment.

This area is identified in the 2019 City of Helena Growth Policy as being within the Urban Standards Boundary (USB). Land within the USB are areas where growth is expected to occur and that can be served with city services, particularly water and wastewater. This area is shown as “Urban” on the future land use map indicating that it is appropriate to be developed to densities currently found within the City of Helena.

- E. The applicant has not proposed any specific preventative measures to safeguard any species of concern on the property. The applicants has, as referenced in the proposed parkland dedication, a plan in place to mitigate noxious weeds on site, both before parkland dedication and during site development.
- F. Soil disturbance during construction of the proposed subdivision will increase the potential for spread of noxious weeds on the property and the surrounding area, including City of Helena Open Lands. A plan for noxious and invasive species control on any land dedicated as city parkland and all open space lots will be submitted and approved by the city and implemented prior to final platting.
- G. The application states in the EA groundwater sections that there are 8 wells in the area and that the static water level is between 40 and 128 feet in depth. It further states that groundwater is not a concern in the area where sewer mains will be constructed. Sewer mains will be constructed to MDEQ and City of Helena standards and will be watertight to ensure that leakage will not occur. Further, the subdivision will be served by City of Helena water. Individual wells will not be permitted within the subdivision. Therefore, direct drawdown of the groundwater from the subdivision is not anticipated due to water consumption from the subdivision. It is anticipated the subdivision will have no impact of groundwater resources.
- H. The proposed 100 lot subdivision will utilize city water and wastewater services. This development will not have an impact on depleting surface or ground water other than what is typical for any development. There are no wells or septic systems associated with this development that would potentially impact ground or surface water.

*Conclusion:*

This proposed major subdivision will impact the natural environment, but those conditions can be mitigated with the applicant’s proffered conditions and proposed mitigating improvements as well as supplemented with the approval conditions as recommended by City staff.

## 5. Impacts to Wildlife and Wildlife Habitat

### *Findings:*

Chapter 10 of the Helena 2019 Growth Policy, Subdivision Review, defines “Wildlife” as *animals that are not domesticated or tamed*. “Wildlife Habitat” is defined as *an area containing the environmental conditions essential to wildlife for feeding and forage, cover, migration, breeding, rearing, nesting, or buffers from those areas. It also includes areas essential to the conservation of species protected by the Endangered Species Act or of special interest or concern to the State of Montana*.

- A. The applicant’s EA notes that within the proposed project site, there are no wildlife areas such as big game wintering ranges, migration routes, or important habitat for rare or endangered species. The seasonal drainage running through the project site may provide wildlife with a corridor and with security areas from the subdivision development and other adjacent residential uses. Minor modifications to this drainage may reduce wildlife travel into this area, causing them to migrate elsewhere. Natural landscape is essential for the continuing existence of wildlife; subdivisions pose a large threat to wildlife due to the amount of natural landscape that is removed. However, due to the size of the Westside Woods Subdivision, incorporation of open areas, and proper mitigation practices, the City believes that impacts to wildlife and wildlife habitat will be marginal.
- B. A request for comments was sent to the Montana Department of Fish, Wildlife, and Parks (FWP), which in general agreed with statements made in the applicant’s Environmental Assessment. FWP staff did note that the drainages and open space areas located within the subdivision’s boundaries would not serve as wildlife habitat in a meaningful way. The comments forwarded to staff were from August 2021.
- C. The 2019 City of Helena Growth Policy notes urban density development is not intended to meet habitat needs of larger wildlife such as deer, moose, or elk or predatory species such as bear, mountain lions, or coyotes, and rural areas are more conducive to wildlife and wildlife habitat that are urban areas such as the City of Helena.
- D. This property is located on the outskirts of the City adjacent to city limits and is within the Urban Standards Boundary as identified by the 2019 City of Helena Growth Policy. Such areas are not intended to be prime wildlife habitat areas.
- E. Encouraging subdivisions within the City’s urban growth area provides housing and development opportunities within an urban setting that can reduce development pressures on surrounding rural areas, which would in turn reduce development pressures on rural wildlife habitat.
- F. Utilization of city water and wastewater, which are regulated to minimize impacts to ground and surface water, should help to mitigate the subdivision’s impact to wildlife habitat.

### *Conclusion:*

There will not be significant impacts to wildlife or wildlife habitat associated with this development.

## 6. Impacts to Public Health and Safety

### *Findings:*

Chapter 10 of the Helena 2019 Growth Policy, Subdivision Review, defines “Public Health and Safety” as *a condition of wellbeing and security for individuals and the population as a whole within the community.*

- A. The West Side Woods Subdivision is proposed to be annexed into the City of Helena and provided with City water service. The subdivision’s water system will be designed to meet the City of Helena Engineering Standards and MDEQ requirements. The system will be designed to provide adequate flows and pressures, as well as fire hydrants will be provided throughout the development. Per the City of Helena Growth Policy, the subdivision is located in an area of moderate wildland fire hazard. There is adequate access from the subdivision via four access points into the development and the use of multiple adjacent streets to utilize in case of an evacuation. No specific fire mitigation plan was developed for this subdivision as it is located outside of high fire hazard area.
- B. This area is identified in the 2019 City of Helena Growth Policy and by the USDA Forest Service as having a “moderate” wildland fire risk. Given this and the properties location directly adjacent to City of Helena Open Lands and US Forest Service Lands, a fire, if ignited has the potential to spread rapidly. These risks will be mitigated by using appropriate building techniques, proper fuels mitigation and overall maintenance of the adjacent open lands by the City of Helena. Fuels mitigation was performed on adjacent City of Helena Open Lands in 2020 and the applicant states an intention to perform proper fire mitigation on any open lands being dedicated to the City of Helena as parkland prior to such dedication.
- C. As identified as a potential proffered parkland dedication condition by the applicant, a fuels mitigation plan will be implemented on all parkland dedications and all open space lots prior to final plat approval for phase the respective phases.
- D. Safe water, wastewater treatment, and adequate storm water facilities are important components of public health and safety and will be provided with this subdivision. Proper installation is part of the infrastructure acceptance process and occurs prior to final plat approval.
- E. The Helena Police and Fire Departments will serve the property and help protect the subdivision from fire, and other dangers.
- F. The ability of fire apparatus to respond to a location quickly and maneuver once on site is vital to fire department operations and is a critical lifesaving capability.
- G. This subdivision has numerous dead-end roads which will meet minimum City standards. The applicant has indicated a willingness to work through design alternative to these dead-end streets during the design phase.
- H. The International Fire Code requires that all fire department access roads are not obstructed in any manner (International Fire Code §503.4).
- I. The International Fire Code requires all fire turnarounds be marked and signed where

required by the fire code official (503.3). This will occur during the infrastructure review and acceptance process prior to final platting of each phase.

- J. Subdivisions need adequate fire hydrants installed to provide fire protection to the property. While the applicant has indicated in the supplied materials that fire hydrant locations and flows are adequate to serve the project, the city, in reviewing fire protection final plans, will determine if the hydrant spacing and fire flows meet fire code requirements. Fire flow of at least 1750 gpm must be achieved throughout the subdivision. This will be ensured as part of the infrastructure review process.
- K. Improvements listed in City Code section § 12-2-15 will be installed, or a financial surety will guarantee their installation, prior to final platting of each phase including streets, sidewalks or other non-motorized paths, curb & gutters on both sides of the street, boulevard trees including irrigation, stormwater facilities, all street signage, electrical facilities, water mains, fire hydrants, wastewater mains.

*Conclusion:*

This development creates impacts on public health and safety. The impacts will be mitigated with the completion of the proposal adhering to City Code and as supplemented with conditions as recommended in the Findings of Fact.

## 7. Survey Requirements

*Findings:*

Compliance with survey requirements cannot be evaluated until the final plat is reviewed for approval.

*Conclusion:*

Survey requirements will be reviewed for completeness upon submission of the final plat for approval and a copy retained in digital format for City records.

## 8. Helena Subdivision Regulations

*Findings:*

Helena City Code § 12-1-5, Helena Subdivision Ordinance, Relationship to Zoning Ordinance states “Newly subdivided or replatted lands must conform to the requirements and provisions of the underlying zone as provided in the zoning ordinance, Title 11 of this code, as amended. This title shall apply to any and all areas under the jurisdiction of the city.”

- A. The proposed development must follow the City of Helena Zoning Ordinance, including all setbacks, lot coverage, parking, landscaping, and signage regulations.
- B. Helena City Code § 12-4-2(C) states that blocks may not exceed six hundred feet (600') in length except when a longer length is needed to meet grade limitations, the existing built environment, water bodies or railroad crossings, or industrial uses.



The applicant has provided justification for the following exceptions (see Section 7 of this report):

- Livezey Avenue, from Hauser Boulevard to Lee Drive – 689.99’ (with a mid-block pedestrian crossing)
  - Lee Drive, from Livezey Avenue to Brakeman Avenue – 636.61’ (no mid-block pedestrian crossing)
  - Brakeman Avenue, from Park Drive to Lee Drive/Brakeman Court – 971.05’ (with a mid-block pedestrian crossing)
- C. Helena City Code § 12-4-2(D)(1), Helena Subdivision Ordinance, requires a minimum of two (2) public accesses for ingress and egress connecting to existing streets for each subdivision with a projected trip generation of more than 200 vehicle trips per day. Access to lots within the subdivision will be provided from current public rights-of-way (Park Drive and Hauser Boulevard) via four (4) access points. Once on the local street network, residents of the proposed development will have access to that local street network for travel beyond the development.

## 9. Local Subdivision Review Procedure

### *Findings:*

Certified public notices to adjacent property owners (within 300’ of the development) were mailed on January 9, 2023. Approximately 121 letters were mailed.

Notice of all scheduled hearings will be sent to the Independent Record for publication within 15 days of the respective hearings.

A public hearing is required for major subdivisions. The Planning Board will review this application at 6:00 p.m. on Monday, February 21<sup>st</sup>, 2023, and the City Commission will review this application at the Commission meeting to be held at 6:00 p.m., Monday, March 13, 2023.

The subdivision review and approval process are consistent with the requirements of the Montana Subdivision and Platting Act.

## 10. Easements

### *Findings:*

Helena City Code § 6-6-17, 6-2-6, and 6-3-4, require city infrastructure must be in right-of-way, city property, or in easements to the city. Therefore, easements to the city must be provided to accommodate access and maintenance of city-owned and maintained infrastructure.

- A. Helena City Code § 12-4-7, states “*Easements must be provided for utilities, drainage, and pedestrian access not located in public right of way.*” All utilities or other infrastructure that will be maintained by the City of Helena are within a proposed street ROW or easements that will be transferred to the City of Helena.

- B. Stormwater infrastructure, including basins, serving more than one lot must be located in ROW, on City owned lots that have adequate access, or if located on private land, must be located within an easement granted to the city that allows for access and maintenance and restricts any encroachments.
- C. New storm drainage facilities, “Pond A” and “Pond B” (as referred to in the PER), to be located on the north side of the proposed subdivision, will be, as proposed, on lands to be dedicated as City parkland.

*Conclusion:*

*The proposed subdivision, as supplemented with approval conditions, complies with the provision of easements within the proposed subdivision for the location and installation of any planned utilities or infrastructure improvements.*

## **11. Legal and Physical Access**

*Findings:*

- A. Montana Code Annotated § 76-3-608(3)(d) states a subdivision must be reviewed for “*the provision of legal and physical access to each parcel within the proposed subdivision and the required notation of that access on the applicable plat and any instrument of transfer concerning the parcel.*”
- B. The external streets being upgraded and the internal streets constructed will provide legal and physical access to each proposed lot. Lots will be assigned addresses from the roads in which they access after final plat approval.
- C. The names of all internal streets have been reserved and approved as part of the internal review process for this subdivision.

*Conclusion*

The proposal provides legal and physical access to all proposed subdivision lots.

## **12. Post Preliminary Plat Approval**

*Findings:*

Final plat approval may be granted if:

- A. The applicant develops the property in accordance with the preliminary plat application as previously approved.
- B. Satisfies the conditions of approval for each phase.
- C. In accordance with Sections § 76-3-507 and § 18-2-122 Mont. Code Ann., the plans for the public improvements must be complete and in compliance with standards of the City of Helena and the State of Montana, and bear the seal of a professional engineer for the

engineering, a professional land surveyor for land surveying and a licensed architect for the architectural; and

- D. The improvements are either constructed to completion and accepted by the City, or, pursuant to § 76-3-507 Mont. Code Ann., the applicant either:
- (a) provides a bond or other reasonable security, in amount and with surety and conditions satisfactory to the City Commission, providing for and securing the construction and installation of the improvements within 18 months from the date of final plat approval. Reasonable time extension may be granted by the City Commission provided binding or other security is also extended. The amount of the bond or security may be reduced in accordance with the completion and final City acceptance of portions of the required improvements, or
  - (b) applies for and receives approval by the City Commission for an incremental payment or guarantee plan.

## Section 6 - Growth Policy Analysis

The following analysis was also provided in the Annexation Application Staff Report. The annexation item was requested simultaneously with this Preliminary Plat request.

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 being 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 that were given are supportive of this vision and the set of circumstances as they exist today. These zone districts are supportive of a mix of housing types and with elements of the zoning code like setbacks and height restrictions are supportive of public health and wellbeing.

With the zone district classifications of R-2 (Residential) and R-3 (Residential) this development as conditioned would meet that goal. This development, as conditioned, would also meet a number of the 2019 Growth Policy Goals and Objectives including:

[G.02] Support provision of housing that is safe, available, accessible, and affordable for all Helena residents.

[G.03] Provide high-quality, affordable and efficient public facilities and services in Helena that also prioritize the protection of public health, including residents and visitors.

[G.04] Provide and support Helena's parks and recreational opportunities on-pace with growth.

[G.06] Protect and enhance the quality of Helena's natural environment, conserving resources for the benefit of present and future generations.

[O.12] Promote and maintain development of a diverse housing stock, helping to:

- Minimize depletion of natural resources;
- Reduce land consumption and demands on the physical environment;
- Provide housing options for all residents;
- Optimize infrastructure use;
- Prepare Helena to meet emerging needs.

[O.14] Support the development of housing located in proximity to necessary services and quality of life assets, including generalized physical, technological, social and economic infrastructure

[O.20] Maintain public health and public safety as high priorities, providing necessary services and addressing potential hazards within and adjacent to City limits.

[O.22] Maintain municipal water and wastewater system quality and levels of service through ongoing system upgrades and maintenance.

[O.24] Give priority for future extension of services and annexations to property located within Helena's Urban Standards Boundary (USB).

[O.33] Foster open-space connectivity in and around Helena, helping link parks, open spaces, and water bodies, and providing opportunities for pedestrian and bicycle trails.

[O.43] Require street development or improvement projects to include facilities allowing persons of all ages and abilities to travel by automobile, foot, bicycle, and public transit.

[O.46] Require that subdivisions and other developments provide a transportation system that:

- Promotes connectivity where adjacent to developed areas;
- Provides for future connectivity with anticipated development;
- Incorporates 'traffic calming' measures where appropriate;
- Supports non-motorized transportation.

[O.49] Encourage new development to provide multi-modal access to nearby parks, trails, and green spaces.

[O.55] Minimize environmental degradation in areas with challenging physical and environmental characteristics, such as steep slopes, watercourses, drainage ways and wetlands.

[0.76] Support land use patterns that:

- Promotes compatible, well-designed development;
- Fosters the long-term fiscal health of the community;
- Maintains and enhances resident quality of life;
- Implements related master plans and/or facility plans.

[0.78] Encourage infill development on vacant and under-utilized land within the city, directing growth to areas currently served by, or in close proximity to, existing infrastructure and that harmonizes with the character of existing neighborhoods.

Overall, this development meets the goals and objectives of the 2019 City of Helena Growth Policy.

## Section 7 – Requested Variances and Exceptions

### **Subdivision Regulation Variances**

The applicant is not requesting any variances from the City of Helena’s Subdivision Regulations. All design standards of the City, relative to the City’s Subdivision Regulations, will be met and followed without the need for variances from the City Commission. There are two exceptions from the City Code that are being requested.

#### ***Block Length: HCC 12-4-2(C):***

Section 12-4-2(C) of the Helena City Code states *“Blocks may not exceed six hundred feet (600’) in length except when a longer length is needed to meet grade limitations, the existing built environment, water bodies or railroad crossings, or industrial uses.”*

The applicant is requesting an exception from the City’s block length requirements and has included their requested exception allowance into the design for the development and have incorporated the design exception on the preliminary plat. The following block length exceptions have been incorporated:

- Livezey Avenue, from Hauser Boulevard to Lee Drive – 689.99’ (with a mid-block pedestrian crossing)
- Lee Drive, from Livezey Avenue to Brakeman Avenue – 636.61’ (no mid-block pedestrian crossing)
- Brakeman Avenue, from Park Drive to Lee Drive/Brakeman Court – 971.05’ (with a mid-block pedestrian crossing)

The applicant has provided the following justifications for the block length exception that is sufficient for the governing body to make a decision on the exception:

*“Several blocks exceed the 600-ft block length requirement. The block lengths are necessary due to topographic constraints of the site. The subdivision regulations allow for longer block lengths when a longer length is needed to meet grade limitations, the existing built environment, water bodies or railroad crossings, or industrial uses. There are three blocks that exceed the 600-ft block length requirement, Livezey Avenue from Hauser to Lee Drive (689.99- ft), Lee Drive from Livezey Avenue to Brakeman Court (636.61-ft), and Brakemen Avenue from Park Drive to Lee Drive (971.05-ft). The*

*exception applies to these proposed roads due to topographic constraints to meet grade limitations on the proposed roads. The subdivision regulations require a maximum road grade of 10% and 4% at intersections. Due to the existing topography the addition of additional intersection and connector streets would not allow us to meet the maximum grade requirements of the subdivision regulations. Further, there is an existing drainage on the east side of the development that divides the subdivision. To provide additional access to the project Livezey Avenue crosses this drainage and the best location to connect to Lee Drive is on the ridge. This is the only place that allows Lee Drive to meet required grade requirements. Due to the drainage, it would be difficult to connect Crowley Court over Brakeman Avenue and meet road grade requirements. Therefore, due to topographic constraints of the site we are requesting the exception, allowed within the subdivision regulations, to the block length requirements for these three blocks within the development."*

The requested exceptions are shown on the preliminary plat that has been submitted for review. Approval of the preliminary plat, as presented in the application will also be an approval of the requested exceptions. If it is the intent of the Planning Board to recommend otherwise and if it is the intent of the City Commission to approve without the requested exceptions, the motion should so state.

Approval of exceptions of the Subdivision Regulations does not require the same public process and level of review as does the variance process.

***Dead End Streets: HCC 12-4-2.E:***

The applicant has also integrated dead end streets into the subdivision design. Similar to block length exceptions, dead end streets are permitted within certain parameters, provided the justification for such streets has been made by the applicant.

Dead end streets are allowed only when the applicant can demonstrate a dead end street is necessary due to compelling circumstances such as enhancement of safety, compliance with the complete street's resolution 19799, topography constraints, mitigating disturbance of existing watercourses, mitigation of access obstructions, or a temporary dead-end street intended for future extension. Dead end streets may not exceed six hundred feet (600') in total length. Dead end streets longer than one hundred fifty feet (150') must have an emergency turnaround designed and installed according to the standards and requirements of the city. (Ord. 3167, 9-23-2013)

The applicant has indicated that there are compelling circumstances that exist for the proposed development and the use of dead-end streets and has provided the following justification; which will be further reviewed during the design and construction approval phases of project development:

- ***Crowley Court*** – The proposed Crowley Court would provide a direct connection onto Hauser Boulevard. Crowley Court is proposed to be constructed to the west from Hauser Boulevard with a cul-de-sac at the end of the street. The proposed cul-de-sac has a diameter of 97 feet from face of curb to face of curb, meeting the International Fire Code Institute Application Manual (1995 Ed.) and the City of Helena Engineering Standards. Extending Crowley Court further to the west would impact the existing drainage as a crossing of this drainage would be necessary to connect to Lee Drive. Additionally, the disturbance footprint of the natural topography would be large as the maximum fill height would be approximately 17 feet in the drainage and the maximum excavation height would be approximately 25 feet east of the drainage. See attached Dead-end Exhibit 1 for a plan and profile view of the adverse impacts of the Crowley Court extension.

- **Lee Court** – The proposed Lee Court would be constructed north of the proposed Livezey Avenue with a cul-de-sac at the end of the street. The proposed cul-de-sac has a diameter of 97 feet from face of curb to face of curb, meeting the International Fire Code Institute Application Manual (1995 Ed.) and the City of Helena Engineering Standards. Extending Lee Court further to the north would provide a connection to Overlook Boulevard. A connection to Overlook Boulevard would create safety concerns due to steep road grades that would also not be compliant with the City of Helena street grades code 12-4-3 along with non-compliant vertical curve k values for sag and crest curves. There is nearly 40 feet of elevation relief from the existing Overlook Boulevard to the proposed Lee Court cul-de-sac over a short distance. Road grades would be over 33%. These topographic constraints support the need for a cul-de-sac at this location. See attached Dead-end Exhibit 2 for a plan and profile view of the adverse impacts of the Lee Court extension.
- **Livezey Court** – The proposed Livezey Court would be constructed west of the proposed Livezey Avenue with a cul-de-sac at the end of the street. The proposed cul-de-sac has a diameter of 97 feet from face of curb to face of curb, meeting the International Fire Code Institute Application Manual (1995 Ed.) and the City of Helena Engineering Standards. Extending Livezey Court further to the west to connect to the adjacent private property would create safety concerns due to steep road grades that would also not be compliant with the City of Helena street grades code 12-4-3 along with noncompliant vertical curve k values for sag and crest curves. Road grades would be over 24%. There is an existing 24-inch water transmission main that would be impacted by the large excavation required to construct this road extension. Additionally, the connection to the property to the west is a private storage unit development with no public access. All these constraints support the need for a cul-de-sac at this location. See attached Dead-end Exhibit 3 for a plan and profile view of the adverse impacts of the Livezey Court extension.
- **Brakeman Court** – The proposed Brakeman Court would be constructed north of the proposed Brakeman Avenue with a cul-de-sac at the end of the street. The proposed cul-de-sac has a diameter of 97 feet from face of curb to face of curb, meeting the International Fire Code Institute Application Manual (1995 Ed.) and the City of Helena Engineering Standards. Extending Brakeman Court further to the north to connect to the Livezey Court would create safety concerns due to steep road grades that would also not be compliant with the City of Helena street grades code 12-4-3 along with noncompliant vertical curve k values for sag and crest curves. Road grades would be over 15%. These topographic constraints support the need for a cul-de-sac at this location. See attached Dead-end Exhibit 4 for a plan and profile view of the adverse impacts of the Brakeman Court extension.
- **Flowerree Court** – The proposed Flowerree Court would provide a direct connection to Park Drive. Flowerree Court is proposed to be constructed to the west from Park Drive with a cul-de-sac at the end of the street. The proposed cul-de-sac has a diameter of 97 feet from face of curb to face of curb, meeting the International Fire Code Institute Application Manual (1995 Ed.) and the City of Helena Engineering Standards. Extending Flowerree Court to Brakeman Avenue would create safety concerns due to steep road grades that would also not be compliant with the City of Helena street grades code 12-4-3 along with non-compliant vertical curve k values

for sag and crest curves. Road grades would be over 29%. These topographic constraints support the need for a cul-de-sac at this location. See attached Dead-end Exhibits 5 and 6 for a plan and profile view of the adverse impacts of the Flowerree Court extension.

Connectivity of internal roads within the development was utilized as much as possible but due to the extreme topographic hardships experienced at this location, utilizing dead-end streets to provide safe access to residents and to meet the City of Helena Engineering Standards and fire codes was necessary. A quick examination of mountainous areas along the City of Helena's southern border shows that there are numerous dead-end streets consisting of cul-de-sacs and hammerheads that have been constructed as similar topographic hardships were likely exhibited.

The above explanations and attached exhibits, in support of the use of dead-end streets for this development, are adequate and sufficient for the governing body to make a decision on the exception. The applicant has provided information sufficient to justify exceptions to the dead-end prohibitions at HCC 12-4-2(e).

## Section 8 - Staff Recommendation

Conditional Approval of the preliminary plat for the Westside Major Phased Subdivision creating 100 lots and street right-of-way from approximately 58.85 acres and to adopt the Findings of Fact and the conditions contained therein for the property legally described in the Findings of Fact.

The applicant may receive final plat approval upon completion of the applicant's proposal as set forth in applicant's preliminary plat application as accepted and modified by these additional conditions. This approval is in force for three (3) calendar years, except when extended as provided by law.

This preliminary plat approval by itself does not constitute approval and acceptance of the design and plans for construction and installation of any public infrastructure for the subdivision. The City's approval and acceptance of public infrastructure is subject to future review and approval of the detailed design, plans, and final construction of that infrastructure in accordance with city standards.

The following conditions shall apply to the preliminary plat approval and must be satisfied before the final plat may be approved:

1. The developer must submit an update to their Traffic Impact Study, including signal warrant analysis during the development and buildout of each project phase. New counts must be conducted during midweek while school is in session.
2. Based on an updated traffic impact study and signal warrant analysis for each phase, if a traffic signal or other off-site improvements are required, the developer must coordinate with MDT to review the installation of a traffic signal at the Granite Avenue and Highway 12 intersection, as well as any other off-site improvements. If MDT agrees with the off-site improvements or installation of a signal at this intersection, the developer shall proportionally share in the install or provide a bond, in an amount equal to a proportionate share, for a signal at this intersection or other off-site improvements.

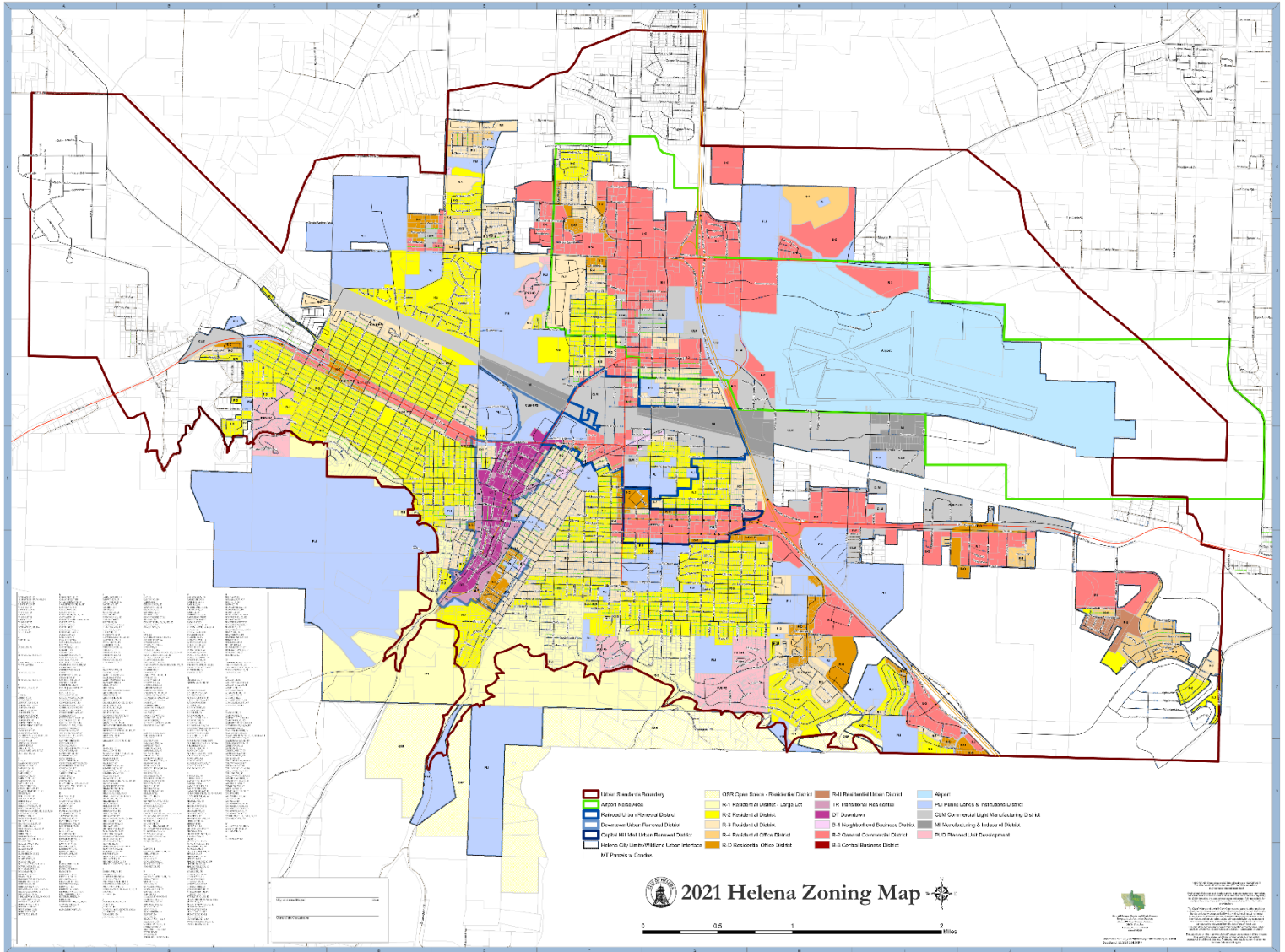


3. All new road section asphalt widths must comply with City of Helena Engineering Standards.
4. The developer must revise the TIS to clarify types of vehicle crashes and if any serious injury or fatality crash occurred, describe any safety mitigation strategies.
5. With Phase 1 of project development, the entire length of Hauser Boulevard from Granite Avenue to the Overlook Subdivision must be constructed to local road standards including curb, gutter, and boulevard sidewalks.
6. 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.
7. 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.
8. With Phase 1 of project development, the applicant, in collaboration with Kessler School and Helena School District staff, must install a pedestrian actuated flashing crosswalk sign at the current crosswalk at the Overlook Boulevard and Granite Avenue intersection as well as a streetlight to provide for better pedestrian safety at this location.
9. With Phase 1 of project development, the applicant must install bulb outs on the south end of the Kessler School property at the east leg of the Knight Street and Granite Avenue intersection as well as a flashing electronic speed limit sign south of this intersection in an effort to slow traffic speeds through the school area.
10. With Phase 3 of project development, Park Drive from Woodward Avenue to Hauser Boulevard must be constructed to local road standards including curb, gutter, and boulevard sidewalks.
11. 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.
12. The existing City of Helena 24-inch diameter steel water main crossing the proposed subdivision, known as the cross-town connector, must be kept at its current burial configuration with allowed vertical adjustments, and kept so that it is no shallower than 6.5 feet below ground surface (BGS) and no deeper than 7.5 feet BGS, or as coordinated with the City, and its current alignment must be maintained. Except for perpendicular crossings, no additional utilities shall be placed within the Crosstown Connector Transmission Main's existing easement.
13. A plan for noxious and invasive species control on any land dedicated as city parkland and all open space lots will be submitted and approved by the city and implemented prior to final platting.
14. A fuels mitigation plan must be submitted and approved by the city and implemented on all parkland dedications and all open space lots prior to final platting.
15. Prior to final plat approval, any new storm drainage facilities must be within an easement granted to the City that allows for access and maintenance and restricts any encroachments.

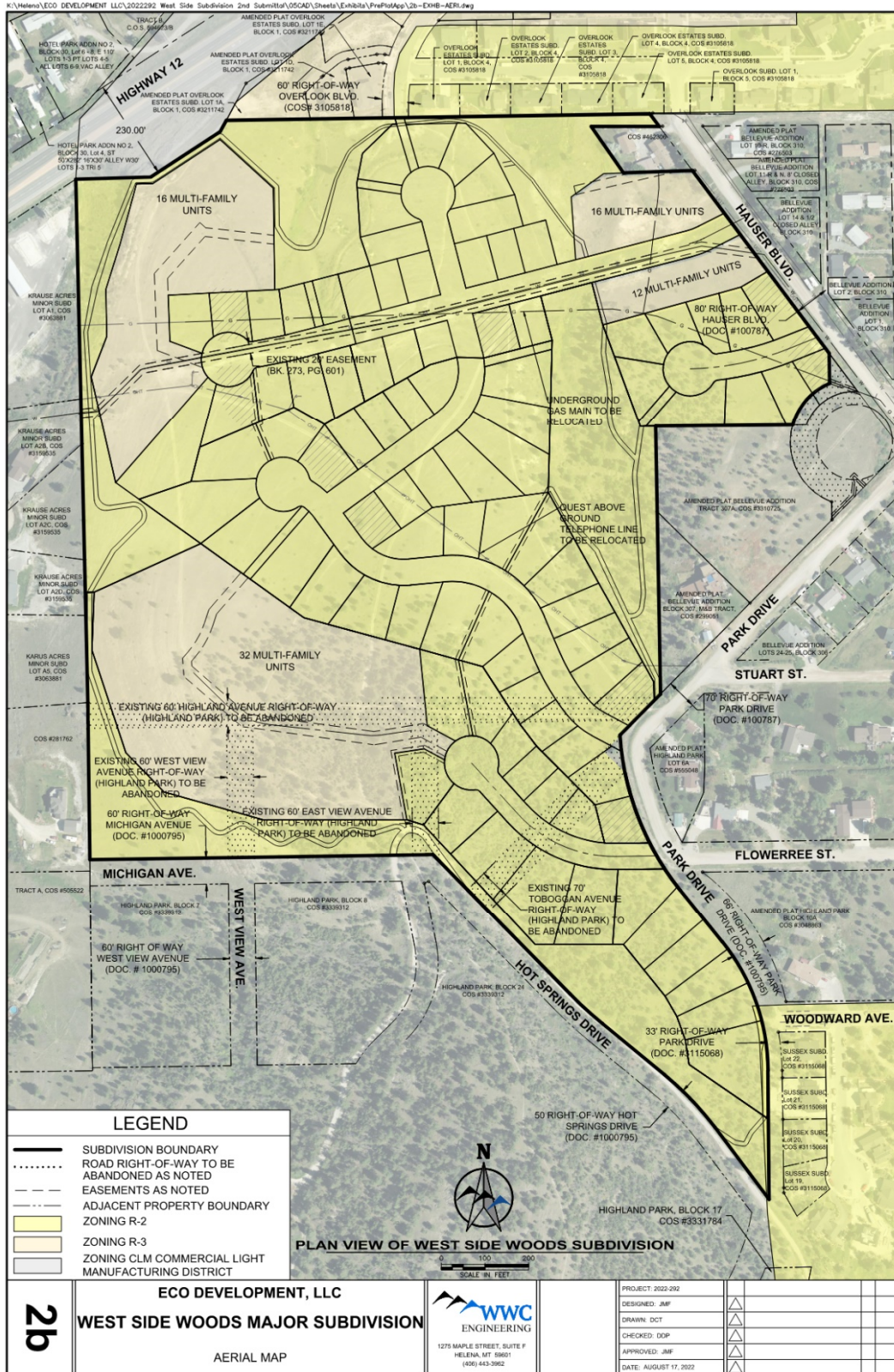
16. Updated flow meter data and downstream sewer capacity calculations shall be prepared and submitted to the City for each development phase. In accordance with city standards, if updated flow meter data and capacity calculations require upgrades, all sewer mains that are at or exceed 75% capacity will have to be upsized by the developer.
17. The project developer must provide the City a water system design report that fully evaluates and analyzes the available storage and any additional storage required for the proposed phases of the development, due to its size and potential impacts on the water distribution system. This report must be provided prior to infrastructure review for the initial phase of development. If the submitted water system design report indicates the need for additional storage, said storage must be available prior to final plat approval of the phase which triggered the additional storage requirement and prior to final plat approval of each subsequent phase of the development.
18. Improvements listed in the Traffic Impact Study to be completed in Phase 1 must be completed prior to final plat of Phase 1.
19. Improvements listed in the Traffic Impact Study to be completed in Phase 2 must be completed prior to final plat of Phase 2.
20. Improvements listed in the Traffic Impact Study to be completed in Phase 3 must be completed prior to final plat of Phase 3.
21. Improvements listed in the Traffic Impact Study to be completed in Phase 4 must be completed prior to final plat of Phase 4.

# Appendix A – Maps

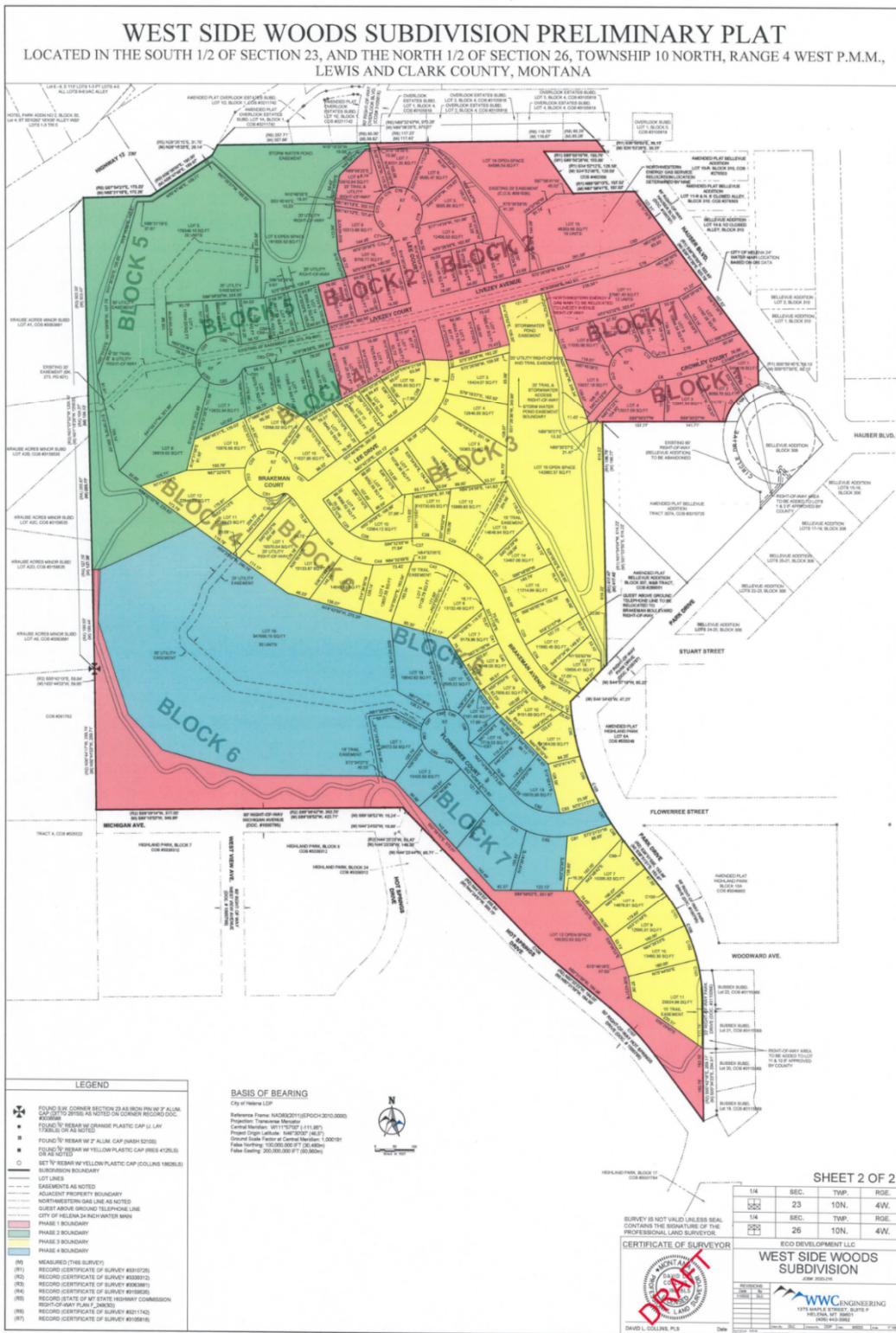
## City Zoning Map



Vicinity Map



Preliminary Plat



## Appendix B – Comments