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Date: October 14, 2021

To: City of Helena and Lewis and Clark County Consolidated Planning Board

From: Michael McConnell – Planner II
Sharon Haugen – Community Development Director

Subject: Westside Major Phased Subdivision

Overview

The applicant, ECO Development, have requested annexation to the City of Helena, pre-zoning, and preliminary plat review. The property legally described as “Tract A as shown on Certificate of Survey No. 3360858 and all of Blocks 4, 5, 6, and 9 of the Highland Park Subdivision” is a 58.85-acre site approximately 600 feet west of the intersection of Granite Avenue and Hauser Boulevard.

The proposal calls for 103 lots, 98 building lots including 94 lots intended for single family development, 4 lots intended for multifamily construction, and 5 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 2027.

The parkland dedication of 4.49 acres is scheduled to be dedicated with phase 1 of the development. This is over and above the 3.3 acres the applicant is required to provide. The applicant is proposing that this development connect to the existing Le Grande Cannon Trail which would be fully located on city owned property as a result of the land dedication proposed. The Parks Board at their August 25, 2021, meeting voted 6-0 in favor of accepting .9 acres located where the Le Grande Cannon Trail is and the remainder to be cash-in-lieu.

There will be 10 new roads being created at full build out, with 8 of those being public rights of way. Five dead end streets are proposed, each with an appropriate turning area for emergency vehicles. It is approximated that this new development will create 1,443 new vehicle trips per day at full build out.

General Information

APPLICATION DATE: Determined sufficient & complete on June 21, 2021

MEETING DATE: Planning Board – October 21, 2021
City Commission – November 22, 2021

APPLICANT: ECO DEVELOPMENT
3060 Cabernet Drive #4
Helena, MT 59601

PROPERTY OWNER: SUSSEX DEVELOPMENT, LLC
3060 Cabernet Drive #4
Helena, MT 59601

REPRESENTATIVE: Jeremy Fadness
WWC Engineering
1275 Maple Drive, Suite F
Helena, MT 59601

LEGAL DESCRIPTION: Tract A as shown on Certificate of Survey No. 3360858 and all
of Blocks 4, 5, 6, and 9 of the Highland Park Subdivision

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: Upper West Side #9, County
South: None, City Open Lands
West: Urban Residential Mixed Use, County

CURRENT ZONING: County – Urban Residential Mixed Use

SIZE: Approximately 58.85 total acres.

DISCUSSION

Public Comment:

As of October 2, 2021, there have been 61 comments received regarding the proposed subdivision, annexation and pre zone. These comments were received prior to a new zoning proposal being received from the applicant. 5 comments have been received regarding the preliminary plat since public notification was sent out on September 8, 2021, regarding the new proposal. The comments are attached.

Planning Board Recommendation: Move to Recommend Conditional Approval of the preliminary plat for the Westside Major Phased Subdivision creating 103 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.

Evaluation:

DRAFT FINDINGS OF FACT 2021 Westside Major Phased Subdivision

1. Impacts to Agriculture

Findings:

- A. Chapter 12 of the Helena 2011 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.
- B. 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 (137B). 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 agriculture users in the immediate area.
- C. The property is located adjacent to of the City of Helena surrounded by mostly residential and open space uses. Traditionally, the subject property has been used as an open space with the former owner's permission, providing access to the wider City of Helena trail system and Mount Helena Park.
- D. According to the Soil Survey completed on the property, most of the soils on the property are classified as Windham-Lap channery loams; Windham-Whitecow-Lap channery loams and Crago-Musselshell gravelly loams. All three of those soils are not considered prime farmland.
- E. The site would have limited utility as an agriculture site due to the grade change throughout the property and rocky soils located therein

Conclusion: This proposed major phased subdivision will not impact agriculture production.

2. Impacts to Agricultural Water User Facilities

Findings:

- A. Chapter 12 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.
- B. The applications Environmental Assessment does not specifically address Agricultural water user facilities. It is peripherally referenced within the Agriculture Impact section.

- C. The proposed 103 lot subdivision will utilize city water and wastewater services and there are no agriculture users or water facilities on the property or in the immediate area.

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

3. Impact to Local Services

Findings:

- A. Chapter 12 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.*
- B. 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.
- C. §12-2-15, Helena City Code requires public improvements be installed in conformance with plans, specifications, and a construction schedule approved by the city.
- D. The applicant is proposing the following platting schedule.
 - Phase 1: December 2021
 - Phase 2: December 2023
 - Phase 3: December 2025
 - Phase 4: December 2027
- E. The application states "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.”

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). The TIS states “The proposed subdivision is anticipated to add up to 1,443 trips per day to 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. It is anticipated that 80% of the traffic from Hauser Boulevard from the development will utilize Granite Avenue 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 1,600 vehicle trips per day. At full build-out of the subdivision, Granite Avenue from Hauser Boulevard to Euclid Avenue (U.S. Highway 12) is anticipated to have approximately 2,754 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 and some off-site improvements are recommended in the TIS to address impacts of the proposed subdivision.

The applicant is proposing:

Phase 1 of the project will connect Livezey Avenue and portions of Livezey Court and Lee Drive to Hauser Boulevard. Phase 1 also includes construction of Crowley Court, which accesses 11 lots directly from Hauser Boulevard terminating in a cul-de-sac, and Lee Court accessing 7 lots, also ending in a cul-de-sac. The applicant is proposing to provide a gravel secondary emergency access with Phase 1 which would access Park Drive. This roadway is proposed to be paved as Lee Drive and Brakeman Avenue in Phase 3. International Fire Code section 503.2.3 states that the “fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities.

Portions of Hauser Boulevard abutting the subject property will be improved during this phase to complete streets standards for local roads. Portions not directly abutting the subject property will be improved with pavement only to local road widths to “facilitate the existing stormwater drainage pattern for these streets”.

Hauser Boulevard from Park Drive to Granite Avenue is proposed to be paved to a minor collector width only to “facilitate the existing stormwater drainage pattern for these streets”. Livezey Avenue to Lee Drive will be 659.52 feet and need a variance from the City of Helena Subdivision Regulations, which has been applied for.

Trails in open space lot 12 and 16 will be constructed in this phase. All internal streets are proposed to have curbside sidewalks which will need a variance from the City of Helena Subdivision Regulations, which has been applied for.

Phase 2 completes Livezey Court and further extends the road with a private drive from the Cul-de-Sac terminating with a hammerhead turnaround accessing 8 condo buildings. Livezey Court will be 621.05 feet and need a variance from the City of Helena Subdivision Regulations, which has been applied for. All internal streets are proposed to have curbside sidewalks which will need a variance from the City of Helena Subdivision Regulations, which has been applied for.

The applicant has applied for variances for the block length and to install curbside sidewalks. Non-motorized trails in open space lot 7 will be completed with this phase.

Phase 3 adds Brakeman Avenue, completes Lee Drive and Brakeman Court a Cul-de-Sac accessing 5 lots. These are the roadways, excluding Brakeman Court that serve as the initial phase's emergency access.

Portions of Park Drive abutting the subject property will be improved during this phase to local road complete streets standards. Portions not directly abutting the subject property will be improved with pavement only to local road widths to "facilitate the existing stormwater drainage pattern for these streets".

Brakeman Avenue to Brakeman Court will be 922.49 feet and will need a variance from the City of Helena Subdivision Regulations, which has been applied for. Lee Drive will be 636.61 feet and need a variance from the City of Helena Subdivision Regulations, which has been applied for. Trails in open space lot 18 will be completed in this phase. Also completed in this phase are trail connections between lots 5 & 6 and 11 & 12. Trail connections to Park Drive near Stuart Street and to Park Drive near Woodward Avenue will also be completed in this phase.

Phase 4 adds Flowerree Court as a Cul-de-Sac and extends it to a hammerhead turnaround accessing 16 condo buildings. Flowerree Court to hammerhead terminus will be 616.45 feet and will require a variance from the City of Helena Subdivision Regulations, which has been applied for. Trail connections to the dedicated open space between lots 1 and 19 will be completed in this section.

- B. City of Helena Subdivision Regulations section §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
- C. The applicants TIS recommends the following improvements:

Phase 1 Recommended Improvements

1. Livezey Avenue, Livezey Court, Lee Court and Crowley Court should be designed and constructed to City of Helena local road standards.
2. The intersection of Livezey Avenue and Lee Court will be an uncontrolled intersection.
3. Livezey Avenue and Crowley Court access to Hauser Boulevard will require stop sign control.
4. 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.
5. Hauser Boulevard directly adjacent to the proposed subdivision should be improved to the City of Helena local road standards.
6. 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.

7. 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
8. 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.
9. 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 of the subdivision providing pedestrian and bicycle access to the wider City of Helena trail system.
10. It is recommended to install RRFBs and intersection lighting at the Overlook Boulevard and Granite Avenue intersection with Phase 1 of the subdivision to improve pedestrian crossing safety.

- D. Improvements listed in the Traffic Impact Statement to be completed in Phase 1 must be completed prior to final plat of Phase 1. **(Subdivision Condition #13, Phase 1)**

Phase 2 Recommended Improvements

1. Livezey Court should be designed and constructed to City of Helena local road standards.
2. 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.
3. 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. Improvements listed in the Traffic Impact Statement to be completed in Phase 2 must be completed prior to final plat of Phase 2. **(Subdivision Condition #14, Phase 2)**

Phase 3 Recommended Improvements

1. Brakeman Avenue, Brakeman Court, and Lee Drive should be designed and constructed to City of Helena local road standards.
2. The intersection of Brakeman Avenue and Lee Drive will be an uncontrolled intersection.
3. Brakeman Avenue access to Park Drive will require stop sign control.
4. Park Drive directly adjacent to the proposed subdivision should be improved to the City of Helena local road standards.
5. 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.
6. 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.

7. 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.

F. Improvements listed in the Traffic Impact Statement to be completed in Phase 3 must be completed prior to final plat of Phase 3. **(Subdivision Condition #15, Phase 3)**

Phase 4 Recommended Improvements

1. Flowerree Court should be designed and constructed to City of Helena local road standards.
2. Flowerree Court access to Park Drive will require stop sign control.
3. 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.

G. Improvements listed in the Traffic Impact Statement to be completed in Phase 4 must be completed prior to final plat of Phase 4. **(Subdivision Condition #16, Phase 4)**

H. This property has existing access points on Hauser Boulevard, Park Drive, Flowerree Street and 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.

I. 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 variances from this standard.

J. The applicant is also proposing curbside instead of boulevard sidewalks. The applicant has requested variances from this standard.

K. For local roads, minor and major collectors the City of Helena Engineering Standards calls for a 7-foot boulevard on each side of the roadway.

L. 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.

M. The application materials state that this is to "facilitate the existing stormwater drainage pattern for these streets".

N. The nearest transit stop is approximately 1 mile away.

O. 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) With the increase of traffic caused by this subdivision it is anticipated by City of Helena Transportation Systems Department that one or more of the signal warrants presented in this application will be met. Therefore, the developer must coordinate with MDT and provide a bond for this potential future signal. **(Subdivision Condition #1, MUTCD 4C.01, Phase 1)**

- P. The applicant in their analysis of the traffic related to this site have provided analysis that discounts some right turn trips from Granite Avenue to Hwy 12 and excluded those trips from the volumes needed to meet signal warrants in this location.
- Q. According to the Manual on Uniform Traffic Control Devices this type of discount should only be made when there is a dedicated right turn lane in existence and that traffic enters the major street with minimal conflict.
- R. According to the City of Helena's Transportation Systems Department, due to the elevated speeds from vehicles on Hwy 12 and the fact that there is not a dedicated right turn lane present, these right turn vehicle trips should not be discounted.
- S. In the submitted TIS there was no growth rate applied to traffic count totals taken in 2017 due to the unknown influence of Covid-19.
- T. During the general review it was recommended by the applicants traffic engineer that traffic volumes/ signal warrants be checked during buildout after each phase during mid-week while school is in session. **(Subdivision Condition #2, After Each Phase)**

The applicants traffic engineer stated that a vehicle circulation and congestion study around Kessler School be completed prior to final platting of Phase 3 to determine how beneficial a signal would be at the Granite Avenue and Highway 12 intersection and Transportation Systems staff concurred. **(Subdivision Condition #3, Phase 3)**

- U. The 2014 Greater Helena Long Range Transportation Plan Update identifies both Hauser Boulevard and Park Drive as local roads.
- V. Transportation Systems staff recommended that the Northwest by Southeast segment of Hauser Boulevard and Park Drive be improved to minor collector complete streets standards.
- W. Granite Avenue, Park Drive and Hauser Boulevard will be the primary point for resident ingress and egress and emergency access to and from the development.
- X. The applicant stated that the Montana Department of Transportation (MDT) would not allow a connection in the location where the subject property abuts Highway 12. Staff confirmed the response from MDT regarding direct access from the proposed subdivision to State Highway 12.
- Y. Park Drive and Hauser Boulevard (north/south) should be built to minor collector Complete Street Standards. **(Subdivision Condition #4, Phase 1)**

Z. Hauser Boulevard from Park Drive to Granite Avenue (east/west) should be built to Major Collector Complete Street Standards. **(Subdivision Condition #5, Phase 1)**

AA. Granite Avenue from Hauser Boulevard to Knight Street should be improved to Major Collector Complete Street Standards to improve connectivity. **(Subdivision Condition #6, Phase 1)**

Non-Motorized:

- A. The application states “There are existing facilities sidewalks located on Granite Avenue from Euclid Avenue (U.S. Highway 12) south to Knight Street. Sidewalks are also present throughout the Overlook Estates Subdivision north of the West Side Subdivision location. The remaining adjacent street network does not currently have any existing bike or pedestrian facilities.”
- B. Bicycle and pedestrian facilities are not prevalent in the area. Large portions of the existing neighborhood are in unincorporated Lewis and Clark County.
- C. The City of Helena requires new roads meet complete streets standards. These standards include curb, gutter, and boulevard sidewalks for all classifications of roads.
- D. The boulevard can be eliminated only with a variance from the City Commission.
- E. The posted speed limit is 15 MPH near the 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 1,600VPD south of Highway 12.
- F. The applicants TIS recommends the installation of Rectangular Rapid Flashing Beacons should be installed at the Granite Street and Overlook Boulevard intersection to enhance pedestrian crossing safety with Phase 1 of the development.
- G. During an onsite meeting between City and school district staff and the applicant different traffic calming measures were discussed to increase student safety at the drop off point for Kessler School.
- H. 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. **(Subdivision Condition #7, Phase 1)**

Stormwater:

- A. The applicants Preliminary Engineering Report (PER) identified off-site storm water improvements that are necessary to accommodate the proposed subdivision. 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.

- C. Stormwater ponds and facilities will be constructed in Phase 1 of this development. At full buildout and with curb and gutter throughout this development the natural drainage patterns will be altered and contained within 2 new ponds and ultimately outfall in Spring Meadow Lake. These ponds will be in easements and transferred to the City of Helena with the recordation of the final plat for Phase 1 of this development.

Water/Wastewater:

- A. The applicant is proposing municipal water service for both for domestic consumption and fire protection, and wastewater service provided by the City of Helena.
- B. The application states “the subdivision will impact existing City of Helena water and sewer systems by increasing usage on those systems.”
- C. No off-site improvements for water and wastewater were identified in the PER.
- D. The water system will be designed to meet all City of Helena standards as well as all standards from the Department of Environmental Quality.
- E. The development is proposing 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.
- F. 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.
- G. 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.
- H. The application states that a “proposed road will be constructed over the existing transmission main to facilitate access”.
- I. 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. **(Subdivision Condition #8, Phase 1 and 2)**
- J. The City of Helena Engineering Standards (3.4.1) 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. **(Subdivision Condition #12 Each Phase)**
- K. The 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.

- D. The City Public Works Department 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. Subsequent analysis by the applicant and an independent third party confirmed this.

Other Services:

- A. Medical and ambulance services are available from St. Peter's Hospital; police and fire protection are provided by the City of Helena.
- B. The Helena Police Department has stated that they can and will service the subdivision if it is annexed.
- C. The HPD stated that response times will vary based on call volume/severity and staffing levels.
- D. The HPD stated that response times could greatly decrease if access to State Highway 12 were direct, and their vehicles were not potentially traversing unpaved roads, which are prevalent in the immediate vicinity.
- E. The City of Helena will be able to provide solid waste disposal services.
- F. The application states that each single-family lot will have solid waste picked up within the adjacent street right of way and each multifamily lot will have a designated solid waste container location. The locations for the multifamily lots are noted on a site plan in the solid waste section of the application. Exact locations will be determined as part of the final infrastructure approval process.
- G. Parkland is required for major subdivisions per City Code §12-4-12 (C).
- H. The applicant is proposing to make a land donation of 4.49 acres at final platting of Phase 1, this is more than the required 3.3 acres. The proposed lot is identified on the proposed preliminary plat as Lot 12 and is located on the south side of the subdivision. The proposed dedication is directly adjacent to City of Helena open space and other portions of the La Grande Cannon Trail. A portion of the Le Grande Cannon Trail is within the land being proposed for parkland dedication.
- I. Most of the proposed parkland dedication is on slopes of 25% or more.
- J. The Parks board at their August 25, 2021, meeting voted 6-0 in favor of accepting .9 acres located where the Le Grande Cannon Trail is and the remainder to be a cash-in-lieu payment. The cash-in-lieu portion will be determined at final plat based on either a comparative market analysis performed by a licensed realtor, a raw land appraisal by a

licensed appraiser or the sale price of the property being subdivided if it was purchased within one year of the purchase date. §12-2-17.B.2.

- K. The Parks Board Recommendation for the proposed dedication of the LeGrande Cannon Trail allows for the City of Helena to take over ownership of portions that is currently used by the public and largely maintained by the City of Helena for public use.
- L. There would be approximately \$15,000 in initial costs associated with fire/fuels reduction of the new open lands in the urban interface and noxious weed treatment and management.
- M. The property is located within the boundaries of the Helena School District. According to the Helena School District, if a school in the district is at capacity in a particular grade level, new students may be bused to another school that has available space. The school district does anticipate being able to handle the estimated 71 new children that could join the district because of this development.
- N. The schools that typically serve the property are Kessler Elementary School, CR Anderson Middle School, and Capital High School.

Conclusion: There will be impacts to local services in the form of an increase in emergency service call times, increased strain on city water and sewer services, further altering stormwater flows, and increased traffic on area streets that lack in pedestrian facilities. These impacts as identified can be mitigated by the applicant with the completion of the proposal as supplemented with the approval conditions as recommended.

4. Impact to the Natural Environment

Findings:

- A. Chapter 12 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.
- B. The application states “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 eco-system 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.

- C. The application states “Information from the Montana Natural Heritage Program (MTNHP) website illuminates two species of concern that lie within the Section 23 and 26, Township 10 North, Range 04 West. These two species include the Lesser Rushy Milkvetch (*Astragalus convallarius*) and the Wedge-leaf 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.”
- D. The applicants Environmental Assessment notes that there are no areas of historic or cultural significance associated with the subject property.
- E. The westside 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.
- F. 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 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 limits.
- G. The applicant has not proposed any specific preventative measures to safeguard any species of concern on the property or to prevent the propagation of noxious or invasive fauna on site or their spread to offsite locations.
- H. Noxious and invasive weed control was performed on adjacent City of Helena Open Lands in 2020 indicating their presence in the vicinity of the subject property.
- I. 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. **(Subdivision Condition #9, MCA 7-22-2116, Phase 1)**

- J. The application states in the Environmental Assessment 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 no wells or septic systems will be permitted as part of this development.
- K. The proposed 103 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 by the proposed conditions.

5. Impacts to Wildlife and Wildlife Habitat

Findings:

- A. Chapter 12 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*.
- B. The applicants Environmental Impact Statement notes that wildlife may occasionally be present on the subject property, but it is typically only for short periods of time.
- C. Request for comments were sent to Fish Wildlife and Parks whom in general agreed with statements made in the applicants 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.
- D. The 2019 City of Helena Growth Policy notes that rural areas are better suited for wildlife and urban areas like the City of Helena are not well suited for wildlife habitat.
- E. This property is located on the outskirts of the City adjacent to city limits and 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.
- F. Development of property within city limits may help reduce pressure to develop land located in the county, reducing the pressure to develop larger areas of potential wildlife habitat.
- G. Utilization of city water and wastewater, which are regulated to minimize impacts to ground and surface water, helps to mitigate the subdivisions impact to wildlife habitat.

Conclusion: There will not be significant impacts associated with this development to Wildlife or Wildlife Habitats.

6. Impacts to Public Health and Safety

Findings:

- A. Chapter 12 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.*
- B. The application states “Figure 7.06 of the City of Helena Growth Policy shows the subject property in an area of moderate wildfire hazard. Therefore, the project site is located in a moderate fire risk area not a high hazard fire risk area.”
- C. This area is identified in the 2019 City of Helena Growth Policy 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.
- D. A fuels mitigation plan must be approved by the City and implemented on all parkland dedications and all open space lots prior to final plat approval for phase 1. **(Subdivision Condition #10, Phase 1)**
- E. 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.
- F. The Helena Police and Fire Departments will serve the property and help protect the subdivision from fire, and other dangers.
- G. 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.
- H. This subdivision has numerous dead-end roads, some that are longer than the allowed 600 feet which could limit the ability of the fire department to respond in a timely manner.
- I. The International Fire Code requires that all fire department access roads are not obstructed in any manner (International Fire Code §503.4).
- J. 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.
- K. Subdivisions need adequate fire hydrants installed to provide fire protection to the property. 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.

- L. Improvements listed in City Code section §12-2-15 will be installed 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 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:

- A. §12-1-5 of the Helena City Code, 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.*”
- B. All future developments will have to follow the City of Helena Zoning Ordinance, including all setbacks, lot coverage, parking, landscaping, and signage regulations.
- C. §12-4-2(C), 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.

Each phase of this subdivision has block lengths over 600 feet.

Phase 1: Livezey Avenue to Lee Drive. 659.52'

Phase 2: Livezey Court to private road beginning. 621.05'

Phase 3: Lee Drive to Livezey Avenue. 636.61'

Phase 3: Brakeman Avenue to Brakeman Court. 922.49'

Phase 4: Flowerree Court to private road beginning. 616.45'

- D. §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 the subdivision will be provided via the internal roads per phase. Phase 2 and Phase 4 both have over 200 vehicle trips per day but since they are dead end roads do not need to meet the 2-access point requirement.

9. Local Subdivision Review Procedure

Findings:

A public hearing is required for major subdivisions. The Planning Board will review this application

at 6:00 p.m. on Thursday, October 21, 2021, and the City Commission will review this application at the Commission meeting to be held at 6:00 p.m., Monday, November 22, 2021.

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

10. Easements

Findings:

Per Helena City Code §6-6-17, §6-2-6, and §6-3-4, 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. §12-4-7, Helena Subdivision Regulations, 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, to be located on the north side of the proposed subdivision, are not within a city ROW or city-controlled easement. Prior to final plat approval, any newly created facilities must be within an easement granted to the City that allows for access and maintenance and restricts any encroachments. **(Subdivision Condition #11, Phase 1)**

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. §76-3-608 (3) (d) MCA 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 internal streets constructed per phase 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, MCA and §18-2-122, MCA, 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, MCA, 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.

Recommendation:

Move to Recommend Conditional Approval of the preliminary plat for the Westside Major Phased Subdivision creating 103 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 that apply to the preliminary plat approval and that must be satisfied before the final plat may be approved are:

1. The developer must coordinate with MDT and provide a bond for this potential future signal. **(Subdivision Condition #1, MUTCD 4C.01, Phase 1)**

2. The developer must complete traffic volumes/ signal warrants be checked during buildout after each phase during mid-week while school is in session. **(Subdivision Condition #2, After Each Phase)**
3. The developer must complete a vehicle circulation and congestion study around Kessler School prior to final platting of Phase 3 to determine the need for a signal at the Granite Avenue and Highway 12 intersection to increase pedestrian safety. **(Subdivision Condition #3, Phase 3)**
4. Park Drive and Hauser Boulevard (north/south) should be built to minor collector Complete Street Standards. **(Subdivision Condition # 4, Phase 1)**
5. Hauser Boulevard from Park Drive to Granite Avenue (east/west) should be built to Major Collector Complete Street Standards. **(Subdivision Condition #5, Phase 1)**
6. Granite Avenue from Hauser Boulevard to Knight Street should be improved to Major Collector Complete Street Standards. **(Subdivision Condition #6, Phase 1)**
7. The developer will install bump outs at either end of the Kessler School drop off point on Granite Street to increase safety for pedestrians and install a solar powered speed limit sign at the Granite Avenue and Knight Street intersection. **(Subdivision Condition #7, Phase 1)**
8. 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. **(Subdivision Condition #8, Phase 1 & 2)**
9. 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. **(Subdivision Condition #9, MCA 7-22-2116, Phase 1)**
10. 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. **(Subdivision Condition #10, Phase 1)**
11. 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. **(Subdivision Condition #11, City Subdivision Regulations 12-4-5, Phase 1)**
12. In accordance with city standards all sewer mains that are at or exceed 75% capacity will have to be upsized by the developer. **(Subdivision Condition #12, Each Phase)**
13. The following improvements identified in the in the Traffic Impact Study to be completed in Phase 1 must be completed prior to final plat of Phase 1.
 - a. Livezey Avenue, Livezey Court, Lee Court and Crowley Court should be designed and constructed to City of Helena local road standards.
 - b. The intersection of Livezey Avenue and Lee Court will be an uncontrolled intersection.
 - c. Livezey Avenue and Crowley Court access to Hauser Boulevard will require stop sign control.
 - d. 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 **(Subdivision Condition #13, Phase 1)**
14. Improvements listed in the Traffic Impact Study to be completed in Phase 2 must be completed prior to final plat of Phase 2. **(Subdivision Condition #14, Phase 2)**

15. Improvements listed in the Traffic Impact Study to be completed in Phase 3 must be completed prior to final plat of Phase 3. **(Subdivision Condition #15, Phase 3)**
16. Improvements listed in the Traffic Impact Study to be completed in Phase 4 must be completed prior to final plat of Phase 4. **(Subdivision Condition #16, Phase 4)**

Subdivision Regulation Variances

The applicant has requested eleven variances from the City of Helena’s Subdivision Regulations. All the variances requested must be acted upon by the City Commission prior to the action on the Preliminary Plat. In accordance with the City Attorney’s recommendation, staff does not make recommendations on variances.

Variances from these subdivision regulations may be granted when the subdivider meets the burden of proving:

1. Granting of the variance will not be detrimental to the public health, safety, or general welfare, or injurious to other adjacent properties.
 2. Literal enforcement of the provisions of these regulations will result in unnecessary hardship due to particular physical surroundings, shape, or topographical conditions that are unique to the specific property involved and that cannot be reasonably resolved by redesigning the subdivision proposal.
 3. The variance will not cause a substantial increase in public costs; and
 4. The variance conforms to the growth policy and this Code.
- C. To request a variance, the subdivider must submit a written statement describing the requested variance and relevant facts showing why the variance should be granted. The City Commission and, if applicable, the Planning Board, will consider requested variances at the respective meetings on the preliminary plat.
- D. When granting variances, the City Commission may impose conditions that, in its judgment, will substantially secure the objectives of these regulations. (Ord. 3166, 9-23-2013)
- E. When a subdivider requests a variance from this title, the City Commission will first consider whether or not to grant any requested variance, then whether the subdivision application should be approved, conditionally approved, or denied.
- F. A subdivision variance request is independent from the determination on the subdivision application and must be reviewed at a City Commission public hearing that has been noticed according to subsection 12-2-8A of this chapter. Approval or conditional approval of a subdivision application and the preliminary plat does not constitute approval of requested variances

Requested Variances

The applicant has requested five variances from Section 12-4-2.C of the Helena Subdivision regulations. Each of these variances must be acted upon separately
 Section 12-4-2 C 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.

12-4-2.C (Block Length)

- Phase 1: Livezey Avenue from Hauser Boulevard to Lee Drive. 659.52'
- Phase 2: Livezey Court to Cul-de-Sac 621.05'
- Phase 3: Lee Drive from Brakeman Avenue to Livezey Avenue. 636.61'
- Phase 3: Brakeman Avenue from Park Drive to Brakeman Court. 922.49'

Phase 4: Flowerree Court from Park Drive to Cul-de-Sac is 616.45'

The applicant sites topographical restraints as the primary reason for the excessive block lengths. A drainage running through the property is also cited for the block length issues in Phase 1. Longer block lengths can be detrimental to a walkable environment and if so, would be contrary to the Growth Policies goal and objectives. The applicant is requesting variances to each one of the five primary streets within the proposed subdivision for block length.

MOTIONS for Variances for Block Length

Move to approve or deny a variance from Section 12-4-2.C. of the Helena Subdivision regulations Block Length to allow 659.52' block length for Livezey Avenue Hauser Boulevard to Lee Drive

Move to approve or deny a variance from Section 12-4-2.C. of the Helena Subdivision regulations Block Length to allow 21.05" block length from Livezey Court to Cul-de-Sac

Move to approve or deny a variance from Section 12-4-2.C. of the Helena Subdivision regulations Block Length to allow 636.61' block length for : Lee Drive from Brakeman Avenue to Livezey Avenue

Move to approve or deny a variance from Section 12-4-2.C. of the Helena Subdivision regulations Block Length to allow a 922.49' block length for Brakeman Avenue from Park Drive to Brakeman Court

Move to approve or deny a variance from Section 12-4-2.C. of the Helena Subdivision regulations Block Length to allow a 616.45' block Length for Flowerree Court from Park Drive to Cul-de-Sac

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

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)

12-4-2.E (Dead End Streets)

Phase 1: Crowley Court & Lee Court

Phase 2: Livezey Court to Cul-de-Sac 621.05' then another 371.16' feet to hammerhead terminus.

Phase 3: Brakeman Court

Phase 4: Flowerree Court from Park Drive to Cul-de-Sac is 616.45' feet then another 543.57' to hammerhead terminus.

The applicant is seeking variances for all public roads within the subdivision.

MOTIONS for Variances for Dead End Streets

Move to approve or deny a variance from Section 12-4-2.E. of the Helena Subdivision regulations Dead End Streets to allow a dead-end street for Crowley Court & Lee Court

Move to approve or deny a variance from Section 12-4-2.E. of the Helena Subdivision regulations Dead End Streets to allow a dead-end street for Livezey Court to Cul-de-Sac 621.05' then another 371.16' feet to hammerhead terminus

Move to approve or deny a variance from Section 12-4-2.E. of the Helena Subdivision regulations Dead End Streets to allow a dead-end street for Brakeman Court

Move to approve or deny a variance from Section 12-4-2.E. of the Helena Subdivision regulations Dead End Streets to allow a dead-end street for Flowerree Court from Park Drive to Cul-de Sac

Boulevard Sidewalks: 12-4-2.A:

Streets must be designed according to standards and requirements of the city, including, but not limited to, the city's policy as reflected in resolution 19799, requiring that the planning, design, and construction of streets work toward the goal of making streets in Helena complete streets.

All streets within the subdivision as proposed will have curbside sidewalks instead of the standard sidewalk with a boulevard except for Livezey Avenue and Livezey Court and streets adjacent to the subject property.

A boulevard sidewalk is a 7-foot strip of grass between the sidewalk and the street. Absent sidewalks, in the winter months snow could potentially pile up in the parking lanes and sidewalks causing private passenger vehicles or service vehicles further into the roadway. Without the boulevard area to allow for snow storage emergency vehicles could have a difficult time traversing the roadways of this development.

The applicant sites topographical constraints of the site and the desire to limit cuts and fills on site as the justification for this variance.

The applicant is still providing the required right of way width for all public roads within the subdivision. As part of the right of way there will be an 8-foot gap between the back of sidewalk and the property lines of adjacent homes. This is where the applicant is proposing snow storage occur, with the homeowners responsible for removing snow plowed onto the sidewalk from the roadway and parking lanes.

MOTION for variance for Boulevard Sidewalks

Move to approve or deny a variance form Section 12-4-2.A to allow curbside sidewalks for all internal streets in the subdivision

(Only the City Commission can grant variances for boulevard sidewalks)

SUPPLEMENTAL INFORMATION

Growth Policy Analysis

The 2019 City of Helena Growth Policy, an update from the 2011 Growth Policy represents this area as being best suited for an urban style of 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 main 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 such a 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 are being proposed 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 proposed 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 2019 Growth Policy Goals and Objectives including:

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

[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;

[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

[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

[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.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.

[0.43] 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.

[0.46] 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.

[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.

According to the submitted application materials, this development will consist exclusively of single-family homes and multi-unit residential condo buildings. Overall, this development meets with the goals and objectives of the 2019 City of Helena Growth Policy.