CITY OF HELENA

City Commission Meeting

April 25, 2022 - 6:00 PM

Zoom Online Meeting; https://zoom.us/j/93783244876

1. Call to Order and Roll Call

2. Pledge of Allegiance

3. Minutes

A. Administrative Meeting - April 6, 2022

B. City Commission Meeting - April 11, 2022

4. Presentations

A. Confirmation of Probationary Firefighter Adam Harrington

5. Proclamations

A. National Small Business Week 2022

6. Consent Agenda

A. The Montana History Foundation has awarded the City $10,000 for the Helena Fire Tower Rehabilitation.

B. Grant Award Acceptance for Old Shooting Range Improvement Project as proposed and approved by the Missouri River RAC in September of 2021 for $47,150.

C. Consider final passage of an ordinance pre-zoning prior to annexation to B-2 (General Commercial) for property legally described as Tract B1 as shown on Certificate of Survey filed under document No. 3203658, generally located mile north of the East Custer Avenue and North Washington Street intersection.

D. Consider final passage of an ordinance pre-zoning prior to annexation to R-4 (Residential) for property legally described as a 9.123-acre Portion of Tract A-1-A-1-A-1-A-1-A-1-A-1 of the Amended Plat of the Crossroads at Mountain View Meadows Subdivision Document No. 3386391, generally located on the northeast corner of Runkle Parkway and Alpine View Drive.

7. Communication/Proposals from Commissioners

8. Report of the City Attorney

9. Litigation Strategy

10. Report of the City Manager

11. Communications from the Helena Citizens Council

12. Regular Items

A. Consider the preliminary plat for the Shopko Minor Subdivision creating 4 new lots from 10.86 acres and to adopt the findings of fact and the conditions contained therein for the property legally described as Lot 1A-1A of the Amended Plat of the Shopko Minor Subdivision in the City of Helena, Lewis and Clark County, Montana, Filed under Doc. No. 3171732.

B. Consider a variance to 12-4-7(B) of the City of Helena Subdivision Regulations to allow variations from city wastewater system standards for the Shopko Minor Subdivision.

C. Consider Final Passage of an Ordinance Pre-zoning Property described as Tract A on the Certificate of Survey Identified as Document No. 3360858, and all of Blocks 4, 5, 6, and 9 of the Highland Park Subdivision, Lewis and

Clark County, Montana, as R-2 (Residential) and R-3 (Residential).

13. Public Communications

14. Adjournment

It is the policy of the City Commission to take public comment on any action item. For further information on any of the items mentioned above, please contact the City Clerk's Office at 447-8410 or dmclayborn@helenamt.gov.

To read packet information while attending a City Commission Meeting please use the City/County wireless network COMM_MEET during the meeting.

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Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

Phone: (406) 447- 8490
TTY Relay Service 1-800-253-4091 or 711
Email: citycommunitydevelopment@helenamt.gov
Mailing Address & Physical Location: 316 North Park Avenue, Room 445, Helena, MT 59623.

CITY OF HELENA
Administrative Meeting
April 6, 2022 - 4:00 PM
Zoom Online Meeting; https://zoom.us/j/93602580177

Time & Place

A City Commission Administrative meeting was held on Wednesday, April 6, 2022 at 4:00 p.m. via Zoom Online Meeting ID: https://zoom.us/j/93602580177.

Call to Order and Roll Call

(00:00:47) Mayor Pro Tem Dean requested Deputy City Clerk Reinhardt call roll call: Interim City Attorney Coate, Interim City Manager Burton, Commissioner Feaver, Commissioner Reed, Commissioner Logan, and Mayor Pro Tem Dean all responded present and participated virtually via Zoom. Mayor Collins was absent.

Commission Comments, Questions

(00:10:40) There were no comments or questions by the Commission.

Recommendations from the Helena Citizen Council

(00:01:28) There was no one present to offer a report on behalf of the HCC.

City Manager's Report

(00:02:15) Interim City Manager Tim Burton addressed the Commission and informed them of the three priority areas he intended to focus on for the present:

1. Stabilization, such as getting vacancies filled, and looking at systems and structures throughout the city;
2. Budget, for example, getting those systems in place so the Commission can make informed decisions on how to allocate limited public resources; and
3. Review of Capital Improvement Plans (CIPs), such as water, wastewater, streets, stormwater, parks and recreational open space, fire, and police.

Mr. Burton explained that it was his goal to review the city's CIPs to ensure the Commission has the best information available in terms of what the city owns, what condition it is in, and that those projects are tied to a good capital improvement plan. During this process, staff will discuss with the Commission what process they wish to take to allocate ARPA funds.

(00:05:50) Commissioner Feaver spoke in support of the three priority areas outlined by Interim City Manager Burton.

(00:06:30) Commissioner Reed spoke in support of the three priority areas outlined by Interim City Manager Burton. In addition, the Commissioner asked for more information regarding the upcoming budget process and Mr. Burton confirmed he should have more information the following week.

(00:07:45) Commissioner Logan spoke in support of the three priority areas outlined by Interim City Manager Burton.

(00:08:27) Mayor Pro Tem Dean also spoke in support of the three priority areas outlined by Interim City Manager Burton.

A. Marijuana Retail Tax Update

(00:09:38) Interim City Manager Burton informed the Commission that he was not prepared to report on this item and explained staff was close to having a completed memo for the Commission and the general public.

(00:10:18) Commissioner Feaver spoke in support of staff completing the memo.

Information Only

A. Final Draft Presentation of Fire Department Master Plan.

(00:11:25) Interim City Manager Burton introduced staff for Item A.

(00:13:10) Fire Chief, Jon Campbell addressed the Commission and gave a brief introduction for Item A.

(00:20:45) Sheldon Gilbert representing Emergency Services Consulting International addressed the Commission and presented the Final Draft of the Fire Department Master Plan.

(00:53:46) Commissioner Logan thanked staff and the presenters for their presentation. In addition, the Commissioner recalled in the past, there was a Fire Service Planning Committee that took this study to stakeholders and determined how to apply it to the Helena community. Then, once the committee had enough time to study the plan, they could bring concrete recommendations forward to the Commission. In conclusion, the Commissioner spoke in support of having a similar process moving forward.

(00:56:03) Discussion was had between Commissioner Feaver and staff regarding coordinated emergency responses, particularly services between St. Peter's Hospital and the City Fire Department.

(01:04:06) Interim City Manager Burton circled back to Commissioner Logan's comments regarding past practices, specifically pertaining to fire. Mr. Burton spoke in support of this process. Further discussion was had between Commissioner Feaver and Mr. Burton regarding the many Capital Improvement Plans up for discussion in conjunction with ARPA dollars in the next couple of months.

(01:0:26) Commissioner Logan asked Chief Campbell what the daily staffing was for the two fire stations within the city. Chief Campbell confirmed there are currently four (4) at station 2, and five (5) individuals at station 1.

(01:09:08) Mayor Pro Tem Dean asked staff to give some background on the Hazmat Team and how the proposed recommendations will impact them. Chief Campbell addressed the question and gave a brief report to the commission.

(01:12:54) Mayor Pro Tem Dean questioned why fire risk in the Wildland Urban Interface (WUI) was not included in the short-term recommendations. First, staff explained it was the Commission's discretion to move recommendations around should they see fit, and second, this item was placed in the medium-term recommendations due to the general amount of time it would take to see the completion of projects within the WUI.

(01:15:37) In regard to public outreach, Commissioner Logan questioned whether the general public understood what the WUI was, specifically in regard to fire risk. Staff conveyed that where people live played a factor into whether they understood it, for example, those individuals who lived in or around the WUI understood what it was and considered it to be a high priority. However, staff confirmed that in general, fire risk was considered a high priority within the greater Helena community.

(01:19:35) There were no other comments or questions by the Commission.

(01:20:12) Interim City Manager Burton confirmed next steps with the Commission would be to have a policy discussion at a later date. Staff will stay in communication with the governing body and once staff feels comfortable with the general budget process, they will begin to review the various City Capital Improvement Projects and how the Commission wishes to allocate ARPA funding.

(01:23:09) There were no public comments.

Review of Agenda for Next Commission Meeting

A. DRAFT Proposed Future Commission and Administrative Meeting Agendas

(01:23:39) Interim City Manager Burton outlined the following items:

- Consider a Zoning Ordinance change to the Woodlawn Park Addition to the City of Helena;
- Consider a Resolution to establish an Operating Cash Loan from the General Fund to the Streets Fund;
- Consider the enlargement of sanitary sewer service boundary for a single-family dwelling;
- Interim City Manager Burton informed the Commission that staff was currently working on putting together a Temporary Pay Matrix for their consideration at the next regular City Commission meeting on April 11, 2022; and
- Consider a Resolution amending the revised final budget authorities and appropriations for the 2022 fiscal year.

Public Comment

(01:25:02) There were no public comments.

Commission discussion and direction to the City Manager

(01:25:29) Mayor Pro Tem Dean reiterated the three priority areas outlined by Interim City Manager Burton at the beginning of the meeting, and there was no further discussion by the Commission.

Adjournment

(01:26:09) There being no further business to come before the City Commission, the meeting adjourned at 5:26 p.m.

CITY OF HELENA
City Commission Meeting
April 11, 2022 - 6:00 PM
Zoom Online Meeting; https://zoom.us/j/94500054039
& Commission Chambers, City-County Building, Room 330

Time & Place

A regular City Commission meeting was held on Monday, April 11, 2022 at 6:00 p.m. via Zoom Online Meeting ID: https://zoom.us/j/94500054039 and in the City Commission Chambers, Room 330.

Call to Order and Roll Call

Mayor Collins requested City Clerk Clayborn call roll call: Interim City Attorney Coate, Interim City Manager Burton, Commissioner Dean, Commissioner Feaver, Commissioner Logan, Commissioner Reed and Mayor Collins all responded present and participated in person, with exception of Commissioner Reed who participated virtually.

Pledge of Allegiance

(00:00:25) Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.

Minutes

(00:00:50)
A. March 23, 2022 – City Commission Administrative Meeting
B. March 23, 2022 – City Commission Special Meeting
C. March 28, 2022 – Regular City Commission Meeting

With no objections, the minutes were entered into the record as written.

Presentations

A. Approve Confirmation of Officer Jose Guerrero

(00:01:35) Interim Police Chief Petty presented Item A to the City Commission.

(00:04:03) Officer Guerrero addressed the Commission.

(00:04:54) Commissioner Dean moved to approve confirmation of Officer Jose Guerrero. Commissioner Feaver seconded the motion. The motion carried 5:0.

(00:05:30) Members of the Commission expressed their support for the officer and welcomed him to the City of Helena Police Department.

Consent Agenda

(00:06:15)
A. Claims

(00:07:00) Commissioner Dean made a motion to accept Consent Agenda Items A. Commissioner Feaver seconded the motion. The motion carried 5:0.

B. Approve Grant Funding from State of Montana Board of Crime Control for the High-Risk Team for the Helena Police Department.

(00:08:13) Interim Police Chief Petty gave a brief report on Consent Agenda Item B.

(00:10:00) Commissioner Reed congratulated the Police Department for receiving the grant and thanked them for their work on this.

(00:10:30) Commissioner Dean expressed support for this program.

(00:11:15) There were no public comments.

(00:11:23) Commissioner Logan made a motion to approve Grant Funding from State of Montana Board of Crime Control for the High-Risk Team for the Helena Police Department. Commissioner Dean seconded the motion. The motion carried 5:0.

Communications/Proposals from the Commissioners

(00:11:58) Mayor Collins recognized April 10th through the 16th as 911 Dispatcher week and thanked staff for their efforts to assist the Helena community.

(00:12:40) Interim Police Chief Petty updated the Commission that three (3) additional dispatchers were geared up to be added to the existing seven (7) dispatchers.

(00:13:35) Commissioner Logan encouraged the rest of the Commission to review the dispatch center PDF he shared on his Commissioner Facebook page.

(00:17:03) Commissioner Feaver thanked Interim City Manager Burton and staff for putting together their report on what the city might anticipate receiving from the recreational marijuana tax. In conclusion, Commissioner Feaver expressed his personal support to have both medical and recreational marijuana taxed.

Report of the City Attorney

(00:14:36) Interim City Attorney Coate had nothing to report.

Report of the City Manager

(00:14:42) Interim City Manager Burton informed the Commission that he has been spending most of his time reviewing the budget, specifically the Community Development Department, Fire Department, the Civic Center, Human Resources Department and the Bill Roberts Golf Course. Mr. Burton confirmed he would complete his agency review this week and his goal was to have a draft schedule for the Commission before the end of the week.

(00:15:41) In addition, Interim City Manager Burton informed the Commission that the city would be adding two new significant hires to the team: 1) the City Attorney, and 2) the Community Development Director. This announcement will come in the next few days.

Communications from the Helena Citizens Council

(00:16:25) HCC representative, Emily Mowers gave a report.

Regular Items

A. Move to Approve Final Passage of an Ordinance Amending City of Helena Ordinance No. 3097 and Amending the Official Zoning Map for the City of Helena for a Zone Change from CLM (Commercial Light Manufacturing) District to R-O (Residential Office) District for Lots 33 through 40 of Block 5, Lots 6 through 12A of Block 4, Lots 13A through 15 of Block 4, and Lots 33 through 40 of Block 4; and from B-2 (General Commercial) District to R-O (Residential Office) District for Lots 29 through 32 of Block 4, in the Woodlawn Park Addition to the City of Helena, Montana.

(00:19:34) Planner II, Michael Alvarez addressed the Commission and gave a report on Regular Item A.

(00:24:43) Discussion was had between Commissioner Reed and Planner Alvarez regarding why a zone change was opted for rather than a Conditional Use Permit (CUP).

(00:27:06) Commissioner Logan asked Planner Alvarez if seven of the eight lots were already developed with the eighth lot's owner planning to build a single-family home on it. Planner Alvarez confirmed that was correct.

(00:27:37) There were no further comments or questions from the Commission.

(00:27:40) There were no public comments.

(00:28:03) Mayor Collins expressed appreciation to staff for their due diligence in notifying the public of this proposed zoning change.

(00:28:33) Commissioner Logan made a motion to Approve Final Passage of an Ordinance Amending City of Helena Ordinance No. 3097 and Amending the Official Zoning Map for the City of Helena for a Zone Change from CLM

(Commercial Light Manufacturing) District to R-O (Residential Office) District for Lots 33 through 40 of Block 5, Lots 6 through 12A of Block 4, Lots 13A through 15 of Block 4, and Lots 33 through 40 of Block 4; and from B-2 (General Commercial) District to R-O (Residential Office) District for Lots 29 through 32 of Block 4, all of which properties are in the Woodlawn Park Addition to the City of Helena, Montana. Commissioner Dean seconded the motion. The motion carried 5:0.

(00:29:51) Commissioner Feaver expressed appreciation to staff for their due diligence in notifying the public of this proposed zoning change.

B. Consider a Resolution Establishing an Operating Cash Loan from the General Fund to the Streets Fund for the Purpose of Funding the Completion of Phase II of the Rodney Street Improvement Project.

(00:30:29) Finance Director, Sheila Danielson addressed the Commission and gave a report on Regular Item B.

(00:31:27) There were no comments or questions from the Commission.

(00:31:38) There were no public comments.

(00:31:51) Commissioner Dean stated she was supportive of this motion and thanked Director Danielson for her work on this project.

(00:32:20) Commissioner Feaver concurred with Commissioner Deans comments and spoke in support of the project.

(00:32:44) Commissioner Dean made a motion to Approve a Resolution establishing an Operating Cash Loan from the General Fund to the Streets Fund for the purpose of funding the completion of Phase II of the Rodney Street Improvements Project. Commissioner Feaver seconded the motion. The motion carried 5:0.

C. Consider the enlargement of sanitary sewer service boundary for a new single-family dwelling located at 215 Alfalfa Road.

(00:33:32) Public Works Director, Ryan Leland addressed the Commission and gave a report on Regular Item C.

(00:32:27) Discussion was had between Commissioner Feaver and Director Leland regarding the surrounding properties previously connected to city services and their endorsement for the proposed property.

(00:39:24) Commissioner Dean asked Director Leland if the proposed property was within the Urban Standards Boundary. Director Leland confirmed it was just outside of the Urban Standards Boundary. Discussion was had regarding the number of properties in the vicinity that were approved or denied for annexation into the city.

(00:42:54) Commissioner Feaver spoke in support of the proposal stating he was familiar with the area and was sympathetic for the property owners and the issues stemming from the water table in that area. However, the Commissioner expressed the need for further discussion on offering city services to properties outside of the city.

(00:44:34) Interim City Manager Burton concurred with Commissioner Feaver's comments and briefly described the history of these city service connections. Mr. Burton spoke in support of having a more in-depth conversation with the governing body about pending annexations and the potential issues surrounding them.

(00:46:25) Commissioner Dean asked staff for further clarification regarding the plans for Tract 33-A since it was currently only Tract 33-B that was being proposed the hook up to city services. Director Leland explained that at this time, only Tract 33-B was being proposed to connect to city services and if the property owners wished to connect Tract 33-A in the future, then they would need to return to the Commission and complete the same process.

(00:48:09) In conclusion, Commissioner Dean stated she would not be supporting this item explaining there were potentially hundreds of properties within the Urban Standards Boundary that the city will need to annex within the next decade. Due to the expense and the proposed property not currently being within the Urban Standards Boundary, Commissioner Dean was not in favor of approving this item. Commissioner Dean sympathized with the property owners and stated that she wished there were more records to refer to from when this line was originally put in.

(00:49:39) Commissioner Logan highlighted the point that when the line originally went in, the property owner at the time allowed the City and the Fort to access a portion of their private property with the understanding that the property would be allowed to connect into the line should they choose to develop the property. Commissioner Logan concluded by stating he would be supporting this item.

(00:51:00) The property owner, Christine Goodhue addressed the Commission and spoke in favor of an enlargement of sanitary sewer service boundary with conditions for a new single-family dwelling located at 215 Alfalfa Road.

(00:56:17) The previous property owner, Bill Abney addressed the Commission and spoke in support of this item as well as outlined the history of the verbal agreement between him, the City, and Fort Harrison.

(01:01:53) There were no further public comments.

(01:02:00) Commissioner Logan made a motion to Approve with conditions the enlargement of the sanitary sewer service boundary to include the Goodhue property located at 215 Alfalfa Road. If approved, the property owner must sign the attached development agreement, and purchase sewer capacity in the Stone Meadows pump station in the amount of $112.56 for the proposed residence. Commissioner Feaver seconded the motion. The motion carried 4:1.

D. Resolution to Amend Resolution No. 19818 that created Special Improvement Lighting District No. 222 to alter the boundaries by adding Twenty-two streetlights and to add property in SILD No. 222 in the City of Helena, Montana.

(01:03:09) Interim City Attorney, Erik Coate apologized to the Commission and stated he noticed a mistake in one of the legal documents he drafted for Finance Director Danielson after this item was submitted for the meeting's agenda. In conclusion, Mr. Coate asked recommended the Commission table the item and allow him time to fix the error before bringing it back at a later date.

(01:03:51) Commissioner Dean move to table a resolution to Amend Resolution No. 19818 that created Special Improvement Lighting District No. 222 to alter the boundaries by adding Twenty-two streetlights and to add property in SILD No. 222 in the City of Helena, Montana. Commissioner Feaver seconded the motion. The motion carried 5:0.

E. Move to Approve of Temporary Pay Matrix Ex Post Facto for Temporary Employees for Fiscal Year 2022 and Fiscal Year 2023.

(01:05:00) Interim City Manager, Tim Burton addressed the Commission and gave a report on Regular Item E.

(01:07:06) Discussion was had between Commissioner Reed and Mr. Burton regarding what the standard process would look like.

(01:09:56) Commissioner Feaver thanked Interim City Manager Burton and staff for bring the item forward. The Commissioner spoke in favor of the item.

(01:11:09) Discussion was had between Commissioner Dean and Interim City Manager Burton on how the Departments planned to fund the expected salary increases within the constraints of their budget authority and what aspects the Commission should take into consideration.

(01:13:07) There were no further comments or questions from the Commission.

(01:13:15) There were no public comments.

(01:13:27) Commissioner Feaver made a motion to Approve a Temporary Pay Matrix Ex Post Facto for Temporary Employees for Fiscal Year 2022 and Fiscal Year 2023. Commissioner Dean seconded the motion. The motion carried 5:0.

Public Hearings

A. Resolution amending the Revised Final Budgets, Budget Authorities, and Appropriations for Fiscal Year beginning July 1, 2021 and ending June 30, 2022, for the City of Helena, Montana, by Amending Resolution No. 20705 to increase Appropriations by $8,326,112.

(01:14:20) Finance Director, Sheila Danielson addressed the Commission and gave a report on Public Hearings Item A.

(01:17:25) There were no comments or questions from the Commission.

(01:17:30) There were no public comments.

(01:17:57) Commissioner Logan made a motion to Approve a Resolution amending the Revised Final Budgets, Budget Authorities, and Appropriations for Fiscal Year beginning July 1, 2021 and ending June 30, 2022 for the City of Helena, Montana by Amending Resolution No. 20705 to increase Appropriations by $8,326,112. Commissioner Feaver seconded the motion. The motion carried 5:0.

Public Communications

(01:18:45) There were no public comments.

Adjournment

(01:19:05) There being no further business to come before the City Commission, the meeting adjourned at 7:19 p.m.

MAYOR

ATTEST:

CLERK OF THE CITY COMMISSION

City of Helena, Montana

February 8, 2022

To:	Honorable Mayor Collins and City of Helena City Commissioners
From:	Jon Campbell, Fire Chief Stephanie Crook, Administrative Coordinator City Manager Rachel Harlow-Schalk
Subject:	Confirmation of Probationary Firefighter Adam Harrington
Present Situation:	Successful completion of one year probation
Proposal/Objective:	Recommend confirmation of Adam Harrington to strengthen the Helena Fire Department's ability to recruit, hire, train and retain qualified individuals and to promote career advancement to enhance the City of Helena's safe community.
Advantage:	Strengthen the Helena Fire Department's ability to recruit, hire, train and retain qualified individuals and to promote career advancement to enhance the City of Helena's safe community.
Notable Energy Impact:	n/a
Disadvantage:	n/a
Notice of Public Hearing:	Attached
Recommended Motion:	Move to accept confirmation of Firefighter Adam Harrington

ATTACHMENTS:
Administrative Memo
Oath of Office

Administrative
Meeting

helenamt.gov

Subject: Confirmation of Probationary Firefighter Adam Harrington

Date: March 23, 2022

From: Jon Campbell, Fire Chief
Stephanie Crook, Administrative Coordinator

Policy Issue
Successful completion of one year probation

Recommendation and Alternatives
Staff Recommendation
Recommend confirmation of Adam Harrington to strengthen the Helena Fire Department's ability to recruit, hire, train and retain qualified individuals and to promote career advancement to enhance the City of Helena's safe community.

Recommended Motion: Move to accept confirmation of Firefighter Adam Harrington

Alternatives for Consideration

Legal Review
Not required

Background Information
Firefighter Harrington was hired on 3/1/2021 and has submitted his probationary period.

Respectfully submitted,

Rachel Harlow-Schalk
City Manager

Attachments: Oath of Office

Oath of Office

I, Adam Harrington, recognize my obligation as a Firefighter for the City of Helena to protect and preserve life and property of the public I serve, and I do solemnly swear (or affirm), that I will support the Constitution of the United States, and the Constitution of the State of Montana, and that I will faithfully and impartially discharge the duties of the office of

Firefighter

for the City of Helena Fire Department according to the best of my ability and understanding.

Sworn Date _____

_____
Wilmot J. Collins, Mayor

_____
Jon Campbell, Fire Chief

CITY OF HELENA
Proclamation

WHEREAS, *for more than 50 years, the U.S. Small Business Administration has celebrated National Small Business Week, which recognizes the critical contributions of America's entrepreneurs and small business owners; and*

WHEREAS, *the American entrepreneurial spirit is a defining quality of our Nation which time and again has lifted us to new heights and carried us through our greatest challenges; and*

WHEREAS, *small businesses are not only the engines of our economic progress — they are the heart and soul of our communities. During National Small Business Week, we celebrate our Nation's small businesses — the pillars of their neighborhoods; and*

WHEREAS, *when the pandemic first struck our nation in March of 2020, it posed a historic challenge to America's small businesses. During this time, small business owners and workers demonstrated remarkable courage and resilience, adapting to sudden changes in our way of life and stepping up to serve their communities; and*

WHEREAS, *Helena, Montana supports our small businesses that create jobs, boost our local economy, and preserve our communities; and*

WHEREAS, *public and private organizations, across the country have endorsed May 2nd through May 5th as National Small Business Week; and*

WHEREAS, *I urge the residents of our community, and communities across the country, to support small businesses and merchants during National Small Business Week and throughout the year.*

NOW, THEREFORE, I, Wilmot Collins, Mayor of the City of Helena, Montana, do hereby proclaim May 2nd through May 6th, 2022 as

"National Small Business Week"

throughout the City of Helena, Montana.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Helena, Montana, to be affixed this 25th Day of April, 2022

/S/ WILMOT COLLINS
Wilmot Collins, Mayor

ATTEST:

/S/ DANNAI CLAYBORN
Clerk of the Commission

City of Helena, Montana

April 5, 2022

To: City Manager Tim Burton

From: Parks Director Kristi Ponozzo, Parks Superintendent Craig Marr, Historic Preservation Officer Pam Attardo

Subject: The Montana History Foundation has awarded the City $10,000 for the Helena Fire Tower Rehabilitation.

Present Situation: After an arson fire in 2016, City of Helena's Fire Tower was damaged to an extent that it was no longer possible to safely complete maintenance work on or around the tower. The restoration project involves rehabilitation and replacement of existing damaged wood beams with new, structurally sound, timbers.

The tower is a crucial component of Helena's historic downtown as well as the South-Central neighborhood. Helena's downtown viewscape is identifiable by this unique structure, much as Butte is identified by its headframes and New York City by the Empire State and Chrysler buildings. Local businesses have incorporated it into their name and products, and even Helena's manhole covers display it. Helena's tourism industry relies heavily on the draw of Helena's history and largely intact downtown. The tower is a symbol of this western community, and has been the focal point of Helena.

The Fire Tower, affectionately known as the Guardian of the Gulch, is one of only a few remaining of its kind in the United States. It was listed on the National Register as a contributing structure to the Helena Historic District in 1972. In 1986, it was listed as a contributing structure to the Helena South-Central Historic District. Its role in Helena's early history cannot be underestimated. Fire was a huge threat to early Helena's existence; the mining camp suffered 9 fires in its first 10 years from 1864-1874, some which destroyed much of its business district and many homes. During pre-railroad days, nearly all supplies had to be freighted overland into Helena from either Fort Benton or Corinne, UT, and It could take months and significant expense to replace materials after a fire. Fire lookouts were actually among the first public employees in Helena.

The existing tower was completed on April 3, 1874. It is of significant historical value in both cultural and technical terms. It is a fine example of folk architecture from Helena's frontier days, and an unusual survivor in an urban setting.

The City of Helena has made substantial planning and infrastructure investments in it's Downtown with the Downtown Helena Master Plan, the Downtown Urban Renewal District, and now the Redevelopment of Cruse Avenue, of which the Fire Tower is a center piece. The Fire Tower will be more physically integrated into the downtown experience and provide residents and visitors with not only an historic experience, but an outdoor park and recreation amenity.

Proposal/Objective: Accept grant for $10,000 from the Montana History Foundation for restoration of the Fire Tower

Advantage: Allowing the tower to decay until it is demolished or replaced with a reproduction would be a huge loss to the community's identity and sense of place. This project ensures that the tower continues to grace Helena's skyline and draw tourists in a historically accurate and structurally sound manner. The City has committed a substantial budget allocation of $150,000 to help complete the Fire Tower Restoration this fiscal year, and is committed to ongoing maintenance funding. These grant monies, in addition to private donations, will make up the rest of the needed funding and make possible the restoration of this piece of City history and community identity.

Notable Energy Impact: NA

Disadvantage: None

Notice of Public Hearing: N/A

Recommended Motion: Recommend acceptance of grant for $10,000 from the Montana History Foundation for restoration of the Fire Tower

ATTACHMENTS:
Grant Award Contract

Follow Up

Public Profile | Collaborate 0

Helena Fire Tower Rehabilitation

Process: 2022 Montana History Foundation Grant Program

Contact Info | Request

Applicant:
Ms. Pamela Jeanne Attardo
pattardo@lccountymt.gov
406-447-8357
P.O. Box 1864
Helena, MT 59624

Contact Email History

Organization:
City of Helena
81-6001276
406-447-8410
316 North Park Avenue
Helena, MT 59601 Lewis and Clark

If your organization information does not appear correct, please contact the funder. Thank you.

Application | Follow Up | FollowUp Packet | Question List

Due by 05/31/2022 05:00 PM MDT.

Fields with an asterisk (*) are required.

Grant Agreement

Please note that if your project is overseen by a fiscal sponsor, the fiscal sponsor must electronically sign this grant agreement.

To invite your fiscal sponsor to sign this agreement, click the blue "Collaborate" button in the upper right-hand corner of your screen.

Project Name

Helena Fire Tower Rehabilitation

MHF Grant Amount Requested

$ 10,000.00

Amount Granted

If the amount granted and the amount requested are not the same, a new budget and budget narrative must be submitted for the amount granted.

$ 10,000.00

Grant Period: Date of this signed agreement - 04/01/2022
Final Report Due: 06/01/2023

This agreement is entered into by and between the Montana History Foundation and the Grantee listed above. By signing this agreement, you agree to the following:

PURPOSE*

Grantee will use the funds solely for the purpose outlined in the grant application. Grant funds will not be used for overhead, indirect, or administrative costs. All expenses will be incurred during the above noted grant period.

☐ I agree

PAYMENT*

- For grants over $5,000, MHF will advance 75% of the grant amount to Grantee upon return of this signed agreement. The remaining installment will be released to Grantee upon acceptance of final report.
- For grants $5,000 and less, MHF will advance 100% of the grant amount to Grantee upon return of this signed agreement.
- Any funds not expended at the project's completion will be promptly returned to MHF with the final report.

☐ I agree

ACKNOWLEDGMENT*

- Grantee will clearly designate the Montana History Foundation as the sponsor of the project in any publication supported by the project (print or electronic), publicity related to the project, publication of the results of the project, or tangible result of project activity, such as productions, displays, signage or exhibits.
- To the extent practicable, publicity and publications should include the Montana History Foundation logo, available here.
- A copy of any PR relating to the project funded with this grant will be uploaded with Grantee's final report.
- Invitations to celebrations and events relating to grant projects is appreciated by MHF staff who attend the events whenever possible.

☐ I agree

PHOTO RELEASE*

- Grantee understands and agrees that any photographs submitted will become the property of the Montana History Foundation and may be used for but not limited to annual reports, newsletters, Facebook and Instagram posts, MHF website, and press releases.
- Grantee hereby irrevocably authorizes the Montana History Foundation to copy, exhibit, publish, or distribute any submitted photos. In addition, Grantee waives the right to inspect or approve the finished product, including written or electronic copy.
- Grantee waives any right to royalties or other compensation arising or related to the use of photographs.

☐ I agree

REPORTS*

1. Grantee will submit an online Final Report by June 1, 2023.
2. This report will include project photographs, including but not limited to a description of the work completed, annual reports, newsletters, Facebook, MHF's website, or press releases. Please review the **Grantee Photo Guide**.
3. The final report will include a scan of receipts for expenses paid with MHF and required matching funds. Any remaining grant installments will be released after the final report is accepted.

☐ I agree

Failure to provide these reports in a timely manner will preclude the Grantee from applying for MHF grants in the future. Financial records must be kept for inspection and/or audit for a period of five years following the submission of the final report. MHF or its authorized representatives may, at its discretion, inspect at any reasonable time records related to this grant or visit the project itself.

If you have any questions about the grant, or if any concerns or problems arise relating to your project, contact MHF Program Director Ciara Ryan at (406) 449-3770.

By typing in your Name, Title, and Date in the spaces below, you confirm that you are authorized to make legal contracts for the Grantee and that you agree to enter into this agreement by electronic means.

On behalf of the grantee, I accept this grant and agree that the Grantee will abide by the provisions of my grant application and this agreement.

☐ I accept and agree

Full Name*

Title*

Date*

Due by 05/31/2022 05:00 PM MDT.

Save Follow Up | Submit Follow Up

City of Helena, Montana

April 7, 2022

To: City Manager Tim Burton

From: Parks Director Kristi Ponozzo

Subject: Grant Award Acceptance for Old Shooting Range Improvement Project as proposed and approved by the Missouri River RAC in September of 2021 for $47,150.

Present Situation: At present, the Old Shooting Range Trailhead serves as a primary departure/arrival point for over 25 miles of designated, non-motorized US Forest Service and City of Helena trails lying within the South Hills. Within the next three years, the US Forest Service plans to complete the Brooklyn Bridge trail which will involve the construction of an approximate 12 mile trail route that will connect the Park City Trailhead to the Old Shooting Range Trailhead.

This project would involve leveling/resurfacing the Old Shooting Range Trailhead parking lot area, spraying 40 acres of City-USFS ownership for three consecutive years, and installing the following trailhead amenities; one double vaulted restroom, two picnic tables, a 20 foot x 40 foot ADA compliant parking pad, and one 10 foot long x 7 foot wide pedestrian bridge.

Proposal/Objective: The goal of this project is to improve the functionality of the Old Shooting Range Trailhead to more adequately meet the needs of trail users while concurrently addressing the ecological impacts associated with ever accelerating visitation levels. Currently, the Old Shooting Range Trailhead lacks the following items; restroom availability, picnic tables, hard surfaced ADA parking, and a short pedestrian bridge to cross over a storm water ditch that runs parallel to the western boundary of the trailhead parking area. Additionally, resurfacing/leveling the parking area would serve to address vehicular related wear/drainage issues while increasing the frequency/range of weed control within the Old Shooting Range Trailhead area and connected Mt Ascension/Rodney Ridge Trail corridors, would serve to decrease the spread of weeds.

This project was reviewed, analyzed and approved as part of the 2020/2021 Open Lands Major Recreation Projects public process.

Advantage: The Old Shooting Range Trailhead is a key component of Helena Montana's South Hills Trail system. According to a 2017 trail usage study conducted by the University of Montana, the Old Shooting Range Trailhead accounts for nearly 8% of all trailhead usage within the Helena's South Hills. In 2017, the direct economic benefit to the Helena area by nonresident trail users totaled approximately 4.03 million annually. Future trail development plans by the Helena-Lewis and Clark National Forest that propose to directly link the Park City Trailhead to the Old Shooting Range Trailhead will increase the annual usage of this site significantly. Due to the fact that the Helena Tourism Alliance facilitates bus shuttles to the Park City Trailhead, a service that is extremely popular with out of town visitors, the Old Shooting Range Trailheads economic contribution to the Helena area economy can be expected to grow considerably in future years. Additionally, the Lewis and Clark County Health Department, along with an extensive list of partners from the community of Helena, MT has recently embarked on a united effort to increase access to physical activity opportunities where residents live, work, and play. Improving the functionality of existing recreational facilities such as the Old Shooting Range Trailhead is consistent with the active living focus that leaders in the community of Helena are currently promoting.

Notable Energy Impact: NA

Disadvantage: NA

Notice of Public Hearing: N/A

Recommended Motion: Recommend acceptance of Grant Award for "Old Shooting Range Improvement Project" as proposed and approved by the Missouri River RAC in September of 2021 for $47,150

ATTACHMENTS:
RAC Grant Materials

FS Agreement No. 22-CS-11011500-030

Cooperator Agreement No. _____

CHALLENGE COST SHARE AGREEMENT
Between The
HELENA, CITY OF
And The
USDA, FOREST SERVICE
HELENA-LEWIS AND CLARK NATIONAL FOREST

This CHALLENGE COST SHARE AGREEMENT is hereby made and entered into by and between the Helena, City of, hereinafter referred to as "City of Helena," and the United States Department of Agriculture (USDA), Forest Service, Helena-Lewis and Clark National Forest hereinafter referred to as the "U.S. Forest Service," under the authority: Insert the appropriate authority(s):Secure Rural Schools and Community Self-Determination Act of 2000, Public Law 106-393, 16 U.S.C. 500, as reauthorized and amended by the Emergency Economic Stabilization Act of 2008, Energy Improvement and Extension Act of 2008, and Tax Extenders and Alternative Minimum Tax relief Act of 2008, Section 601(a) in division C of Pub. L. 110.

Background: The City of Helena and the Helena Ranger District (Helena-Lewis and Clark National Forest) have been cooperating on a variety of recreation projects including trail maintenance and development, trailhead improvements, and public education and information. This partnership has resulted in resource management activities, public education efforts, expanded trail maintenance programs, and these efforts have minimized the impacts of recreation on the resources we manage. The Helena Ranger District and the City of Helena wish to continue this valuable collaboration.

Title: Old Shooting Range Trailhead Project

I. PURPOSE:

The purpose of this agreement is to document the cooperation between the parties to provide for the improvement and maintenance of recreational trailheads and trails, provide public education and information concerning the use of trails on public lands, and to promote resource management activities in accordance with the following provisions and the hereby incorporated financial Plan, attached as Exhibit A and RAC proposal, attached as Exhibit B..

II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

The mission of the U.S. Forest Service is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations.

As set forth in law, the mission is to achieve quality land management under the sustainable multiple-use management concept, including outdoor recreation on National Forest System (NFS) lands. The U.S. Forest Service is also interested in cooperating with other parties to meet its land management goals and provide the public with opportunities for use and enjoyment of NFS lands as described in the existing Helena-Lewis and Clark Forest Plan.

The City of Helena is dedicated to the safe and responsible use of trails for recreation while promoting resource management activities. The City of Helena open lands are a great asset to the city. They hold precious scenic, cultural, recreational, and natural values. The lands provide a dramatic scenic backdrop and put wildlands directly adjacent to the urban environment but also pose unique management issues.

Both parties share the common responsibility and interest in disseminating information to the public regarding conservation, recreation, and natural resource activities as they relate to trail use. This partnership serves to improve recreation opportunities and activities while meeting resource management goals.

In Consideration of the above premises, the parties agree as follows:

III. CITY OF HELENA SHALL:

A. LEGAL AUTHORITY. City of Helena shall have the legal authority to enter into this agreement, and the institutional, managerial, and financial capability to ensure proper planning, management, and completion of the project, which includes funds sufficient to pay the nonfederal share of project costs, when applicable.

B. Implement the "Old Shooting Range Improvement Project" as proposed and approved by the Missouri River RAC in September of 2021 (Exhibit B, page 1, field 10). The goal of this project is to improve the functionality of the Old Shooting Range trailhead (located on City of Helena lands) to meet the needs of trail users more adequately while concurrently addressing the ecological impacts associated with ever accelerating visitation levels.
C. Perform trail maintenance and resource improvement activities. Routine activities include, but are not limited to: trash pickup, water bar cleanout, brush removal, trail clearing, bulletin board maintenance, noxious weed mapping and treatment, and installation of signs.
D. Sustain a program to educate the public regarding responsible use of trails on public lands and how to minimize recreation and social impacts to natural resources.
E. Meet with the U.S. Forest Service annually to develop and prioritize a schedule of work.

IV. THE U.S. FOREST SERVICE SHALL:

A. PAYMENT/REIMBURSEMENT. The U.S. Forest Service shall reimburse City of Helena for the U.S. Forest Service's share of actual expenses incurred, **not to exceed**

$47,150, as shown in the Financial Plan. In order to approve a Request for Reimbursement, the U.S. Forest Service shall review such requests to ensure payments for reimbursement are in compliance and otherwise consistent with the terms of the agreement. The U.S. Forest Service shall make payment upon receipt of City of Helena's quarterly invoice. Each invoice from City of Helena shall display the total project costs for the billing period, separated by U.S. Forest Service and City of Helena 's share. In-kind contributions must be displayed as a separate line item and must not be included in the total project costs available for reimbursement. The final invoice must display City of Helena's full match towards the project, as shown in the financial plan, and be submitted no later than 120 days from the expiration date.

Each invoice must include, at a minimum:

1. City of Helena name, address, and telephone number.
2. U.S. Forest Service agreement number, 22-CS-11011500-030.
3. Invoice date.
4. Performance dates of the work completed (start & end).
5. Total invoice amount for the billing period, separated by U.S. Forest Service and City of Helena share with in-kind contributions displayed as a separate line item.
6. Display all costs, both cumulative and for the billing period, by separate cost element as shown on the financial plan.
7. Cumulative amount of U.S. Forest Service payments to date.
8. Statement that the invoice is a request for payment by "reimbursement".
9. If using SF-270, a signature is required.
10. Invoice Number, if applicable.

The invoice must be forwarded to:

EMAIL: SM.FS.ASC_GA@USDA.GOV

FAX: 877-687-4894

POSTAL: USDA Forest Service
Albuquerque Service Center
Payments – Grants & Agreements
101B Sun Ave NE
Albuquerque, NM 87109

Send a copy to: Roy Barkley, roy.barkley@usda.gov and mandy.alvino@usda.gov.

B. Fund treatment of noxious weed species at the Old Shooting Range project area, i.e. trailhead, parking area, and adjacent trail corridors, for three years.

C. Monitor efficacy of weed treatments and monitor status of noxious weed populations at the Old Shooting Range project area, i.e. trailhead, parking area, and adjacent trail corridors, for three years.
D. Meet with the City of Helena annually to develop and prioritize a schedule of work.
E. Establish priorities and supervise work that occurs on National Forest System lands.

V. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

A. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this agreement.

Principal Cooperator Contacts:

Cooperator Program Contact	Cooperator Administrative Contact
Brad Langsather City of Helena Open Lands Manager 316 North Park Ave Helena, MT 59623 406-447-8454 FAX: 406-447-8434 blangsather@helenamt.gov	

Principal U.S. Forest Service Contacts:

U.S. Forest Service Program Manager Contact	U.S. Forest Service Administrative Contact
Mandy Alvino Natural Resource Specialist Helena and Townsend Ranger Districts 2880 Skyway Dr Helena, MT 59602 406-449-5201 mandy.alvino@usda.gov Roy Barkley Recreation Specialist Helena and Townsend Ranger Districts 2880 Skyway Drive Helena, MT 59602 406-495-3914 roy.barkley@usda.gov	Brandi Scheffelmaier Grants Management Specialist 3232 W. Nursery Road Coeur d'Alene, ID 83815 208-786-0151 brandi.scheffelmaier@usda.gov

B. NOTICES. Any communications affecting the operations covered by this agreement given by the U.S. Forest Service or City of Helena are sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the U.S. Forest Service Program Manager, at the address specified in the agreement.

To City of Helena, at the address shown in the agreement or such other address designated within the agreement.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

C. PARTICIPATION IN SIMILAR ACTIVITIES. This agreement in no way restricts the U.S. Forest Service or City of Helena from participating in similar activities with other public or private agencies, organizations, and individuals.

D. ENDORSEMENT. Any of City of Helena's contributions made under this agreement do not by direct reference or implication convey U.S. Forest Service endorsement of City of Helena's products or activities.

E. USE OF U.S. FOREST SERVICE INSIGNIA. In order for City of Helena to use the U.S. Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted from the U.S. Forest Service's Office of Communications (Washington Office). A written request will be submitted by the U.S. Forest Service Helena-Lewis and Clark National Forest to the Office of Communications Assistant Director, Visual Information and Publishing Services prior to use of the insignia. The U.S. Forest Service Helena-Lewis and Clark National Forest will notify the City of Helena when permission is granted.

F. NON-FEDERAL STATUS FOR COOPERATOR PARTICIPANTS. City of Helena agree(s) that any of City of Helena's employees, volunteers, and program participants shall not be deemed to be Federal employees for any purposes including Chapter 171 of Title 28, United States Code (Federal Tort Claims Act) and Chapter 81 of Title 5, United States Code (OWCP), as City of Helena has hereby willingly agreed to assume these responsibilities.

Further, City of Helena shall provide any necessary training to City of Helena's employees, volunteers, and program participants to ensure that such personnel are capable of performing tasks to be completed. City of Helena shall also supervise and direct the work of its employees, volunteers, and participants performing under this agreement.

G. MEMBERS OF U.S. CONGRESS. Pursuant to 41 U.S.C. 22, no member of, or delegate to, Congress shall be admitted to any share or part of this agreement, or benefits that may arise therefrom, either directly or indirectly.

H. NONDISCRIMINATION. The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, and so forth.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

I. ELIGIBLE WORKERS. City of Helena shall ensure that all employees complete the I-9 form to certify that they are eligible for lawful employment under the Immigration and Nationality Act (8 USC 1324a). City of Helena shall comply with regulations regarding certification and retention of the completed forms. These requirements also apply to any contract awarded under this agreement.

J. SYSTEM FOR AWARD MANAGEMENT REGISTRATION REQUIREMENT (SAM). City of Helena shall maintain current information in the System for Award Management (SAM) until receipt of final payment. This requires review and update to the information at least annually after the initial registration, and more frequently if required by changes in information or agreement term(s). For purposes of this agreement, System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a Cooperative. Additional information about registration procedures may be found at the SAM Internet site at www.sam.gov.

K. STANDARDS FOR FINANCIAL MANAGEMENT.

1. Financial Reporting

City of Helena shall provide complete, accurate, and current financial disclosures of the project or program in accordance with any financial reporting requirements, as set forth in the financial provisions.

2. Accounting Records

City of Helena shall continuously maintain and update records identifying the source and use of funds. The records shall contain information pertaining to the

agreement, authorizations, obligations, unobligated balances, assets, outlays, and income.

3. Internal Control

City of Helena shall maintain effective control over and accountability for all U.S. Forest Service funds. City of Helena shall keep effective internal controls to ensure that all United States Federal funds received are separately and properly allocated to the activities described in the award/agreement and used solely for authorized purposes.

4. Source Documentation

City of Helena shall support all accounting records with source documentation. These documentations include, but are not limited to, cancelled checks, paid bills, payrolls, contract documents. These documents must be made available to the U.S. Forest Service upon request.

L. INDIRECT COST RATES- PARTNERSHIP. Indirect costs are approved for reimbursement or as a cost-share requirement and have an effective period applicable to the term of this agreement.

1. If the Cooperator has never received or does not currently have a negotiated indirect cost rate, they are eligible for a de minimis indirect cost rate up to 10 percent of modified total direct costs (MTDC). MTDC is defined as all salaries and wages, fringe benefits, materials and supplies, services, travel, and contracts up to the first $25,000 of each contract.

2. For rates greater than 10 percent and less than 25 percent, the Cooperator shall maintain documentation to support the rate. Documentation may include, but is not limited to, accounting records, audit results, cost allocation plan, letter of indirect cost rate approval from an independent accounting firm, or other Federal agency approved rate notice applicable to agreements.

3. For a rate greater than 25 percent, the U.S. Forest Service may require that the Cooperator request a federally approved rate from the Cooperator's cognizant audit agency no later than 3 months after the effective date of the agreement. The Cooperator will be reimbursed for indirect costs or allowed to cost-share at the rate reflected in the agreement until the rate is formalized in the negotiated indirect cost rate (NICRA) at which time, reimbursements for prior indirect costs or cost-sharing may be subject to adjustment.

4. Failure to provide adequate documentation supporting the indirect cost rate, if requested, could result in disallowed costs and repayment to the U.S. Forest Service.

M. OVERPAYMENT. Any funds paid to City of Helena in excess of the amount entitled under the terms and conditions of this agreement constitute a debt to the Federal Government. The following must also be considered as a debt or debts owed by City of Helena to the U.S. Forest Service:

- Any interest or other investment income earned on advances of agreement funds; or

- Any royalties or other special classes of program income which, under the provisions of the agreement, are required to be returned;

If this debt is not paid according to the terms of the bill for collection issued for the overpayment, the U.S. Forest Service may reduce the debt by:

1. Making an administrative offset against other requests for reimbursement.
2. Withholding advance payments otherwise due to City of Helena.
3. Taking other action permitted by statute (31 U.S.C. 3716 and 7 CFR, Part 3, Subpart B).

Except as otherwise provided by law, the U.S. Forest Service may charge interest on an overdue debt.

N. AGREEMENT CLOSEOUT. Within 120 days after expiration or notice of termination the parties shall close out the agreement.

Any unobligated balance of cash advanced to City of Helena must be immediately refunded to the U.S. Forest Service, including any interest earned in accordance with 2 CFR Part 200, Subpart D, 200.305.

Within a maximum of 120 days following the date of expiration or termination of this agreement, all financial performance and related reports required by the terms of the agreement must be submitted to the U.S. Forest Service by City of Helena.

If this agreement is closed out without audit, the U.S. Forest Service reserves the right to disallow and recover an appropriate amount after fully considering any recommended disallowances resulting from an audit which may be conducted later.

O. PROGRAM MONITORING AND PROGRAM PERFORMANCE REPORTS. The parties to this agreement shall monitor the performance of the agreement activities to ensure that performance goals are being achieved.

Performance reports must contain information on the following:

- A comparison of actual accomplishments to the goals established for the period. Wherever the output of the project can be readily expressed in numbers, a computation of the cost per unit of output, if applicable.

- Reason(s) for delay if established goals were not met.

- Additional pertinent information

City of Helena shall submit semi-annual performance reports to the U.S. Forest Service Program Manager. These reports are due 30 days after the reporting period. The final performance report must be submitted either with City of Helena's final payment request, or separately, but not later than 120 days from the expiration date of the agreement.

P. RETENTION AND ACCESS REQUIREMENTS FOR RECORDS. City of Helena shall retain all records pertinent to this agreement for a period of no less than 3 years from the expiration or termination date. As used in this provision, records includes books, documents, accounting procedures and practice, and other data, regardless of the type or format. City of Helena shall provide access and the right to examine all records related to this agreement to the U.S. Forest Service Inspector General, or Comptroller General or their authorized representative. The rights of access in this section must not be limited to the required retention period but must last as long as the records are kept.

If any litigation, claim, negotiation, audit, or other action involving the records has been started before the end of the 3-year period, the records must be kept until all issues are resolved, or until the end of the regular 3-year period, whichever is later.

Records for nonexpendable property acquired in whole or in part, with Federal funds must be retained for 3 years after its final disposition.

Q. FREEDOM OF INFORMATION ACT (FOIA). Public access to agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552).). Requests for research data are subject to 2 CFR 215.36.

Public access to culturally sensitive data and information of Federally-recognized Tribes may also be explicitly limited by P.L. 110-234, Title VIII Subtitle B §8106 (2009 Farm Bill).

R. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All Cooperators, their Employees, Volunteers, and Contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles,

POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.

S. PUBLIC NOTICES. It is the U.S. Forest Service's policy to inform the public as fully as possible of its programs and activities. City of Helena is/are encouraged to give public notice of the receipt of this agreement and, from time to time, to announce progress and accomplishments. Press releases or other public notices should include a statement substantially as follows:

"Helena-Lewis and Clark National Forests of the U. S. Forest Service, Department of Agriculture"

City of Helena may call on the U.S. Forest Service's Office of Communication for advice regarding public notices. City of Helena is/are requested to provide copies of notices or announcements to the U.S. Forest Service Program Manager and to U.S. Forest Service's Office of Communications as far in advance of release as possible.

T. FUNDING EQUIPMENT Federal funding under this agreement is not available for reimbursement of City of Helena's purchase of equipment. Equipment is defined as having a fair market value of $5,000 or more per unit and a useful life of over one year.

U. CONTRACT REQUIREMENTS. Any contract under this agreement must be awarded following City of Helena's established procurement procedures, to ensure free and open competition, and avoid any conflict of interest (or appearance of a conflict). City of Helena must maintain cost and price analysis documentation for potential U.S. Forest Service review. City of Helena is/are encouraged to utilize small businesses, minority-owned firms, and women's business enterprises.

V. U.S. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS AND ELECTRONIC MEDIA. City of Helena shall acknowledge U.S. Forest Service support in any publications, audiovisuals, and electronic media developed as a result of this agreement.

W. TRAINING, EVALUATION, AND CERTIFICATION OF SAWYERS. Any of the cooperator's employees, and any participants and volunteers engaged on behalf of the cooperator and U.S. Forest Service, who will use chain saws or crosscut saws on National Forest System lands to conduct the program of work contained in this agreement must be trained, evaluated, and certified in accordance with U.S. Forest Service Manual 2358 and U.S. Forest Service Handbook 6709.11, section 22.48b. The cooperator is responsible for providing this training, evaluation, and certification, unless the U.S. Forest Service and the cooperator determine it is not in the best interest of the partnership. In these circumstances, the U.S. Forest Service, upon request and based on availability of Agency funding and personnel, may assist with

developing and conducting training, evaluation, and certification of the cooperator's employees, and any volunteers and participants engaged on behalf of the cooperator and the U.S. Forest Service, who will use chain saws or cross cut saws on National Forest System lands.

X. NONDISCRIMINATION STATEMENT – PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIAL. City of Helena shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint alleging discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington DC 20250-9410 or call toll free voice (866) 632-9992, TDD (800)877-8339, or voice relay (866) 377-8642. USDA is an equal opportunity provider and employer."

If the material is too small to permit the full statement to be included, the material must, at minimum, include the following statement, in print size no smaller than the text:

"This institution is an equal opportunity provider."

Y. REMEDIES FOR COMPLIANCE RELATED ISSUES. If City of Helena materially fail(s) to comply with any term of the agreement, whether stated in a Federal statute or regulation, an assurance, or the agreement, the U.S. Forest Service may take one or more of the following actions:

1. Temporarily withhold cash payments pending correction of the deficiency by City of Helena or more severe enforcement action by the U.S. Forest Service;

2. Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance;

3. Wholly or partly suspend or terminate the current agreement for City of Helena's program;

4. Withhold further awards for the program, or

5. Take other remedies that may be legally available, including debarment procedures under 2 CFR Part 417.

Z. TERMINATION BY MUTUAL AGREEMENT. This agreement may be terminated, in whole or part, as follows:

1. When the U.S. Forest Service and City of Helena agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated.

2. By 30 days written notification by City of Helena to the U.S. Forest Service setting forth the reasons for termination, effective date, and in the case of partial termination, the portion to be terminated. If the U.S. Forest Service decides that the remaining portion of the agreement does not accomplish the purpose for which the award/agreement was made, the U.S. Forest Service may terminate the award upon 30 days written notice in its entirety.

Upon termination of an agreement, City of Helena shall not incur any new obligations for the terminated portion of the agreement after the effective date, and shall cancel as many outstanding obligations as possible. The U.S. Forest Service shall allow full credit to City of Helena for the United States Federal share of the non-cancelable obligations properly incurred by City of Helena up to the effective date of the termination. Excess funds must be refunded within 60 days after the effective date of termination.

AA. ALTERNATE DISPUTE RESOLUTION – PARTNERSHIP AGREEMENT. In the event of any issue of controversy under this agreement, the parties may pursue Alternate Dispute Resolution procedures to voluntarily resolve those issues. These procedures may include, but are not limited to conciliation, facilitation, mediation, and fact finding.

BB. DEBARMENT AND SUSPENSION. City of Helena shall immediately inform the U.S. Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the Federal Government according to the terms of 2 CFR Part 180. Additionally, should City of Helena or any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the U.S. Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.

CC. COPYRIGHTING. City of Helena is/are granted sole and exclusive right to copyright any publications developed as a result of this agreement. This includes the right to publish and vend throughout the world in any language and in all media and forms, in whole or in part, for the full term of copyright and all renewals thereof in accordance with this agreement.

No original text or graphics produced and submitted by the U.S. Forest Service must be copyrighted. The U.S. Forest Service reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use the work for Federal Government purposes. This right must be transferred to any sub-agreements or subcontracts.

This provision includes:

- The copyright in any work developed by City of Helena under this agreement.
- Any right of copyright to which City of Helena purchase(s) ownership with any Federal contributions.

DD. PROHIBITION AGAINST INTERNAL CONFIDENTIAL AGREEMENTS. All non federal government entities working on this agreement will adhere to the below provisions found in the Consolidated Appropriations Act, 2016, Pub. L. 114-113, relating to reporting fraud, waste and abuse to authorities:

(a) The recipient may not require its employees, contractors, or subrecipients seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

(b) The recipient must notify its employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with paragraph (a) of this award provision are no longer in effect.

(c) The prohibition in paragraph (a) of this award provision does not contravene requirements applicable to any other form issued by a Federal department or agency governing the nondisclosure of classified information.

(d) If the Government determines that the recipient is not in compliance with this award provision, it:

(1) Will prohibit the recipient's use of funds under this award, in accordance with sections 743, 744 of Division E of the Consolidated Appropriations Act, 2016, (Pub. L. 114-113) or any successor provision of law; and
(2) May pursue other remedies available for the recipient's material failure to comply with award terms and conditions.

EE. PUBLICATION SALE. City of Helena may sell any publication developed as a result of this agreement. The publication may be sold at fair market value, which is initially defined in this agreement to cover the costs of development, production, marketing, and distribution. After the costs of development and production have been recovered, fair market value is defined in this agreement to cover the costs of marketing, printing, and distribution only. Fair market value must exclude any in-kind or Federal Government contributions from the total costs of the project.

FF. MODIFICATIONS. Modifications within the scope of this agreement must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change. The U.S. Forest Service is not obligated to fund any changes not properly approved in advance.

GG. COMMENCEMENT/EXPIRATION DATE. This agreement is executed as of the date of the last signature and is effective through **07/01/2024** at which time it will expire. The expiration date is the final date for completion of all work activities under this agreement.

HH. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this agreement. In witness whereof, the parties hereto have executed this agreement as of the last date written below.

TIM BURTON, Acting City Manager Date
City of Helena

SARA MAYBEN , Acting Forest Supervisor Date
U.S. Forest Service, Helena-Lewis and Clark National Forest

The authority and format of this agreement have been reviewed and approved for signature.

BRANDI SCHEFFELMAIER Date
U.S. Forest Service Grants Management Specialist

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

U.S. Forest Service

OMB 0596-0217
FS-1500-17B

Exhibit: A

USFS Agreement No.: 22-CS-11011500-030

Mod. No.:

Cooperator Agreement No.:

Note: This Financial Plan may be used when:
(1) No program income is expected and
(2) The Cooperator is not giving cash to the FS and
(3) There is no other Federal funding

Agreements Financial Plan (Short Form)

Financial Plan Matrix: Note: All columns may not be used. Use depends on source and type of contribution(s).

	FOREST SERVICE CONTRIBUTIONS		COOPERATOR CONTRIBUTIONS		
	(a)	(b)	(c)	(d)	
COST ELEMENTS	Noncash	Cash to Cooperator	Noncash	In-Kind	(e) Total
Direct Costs					
Salaries/Labor	$4,050.00	$0.00	$12,015.00	$0.00	$16,065.00
Travel	$0.00	$0.00	$0.00	$0.00	$0.00
Equipment	$0.00	$0.00	$0.00	$0.00	$0.00
Supplies/Materials	$0.00	$41,500.00	$17,200.00	$0.00	$58,700.00
Printing	$0.00	$0.00	$0.00	$0.00	$0.00
Other	$10,800.00	$5,650.00	$9,060.00	$0.00	$25,510.00
Other					$0.00
Subtotal	$14,850.00	$47,150.00	$38,275.00	$0.00	$100,275.00
Coop Indirect Costs		$0.00	$0.00		$0.00
FS Overhead Costs	$1,930.50				$1,930.50
Total	$16,780.50	$47,150.00	$38,275.00	$0.00	
Total Project Value:					$102,205.50

Matching Costs Determination	
Total Forest Service Share = (a+b) ÷ (e) = (f)	(f) 62.55%
Total Cooperator Share (c+d) ÷ (e) = (g)	(g) 37.45%
Total (f+g) = (h)	(h) 100.00%

WORKSHEET FOR

FS Non-Cash Contribution Cost Analysis, Column (a)

Use this worksheet to perform the cost analysis that supports the lump sum figures provided in the matrix. NOTE: This worksheet auto populates the relevant and applicable matrix cells.

Cost element sections may be deleted or lines may be hidden, if not applicable. Line items may be added or deleted as needed. The Standard Calculation sections provide a standardized formula for determing a line item's cost, e.g. cost/day x # of days=total, where the total is calculated automatically. The Non-Standard Calculation sections provide a write-in area for line items that require a calculation formula that is other than the standardized formules, e.g. instead of salaries being calculated by cost/day x # of days, costs may be calculated simply by a contracted value that is not dependent on days worked, such as 1 employee x $1,200/contract= $1,200. Be sure to review your calculations when entering in a Non-Standard Calculation, and provide a brief explanation of units used to make calculation, e.g. '1 month contract,' on a line below the figures.

Salaries/Labor					
Standard Calculation					
Job Description		Cost/Day	# of Days		Total
Range mgmt specialist (weed mgmt, 3 yrs)		$250.00	6.00		$1,500.00
Forestry technician (monitoring, 3 yrs)		$150.00	17.00		$2,550.00
					$0.00
Non-Standard Calculation					
Total Salaries/Labor					**$4,050.00**

Travel					
Standard Calculation					
Travel Expense	Employees	Cost/Trip	# of Trips		Total
					$0.00
Non-Standard Calculation					
Total Travel					**$0.00**

Equipment					
Standard Calculation					
Piece of Equipment	# of Units	Cost/Day	# of Days		Total
					$0.00
Non-Standard Calculation					
Total Equipment					**$0.00**

Supplies/Materials				
Standard Calculation				
Supplies/Materials		# of Items	Cost/Item	Total

					$0.00
Non-Standard Calculation					
Total Supplies/Materials					**$0.00**

Printing					
Standard Calculation					
Paper Material		# of Units	Cost/Unit		Total
					$0.00
Non-Standard Calculation					
Total Printing					**$0.00**

Other Expenses					
Standard Calculation					
Item		# of Units	Cost/Unit		Total
					$0.00
Non-Standard Calculation					
Weed treatment via FS IDIQ for three seasons					$10,800.00
Total Other					**$10,800.00**

Subtotal Direct Costs	$14,850.00

Forest Service Overhead Costs

Current Overhead Rate	Subtotal Direct Costs			Total
13.00%	$14,850.00			$1,930.50
Total FS Overhead Costs				**$1,930.50**

TOTAL COST	**$16,780.50**

WORKSHEET FOR

FS Cash to the Cooperator Cost Analysis, Column (b)

Use this worksheet to perform the cost analysis that supports the lump sum figures provided in the matrix. NOTE: This worksheet auto populates the relevant and applicable matrix cells.

Cost element sections may be deleted or lines may be hidden, if not applicable. Line items may be added or deleted as needed. The Standard Calculation sections provide a standardized formula for determing a line item's cost, e.g. cost/day x # of days=total, where the total is calculated automatically. The Non-Standard Calculation sections provide a write-in area for line items that require a calculation formula that is other than the standardized formules, e.g. instead of salaries being calculated by cost/day x # of days, costs may be calculated simply by a contracted value that is not dependent on days worked, such as 1 employee x $1,200/contract= $1,200. Be sure to review your calculations when entering in a Non-Standard Calculation, and provide a brief explanation of units used to make calculation, e.g. '1 month contract,' on a line below the figures.

Salaries/Labor					
Standard Calculation					
Job Description		Cost/Day	# of Days		Total
					$0.00
Non-Standard Calculation					
Total Salaries/Labor					**$0.00**

Travel					
Standard Calculation					
Travel Expense	Employees	Cost/Trip	# of Trips		Total
					$0.00
Non-Standard Calculation					
Total Travel					**$0.00**

Equipment					
Standard Calculation					
Piece of Equipment	# of Units	Cost/Day	# of Days		Total
					$0.00
Non-Standard Calculation					
Total Equipment					**$0.00**

Supplies/Materials				
Standard Calculation				
Supplies/Materials		# of Items	Cost/Item	Total
Vault toilet with delivery and installation		1.00	$41,500.00	$41,500.00
				$0.00

Non-Standard Calculation					
Total Supplies/Materials					**$41,500.00**

Printing					
Standard Calculation					
Paper Material		# of Units	Cost/Unit		Total
					$0.00
Non-Standard Calculation					
					$0.00
Total Printing					**$0.00**

Other Expenses					
Standard Calculation					
Item		# of Units	Cost/Unit		Total
Contract for vault toilet prep		1.00	$5,650.00		$5,650.00
(excavate hole, add gravel, compact					$0.00
backfill and dress)					$0.00
					$0.00
Non-Standard Calculation					
Total Other					**$5,650.00**

Subtotal Direct Costs	$47,150.00

Cooperator Indirect Costs				
Current Overhead Rate	Subtotal Direct Costs			Total
	$47,150.00			$0.00
Total Coop. Indirect Costs				**$0.00**

TOTAL COST	**$47,150.00**

WORKSHEET FOR

Cooperator Non-Cash Contribution Cost Analysis, Column (c)

Use this worksheet to perform the cost analysis that supports the lump sum figures provided in the matrix.
NOTE: This worksheet auto populates the relevant and applicable matrix cells.

Cost element sections may be deleted or lines may be hidden, if not applicable. Line items may be added or deleted as needed. The Standard Calculation sections provide a standardized formula for determing a line item's cost, e.g. cost/day x # of days=total, where the total is calculated automatically. The Non-Standard Calculation sections provide a write-in area for line items that require a calculation formula that is other than the standardized formules, e.g. instead of salaries being calculated by cost/day x # of days, costs may be calculated simply by a contracted value that is not dependent on days worked, such as 1 employee x $1,200/contract= $1,200. Be sure to review your calculations when entering in a Non-Standard Calculation, and provide a brief explanation of units used to make calculation, e.g. '1 month contract,' on a line below the figures.

Salaries/Labor					
Standard Calculation					
Job Description		Cost/Day	# of Days		Total
EA Preparation		$450.00	2.20		$990.00
EA Public Meeting		$450.00	0.50		$225.00
Project Design		$800.00	1.00		$800.00
Contract/Grant Prep		$450.00	3.00		$1,350.00
Contract/Grant Prep		$1,000.00	0.20		$200.00
Contract/Grant Admin		$450.00	4.00		$1,800.00
Monitoring		$61.00	50.00		$3,050.00
Project Implementation		$800.00	4.50		$3,600.00
					$0.00
Non-Standard Calculation					
Total Salaries/Labor					**$12,015.00**

Travel					
Standard Calculation					
Travel Expense	Employees	Cost/Trip	# of Trips		Total
					$0.00
Non-Standard Calculation					
Total Travel					**$0.00**

Equipment					
Standard Calculation					
Piece of Equipment	# of Units	Cost/Day	# of Days		Total
					$0.00
Non-Standard Calculation					
Total Equipment					**$0.00**

Supplies/Materials				
Standard Calculation				
Supplies/Materials		# of Items	Cost/Item	Total
Gravel		370.00	$35.00	$12,950.00
Lumber		16.00	$25.00	$400.00
Hardware		$140.00	0.50	$70.00
Janitorial		416.00	$5.00	$2,080.00
Skid steer		205.00	$6.00	$1,230.00
Utility trailer		$25.00	2.00	$50.00
Truck		210.00	$2.00	$420.00
Non-Standard Calculation				
Total Supplies/Materials				**$17,200.00**

Printing					
Standard Calculation					
Paper Material		# of Units	Cost/Unit		Total
					$0.00
Non-Standard Calculation					
					$0.00
Total Printing					**$0.00**

Other Expenses					
Standard Calculation					
Item		# of Units	Cost/Unit		Total
County permit		1.00	$60.00		$60.00
Concret Pad		1.00	$8,000.00		$8,000.00
Lines & Insigna		1.00	$500.00		$500.00
Vault Pumping		1.00	$500.00		$500.00
Non-Standard Calculation					
Total Other					**$9,060.00**

Subtotal Direct Costs	$38,275.00

Cooperator Indirect Costs				
Current Overhead Rate	Subtotal Direct Costs			Total
	$38,275.00			$0.00
Total Coop. Indirect Costs				**$0.00**

TOTAL COST	**$38,275.00**

☐Secure Rural Schools & Community Self-Determination Act
Reauthorized by Public Law 115-141
Title II Project Submission Form
USDA Forest Service

_____Resource Advisory Committee
Project Number (Assigned by Designated Federal Official):

Funding Fiscal Year(s): FY 20 and FY 21

2. Project Name: Old Shooting Range Trailhead Improvement Project	**3a. State:** Montana **3b. County(s):** Lewis & Clark
4. Project Submitted By: City of Helena, Brad Langsather, Open Lands Manager	**5. Date:** 01-27-20
6. Contact Phone Number: (406) 447-8454	**7. Contact E-mail:** blangsather@helenamt.gov

8. Project Location:	
a. National Forest(s): Helena-Lewis & Clark National Forest	b. Forest Service District: Helena
c. Location (Township-Range-Section) (Township 9 North, Range 4 West, Section 1, Lewis & Clark County, MT)	

9. Project Goals and Objectives: The goal of this project is to improve the functionality of the Old Shooting Range Trailhead to more adequately meet the needs of trail users while concurrently addressing the ecological impacts associated with ever accelerating visitation levels. Currently, the Old Shooting Range Trailhead lacks the following items; restroom availability, picnic tables, hard surfaced ADA parking, and a short pedestrian bridge to cross over a storm water ditch that runs parallel to the western boundary of the trailhead parking area. Additionally, resurfacing/leveling the parking area would serve to address vehicular related wear/drainage issues while increasing the frequency/range of weed control within the Old Shooting Range Trailhead area and connected Mt Ascension/Rodney Ridge Trail corridors, would serve to decrease the spread of weeds.

10. Project Description:
a. Brief: (*in one sentence*) This project would involve leveling/resurfacing the Old Shooting Range Trailhead parking lot area, spraying 40 acres of City-USFS ownership for three consecutive years, and installing the following trailhead amenities; one double vaulted restroom, two picnic tables, a 20 foot x 40 foot ADA compliant parking pad, and one 10 foot long x 7 foot wide pedestrian bridge.

b. Detailed: At present, the Old Shooting Range Trailhead serves as a primary departure/arrival point for over 25 miles of designated, non-motorized US Forest Service and City of Helena trails lying within the South Hills. Within the next three years, the US Forest Service plans to complete the Brooklyn Bridge trail which will involve the construction of an approximate 12 mile trail route that will connect the Park City Trailhead to the Old Shooting Range Trailhead.

11. Types of Lands Involved?
State/Private/Other lands involved? ☒ Yes ☐ No **Land Status:**
If Yes, specify: Public lands owned and managed by the City of Helena.

12. How does the proposed project meet purposes of the Legislation? (Check at least 1)
☒ Improves maintenance of existing infrastructure.
☒ Implements stewardship objectives that enhance forest ecosystems.
☒ Restores and improves land health.
☐ Restores water quality

13. Project Type a. Check all that apply: (check at least 1)	
☒ Road Maintenance	☒ Trail Maintenance
☐ Road Decommission/Obliteration	☐ Trail Obliteration
☒ Other Infrastructure Maintenance (specify): Installation of the following: vaulted restroom, picnic tables, hard surfaced ADA compliant parking, pedestrian bridge, leveling/resurfacing of parking area.	
☐ Soil Productivity Improvement	☐ Forest Health Improvement
☒ Watershed Restoration & Maintenance	☐ Wildlife Habitat Restoration
☐ Fish Habitat Restoration	☒ Control of Noxious Weeds
☐ Reestablish Native Species	☐ Fuels Management/Fire Prevention
☐ Implement CWPP Project	☐ Other Project Type (specify):
b. Primary Purpose (select only 1 from above): Trail Maintenance	

14. Identify What the Project Will Accomplish
Miles of road maintained: .05
Miles of road decommissioned/obliterated: NA
Number of structures maintained/improved: 3
Acres of soil productivity improved: NA
Miles of stream/river restored/improved: NA
Miles of fish habitat restored/improved: NA
Acres of native species reestablished: NA
Acres of hazardous fuel treatment: NA
Miles of trail maintained: 30,000 square feet of trailhead parking area maintenance, one pedestrian bridge installed.

Miles of trail obliterated NA
Acres of forest health improved (including fuels reduction): NA
Acres of rangeland improved: 40
Acres of wildlife habitat restored/improved: 40
Acres of noxious weeds controlled: 40
Timber volume generated (mbf): NA
Jobs generated in full time equivalents (FTE) to nearest tenth. One FTE is 52 forty hour weeks: .26
People reached (for environmental education projects/fire prevention): According to a trail usage and value study of Helena's South Hills trail system conducted in 2017 by the University of Montana, up to 5,000 people annually will be exposed to environmental education, trail etiquette, pet management, and fire prevention messages at the Old Shooting Range Trailhead.
Direct economic activity benefit: Approximately $325,000.00 annually at present.
Other:

15. Estimated Project Start Date: 08-06-20	**16. Estimated Project Completion Date:** 08-10-20

17. List known partnerships or collaborative opportunities. The Old Shooting Range Trailhead Improvement project would involve a cooperative effort on the part of the City of Helena, Helena-Lewis & Clark National Forest, and Prickly Pear Land Trust to upgrade the service level of a recreation site that supports recreation activities occurring on USFS and City owned property. Opportunities for further community participation will exist as volunteers are sought to construct picnic tables and hand pull noxious weeds.

18. Identify benefits to communities. The Old Shooting Range Trailhead is a key component of Helena Montana's South Hills Trail system. According to a 2017 trail usage study conducted by the University of Montana, the Old Shooting Range Trailhead accounts for nearly 8% of all trailhead usage within the Helena's South Hills. In 2017, the direct economic benefit to the Helena area by nonresident trail users totaled approximately 4.03 million annually. Future trail development plans by the Helena-Lewis and Clark National Forest that propose to directly link the Park City Trailhead to the Old Shooting Range Trailhead will increase the annual usage of this site significantly. Due to the fact that the Helena Tourism Alliance facilitates bus shuttles to the Park City Trailhead, a service that is extremely popular with out of town visitors, the Old Shooting Range Trailheads economic contribution to the Helena area economy can be expected to grow considerably in future years. Additionally, the Lewis and Clark County Health Department, along with an extensive list of partners from the community of Helena, MT has recently embarked on a united effort to increase access to physical activity opportunities where residents live, work, and play. Improving the functionality of existing recreational facilities such as the Old Shooting Range Trailhead is consistent with the active living focus that leaders in the community of Helena are currently promoting.

19. How does the project benefit federal lands/resources? The Old Shooting Range Trailhead provides parking and amenities for recreationalists accessing Helena-Lewis & Clark National Forest Trails located on both Rodney Ridge, which is situated to the west of the parking area, and Mt

Ascension, which is located to the east. In future years, the Old Shooting Range will serve as a departure/arrival point for those trail enthusiasts who are exploring the proposed USFS Brooklyn Bridge Trail that will potentially provide connectivity to the Park City Trailhead.

20. What is the Proposed Method(s) of Accomplishment? (check at least 1)	
☒ Contract	☒ Federal Workforce
☐ County Workforce	☒ Volunteers
☐ Grant	☐ Agreement
☐ Americorps	☐ YCC/CCC Crews
☐ Job Corps	☐ Stewardship Contract
☐ Merchantable Timber Pilot	☒ Other (specify): City of Helena workforce.

21. Will the Project Generate Merchantable Timber? ☐ Yes ☒ No

22. Anticipated Project Costs
a. Title II Funds Requested: $47,150.00
b. Is this a multi-year funding request? ☐ Yes ☒ No

23. Identify Source(s) of Other Funding: City of Helena, MT, Open Space Maintenance District Tax

24. Monitoring Plan (provide as attachment)

a. Provide a plan that describes your process for tracking and explaining the effects of this project on your environmental and community goals outlined above.

b. Identify who will conduct the monitoring:

c. Identify total funding needed to carry out specified monitoring tasks (Worksheet 1, Item k):

25. Identify remedies for failure to comply with the terms of the agreement.

If project cannot be completed under the terms of this agreement:

☒ Unused funds will be returned to the RAC account.

☐ Other, please explain:

Project Recommended By:

/s/ (INSERT Signature) Cohenour

Chairperson

Resource Advisory Committee

Project Approved By:

/s/ (INSERT Signature)

Forest Supervisor

SARA MAYBEN Digitally signed by SARA MAYBEN Date: 2022.03.09 09:43:06 -07'00' National Forest

Project Cost Analysis Worksheet

Worksheet 1

Please submit this worksheet with your proposal

Item	*Column A* **Fed. Agency Appropriated Contribution**	*Column B* **Requested Title II Contribution**	*Column C* **Other Contributions**	*Column D* **Total Available Funds**
a. Field Work & Site Surveys				
b. NEPA/CEQA			$990.00	
c. ESA Consultation			$225.00	
d. Permit Acquisition			$60.00	
e. Project Design & Engineering			$800.00	
f. Contract/Grant Preparation			$1,550.00	
g. Contract/Grant Administration			$1,800.00	
h. Contract/Grant Cost	$10,800.00	$6,000.00	$9,000.00	
i. Salaries	$1,500.00		$3,600.00	
j. Materials & Supplies		$41,500.00	$15,500.00	
k. Monitoring	$2,550.00		$3,050.00	
l. Other ex. Partner Indirect Cost			$1,700.00	
m. Project Sub-Total				
n. FS Indirect Costs				
Total Cost Estimate	$14,850.00	$47,500.00	$38,275.00	

NOTES:

Col. A: FS costs incurred as part of proposal implementation. Coordinate with FS to identify any FS cost for items in Col. A.
Col. B: Title II funding requested to implement the proposal.
Col. C: Matching funds being contributed by proponent or third parties. Proposals funded with a Participating Agreement will require a minimum 20% match.
Col. D: Sum of columns A, B, and C for each individual row.
Row A: Costs associated with project planning, not project implementation, such as assessment of miles of trail needing maintenance. Assessments and planning needed to develop a specific proposal. For Col. B: proponents must request permission in advance to request Title II funds to complete NEPA/CEQA analyses, as this is expected to be completed prior to proposal submission.
Rows B, C, D, and E: cost associated with environmental compliance and project design. Proponents must request permission in advance to request Title II funds to complete NEPA/CEQA analyses, as this is expected to be completed prior to proposal submission.
Row G: Costs associated with preparation of contract or agreement instruments used to implement the proposal. Contracts used to complete projects have special provisions; contact the FS to identify these early in the process.
Row G: Costs associated with administration of contract or agreement instruments used to implement the proposal.
Row H: Estimated value of any contracts/agreements used to implement proposal. Contracts/agreements used to complete projects have special provisions; contact the FS to identify these early in the process.
Row I: Cost of salaries to implement project
Row L: Examples include overhead charges from other partners, vehicles, equipment rentals, travel, etc.
Row K: Costs associated with performing monitoring described in Items 24a, 24b, and 24c. Amounts should be similar between Item 24 and Row K.
Row N: Forest Service indirect costs, including contracting/grant officer costs if needed.

Old Shooting Range Trailhead Improvement Project Monitoring Plan

a. **What measures or evaluations will be made to determine how well the proposed project meets the desired ecological conditions?**

b.

- Weed Reduction Effectiveness – An inventory of existing noxious weed infestations has been completed (2019). Herbicide and biological control release treatments will be done in 2020, 2021 and 2022. Starting with the growing season of 2020, inventory and monitoring of areas treated will be done using established USFS national protocols. Those data will be compared with existing infestation information to identify potential trends and changes in treatment type and frequencies.

    - Trailhead was treated with herbicide in 2019 an OHV/hose and backpack. Species to treat; spotted knapweed, Dalmatian and yellow toadflax, common mullein and Canada thistle. Inventory from 2019 shows about 30 percent infestation at the trailhead itself.

    - Adjacent slopes were treated with herbicide in 2016 and 2019 using an OHV/hose and backpack. Species to treat; spotted knapweed, Dalmatian and yellow toadflax, common mullein and Canada thistle. Inventory from 2019 shows 35 percent infestation in the area.

    - The USFS portions of the trails in the immediate area were treated in 2019. Species to treat; spotted knapweed, Dalmatian and yellow toadflax, common mullein and Canada thistle. Most infestations are within 15 feet of the existing trail. Inventory from 2016 and 2019 shows less than 10 percent infestation.

- Parking Area & Access Road Surfacing – Inspect the surface area of the access road and parking area following periods of moisture to

ensure proper drainage and surface condition. Level, shape, and spot gravel as necessary to achieve desired all weather durability.

- Trailhead Restroom & Amenities – Twice weekly inspect/clean/supply restroom, empty trash container, restock pet waste station, police parking area for stray trash, inspect/repair picnic tables-kiosk-wayfinding signage.

c. Identify who will do the monitoring:

- Weed Monitoring – USFS staff (.03 FTE)

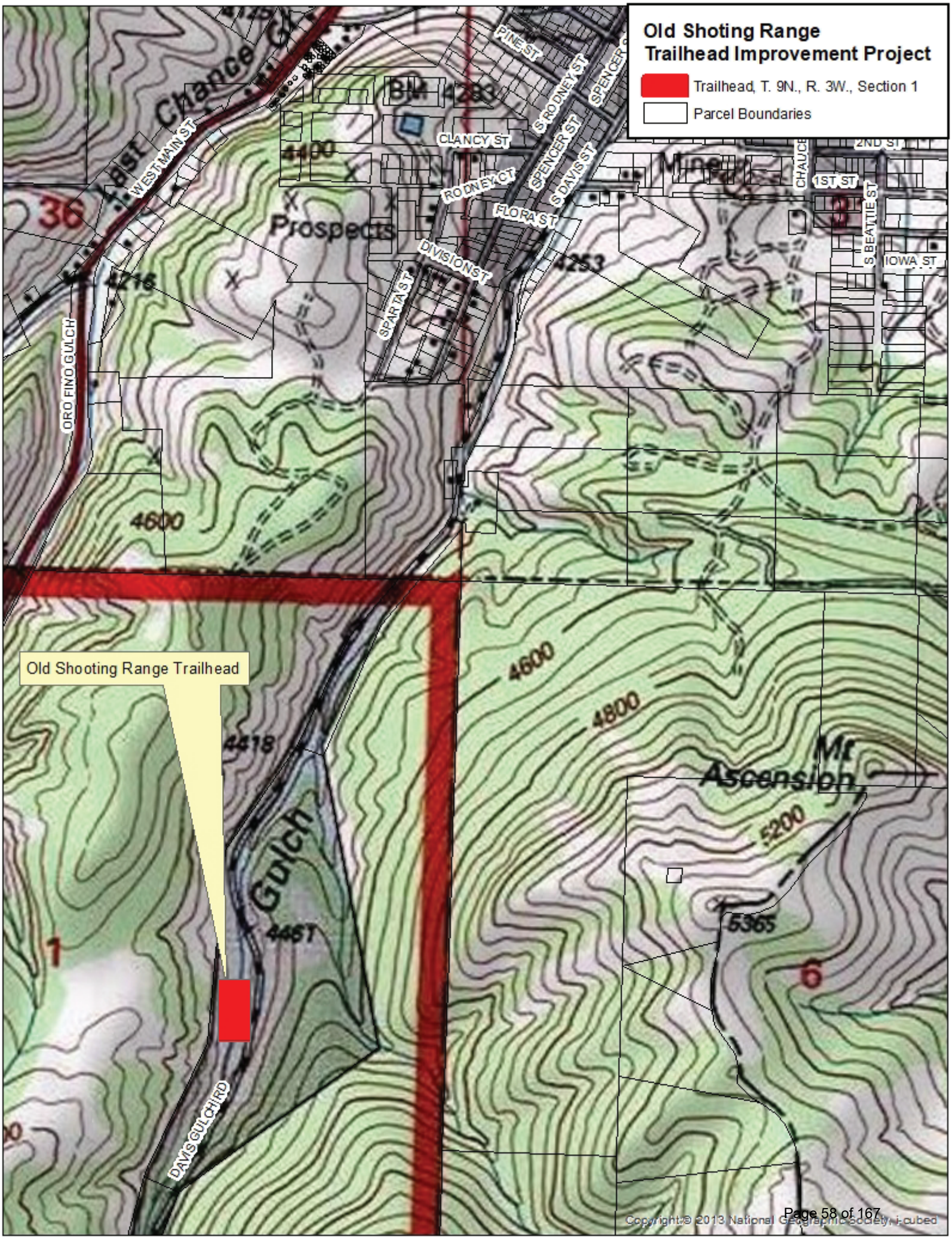
- Parking Area & Access Road Surfacing – City of Helena, Open Lands Manager (.004 FTE)

- Trailhead Restroom & Amenities – City of Helena Park Maintenance staff (.03 FTE)

d. Identify total funding needed to carry out specified monitoring tasks:

- Weed Monitoring– $2,550.00 (Three Years)

- Trailhead Restroom & Amenities, Parking Area & Access Road Surfacing - $3,050.00 (1 Year)



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City of Helena, Montana

April 13, 2022

To: Mayor Collins and the Helena City Commission

From: Michael McConnell – Planner II

Subject: Consider final passage of an ordinance pre-zoning prior to annexation to B-2 (General Commercial) for property legally described as Tract B1 as shown on Certificate of Survey filed under document No. 3203658, generally located mile north of the East Custer Avenue and North Washington Street intersection.

Present Situation: The City Commission met on March 14, 2022, to hear testimony relating to the annexation and pre-zoning of property approximately ¼ mile north of the intersection of East Custer Avenue and North Washington Street. The location proposed is within the Urban Standards Boundary, as defined by 2019 City of Helena Growth Policy; is adjacent to city limits, both water and wastewater infrastructure. The Growth Policy identifies this location as being ideal for commercial style development which can include higher density residential developments.

Proposal/Objective: To Approve final passage of an ordinance pre-zoning prior to annexation to B-2 (General Commercial) for the property legally described as Tract B1 on COS# 3203658 generally located north of the Custer Avenue and North Washington Street intersection. This is the last step in the process to pre-zone property outside the city limits of Helena in preparation for future annexation.

Advantage: B-2 offers flexibility of use not seen in any other zone district. Approving this pre-zone ordinance would allow a wide variety of uses and densities on the subject parcel. The applicant has proposed a high-density residential use for the property once it is annexed and prezoned.

Notable Energy Impact: The property, if pre-zoned as proposed, will take advantage of existing infrastructure ideally resulting in lower vehicle miles traveled and sprawl.

Disadvantage: The B-2 zone district is the most intense commercial zone available to property owners in the City of Helena. Allowing this zone district is allowing all of the uses associated with the B-2 district on the subject property. These uses include restaurants, office and service-oriented uses, car repair, as well as high density residential. As a result of this pre-zone and related proposals, there is the potential for up to 41,000 new trips per day onto nearby city and county roads. The applicant has submitted a Traffic Impact Study suggesting 1,537 new trips per day based on the applicant's specific plan.

Notice of Public Hearing: N/A

Recommended Motion: Move to approve final passage of **an ordinance pre-zoning prior to annexation to B-2 (General Commercial)** for property legally described as "Tract B1 as shown on Certificate of Survey filed under document No. 3203658".

ATTACHMENTS:
Staff Report
Vicinity Map
Ordinance
Copy of Memo
IAP2 Worksheet

Michael McConnell, Planner II
Community Development Department
316 North Park Avenue, Room 402
Helena, MT 59623

Phone: 406-447-8492
Fax: 406-447-8460
Email: mmcconnell@helenamt.gov

helenamt.gov

Date: January 19, 2022

To: Helena Zoning Commission

From: Michael McConnell – Planner II

Subject: Kings Common Pre-Zone

Overview

The applicant Kings Common LLC have petitioned for annexation into the City of Helena and applied for prezoning review. The property legally described as "Tract B1 as shown on COS # 3203658." is an approximately 36-acre site on the northwest corner of the Frontage Road and North Washington Street intersection.

The proposal calls for a pre-zone designation of B-2 (general commercial) and annexation of the entire 36-acre parcel. The applicant intends to construct multifamily uses on the property. Any use allowed with the B-2 district would be allowed onsite if approved. Approval of this zoning proposal does not indicate approval for the applicants submitted design or uses. The B-2 district is generally associated with all types of commercial uses and medium to high density residential uses.

The subject property is adjacent to city limits on the south, east and north sides. The parcels to the north and south are zoned B-2 and the parcel to the east is zoned PLI (Public Lands and Institutions). The only adjacent development is to the south and is a 100-unit multifamily development. This property is bisected by the Helena Valley Irrigation Canal.

General Information

Application Date:	June 01, 2021
Meeting Date:	Zoning Commission – February 8, 2022 City Commission – February 28, 2022
Applicant:	Kings Common LLC 2729 Aspen Way Billings MT, 59106

Property Owner:	Kings Common LLC 2729 Aspen Way Billings MT, 59106
Representative:	Jeff Larson P.E. 28 Antler Avenue, Clancy MT 59634
General Location:	Northwest corner of the Frontage Road and North Washington Street intersection
Present Land Use:	Vacant
Current Zoning:	Urban Residential Mixed Use (URMU)
Adjacent Land Uses & Zoning:	North: Vacant (B-2) South: Residential – (B-2) East: Vacant - URMU West: Stormwater & Wastewater Infrastructure – (PLI)
Size:	36 acres

2019 Growth Policy

Land Use Designation: Commercial – Lands where the predominant use is the transaction of goods or services such as retail, office, restaurants, entertainment, etc.; such areas are usually near arterials or have good access to major streets. These properties are expected to have limited single-unit residential uses but may include high-density residential uses and residences associated with a commercial use.

Within Urban
Standards Boundary: Yes

Review Process

City Code Section 11-1-4:

A. All territory to be annexed into the city must first be prezoned, and the zoning must be consistent with the designated land uses for such territory as set forth in the growth policy.

B. Prezoning applications are filed with the community development department and any required fees must be paid upon submission of an application.

C. The zoning commission shall hold a public hearing and make a recommendation to the city commission.

D. The city commission shall determine the appropriate zoning and pass an ordinance establishing the zoning, which zoning is effective upon the date of annexation.

This review process as defined by city code allows for public comment, staff review and vetting through city departments and appointed and elected boards or committees prior to approval. As part of this process the Community Development Department sends the application materials to applicable departments for their review and comment. This leads

to a full evaluation of potential impacts and helps determine how the proposed zoning relates to the review criteria.

DISCUSSION

Public Comment:
As of January 19, 2022, there have been no comments received regarding the proposed subdivision, annexation and pre zone.

Zoning Commission Recommendation: Move to recommend approval of **an ordinance pre-zoning prior to annexation to B-2 (General Commercial)** for property legally described as "Tract B1 as shown on Certificate of Survey filed under document No. 3203658".

Evaluation:

The property is zoned in unincorporated Lewis and Clark County as "Urban Residential, Mixed Use. While the zone district and its boundaries have been adopted by the County Commission there are currently no development standards, uses or other regulations associated with the zone district. These will be adopted in a future amendment. The intent of that zoning district will be to match City standards to the extent possible, according to Lewis and Clark County.

B-2 (General Commercial)
The applicant has proposed a zone district of B-2 in association with the proposed development. B-2 allows most commercial uses like restaurants, office space and retail activities as well as vehicle sales, administrative services, overnight lodging and churches and other community facilities in addition to medium to high density residential uses.

This zone district generally fits in with the types of uses and densities located in the immediate vicinity, mostly to the south of the subject property. The zone district dimensional standards including maximum height limit and lot coverage will facilitate land use patterns that are in line with uses and structures currently located in the immediate neighborhood and will ensure that any new development integrates easily with surrounding structures.

Development standards for the B-2 zone district are:
Lot Coverage: No minimum
Front/rear Setback: No minimum (unless abutting a residential zone)
Side Setback: No minimum (unless abutting a residential zone)
Height: 75 feet maximum
Lot Area: No minimum

The wider area encompassing the Kings Common development is primarily commercial in nature with some higher density residential uses being constructed immediately to the south of the subject property. The other properties immediately adjacent are a city stormwater facility (east) and a county gravel pit (north). Farther north are low density residential uses developed in Lewis and Clark County.

<table>
<tr><td colspan="2">Montana MCA Section 76-2-304(1.b), Criteria and guidelines for zoning regulations:
(1) Zoning regulations must be (b) designed to:
(i) secure safety from fire and other dangers;
(ii) promote public health, public safety, and the general welfare; and
(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Montana MCA Section 76-2-304(2.a thru e), “Purposes of Zoning” states:
(2) In the adoption of zoning regulations, the municipal governing body shall consider:
(a) reasonable provision of adequate light and air;
(b) the effect on motorized and non-motorized transportation systems;
(c) promotion of compatible urban growth;
(d) the character of the district and its peculiar suitability for particular uses; and
(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.</td></tr>
<tr><td colspan="2">The proposed pre-zone to the B-2 (General Commercial) District meets all the zone change requirements outlined in MCA Section 76-2-304(1.b) and (2.a thru e). This is documented below.</td></tr>
<tr><td>Designed to (i) secure safety from fire and other dangers;</td><td>The subject property is currently undeveloped. When annexed any new construction will be built in accordance with the most current building and fire codes that are enforced by the City of Helena. Any new development will be required to comply with all relevant dimensional standards of the B-2 District. These measures are intended to help protect the property from fire and other dangers. This area is designated in the City of Helena Growth Policy as a moderate fire danger area. Once annexed, the parcel will receive all city services, including fire, police, and once developed, those parcels will have City solid waste services available to them. The Helena Valley Irrigation Canal bisects the property and will be fenced to ensure residents don’t have access. This will be ensured with an annexation</td></tr>
</table>

	condition.
Designed to (ii) *promote public health, public safety, and the general welfare; and* (iii) *facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements*	The City through its standards tries to ensure the public health and safety of its citizens through the enforcement of its Building Codes, Fire Codes, and other City regulations. Currently there is no development on the property. Developing to City standards will better ensure that potential issues can be better mitigated than if developed without those standards. City Standards and requirements for all development types help ensure that new developments provide adequate transportation infrastructure, water, and sewer facilities. The International Building Code is used to ensure quality construction of new developments and to provide protections based on hazards like wildfire or liquefaction. The City of Helena Engineering Standards ensure that water and sewage facilities are providing safe and efficient services and ensure the overall integrity and ability of those services to provide for the entire service network. B-2 zone district designations allow generally moderate to high intensity uses and the immediately adjacent neighborhood is currently built out with similar uses. There is a moderate intensity residential use being developed near this project site. This continuity will help facilitate a smooth transition between the subject property and its surroundings. In order to help facilitate development on site the city, will enter into a development agreement for roadway and other infrastructure improvements on the north side of the Helena Valley Irrigation Canal. The applicant is free to develop the south side of the canal under the terms of annexation set forth in the Resolution of Intent to Annex, but will not be eligible for a building permit on the north side until all infrastructure needed to ensure service provision and safety are installed.

The application shall also be reviewed through Montana MCA Section 76-2-304. Montana MCA Section 76-2-304(2.a thru e), In the adoption of zoning regulations, the municipal governing body shall consider:	
(a) *reasonable provision of adequate light and air.*	The subject property is zoned by the county as Urban Residential Mixed-Use, which presently does not have use or dimensional standards adopted. As currently zoned, there are no provisions for adequate light or air. The zoning requirements for the B-2 zone district will apply to all future structures on this property and are the mechanism used to enforce compliance and support for these criteria. Enforcement of the zoning requirements related to setbacks from property lines and height restrictions will ensure that future development have adequate light and air. Additionally, the property must be developed in accordance with other zoning requirements and regulations for the applicable districts, such as: use, off-street parking, screening, and landscaping. These standards ensure adequate light and air are available.
(b) *the effect on motorized and non-motorized transportation systems;*	With the addition of approximately 36-acres of B-2 zoned land the effects on both the motorized and non-motorized transportation systems could be significant. B-2 zoning district allows primarily commercial uses with low to high density residential uses also allowed by right The Community Development Department uses a traffic generation model that assumes several uses will be located on the subject property based on relevant examples throughout the community and allowable uses for the specific zone district. This type of model is used because prezoning, as with rezoning, is not intended to be project specific and no conditions can be placed on the proposal so the mechanism used to estimate the traffic generation must be general in nature and not specific to the subdivision or development proposal itself. Using this model, based on the total land area, it

	is estimated that the motorized traffic generated could be upwards of 41,000 new trips per day. This is taking into account multiple commercial use types including a restaurant, general retail sales, general office uses and high density residential. The applicant prepared a TIS and it anticipates at full buildout development on this site will produce 1,537 new trips per day based on up to 210 new residential units. According to the submitted TIS Frontage Road currently carries 3,931 trips per day north of Queen Ann's Street. Custer Avenue currently carries 18,494 trips per day. The 2014 Greater Helena Area Long Range Transportation Plan Update classifies the Frontage Road as a "Major Collector" from the round-about north. The City of Helena Engineering and Design Standards states "Major Collector" are designed to carry between 3,500 and 5,000 vehicles per day. North Washington Street from Custer Avenue to the round-about is also classified as a "Major Collector". North of the roundabout North Washington Street will be classified as a "local Road" handling between 0 and 1,500 trips per day. The 2014 Greater Helena Area Long Range Transportation Plan Update projects that by the year 2035 the adjacent section of Frontage Road will carry 6,550 trips per day. This document also projects 1,750 new jobs and 250 new housing units will be located in this vicinity. The nearby Custer Avenue and North Washington Street intersection is identified in the submitted TIS as operating at a level "C/C,". This is the lowest acceptable level that does not warrant an intersection upgrade of some type. The effects on the non-motorized transportation system could also be significant with many new dwelling units potentially being located on the subject property. Any newly dedicated public

	rights of way would have to conform to the complete street's ordinance. There will be 2 newly constructed public roads with sidewalks adjacent to the project site. Sidewalks on the opposite sides of the street will be constructed when those properties are developed. Properties south of Frontage Road are currently being developed with a mix of high density residential and commercial uses. This pre-zone application will be accompanied by a petition for annexation. There will be several conditions of annexation related to transportation in the form of newly constructed roads that will be dedicated to the City. These roads are North Washington Street, a future and as yet unnamed minor collector across the northern frontage. Boulevard sidewalks will also be constructed along the Frontage Road and on the frontage for the other above roadways.
(c) *promotion of compatible urban growth.*	The allowable uses within the B-2 zone district are generally compatible with the surrounding area to the south. The density and uses allowed within these zone districts are similar to what is currently represented in the wider neighborhood. The future land use map designates the subject property as "Commercial" which includes land that is predominately dedicated to the transactions of good and services. This land use designation can also include moderate to high density residential uses. The 2019 Growth Policy encourages lands to be developed with city services and built out at a higher density if they are designated as "Commercial.". Parcels on the subject properties east and south sides are classified as being appropriate for commercial and high-density residential uses as well. North of the subject property is classified as "Suburban" and identifies land uses like low density residential and commercial uses that serve the immediate area to serve as a transition between urban areas and the more rural areas of Lewis

	and Clark County as being suitable.
(d) *the character of the district and its peculiar suitability for particular uses; and*	The subject property is in Lewis and Clark County within the Urban Residential Mixed-Use zoning district and is also located within the city's Urban Standards Boundary. City staff is recommending pre-zoning to the B-2 district prior to annexation into the city because the uses and other requirements associated with B-2 zoning are generally compatible with the adjacent residential and commercial developments in the area.
(e) *conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area*	The B-2 District is a suitable district designation for the subject property when considering the existing blend of residential and commercial development in the vicinity. The area to the south is generally being built out with similar densities. The uses in this area will be comparable to the uses found in other parts of the city that are zoned similarly.

Growth Policy Analysis
The 2019 City of Helena Growth Policy represents this area as being best suited for an urban style of development. The future land use map designates the subject property as "Commercial" which includes land that is predominately dedicated to the transactions of good and services. This land use designation can also include moderate to high density residential uses. The 2019 Growth Policy encourages lands to be developed with city services and built out at a higher density if they are designated as "Commercial.". Parcels on the subject properties east and south sides are classified as being appropriate for commercial and high-density residential uses as well. North of the subject property is classified as "Suburban" and identifies land uses like low density residential and commercial uses that serve the immediate area to serve as a transition between urban areas and the more rural areas of Lewis and Clark County as being suitable. With proposed zone district classification of B2 this property would meet that definition.

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, in some cases more than one existing neighborhood. As such these centers are more appropriately located along major transportation routes with good ingress and egress options for all users.

The subject property I would most appropriately be utilized as a residential or mixed-use neighborhood. The B-2 zone district designation that is being proposed is supportive of this vision and set of circumstances as they exist today. B-2 is the most versatile and accommodating zone district in the Helena City Code. The wide variety of uses allowed in B-2 could be considered supportive for a wide range of future visions for the wider neighborhood. The subject property being near high traffic volume rights of way Custer Avenue and Interstate 15 is well suited to medium to high density uses.
This zone district is 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.

This development would also meet several 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 infrastructure

[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.

[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.

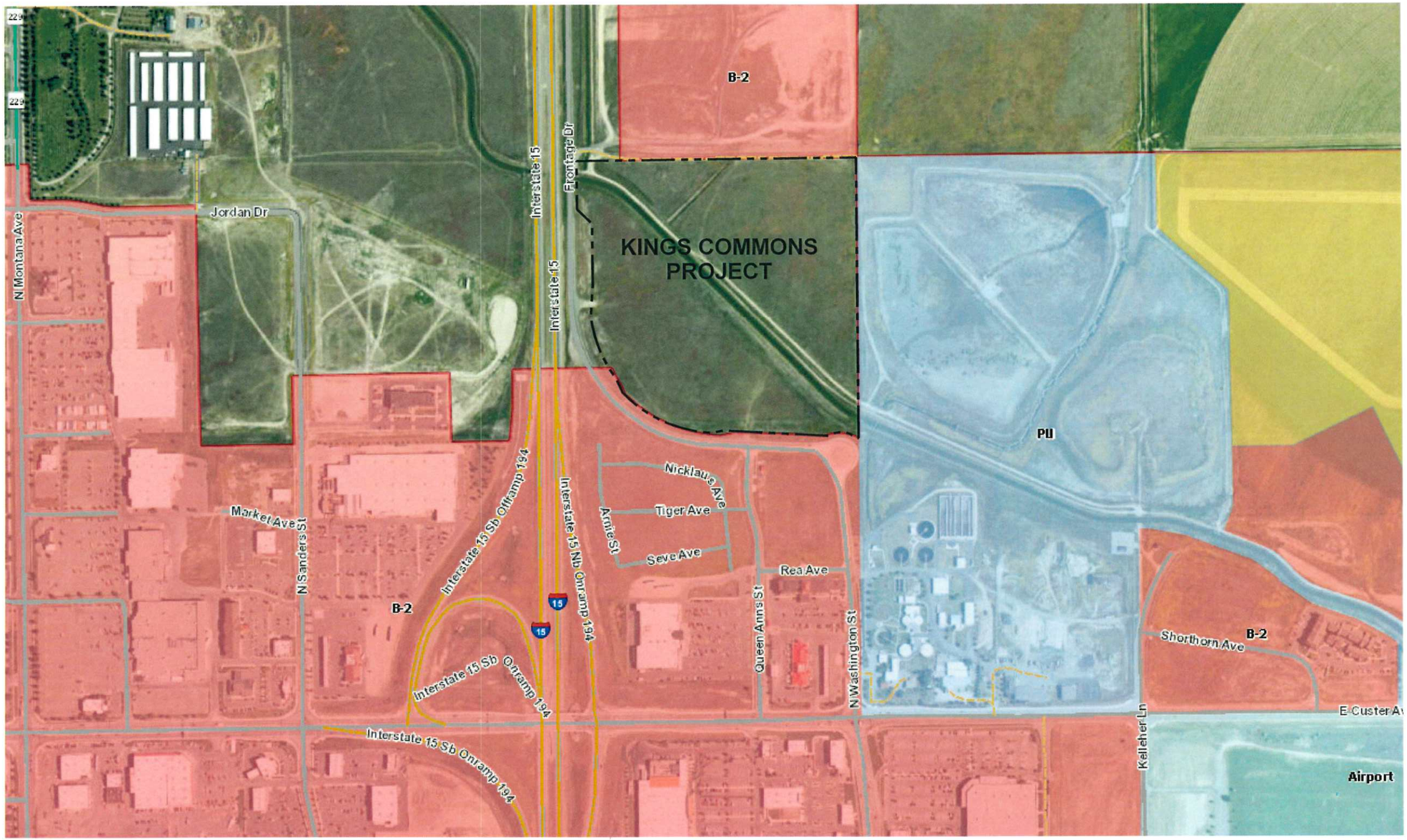
[O.55] Minimize environmental degradation in areas with challenging physical and environmental characteristics, such as steep slopes, watercourses, drainage ways and wetlands.

[O.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.

The land uses generally allowed within these zone districts are mainly residential with a small number of commercial uses allowed with a Conditional Use Permit. Overall, this

development is consistent with the goals and objectives of the 2019 City of Helena Growth Policy. The above goals are intended to guide city decision making and implement a citizen guided vision for the future of Helena.

Zoning Commission Recommendation: Move to recommend approval of **an ordinance pre-zoning prior to annexation to B-2 (General Commercial)** for property legally described as "Tract B1 as shown on Certificate of Survey filed under document No. 3203658".



KINGS COMMONS VICINITY MAP

0 250 500
SCALE IN FEET

NO.	REVISION DESCRIPTION	BY	DATE

PROJECT:
DESIGNED: JLL
DRAWN: JLL
CHECKED: JLL
APPROVED: JLL
DATE: JANUARY 25, 2021

KINGS COMMONS VICINITY MAP

HELENA, MONTANA

SHEET NO.
1
OF 1

C:\Users\Admin\Documents\Projects\115-59.1-20 Kings Commons\Kings Commons- Vicinity Map.dwg

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. ____

AN ORDINANCE PRE-ZONING A 36.55-ACRE PARCEL DESCRIBED AS TRACT B-1 ON THE CERTIFICATE OF SURVEY FILED UNDER DOCUMENT NO. 3203658, LEWIS AND CLARK COUNTY, MONTANA, AS B-2 (GENERAL COMMERCIAL)

WHEREAS applicant, Helena Kings Common LLC, has requested that the City of Helena pass an ordinance, pursuant to Helena City Code Section 11-1-4, to pre-zone Tract B-1 as shown on the Certificate of Survey filed under Document No. 3203658, Lewis & Clark County, Montana, which property is generally located at the northwest corner of Frontage Drive and North Washington Street intersection (hereinafter, referred to as the "Property");

WHEREAS, Helena Kings Common LLC has requested that the entirety of the Property be pre-zoned as B-2 (General Commercial);

WHEREAS, on **March 3rd, 2022**, the Helena Zoning Commission recommended **APPROVAL** of the requested pre-zoning as described above; and

WHEREAS, the Helena City Commission held a public hearing on the requested pre-zoning **at 6:00 p.m. on March 14th, 2022**, and staff recommended **APPROVAL** of this request, and in considering said pre-zoning, the Commission gave due consideration to the matters set forth in § 76-2-304, MCA.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

OF HELENA, MONTANA:

Section 1. That the Property is granted a pre-zoning designation of B-2 (General Commercial).

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 14th DAY OF March, 2022.

_____
MAYOR

ATTEST:

_____
CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS ____ DAY OF _____, 2022.

_____
MAYOR

ATTEST:

_____
CLERK OF THE COMMISSION

Motion: Move to approve final passage of **an ordinance pre-zoning prior to annexation to B-2 (General Commercial)** for property legally described as "Tract B1 as shown on Certificate of Survey filed under document No. 3203658", generally located ¼ mile north of the East Custer Avenue and North Washington Street intersection.

Prepared by: Michael McConnell – Planner II

Action to be Considered by the Commission

To Approve final passage of an ordinance pre-zoning prior to annexation to B-2 (General Commercial) for the property legally described as Tract B1 on COS# 3203658 generally located north of the Custer Avenue and North Washington Street intersection. This is the last step in the process to pre-zone property outside the city limits of Helena in preparation for future annexation.

Legal Review

Legal Review Completed on 4/4/22

Action Summary

The City Commission met on March 14, 2022, to hear testimony relating to the annexation and pre-zoning of property approximately ¼ mile north of the intersection of East Custer Avenue and North Washington Street. The location proposed is within the Urban Standards Boundary as defined by 2019 City of Helena Growth Policy, is adjacent to city limits, both water and wastewater infrastructure. The Growth Policy identifies this location as being ideal for commercial style development which can include higher density residential developments.

Advantages of Action

B-2 offers flexibility of use not seen in any other zone district. Approving this pre-zone ordinance would allow a wide variety of uses and densities on the subject parcel. The applicant has proposed a high-density residential use for the property once it is annexed and prezoned.

Disadvantages of Action

The B-2 zone district is the most intense commercial zone available to property owners in the City of Helena. Allowing this zone district is allowing all of the uses associated with the B-2 district on the subject property. These uses include restaurants, office and service-oriented uses, car repair as well as high density residential. As a result of this pre-zone and related proposals, there is the potential for up to 41,000 new trips per day onto nearby city and county roads. The applicant has submitted a Traffic Impact Study suggesting 1,537 new trips per day based on the applicant's specific plan.

Notable Energy Impact

The property, if pre-zoned as proposed, will take advantage of existing infrastructure ideally resulting in lower vehicle miles traveled and sprawl.

Recommended Motion
Move to approve final passage of **an ordinance pre-zoning prior to annexation to B-2 (General Commercial)** for property legally described as "Tract B1 as shown on Certificate of Survey filed under document No. 3203658".

Background Information
Applications for Annexation and Pre-Zoning prior to Annexation were submitted in June of 2021 for the subject property. The applications went through several rounds of internal review to identify potential zoning issues and infrastructure impacts and to determine the city's ability to provide services to the property if annexed based on the zone district proposed. As a result of these reviews, annexation conditions were considered and determined to be integral components to the provision of services to the property. Zoning and Pre-Zoning Reviews are more broadly focused on the potential uses associated with the zone district proposed. The property is bisected by an irrigation canal and, as such, the applicant submitted documentation to the Helena Valley Irrigation District for their review and comment.

Pre-Zone ordinances first go to a public hearing in front of the Zoning Commission, which makes a recommendation to the City Commission for their consideration. Another public Hearing is then held with the City Commission to consider the application materials and Zoning Commission recommendation. If the City Commission vote is favorable a final passage occurs during the regular agenda at a future City Commission meeting.

History of the issue
The pre-zoning public hearing before the Zoning Commission occurred on March 2, 2022, and that body recommended approval by a 3-0 vote.
The City Commission met on March 14, 2022, to hear testimony relating to the annexation and pre-zoning of property approximately ¼ mile north of the intersection of East Custer Avenue and North Washington Street. The commission voted 5-0 in favor of the proposal at that public hearing.

Public Questions / Concerns / Considerations
No public comment was received by the Community Development Department.

Public Support
No public comment was received by the Community Development Department.

Public Information / Engagement
Notice of Public Meeting
Legal advertisements were placed in the Helena Independent Record on February 15th, 2022, for the Zoning Commission and on February 27th, 2022, for the City Commission.

Final passage for pre-zoning ordinances do not require addition public notification or engagement.

IAP2 Spectrum Type of Participation
Inform

Inform and/or Engagement Plan
Legal advertisements were placed in the Helena Independent Record on February 15th, 2022, for the Zoning Commission and on February 27th, 2022, for the City Commission.

Final passage for pre-zoning ordinances do not require addition public notification or engagement.

Respectfully submitted,

Tim Burton
Interim City Manager

Attachments:

Vicinity Map
Staff Report
Pre Zone Ordinance
Copy of Commission Memo
IAP2 Checklist

Public Engagement Guide

The following information is intended to help you determine an appropriate level of public engagement for your project. Below, you will find an overview of the spectrum adopted by the City of Helena as its standard for public participation. You will also find a worksheet that should be completed to help outline your plan for sharing information and providing opportunities for public involvement, when appropriate.

PARTICIPATION SPECTRUM

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
GOAL	Provide balanced and objective information in a timely manner.	Obtain feedback on analysis, issues, alternatives and decisions.	Work with the public to make sure concerns and aspirations are considered and understood.	Partner with the public in each aspect of the decision-making.	Place final decision-making in the hands of the public.
PROMISE	"We will keep you informed."	"We will listen and acknowledge your concerns."	"We will work with you to ensure your concerns and aspirations are reflected in the decisions made."	"We will look to you for advice and innovation and incorporate this in decisions as much as posible."	"We will implement what you decide."

IAP2 SPECTRUM OF PUBLIC PARTICIPATION
(International Association for Public Participation)

City of Helena

PUBLIC INFORMATION & ENGAGEMENT WORKSHEET

Most City projects will involve some type of public information and/or engagement process. Even the smallest impact projects will have a basic level of public information that should be available to the community. Fill out the following worksheet to help determine the level of information or engagement that is appropriate for your project.

Project: _____ **Staff Lead:** _____ **Media Lead:** _____

Departments Involved: _____

External Groups to Involve:

Helena Citizen Council: _____

Advisory Boards/Committees: _____

Stakeholders: _____

Partner Agencies: _____

Other: _____

Start Date: _____ **Expected End Date:** _____

Brief Project Summary: _____

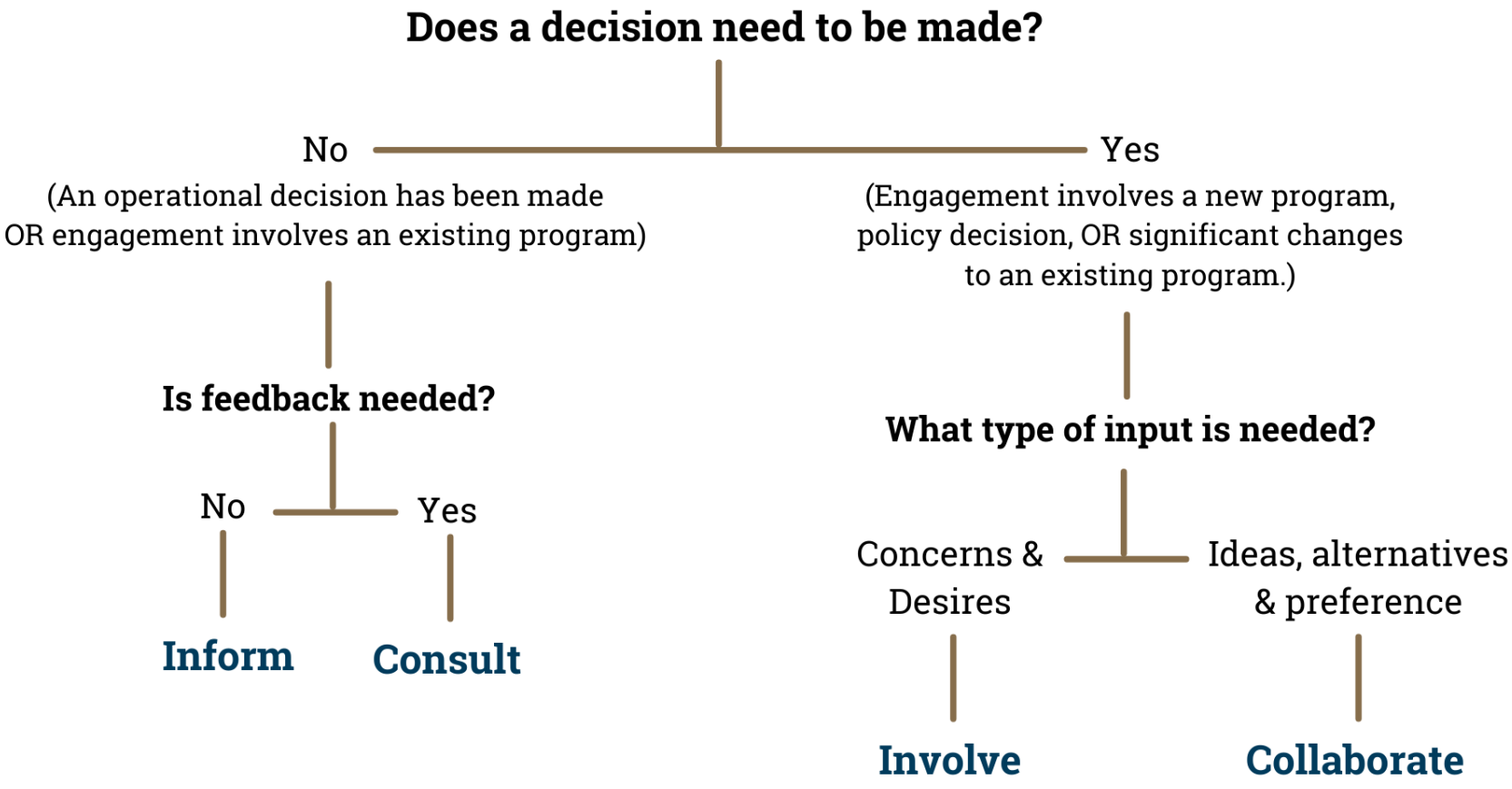
_____

_____

City of Helena

INFORM VS. ENGAGE

The following decision tree will help you evaluate where your project fits on the spectrum of public participation.



Post-Decision

Following a Consult, Involve, or Collaborate engagement process, staff should evaluate the need for a follow-up Inform campaign. The Public Information and Engagement Worksheet can be used to determine the appropriate follow-up Inform process.

City of Helena

CHECKLIST

Type of Involvement	*Informational Tools*	*Engagement Tools*
Inform [provide information]	___ Website ___ Project Map ___ Social Media ___ Media/Public Advisory ___ Utility Bill Inserts ___ Door Hangers	___ Public Meeting(s) ___ Be Heard Helena ___ Q&A
Consult [obtain public feedback on decision(s)]	___ Website ___ Project Map ___ Social Media ___ Media/Public Advisory ___ Utility Bill Inserts ___ Door Hangers	___ Public Meeting(s) ___ Be Heard Helena ___ Survey ___ Polls ___ Ideas
Involve [obtain input for decision(s)]	___ Website ___ Project Map ___ Social Media ___ Media/Public Advisory ___ Utility Bill Inserts ___ Door Hangers	___ Public Meeting(s) ___ Be Heard Helena ___ Survey ___ Ideas ___ Guestbook ___ Stories
Collaborate [partner in all aspects of decision(s)]	___ Website ___ Project Map ___ Social Media ___ Media/Public Advisory ___ Utility Bill Inserts ___ Door Hangers	___ Public Meeting(s) ___ Be Heard Helena ___ Survey ___ Ideas ___ Stories ___ Places ___ Guestbook ___ Polls
Empower [public makes the decision(s)]		___ Ballot (Election)

City of Helena

BE HEARD HELENA

To utilize Be Heard Helena for public engagement, all tools will need to be connected to a project page. Project pages require a 2-3 paragraph introduction, a photo, and a contact person. Please contact the Public Information Officer for help getting started.

Open Environment Tools

Participants can engage with each other. Comments, images, and ideas are visible.

IDEAS - *Allows visitors to share ideas related to the project. People can like/comment on ideas.*
FORUMS - *Community Discussion, 24/7 Moderation*
PLACES - *Gather feedback and photos directly on a map*

Mixed Environment Tools

Participants can see other participant contributions. However, there is little peer-to-peer interaction. Some data may be visible to the community while some data is accessible only by the administrator.

STORIES - *Visitor Generated Stories, Moderation Available, Collect Multi-Media Content*
GUESTBOOK - *Simple, moderated space for visitor comments*
Q&A - *Allow questions to be answered in public and private settings*

Controlled Environment Tools

Participants cannot engage with each other. Data is stored in the backend and only accessible by the administrator.

SURVEY
Survey Question Options

- *Single Line*
- *Essay*
- *Email Address*
- *Number*
- *File Upload*
- *Dropdown (Choose Single Answer from Multiple Choice)*
- *Radio (Choose Single Answer from Multiple Choice)*
- *Checkbox (Choose Single or Multiple Answers from Multiple Choice)*
- *Zip Code (Choose from a list of locations)*
- *Ranking (Rank Priority of Answers)*
- *Likert (Respondents to Apply the Same Measurement to Several Questions)*
- *Emoji (Respondents can Choose A Question/Emoji)*
  - *Q. How do you feel about our services?*
  - *A. Happy* 😊

POLLS
Receive quick feedback on a single question

City of Helena, Montana

April 13, 2022

To: Mayor Collins and the Helena City Commission

From: Michael McConnell – Planner II

Subject: Consider final passage of an ordinance pre-zoning prior to annexation to R-4 (Residential) for property legally described as a 9.123-acre Portion of Tract A-1-A-1-A-1-A-1-A-1-A-1 of the Amended Plat of the Crossroads at Mountain View Meadows Subdivision Document No. 3386391, generally located on the northeast corner of Runkle Parkway and Alpine View Drive.

Present Situation: A Prezone of approximately 9-acres is being proposed on land that is adjacent to the city limits of Helena on two sides. The project site is within the Urban Standards Boundary, identified in the 2019 City of Helena Growth Policy as land that is ideal for annexation because it is adjacent to city limits and close or adjacent to existing city infrastructure. The Future Land Use Map in the 2019 Growth Policy identifies this area as being appropriate for urban style developments. This could include but is not limited to moderate to high density residential uses and commercial uses that serve the immediate area.

Proposal/Objective: To Approve final passage or an ordinance pre-zoning prior to annexation to R-4 (Residential) for property legally described as "9.123-acre Portion of Tract A-1-A-1-A-1-A-1-A-1-A-1 of the Amended Plat of the Crossroads at Mountain View Meadows Subdivision Document No. 3386391" generally located west of the Runkle Parkway and State Highway 282 intersection. This is the last step in the process to pre-zone property outside the city limits of Helena in preparation for future annexation.

Advantage: Prior to annexation and potential construction, land must first be pre-zoned with an appropriate zone district. The applicant is proposing a pre-zone designation of R-4 which is generally consistent with the wider neighborhood. R-4 and R-3 districts are adjacent to the subject property. R-2 and R-U residential zone districts are also present in the Mountain View Meadows development. The R-4 district represents uses like medium and high density residential and various types of commercial uses. These uses and densities are consistent with the growth policy and potentially address community needs.

Notable Energy Impact: The property, if pre-zoned as proposed, will take advantage of existing infrastructure ideally resulting in lower vehicle miles traveled and sprawl.

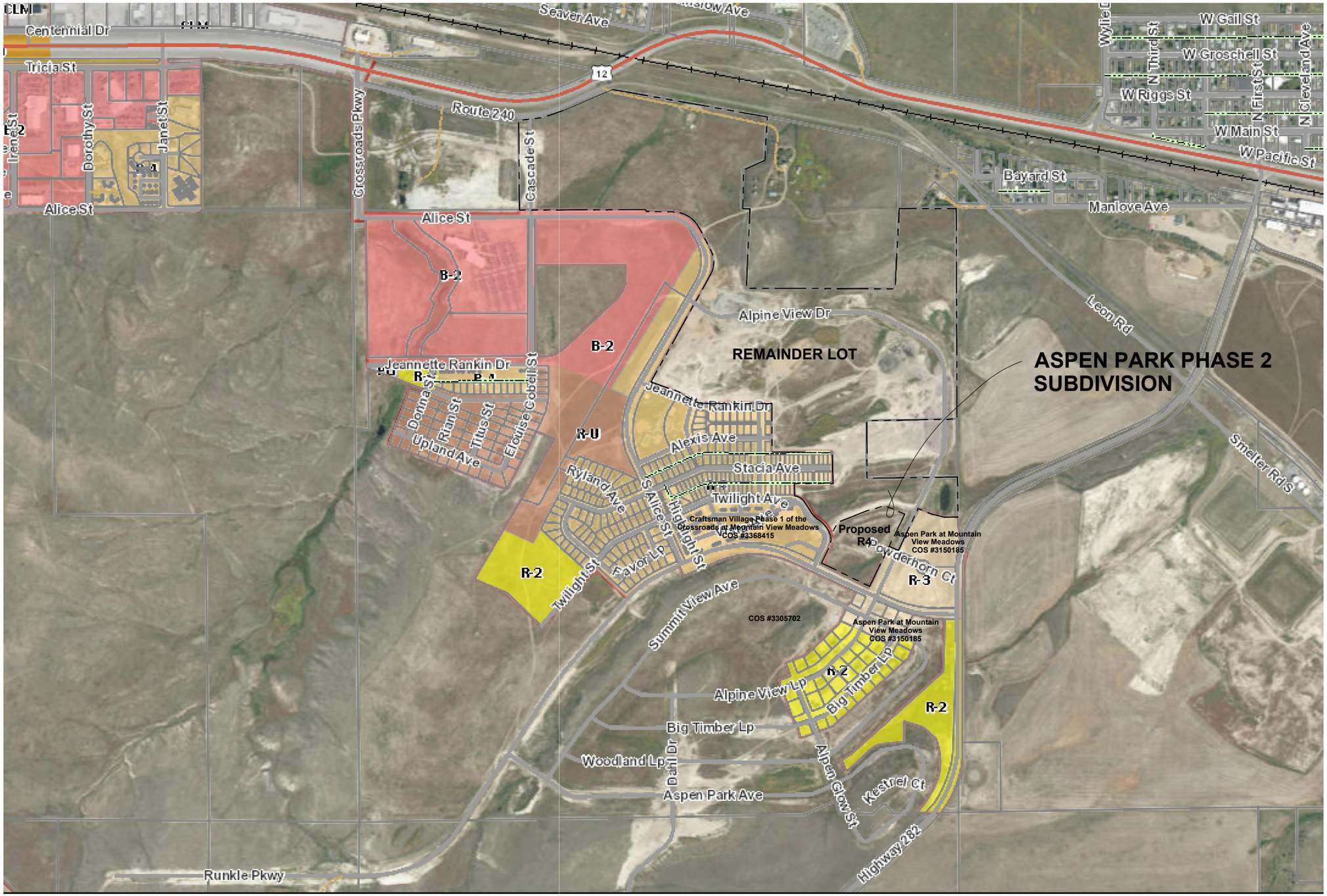
Disadvantage: The approval of an R-4 pre-zone designation for the subject property could lead to the construction of uses or densities that are not consistent with the developers stated plan or that would be out of character with the wider neighborhood. Approval of an R-4 pre-zone designation could also lead to upwards of 3,000 new trips per day from the subject property.

Notice of Public Hearing: N/A

Recommended Motion: Move to approve final passage of an ordinance pre-zoning prior to annexation to R-4 (Residential) for property legally described as a 9.123-acre Portion of Tract A-1-A-1-A-1-A-1-A-1-A-1 of the Amended Plat of the Crossroads at Mountain View Meadows Subdivision Document No. 3386391, generally located on the northeast corner of Runkle Parkway and Alpine View Drive.

ATTACHMENTS:
Vicinity Map
Staff Report
Ordinance
Copy of Memo

IAP2 Worksheet



ASPEN PARK PHASE 2 SUBDIVISION
VICINTIY MAP

0 250 500
SCALE IN FEET

NO.	REVISION DESCRIPTION	BY	DATE

PROJECT:
DESIGNED: JLL
DRAWN: JLL
CHECKED: JLL
APPROVED: JLL
DATE: APRIL 5, 2021

ASPEN PARK SUBDIVISION
PRELIMINARY PLAT VICINITY MAP
HELENA, MONTANA

SHEET NO.
1
OF 1

E:\Documents-E\Projects\114-56.3-20 Aspen Park\Phase 2\1920-Aspen Park- Vicinity Map.dwg

Michael McConnell, Planner II
Community Development Department
316 North Park Avenue, Room 402
Helena, MT 59623

Phone: 406-447-8492
Fax: 406-447-8460
Email: mmcconnell@helenamt.gov

helenamt.gov

Date: January 28, 2021

To: Helena Zoning Commission

From: Michael McConnell – Planner II

Subject: Aspen Park #2 Pre-Zone

Overview

The applicant R & D Partners LLC have petitioned for annexation to the City of Helena and applied for prezoning and minor subdivision review. The property legally described as "A Portion of Tract A-1-A-1-A-1-A-1-A-1-A of the Amended Plat of the Crossroads at Mountain View Meadows Subdivision Document No. 3368415." The parcel being prezoned is an 9.123-acre site on the northwest corner of the Alpine View Drive and Runkle Parkway intersection.

The proposal calls for annexation of the entire 9.123-acre portion of the larger 149.03, creation of 2 lots, Lot 2 is proposed to be built on with 32 condo units. Lot 1 is intended to be undeveloped privately owned open space.

Aspen Park 2 is part of the larger Mountain View Meadows subdivision. The Aspen Park portion was preliminary platted in 2005 with 330 residential lots on 192.39-acres. The only portion to be final platted was Phase A (COS# 3150185) with 41 residential lots and 4.26 acres of parkland. The remainder of the preliminary plat area has expired.

The applicant is proposing zone district designations of R-4 (Residential). This district is generally associated with medium to high density residential uses. R-4 does allow commercial uses such as restaurants, professional offices and churches. The subject property is adjacent to city limits on the south, east and west sides. The parcel to the north is zoned Urban Residential Mixed Use in Lewis and Clark County. There are no use or dimensional standards associated with this zone district.

General Information

Application Date: June 16, 2021

Meeting Date:	Zoning Commission – February 8, 2022 City Commission – February 28, 2022
Applicant:	R & D Partners PO Box 850 C/O Mark Runkle, St Paris, OH 43072
Property Owner:	R & D Partners PO Box 850 C/O Mark Runkle, St Paris, OH 43072
Representative:	Jeff Larson P.E. 28 Antler Avenue, Clancy MT 59634
General Location:	Approximately 800 feet west of the Runkle Parkway and Hwy 282 intersection
Present Land Use:	Vacant
Current Zoning:	Urban Residential Mixed Use (URMU)
Adjacent Land Uses & Zoning:	North: Residential – Vacant (URMU) South: Residential – Vacant (URMU) East: Residential – Multi Family (R3) West: Residential – Multi Family(R-4)
Size:	8.48 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

Review Process

City Code Section 11-1-4:

A. All territory to be annexed into the city must first be prezoned, and the zoning must be consistent with the designated land uses for such territory as set forth in the growth policy.

B. Prezoning applications are filed with the community development department and any required fees must be paid upon submission of an application.

C. The zoning commission shall hold a public hearing and make a recommendation to the city commission.

D. The city commission shall determine the appropriate zoning and pass an ordinance establishing the zoning, which zoning is effective upon the date of annexation.

This review process as defined by city code allows for public comment, staff review and vetting through city departments and appointed and elected boards or committees prior to approval. As part of this process the Community Development Department sends the application materials to applicable departments for their review and comment. This leads to a full evaluation of potential impacts and helps determine how the proposed zoning relates to the review criteria.

DISCUSSION

Public Comment:
As of January 19, 2022, there have been no comments received regarding the proposed subdivision, annexation and pre zone.

Zoning Commission Recommendation: Move to recommend approval of **an ordinance pre-zoning prior to annexation to R-4** for property legally described as "9.123-acre Portion of Tract A-1-A-1-A-1-A-1-A-1-A of the Amended Plat of the Crossroads at Mountain View Meadows Subdivision Document No. 3368415".

Evaluation:

The property is zoned in unincorporated Lewis and Clark County as "Urban Residential, Mixed Use. While the zone district and its boundaries have been adopted by the County Commission there are currently no development standards, uses or other regulations associated with the zone district. These will be adopted in a future amendment. The intent of that zoning district will be to match City standards to the extent possible, according to Lewis and Clark County.

R-4 (Residential)
The applicant has proposed a zone district of R-4 in association with the proposed development. R-4 allows single, two and multifamily dwelling units as well as several commercial uses including restaurants, churches and professional offices.

This zone district generally fits in with the types of uses and densities located in the immediate vicinity. The zone district dimensional standards including maximum height limit and lot coverage will facilitate land use patterns that are in line with uses and structures currently located in the immediate neighborhood and will ensure that any new development integrates easily with surrounding structures.

Development standards for the R-4 zone district are:
Lot Coverage: 60%
Front/rear Setback: 10 feet minimum
Side Setback: 6 feet minimum
Height: 42 feet maximum
Lot Area: No minimum

The wider area encompassing Mountain View Meadows is primarily residential in nature with some commercial uses located closer to State Highway 12. The immediately surrounding properties to the east and west are being constructed with condo/multifamily residential uses that were primarily developed within the last 5-15 years. Parcels on the east side of the subject property are in the process of being developed with a similar condo product as is intended for the subject property.

Montana MCA Section 76-2-304(1.b), Criteria and guidelines for zoning regulations: (1) Zoning regulations must be (b) *designed to:* (i) *secure safety from fire and other dangers;* (ii) *promote public health, public safety, and the general welfare; and* (iii) *facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.* Montana MCA Section 76-2-304(2.a thru e), "Purposes of Zoning" states: (2) *In the adoption of zoning regulations, the municipal governing body shall consider:* (a) *reasonable provision of adequate light and air;* (b) *the effect on motorized and non-motorized transportation systems;* (c) *promotion of compatible urban growth;* (d) *the character of the district and its peculiar suitability for particular uses; and* (e) *conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.*	
The proposed pre-zone to the R-4 District meets all the zone change requirements outlined in MCA Section 76-2-304(1.b) and (2.a thru e). This is documented below.	
Designed to (i) *secure safety from fire and other dangers;*	The subject property is currently undeveloped. When annexed any new construction will be built in accordance with the most current building and fire codes that are enforced by the City of Helena. Any new development will be required to comply with all relevant dimensional standards of the R-4 District. These measures are intended to help protect the property from fire and other dangers. This area is designated in the City of Helena Growth Policy as a low fire danger area. Once annexed, the parcel will receive all city services, including fire, police, and once developed, those parcels will have City solid waste services available to them.
Designed to (ii) *promote public health, public safety, and the general welfare; and* (iii) *facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements*	The City through its standards tries to ensure the public health and safety of its citizens through the enforcement of its Building Codes, Fire Codes, and other City regulations. Currently there is no development on the property and by developing to City standards this will better ensure that those issues can be better mitigated than if developed without those standards. These standards and requirements for all development types

	help ensure that new developments provide adequate transportation infrastructure, water, and sewer facilities. The International Building Code is used to ensure quality construction of new developments and to provide protections based on hazards like fire or liquefaction. The City of Helena Engineering Standards ensure that water and sewage facilities are providing safe and efficient services and ensure the overall integrity and ability of those services to provide for the entire service network. R-4 zone district designations allow generally moderate to high intensity uses and the immediately adjacent neighborhood is currently built out with similar, moderate intensity uses. There are also a number of moderate intensity residential uses being developed near this project site. This continuity will help facilitate a smooth transition between the subject property and its surroundings.
The application shall also be reviewed through Montana MCA Section 76-2-304. Montana MCA Section 76-2-304(2.a thru e), In the adoption of zoning regulations, the municipal governing body shall consider:	
(a) *reasonable provision of adequate light and air.*	The subject property is zoned by the county as Urban Residential Mixed-Use, which presently does not have use or dimensional standards adopted. As currently zoned, there are no provisions for adequate light or air. The zoning requirements for the R-4 zone district will apply to all future structures on this property and are the mechanism used to enforce compliance and support for these criteria. Enforcement of the zoning requirements related to setbacks from property lines and height restrictions will ensure that all future development have adequate light and air. Additionally, the property must be developed in accordance with other zoning requirements and regulations for the applicable districts, such as: use, off-street parking, screening, and landscaping. These standards ensure adequate light and air are available. The setbacks in the R-4 zone districts are 10 feet for the front and rear of properties and 6 feet on either side and will ensure that there is adequate space for light and air around each of the structures. Height limits of 42 feet will ensure that there are no towering structures that will excessively limit the amount of light or air for all structures.
(b) *the effect on motorized and non-motorized transportation systems;*	With the additional 8.48-acres of R-4 zoned land the effects on both the motorized and non-motorized transportation systems could be significant. R-4 zoning district allows primarily residential uses with some commercial uses allowed by right such as restaurants and professional offices.

	The Community Development Department uses a traffic generation model that assumes several uses will be located on the subject property based on relevant examples throughout the community and allowable uses for the specific zone district. This type of model is used because prezoning, as with rezoning, is not intended to be project specific and no conditions can be placed on the proposal so the mechanism to be used to estimate the traffic generation must be more general in nature and not specific to the subdivision or development proposal itself. Using this model, based on the total land area, it is estimated that the motorized traffic generated could be as much as 3,297 new trips per day in the area proposed for R-4 zoning. This is taking into account multiple residential use types and a restaurant use on site. The applicant prepared a TIS for the subdivision application and it anticipates at full buildout development on this site will produce 234 new trips per day. Lot 1 is presumed to be privately held open space. If not developed, then the traffic volumes may be lower than anticipated by this analysis. The effects on the non-motorized transportation system could also be significant with many new dwelling units potentially being located on the subject property. Any new development within the subject property will be required to have infrastructure built to city standards including roads with curb, gutter, sidewalks. The applicant is proposing a sidewalk on one side of the internal private road to facilitate pedestrian connectivity throughout the new development as well as access to the existing sidewalk network. The 2014 Greater Helena Area Long Range Transportation Plan Update classifies Runkle Parkway as a "local road" between Highway 282 and Alice Street. The City of Helena Engineering and Design Standards states "Local Roads" are designed to carry up to1,500 vehicles per day. The paved width of Runkle Parkway is 42 feet, which is consistent with a major collector. The nearby Highway 282 and Runkle Parkway intersection is identified in the LRTP as operating at a level "B/B," and is projected to be operating at a "E/D" level of service in 2035.
(c) *promotion of compatible urban growth.*	The allowable uses within the R-4 zone district are generally compatible with the surrounding area. The

	density and uses allowed within these zone districts are similar to what is currently represented in the wider neighborhood. The future land use map designates the subject property as "Urban" which includes land that is predominately moderate to high density residential uses and lower intensity commercial uses. The 2019 Growth Policy encourages lands to be developed with city services and built out at a higher density if they are designated as "Urban.". Parcels on the subject properties west side are similar in nature to what can be expected with the proposed development while parcels on the east side of the subject property are currently being developed at similar densities. To the subject properties east side, a parks and school parcel have been dedicated to provide for future growth possibilities.
(d) *the character of the district and its peculiar suitability for particular uses; and*	The subject property is in Lewis and Clark County within the Urban Residential Mixed-Use zoning district and is also located within the city's Urban Standards Boundary. City staff is recommending pre-zoning to the R-4 district prior to annexation into the city because the uses and other requirements associated with R-4 zoning are generally compatible with the adjacent residential and commercial developments in the area, both within the city as well as in the county.
(e) *conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area*	The R-4 District is a suitable district designation for the subject property when considering the existing blend of residential development in the vicinity. The surrounding area is generally being built out with similar densities. The uses in this area will be similar to the uses found in other parts of the City that are zoned similarly.

Growth Policy Analysis

The 2019 City of Helena 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 such as parks and occasional commercial uses that serve the immediate area or are relatively small and low-intensity."

With proposed zone district classification of R-4 this property would meet that definition.

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, in some cases more than one existing neighborhood. 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-4 zone district designation that is being proposed are supportive of this vision and 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.

This development would also meet several 2019 Growth Policy Goals and Objectives including:

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

[0.12] 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;

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

[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.

[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.

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

[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.

The land uses generally allowed within these zone districts are mainly residential with a small number of commercial uses allowed with a Conditional Use Permit. Overall, this development is consistent with the goals and objectives of the 2019 City of Helena

Growth Policy. The above goals are intended to guide city decision making and implement a citizen guided vision for the future of Helena.

Staff Recommendation:
Move to recommend approval of an ordinance pre-zoning prior to annexation to R-4 for property legally described as "8.48-acre Portion of Tract A-1-A-1-A-1-A-1-A-1-A of the Amended Plat of the Crossroads at Mountain View Meadows Subdivision Document No. 3368415".

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. ____

AN ORDINANCE PRE-ZONING PROPERTY LEGALLY DESCRIBED AS "9.123-ACRE PORTION OF TRACT A-1-A-1-A-1-A-1-A-1-A-1 OF THE AMENDED PLAT OF THE CROSSROADS AT MOUNTAIN VIEW MEADOWS SUBDIVISION DOCUMENT NO. 3386391", LEWIS & CLARK COUNTY, MONTANA, AS R-4 (RESIDENTIAL)

WHEREAS, applicant, R & D Partners LLC, has requested that the City of Helena pass an ordinance, pursuant to Helena City Code Section 11-1-4, to pre-zone a property which is legally described as "A Portion of Tract A-1-A-1-A-1-A-1-A-1-A-1 of the Amended Plat of the Crossroads at Mountain View Meadows Subdivision Document No. 3386391." The parcel is a 9.123-acre site on the northwest corner of the Alpine View Drive and Runkle Parkway intersection (hereinafter, the "Property");

WHEREAS, R & D Partners LLC has requested that the entirety of the Property be pre-zoned as R-4 (Residential);

WHEREAS, on **March 3, 2022**, the Helena Zoning Commission recommended **APPROVAL** of the requested pre-zoning as described above; and

WHEREAS, the Helena City Commission held a public hearing on the requested pre-zoning **at 6:00 p.m. on March __th, 2022**, staff recommended **APPROVAL** of this request, and in considering said pre-zoning, the Commission gave due consideration to the matters set

forth in § 76-2-304, MCA.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. That the Property is granted a pre-zoning designation of R-4 (Residential).

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 28th DAY OF March, 2022.

MAYOR _____

ATTEST:

_____
CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS ___ DAY OF _____, 2022.

MAYOR _____

ATTEST:

_____
CLERK OF THE COMMISSION

Motion: Move to approve final passage of an ordinance pre-zoning prior to annexation to R-4 (Residential) for property legally described as a 9.123-acre Portion of Tract A-1-A-1-A-1-A-1-A-1-A-1 of the Amended Plat of the Crossroads at Mountain View Meadows Subdivision Document No. 3386391, generally located on the northeast corner of Runkle Parkway and Alpine View Drive.

Prepared by: Michael McConnell – Planner II

Action to be Considered by the Commission

To Approve final passage or an ordinance pre-zoning prior to annexation to R-4 (Residential) for property legally described as "9.123-acre Portion of Tract A-1-A-1-A-1-A-1-A-1-A-1 of the Amended Plat of the Crossroads at Mountain View Meadows Subdivision Document No. 3386391" generally located west of the Runkle Parkway and State Highway 282 intersection. This is the last step in the process to pre-zone property outside the city limits of Helena in preparation for future annexation.

Legal Review

Legal Review Completed on 4/4/22

Action Summary

A Prezone of approximately 9-acres is being proposed on land that is adjacent to the city limits of Helena on two sides. The project site is within the Urban Standards Boundary, identified in the 2019 City of Helena Growth Policy as land that is ideal for annexation because it is adjacent to city limits and close or adjacent to existing city infrastructure. The Future Land Use Map in the 2019 Growth Policy identifies this area as being appropriate for urban style developments. This could include but is not limited to moderate to high density residential uses and commercial uses that serve the immediate area.

<u>Advantages of Action</u>

Prior to annexation and potential construction, land must first be pre-zoned with an appropriate zone district. The applicant is proposing a pre-zone designation of R-4 which is generally consistent with the wider neighborhood. R-4 and R-3 districts are adjacent to the subject property. R-2 and R-U residential zone districts are also present in the Mountain View Meadows development. The R-4 district represents uses like medium and high density residential and various types of commercial uses. These uses and densities are consistent with the growth policy and potentially address community needs.

<u>Disadvantages of Action</u>

The approval of an R-4 pre-zone designation for the subject property could lead to the construction of uses or densities that are not consistent with the developers stated plan or that would be out of character with the wider neighborhood. Approval of an R-4 pre-zone designation could also lead to upwards of 3,000 new trips per day from the subject property.

Notable Energy Impact

The property, if pre-zoned as proposed, will take advantage of existing infrastructure ideally resulting in lower vehicle miles traveled and sprawl.

Recommended Motion

Move to approve final passage of an ordinance pre-zoning prior to annexation to R-4 (Residential) for property legally described as a 9.123-acre Portion of Tract A-1-A-1-A-1-A-1-A-1-A-1 of the Amended Plat of the Crossroads at Mountain View Meadows Subdivision Document No. 3386391, generally located on the northeast corner of Runkle Parkway and Alpine View Drive.

Background Information

Applications for Annexation and Pre-Zoning prior to Annexation were submitted in June of 2021 for the subject property. The applications went through several rounds of internal review to identify potential zoning issues and infrastructure impacts and to determine the city's ability to provide services to the property if annexed based on the zone district proposed. As a result of these reviews, annexation conditions were considered and determined to be integral components to the provision of services to the property. Zoning and Pre-Zoning Reviews are more broadly focused on the potential uses associated with the zone district proposed.

Pre-Zone ordinances first go to a public hearing in front of the Zoning Commission, which makes a recommendation to the City Commission for their consideration. Another public Hearing is then held with the City Commission to consider the application materials and Zoning Commission recommendation. If the City Commission vote is favorable a final passage occurs during the regular agenda at a future City Commission meeting.

History of the issue

Aspen Park #2 is part of the larger Mountain View Meadows subdivision. The Aspen Park portion of Mountain View Meadows was preliminary platted in 2005 with 330 residential lots on 192.39-acres. The only portion to be final platted was Phase A (COS# 3150185) with 41 residential lots and 4.26 acres of parkland. The remainder of the preliminary plat area has expired.

As such Aspen Park #2 has submitted for Annexation, Pre-Zoning prior to annexation and preliminary plat reviews. The pre-zoning prior to annexation hearing before the Zoning Commission happened on March 2, 2022, and that body recommended approval by a 3-0 vote. On March 14, 2022, the City Commission heard testimony relating to the annexation, pre-zoning and subdivision of a property on the northeast corner of Runkle Parkway and Alpine View Drive. The Commission voted 5-0 in favor of the proposal at that public hearing.

Public Questions / Concerns / Considerations

No public comment was received by the Community Development Department.

Public Support

No public comment was received by the Community Development Department.

Public Information / Engagement

Notice of Public Meeting

Legal advertisements were placed in the Helena Independent Record on February 15th, 2022, for the Zoning Commission and on February 27th, 2022, for the City Commission.

Final passage for pre-zoning ordinances do not require addition public notification or engagement.

IAP2 Spectrum Type of Participation

Inform

Inform and/or Engagement Plan

Legal advertisements were placed in the Helena Independent Record on February 15th, 2022, for the Zoning Commission and on February 27th, 2022, for the City Commission.

Final passage for pre-zoning ordinances do not require addition public notification or engagement.

Respectfully submitted,

Tim Burton
Interim City Manager

Attachments:

Vicinity Map
Staff Report
Pre-Zone Ordinance
Copy of Commission Memo
IAP2 Checklist

Public Engagement Guide

The following information is intended to help you determine an appropriate level of public engagement for your project. Below, you will find an overview of the spectrum adopted by the City of Helena as its standard for public participation. You will also find a worksheet that should be completed to help outline your plan for sharing information and providing opportunities for public involvement, when appropriate.

PARTICIPATION SPECTRUM

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
GOAL	Provide balanced and objective information in a timely manner.	Obtain feedback on analysis, issues, alternatives and decisions.	Work with the public to make sure concerns and aspirations are considered and understood.	Partner with the public in each aspect of the decision-making.	Place final decision-making in the hands of the public.
PROMISE	"We will keep you informed."	"We will listen and acknowledge your concerns."	"We will work with you to ensure your concerns and aspirations are reflected in the decisions made."	"We will look to you for advice and innovation and incorporate this in decisions as much as posible."	"We will implement what you decide."

IAP2 SPECTRUM OF PUBLIC PARTICIPATION
(International Association for Public Participation)

City of Helena

PUBLIC INFORMATION & ENGAGEMENT WORKSHEET

Most City projects will involve some type of public information and/or engagement process. Even the smallest impact projects will have a basic level of public information that should be available to the community. Fill out the following worksheet to help determine the level of information or engagement that is appropriate for your project.

Project: _____ **Staff Lead:** _____ **Media Lead:** _____

Departments Involved: _____

External Groups to Involve:

Helena Citizen Council: _____

Advisory Boards/Committees: _____

Stakeholders: _____

Partner Agencies: _____

Other: _____

Start Date: _____ **Expected End Date:** _____

Brief Project Summary: _____

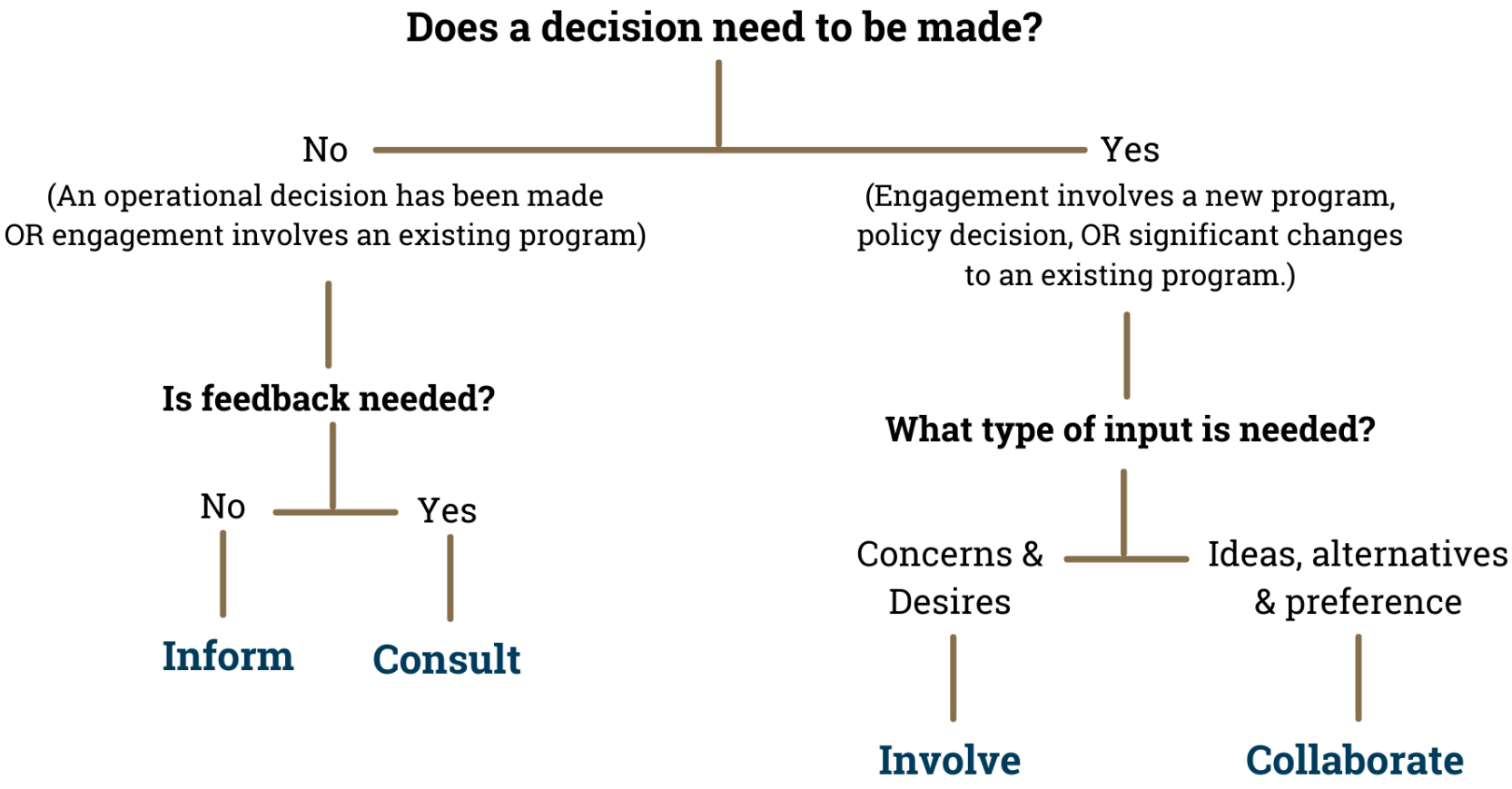
_____

_____

City of Helena

INFORM VS. ENGAGE

The following decision tree will help you evaluate where your project fits on the spectrum of public participation.



Post-Decision

Following a Consult, Involve, or Collaborate engagement process, staff should evaluate the need for a follow-up Inform campaign. The Public Information and Engagement Worksheet can be used to determine the appropriate follow-up Inform process.

City of Helena

CHECKLIST

Type of Involvement	*Informational Tools*	*Engagement Tools*
Inform [provide information]	___ Website ___ Project Map ___ Social Media ___ Media/Public Advisory ___ Utility Bill Inserts ___ Door Hangers	___ Public Meeting(s) ___ Be Heard Helena ___ Q&A
Consult [obtain public feedback on decision(s)]	___ Website ___ Project Map ___ Social Media ___ Media/Public Advisory ___ Utility Bill Inserts ___ Door Hangers	___ Public Meeting(s) ___ Be Heard Helena ___ Survey ___ Polls ___ Ideas
Involve [obtain input for decision(s)]	___ Website ___ Project Map ___ Social Media ___ Media/Public Advisory ___ Utility Bill Inserts ___ Door Hangers	___ Public Meeting(s) ___ Be Heard Helena ___ Survey ___ Ideas ___ Guestbook ___ Stories
Collaborate [partner in all aspects of decision(s)]	___ Website ___ Project Map ___ Social Media ___ Media/Public Advisory ___ Utility Bill Inserts ___ Door Hangers	___ Public Meeting(s) ___ Be Heard Helena ___ Survey ___ Ideas ___ Stories ___ Places ___ Guestbook ___ Polls
Empower [public makes the decision(s)]		___ Ballot (Election)

City of Helena

BE HEARD HELENA

To utilize Be Heard Helena for public engagement, all tools will need to be connected to a project page. Project pages require a 2-3 paragraph introduction, a photo, and a contact person. Please contact the Public Information Officer for help getting started.

Open Environment Tools

Participants can engage with each other. Comments, images, and ideas are visible.

IDEAS - *Allows visitors to share ideas related to the project. People can like/comment on ideas.*
FORUMS - *Community Discussion, 24/7 Moderation*
PLACES - *Gather feedback and photos directly on a map*

Mixed Environment Tools

Participants can see other participant contributions. However, there is little peer-to-peer interaction. Some data may be visible to the community while some data is accessible only by the administrator.

STORIES - *Visitor Generated Stories, Moderation Available, Collect Multi-Media Content*
GUESTBOOK - *Simple, moderated space for visitor comments*
Q&A - *Allow questions to be answered in public and private settings*

Controlled Environment Tools

Participants cannot engage with each other. Data is stored in the backend and only accessible by the administrator.

SURVEY
Survey Question Options

- *Single Line*
- *Essay*
- *Email Address*
- *Number*
- *File Upload*
- *Dropdown (Choose Single Answer from Multiple Choice)*
- *Radio (Choose Single Answer from Multiple Choice)*
- *Checkbox (Choose Single or Multiple Answers from Multiple Choice)*
- *Zip Code (Choose from a list of locations)*
- *Ranking (Rank Priority of Answers)*
- *Likert (Respondents to Apply the Same Measurement to Several Questions)*
- *Emoji (Respondents can Choose A Question/Emoji)*
  - *Q. How do you feel about our services?*
  - *A. Happy* 😊

POLLS
Receive quick feedback on a single question

City of Helena, Montana

April 13, 2022

To: Mayor Collins and the Helena City Commission

From: Michael McConnell – Planner II

Subject: Consider the preliminary plat for the Shopko Minor Subdivision creating 4 new lots from 10.86 acres and to adopt the findings of fact and the conditions contained therein for the property legally described as Lot 1A-1A of the Amended Plat of the Shopko Minor Subdivision in the City of Helena, Lewis and Clark County, Montana, Filed under Doc. No. 3171732.

Present Situation: To Approve, Conditionally Approve, or Deny the request for preliminary plat approval for the Shopko Minor Subdivision located on the Northeast corner of North Montana Avenue and East Custer Avenue.

State law gives the governing body (City Commission) 35 working days to approve, conditionally approve, or deny the request once a minor subdivision preliminary plat application has been deemed sufficient. The deadline for action on this application is April 25, 2022.

Proposal/Objective: To Approve, Conditionally Approve, or Deny the request for preliminary plat approval for the Shopko Minor Subdivision located on the Northeast corner of North Montana Avenue and East Custer Avenue.

Advantage: The advantage to approving the preliminary plat for the Shopko Minor Subdivision is the addition of 3 new building lots to the City of Helena. These new lots will continue to be zoned B-2 (General Commercial) which allows for a variety of commercial and high-density residential uses.

Staff is recommending the following conditions:

1. Any new infrastructure or stormwater elements needs to be installed and approved by the Public Works Department prior to final plat.
2. A new fire hydrant must be installed northeast of lot 1A-1A-2 prior to final plat review.

Notable Energy Impact: This development will take advantage of existing infrastructure and reduce sprawl.

Disadvantage: Approval of this preliminary plat will lead to greater use of the cities water and wastewater systems and more vehicles on the roadways in that area. The applicant submitted a TIS that estimates 4,034 new trips from this development at full build out.

Notice of Public Hearing: N/A

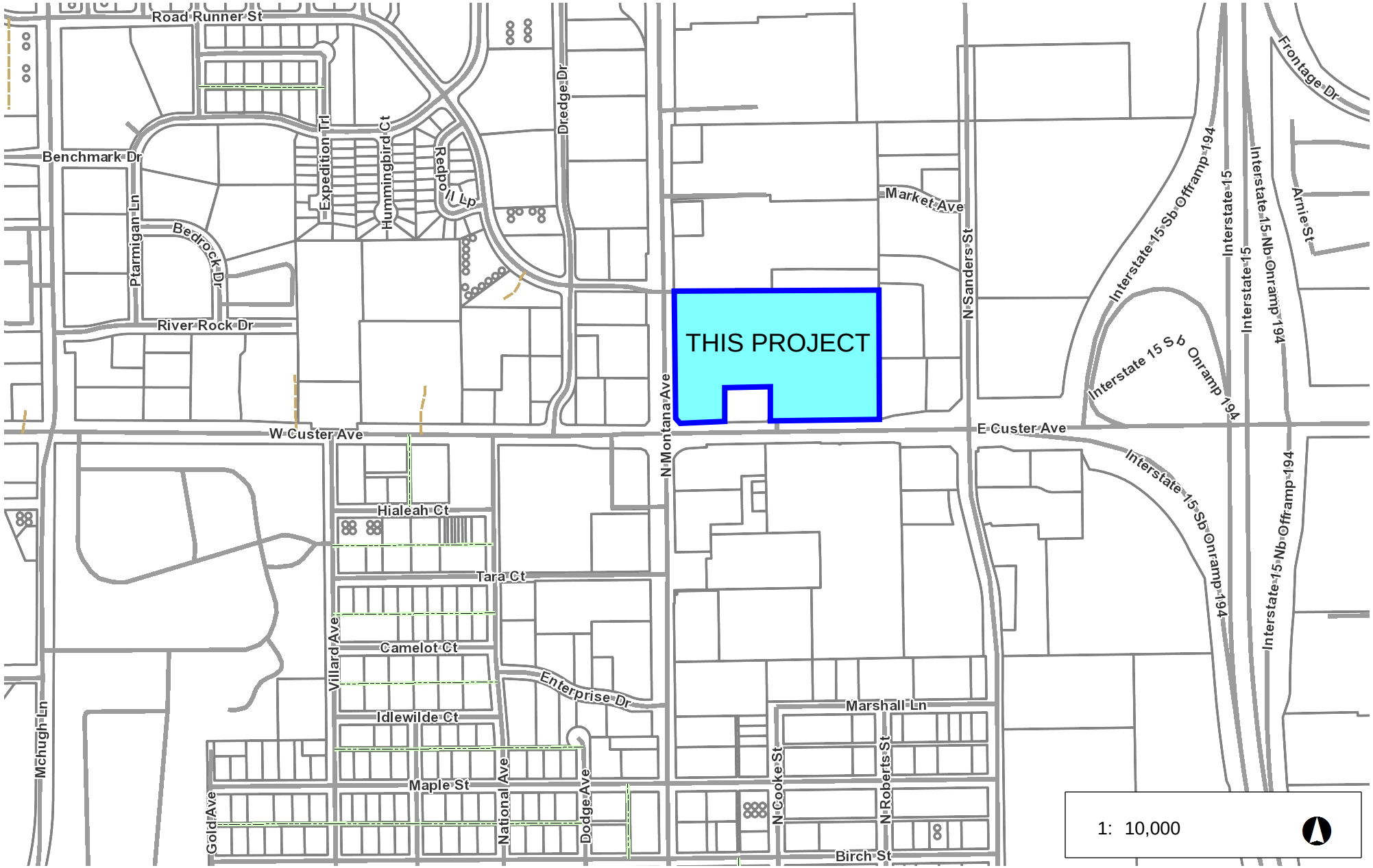
Recommended Motion: Move to conditionally approve the preliminary plat for the Shopko Minor Subdivision creating 4 new lots from 10.86 acres and to adopt the findings of fact and the conditions contained therein for the property legally described as Lot 1A-1A of the Amended Plat of the Shopko Minor Subdivision in the City of Helena, Lewis and Clark County, Montana, Filed under Doc. No. 3171732.

ATTACHMENTS:
Vicinity Map
Staff Report
Preliminary Plat Document
Staff Memo
IAP2 Worksheet

LEWIS & CLARK COUNTY
~ CITY OF HELENA ~

VICINITY MAP

Interactive Mapping Service



0.3 0 0.16 0.3 Miles

SHOPKO MINOR SUBDIVISION

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Michael McConnell, Planner II
Community Development Department
316 North Park Avenue, Room 402
Helena, MT 59623

Phone: 406-447-8492
Fax: 406-447-8460
Email: mmcconnell@helenamt.gov

helenamt.gov

Date: April 25, 2022

To: Tim Burton – Interim City Manager

From: Michael McConnell – Planner II

Subject:
Consider a preliminary plat for the Shopko Minor Subdivision creating 4 new lots from 10.86 acres. The subdivision is located on the northeast corner of North Montana Avenue and East Custer Avenue.

Consider a variance to subdivision regulation §12-4-7(B) to allow an existing pressurized service line where a wastewater main would be required.

Overview

The applicant is requesting preliminary plat approval for the Shopko Minor Subdivision. This request is a replat of Lot 1A-1A of the Shopko Minor Subdivision. This property is located on the northeast corner of North Montana Avenue and East Custer Avenue. The proposal creates 4 new lots including the remainder of Lot 1A-1A-1.

Currently on site there is a stand alone restaurant on its own parcel, a recently constructed bank building which currently is on a leasable space to be converted into its own lot with final plat approval and a large vacant big box storefront.

There are no new streets or infrastructure proposed with this subdivision. The property is within the city limits and zoning for the property will remain B-2 (General Commercial).

General Information

Application Date:	July 1, 2021
Completeness:	July 29, 2021
Sufficiency:	March 8, 2022
Meeting Date:	Planning Board – Not Required City Commission – April 25, 2022
Applicant:	Raider Hill Advisors 757 Third Avenue, 15th Floor, New York, NY 10017
Property Owner:	3101 Montana Avenue LLC 780 3rd Avenue, 18th Floor, New York, NY 10017
Representative:	Greg Wirth Stahly Engineering & Associates

	3530 Centennial Dr. Helena MT, 59601
Legal Description:	Lot 1A-1A of the Amended Plat of Shopko Minor Subdivision Filed under Doc. No. 3171732
General Location:	Northeast corner of North Montana Avenue and East Custer Avenue.
Present Land Use:	Commercial
Adjacent Land Uses & Zoning:	North: Commercial – (B2) South: Commercial – (B2) East: Commercial – (B2) West: Commercial – (B2)
Current Zoning:	B2 – General Commercial
Size:	10.86 acres

Discussion:

As of March 28, 2022, no public comments have been received regarding this application.

Recommendation
Move to conditionally approve the preliminary plat for the Shopko Minor Subdivision creating 4 new lots from 10.86 acres and to adopt the findings of fact and the conditions contained therein for the property legally described as Lot 1A-1A of the Amended Plat of the Shopko Minor Subdivision in the City of Helena, Lewis and Clark County, Montana, Filed under Doc. No. 3171732.

Evaluation

Draft Findings of Fact

Shopko Minor Subdivision

The Helena City Commission will consider the staff report, information submitted in the application for the preliminary plat, other related information, the subdivision review criteria set forth in §76-3-608, MCA, and the City Code of Helena including the City of Helena's Subdivision Regulations in Title 12, in evaluating the subdivision proposal. Based upon this review and after considering the applicant's preferences for mitigations of impacts from this subdivision, the Helena City Commission makes the following Findings and Conclusions:

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. The property is located in the City of Helena in an area with a zoning classification of B2, a zoning district for which commercial uses and higher density residential are allowed by right. The property is surrounded entirely by development in the City which mainly consists of commercial operations built at an urban density.

C. There are no agricultural uses in the vicinity.

Conclusion:
This proposed minor subdivision will not have significant adverse impacts on agricultural production.

2. Impacts to Agricultural Water User Facilities

Findings:

A. Chapter 12 of the Helena 2011 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 proposed lots of the subdivision will utilize city water and wastewater and is located a substantial distance from the nearest agricultural users.

C. This subdivision will not have a significant impact on depleting surface or ground waters and will not have a significant impact on agricultural water user facilities.

Conclusion:
This proposed minor subdivision will not have significant adverse impacts on agricultural water user facilities.

3. Impact to Local Services

Findings:

A. Chapter 12 of the Helena 2011 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. §12-2-15, Helena City Code requires public improvements be installed in conformance with plans, specifications, and a construction schedule approved by the city.

C. Any new infrastructure or stormwater elements need to be installed and approved by the Public Works Department prior to final plat. **(Subdivision Condition #1)**

<u>Transportation</u>

A. The property is located on the corner of North Montana Avenue and East Custer Avenue

giving the newly created lot access to the wider city transportation network.

B. Both North Montana Avenue and East Custer Avenue are classified as Minor Arterials at this location in the 2014 Update to the Helena Area Long Range Transportation Plan.

C. North Montana Avenue and East Custer Avenue are MDT rights of way.

D. There are no changes to access from these rights of way. Any future changes to access from these rights of way would require a permit from MDT.

E. Minor Arterials are capable of handling from 5,000 to 15,000 trips per day.

F. The submitted traffic impact study shows Custer Avenue carrying 21,300 trips per day.

G. The submitted traffic impact study shows Montana Avenue carrying 17,500 trips per day.

H. The submitted traffic impact study estimates that at full build out this subdivision would produce 4,034 new trips per day.

I. Any upgrades to Montana Avenue or Custer Avenue would require MDT approval.

Non-Motorized

A. Currently the property has sidewalks on both the Montana Avenue and Custer Avenue frontages.

B. Most public rights of way in the immediate area have sidewalks which provide pedestrian links to the wider area.

Stormwater

A. The addition of 3 new lots with its associated development will not have an impact on the overall storm water situation in the area.

B. Any new stormwater infrastructure needs to be in easements and transferred to the city.

C. No new stormwater facilities are proposed with this development.

Water/ Wastewater

A. This development will utilize existing water and wastewater facilities and will have a negligible impact on them as a result of new development on site.

B. The applicant has submitted for a variance to §12-4-7(B) of the cities subdivision regulations to allow an existing pressurized wastewater service.

C. A new fire hydrant must be installed northeast of lot 1A-1A-2 prior to final plat review. **(Subdivision Condition #2)**

Other Services

A. Medical and ambulance services are available from St. Peter's Hospital; police and fire protection services are provided by the City of Helena.

B. The City of Helena, in accordance with State laws will provide solid waste disposal services.

C. Cash in lieu of parkland dedication will be provided at final plat. The Parks Board reviewed this proposal at their April 6, 2022, meeting and approved of the cash in lieu payment unanimously.

D. A final amount will be determined during the final platting process in accordance with §12-2-17(2).

Conclusion:
This proposed minor subdivision, as conditioned, will not have significant adverse impacts on local services.

4. Impact to the Natural Environment

Findings:

A. Chapter 12 of the Helena 2011 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 subject property is not within any natural drainage or environmentally sensitive area.

C. The proposed subdivision will utilize city water and wastewater mains.

D. Noise or light associated with development of the subdivision is expected to be consistent with the existing urban uses in the area.

E. No floodplains, minerals, or objects of historic, cultural, and aesthetic significance were identified on the subject property.

Conclusion:
This proposed minor subdivision will not have significant adverse impacts on the natural environment.

5. Impacts to Wildlife and Wildlife Habitat

Findings:

A. Chapter 12 of the Helena 2011 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 proposed minor subdivision is surrounded by urban uses.

C. There is no known habitat located on the property or habitat essential to the conservation of species protected by the Endangered Species Act or of special interest or concern to the State of Montana.

D. The 2019 Growth Policy notes that rural areas are better suited for wildlife and that urban areas like the City of Helena are not intended for wildlife habitat.

E. 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.

Conclusion:
This proposed minor subdivision will not have significant adverse impacts wildlife or wildlife habitat.

6. Impacts to Public Health and Safety

Findings:

A. Chapter 12 of the Helena 2011 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. Safe water, wastewater treatment, and adequate storm water facilities are important components of public health and safety and will be provided with this subdivision.

C. The applicant has submitted for a variance to §12-4-7(B) of the cities subdivision regulations to allow an existing pressurized wastewater service.

D. The Helena Police and Fire Departments serve the property and help protect the subdivision from fire, and other dangers.

E. 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.

F. A new fire hydrant must be installed northeast of lot 1A-1A-2 prior to final plat review. **(Subdivision Condition #2)**

G. There may be liquefaction issues in this area, but this impact will be mitigated by using appropriate building techniques.

Conclusion:

This proposed minor subdivision, as conditioned, will not have significant adverse impacts on public health and safety.

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 final plat for approval and a copy 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. Current structures on site include a bank, standalone restaurant and large, big box structure.

C. All current and future structures are and must remain in compliance with Chapter 11 of the Helena City Code with respect to parking, landscaping, district dimensional standards and all other aspects of the Helena City Code and City of Helena Engineering Standards.

D. All future developments will have to be in compliance with the City of Helena Zoning Ordinance, including all setbacks, lot coverage, parking, landscaping and signage regulations.

E. §76-3-608 (3) (d), MCA and §12-4-6, Helena City Code, requires legal and physical access to each parcel in new subdivisions. This property has legal and physical access on both North Montana Avenue and East Custer Avenue.

F. The applicant has submitted for a variance to §12-4-7(B) of the cities subdivision regulations to allow an existing pressurized wastewater service.

Conclusion:
The minor subdivision with the completion of the proposal, as conditioned, complies with the applicable subdivision requirements.

9. Local Subdivision Review Procedure

Findings:

A public hearing is not required for minor subdivisions in which only one new lot is created. The

Planning Board is not required to review this application. City Commission will review this application at the Commission meeting to be held at 6:00 p.m., Monday, April 25, 2022.

Conclusion:
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 located 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 is existing and are within proposed street ROW or easements. **(Subdivision Condition #1)**

Conclusion:
The proposed subdivision complies with the provision of easements.

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. National Avenue and Idlewild Court will provide legal and physical access each of the proposed lots. Lots will be assigned addresses from the roads in which they access after final plat approval.

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

12. Post Preliminary Plat Approval

Findings:
In light of these Findings and Conclusions, the Helena City Commission hereby conditionally approves the preliminary plan for the Shopko Minor Subdivision, creating 4 lots from approximately 10.8 acres in the B-2 (General Commercial). The conditions of approval herein set forth are additional requirements to mitigate the impacts identified in the previous Findings that are not fully resolved by applicant's proposal. The evidence supporting the reasons for these conditions are contained in the City staff report to the City Commission.

Final plat approval may be granted if:

A. 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.

B. Satisfies any conditions of approval;

Staff is recommending the following conditions:

a. Any new infrastructure or stormwater elements needs to be installed and approved by the Public Works Department prior to final plat.

b. A new fire hydrant must be installed northeast of lot 1A-1A-2 prior to final plat review.

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.

E. 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.

Appeals Process:

76-3-625. Violations -- actions against governing body.

An applicant or other aggrieved party may appeal decisions made by the governing body pursuant to M.C.A §76-3-625.

Recommendation

Move to conditionally approve the preliminary plat for the Shopko Minor Subdivision creating 4 new lots from 10.86 acres and to adopt the findings of fact and the conditions contained therein for the property legally described as Lot 1A-1A of the Amended Plat of the Shopko Minor Subdivision in the City of Helena, Lewis and Clark County, Montana, Filed under Doc. No. 3171732.

1. Any new infrastructure or stormwater elements need to be installed and approved by the Public Works Department prior to final plat.

2. A new fire hydrant must be installed northeast of lot 1A-1A-2 prior to final plat review.

Growth Policy Analysis

The Shopko Minor Subdivision complies with the 2019 City of Helena Growth Policy as proposed. The goals and objectives of the 2019 Growth Policy are supportive of infill development, housing construction and utilizing existing infrastructure where possible.
Below are examples of goals and objectives that exemplify this support.

[0.27] Promote efficient use of community infrastructure, services and resources, including efforts to:

- Increase energy efficiency;
- Reduce vehicle trips;
- Maintain air quality;
- Minimize noise pollution.

[0.41] Coordinate transportation investment with efficient land use patterns, making cycling and walking a practical transportation alternative.

[0.42] Promote transportation facilities and land use patterns that support resource efficiency and reduce the output of greenhouse gasses.

[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.

[0.82] Encourage development patterns and proposals that promote efficient use of City infrastructure and resources.

AMENDED PLAT

AMENDING LOT 1A-1A OF THE PLAT OF THE SHOPKO MINOR SUBDIVISION, DOCUMENT NO.3171732
LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M.M., LEWIS & CLARK COUNTY, MONTANA

SURVEY COMMISSION BY
3101 MONTANA AVENUE, LLC

OWNERS OF RECORD
3101 MONTANA AVENUE, LLC

BASIS OF BEARING
CITY OF HELENA LOW DISTORTION PROJECTION

PURPOSE OF SURVEY
TO SUBDIVIDE LOT 1A–1A INTO FOUR NEW LOTS.

LOT INFORMATION

GROSS AREA:	10.283	ACRES
LOT 1A–1A–1 AREA:	8.190	ACRES
LOT 1A–1A–2 AREA:	0.723	ACRES
LOT 1A–1A–3 AREA:	1.227	ACRES
LOT 1A–1A–4 AREA:	0.683	ACRES

PHYSICAL AND LEGAL ACCESS
WE, THE UNDERSIGNED OWNERS OF THE PROPERTY HEREIN DESCRIBED, DO HEREBY CERTIFY THAT THE LEGAL AND PHYSICAL ACCESS IS PROVIDED OR ASSURED BY THE "DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS" RECORDED IN BOOK M15, PAGE 3109, RECORDS OF LEWIS AND CLARK COUNTY, MONTANA.

RESTRICTIVE COVENANTS
RESTRICTIVE COVENANTS EXIST FOR THE LAND WITHIN THIS SUBDIVISION AND ARE RECORDED IN BOOK_____, PAGE_____, ON FILE AT THE LEWIS AND CLARK COUNTY CLERK AND RECORDER'S OFFICE.

CERTIFICATE OF WAIVER OF PARKLAND DEDICATION AND ACCEPTANCE OF CASH IN LIEU THEREOF

I,_____, CITY CLERK OF HELENA, MONTANA, DO CERTIFY THAT THE FOLLOWING ORDER WAS MADE BY THE CITY COMMISSION OF HELENA AT A MEETING THEREOF HELD ON THE _____ DAY OF _____, 2021, AND ENTERED INTO THE PROCEEDINGS OF SAID BODY TO–WIT: "INASMUCH AS THE DEDICATION OF PARK LAND WITHIN THE PLATTED AREA OF LOT 1A–1A OF THE SHOPKO MINOR SUBDIVISION IS UNDESIRABLE FOR THE REASONS SET FORTH IN THE MINUTES OF THIS MEETING, IT IS HEREBY ORDERED BY THE HELENA CITY COUNCIL THAT LAND DEDICATION FOR PARK PURPOSES BE WAIVED AND THAT CASH IN LIEU OF PARK LAND IN THE AMOUNT OF _____ DOLLARS ($_____), BE ACCEPTED WITH THE PROVISIONS OF TITLE 76, CHAPTER 3, M.C.A."

IN WITNESS WHEREOF, I HAVE HEREUNTO AFFIXED THE SEAL OF HELENA, MONTANA

DATED THIS ____ DAY OF _____, 2020.

_____
CITY OF HELENA – CLERK

CERTIFICATE OF DEDICATION
WE, THE UNDERSIGNED OWNERS OF THE PROPERTY DESCRIBED, DO HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED, SUBDIVIDED, AND PLATTED INTO LOTS BLOCKS, STREETS AND ALLEYS AS SHOWN BY THE PLAT HERETO ANNEXED THE FOLLOWING DESCRIBED TRACT OF LAND IN THE CITY OF HELENA, LEWIS AND CLARK COUNTY, TO WIT:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M.M., LEWIS & CLARK COUNTY, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT (P.O.B.) WHICH IS THE NORTHWEST CORNER OF LOT 1A–1A OF THE SHOPKO MINOR SUBDIVISION, DOCUMENT NO.3171732, RECORDS OF LEWIS AND CLARK COUNTY:

- THENCE, NORTH 89° 10' 59" EAST A DISTANCE OF 529.45 FEET;
- THENCE, SOUTH 00° 49 '01" EAST A DISTANCE OF 7.00 FEET;
- THENCE, NORTH 89° 10' 59" EAST A DISTANCE OF 361.57 FEET;
- THENCE, SOUTH 00° 40 '57" EAST A DISTANCE OF 559.16 FEET TO A POINT ALONG THE SOUTHERLY RIGHT–OF–WAY OF CUSTER AVENUE;
- THENCE, SOUTH 89° 04' 58" WEST A DISTANCE OF 477.41 FEET ALONG SAID SOUTHERLY RIGHT–OF–WAY TO THE SOUTHEAST CORNER OF LOT 1B OF THE DAKOTA SQUARE MINOR SUBDIVISION PER DOCUMENT NO NUMBER 563441;
- THENCE, NORTH 00° 16' 20" WEST A DISTANCE OF 146.88 FEET TO THE NORTHEAST CORNER OF LOT 1B OF THE DAKOTA SQUARE MINOR SUBDIVISION PER DOCUMENT NUMBER 563441;
- THENCE, SOUTH 89° 29' 15" WEST A DISTANCE OF 199.96 FEET TO THE NORTHWEST CORNER OF LOT 1B OF THE DAKOTA SQUARE MINOR SUBDIVISION PER DOCUMENT NUMBER 563441
- THENCE, SOUTH 00° 16' 20" EAST A DISTANCE OF 148.29 FEET TO A POINT ALONG THE SOUTHERLY RIGHT–OF–WAY OF CUSTER AVENUE;
- THENCE, SOUTH 89° 04' 58" WEST A DISTANCE OF 162.86 FEET ALONG SAID SOUTHERLY RIGHT–OF–WAY;
- THENCE, NORTH 47° 04' 07" WEST A DISTANCE OF 44.94 FEET;
- THENCE, NORTH 17° 36' 55" WEST A DISTANCE OF 62.23 FEET TO A POINT ALONG THE WESTERLY RIGHT–OF–WAY OF MONTANA AVENUE;
- THENCE, NORTH 00° 41 '59" WEST A DISTANCE OF 476.98 FEET ALONG SAID WESTERLY RIGHT–OF–WAY TO THE POINT OF BEGINNING,

CONTAINING 10.283 ACRES, MORE OR LESS, ALONG WITH AND SUBJECT TO ALL EASEMENTS OF RECORD OR APPARENT ON THE GROUND.

THE ABOVE DESCRIBED TRACT OF LAND IS TO BE KNOWN AS SHOPKO MINOR SUBDIVISION. THE LANDS SHOWN ON THIS PLAT AS BEING DEDICATED TO THE USE OF THE PUBLIC, INCLUDING STREETS, ALLEYS, EASEMENTS AND OTHER PUBLIC IMPROVEMENTS, IS HEREBY DEDICATED, GRANTED AND DONATED TO THE CITY OF HELENA FOR SUCH USE.

CERTIFICATE OF EXCLUSION FROM D.E.Q. REVIEW
WE, THE UNDERSIGNED OWNERS OF THE PROPERTY HEREIN DESCRIBED, HEREBY CERTIFY THAT ALL LOTS CREATED BY THIS AMENDED PLAT ARE EXEMPT FROM D.E.Q. REVIEW IN ACCORDANCE WITH 76–4–125(1)(d)(ii), MCA BECAUSE THEY ARE LOCATED WITHIN THE JURISDICTION AREA OF THE CITY OF HELENA, WHICH HAS ADOPTED A GROWTH POLICY PURSUANT TO TITLE 76, CHAPTER 1, MCA AND WHICH IS A FIRST CLASS MUNICIPALITY. THE CITY COMMISSION HAS CERTIFIED TO D.E.Q., PURSUANT TO 76–4–127, MCA, THAT ADEQUATE STORM WATER DRAINAGE AND ADEQUATE MUNICIPAL FACILITIES WILL BE PROVIDED.

DATED THIS ____ DAY OF _____, 20___.

_____
JOSEPH TICAR, REGISTERED AGENT
3101 MONTANA AVENUE, LLC

STATE OF MONTANA
COUNTY OF LEWIS AND CLARK

ON THIS ____ DAY OF _____, 20___,
BEFORE ME PERSONALLY APPEARED

_____,

_____,
NOTARY PUBLIC FOR THE STATE OF MONTANA.

DRAFT

CERTIFICATE OF COUNTY TREASURER
I HEREBY CERTIFY, PURSUANT TO SECTION 76–3–611(1)(b) MCA, THAT ALL REAL PROPERTY TAXES ARE PAID AND CURRENT

GEOCODE 05–1888–17–3–01–01–0000
ASSESSMENT CODE 0000021775

DATED THIS ____ DAY OF _____, 20___.

_____
TREASURER, LEWIS & CLARK COUNTY, MONTANA

CERTIFICATE OF FINAL PLAT APPROVAL
THE CITY COMMISSION OF HELENA, MONTANA, HEREBY CERTIFIES THAT IT HAS EXAMINED THIS MAJOR SUBDIVISION PLAT AND HAS FOUND THE SAME TO CONFORM TO LAW.

THE CITY COMMISSION HEREBY ACCEPTS THE DEDICATION, GRANT AND DONATION, TO THE CITY OF HELENA, ANY AND ALL LANDS SHOWN ON THIS PLAT AS BEING DEDICATED TO THE CITY OF HELENA FOR PUBLIC USE.

THE CITY COMMISSION OF HELENA, LEWIS AND CLARK COUNTY, HEREBY APPROVES THIS PLAT

DATED THIS _____ DAY OF _____, 20____ .

_____
MAYOR, CITY OF HELENA

DATED THIS ____ DAY OF _____, 20____ .

_____
CITY CLERK, CITY OF HELENA

DATED THIS ____ DAY OF _____, 20____ .

_____
CITY ENGINEER, CITY OF HELENA

DATED THIS ____ DAY OF _____, 20____ .

_____
COMMUNITY DEVELOPMENT, CITY OF HELENA

DATED THIS ____ DAY OF _____, 20____ .

CERTIFICATE OF EXAMINING LAND SURVEYOR
REVIEWED FOR ERRORS AND OMISSIONS IN CALCULATIONS AND DRAFTING
THIS_____ DAY OF _____, 20___
PURSUANT TO SECTION 76–3–611(2)(A), MCA

_____
EXAMINING LAND SURVEYOR

REG. NO. _____

STAHLY ENGINEERING & ASSOCIATES
PROFESSIONAL ENGINEERS & SURVEYORS
www.seaeng.com
2223 MONTANA AVE. STE. 201 BILLINGS, MT 59101 Phone:(406)601–4055 Fax:(406)601–4062
3530 CENTENNIAL DR. HELENA, MT 59601 Phone:(406)442–8594 Fax:(406)442–8557
851 BRIDGER DR. STE. 1 BOZEMAN, MT 59715 Phone:(406)522–8594 Fax:(406)522–9528

COUNTY: LEWIS & CLARK
PRINCIPAL MERIDIAN, MONTANA

1/4	SEC	T	R	1/4	SEC	T	R
X	17	10N	3W				

FIELD: NAME
DRAWN: JTF
CHECKED: GDW
DATE: 6/4/2021
REV. 11/10/2021

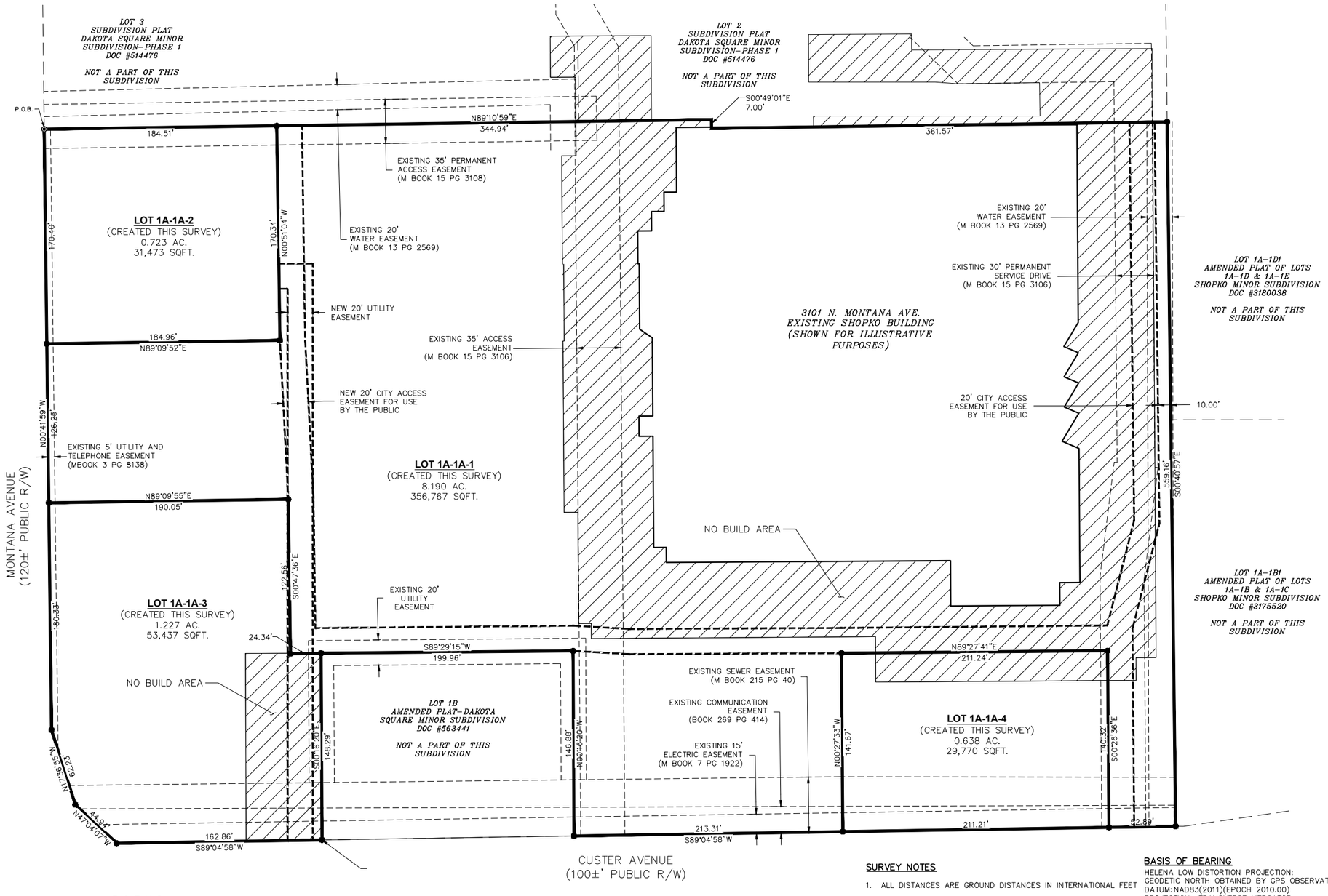
SHEET
1 OF 2

U:\3117-Rider Hill Advisors\-00321_Shopko Amended Plat\DWG\Survey\3117-00321_Plat.dwg, 1 OF 2 - 24X36, Plotted: Nov 10, 2021 - 4:23pm

AMENDED PLAT

AMENDING LOT 1A-1A OF THE PLAT OF THE SHOPKO MINOR SUBDIVISION, DOCUMENT NO.3171732
LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M.M., LEWIS & CLARK COUNTY, MONTANA

DRAFT



SURVEY NOTES

1. ALL DISTANCES ARE GROUND DISTANCES IN INTERNATIONAL FEET

BASIS OF BEARING

HELENA LOW DISTORTION PROJECTION:
GEODETIC NORTH OBTAINED BY GPS OBSERVATIONS & OPUS PROCESSING
DATUM:NAD83(2011)(EPOCH 2010.00)
PROJECTION: TRANSVERSE MERCATOR
CENTRAL MERIDIAN: W 111°57'00"(-111.95°)
PROJECT ORIGIN LATITUDE: N 46°30'00"(46.5°)
SCALE FACTOR AT CENTRAL MERIDIAN: 1.000191
FALSE NORTHING: 1000,000.00 IFT (30,480m)
FALSE EASTING: 200,000.00 IFT (60,960m)

LEGEND

◉ FOUND RPC "FISH 33886LS" OR AS OTHERWISE NOTED	NEW BOUNDARY THIS SURVEY	DOC. NO.	DOCUMENT NUMBER
○ SET 5/8"X24" REBAR WITH RPC "FISH 33886LS"	ADJACENT BOUNDARY	P.O.B.	POINT OF BEGINNING
	EXISTING EASEMENT	R/W	RIGHT OF WAY

0 40' 80'
SCALE IN FEET

STAHLY ENGINEERING & ASSOCIATES
PROFESSIONAL ENGINEERS & SURVEYORS
www.seaeng.com
2223 MONTANA AVE. STE. 201 BILLINGS, MT 59101 Phone:(406)601-4055 Fax:(406)601-4062
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851 BRIDGER DR. STE. 1 BOZEMAN, MT 59715 Phone:(406)522-8594 Fax:(406)522-9528

COUNTY: LEWIS & CLARK
PRINCIPAL MERIDIAN, MONTANA

1/4	SEC	T	R	1/4	SEC	T	R
X	17	10N	3W				

FIELD: NAME
DRAWN: JTF
CHECKED: GDW
DATE: 6/4/2021 REV. 11/10/2021
SHEET **2 OF 2**

L:\3117-Ridder Hill Addition\-00331_Shopko Amended Plat\DWG\Survey\3117-00331_Plat.dwg, 2 OF 2 - 24X36, Plotted: Nov 10, 2021 - 4:23pm

Motion: Move to conditionally approve the preliminary plat for the Shopko Minor Subdivision creating 4 new lots from 10.86 acres and to adopt the findings of fact and the conditions contained therein for the property legally described as Lot 1A-1A of the Amended Plat of the Shopko Minor Subdivision in the City of Helena, Lewis and Clark County, Montana, Filed under Doc. No. 3171732.

Prepared by: Michael McConnell – Planner II

Action to be Considered by the Commission

To Approve, Conditionally Approve, or Deny the request for preliminary plat approval for the Shopko Minor Subdivision located on the Northeast corner of North Montana Avenue and East Custer Avenue.

State law gives the governing body (City Commission) 35 working days to approve, conditionally approve, or deny the request once a minor subdivision preliminary plat application has been deemed sufficient. The deadline for action on this application is April 25, 2022.

Legal Review

Legal Review Completed 4-11-22

Action Summary

Advantages of Action

Advantage to approving the preliminary plat for the Shopko Minor Subdivision is the addition of 3 new building lots to the City of Helena. These new lots will continue to be zoned B-2 (General Commercial) which allows for a variety of commercial and high-density residential uses.

Staff is recommending the following conditions:

1. Any new infrastructure or stormwater elements needs to be installed and approved by the Public Works Department prior to final plat.

2. A new fire hydrant must be installed northeast of lot 1A-1A-2 prior to final plat review.

Disadvantages of Action

Approval of this preliminary plat will lead to greater use of the cities water and wastewater systems and more vehicles on the roadways in that area. The applicant submitted a TIS that estimates 4,034 new trips from this development at full build out.

Notable Energy Impact

This development will take advantage of existing infrastructure and reduce sprawl.

Recommended Motion

Move to conditionally approve the preliminary plat for the Shopko Minor Subdivision creating 4 new lots from 10.86 acres and to adopt the findings of fact and the conditions contained therein for the property legally described as Lot 1A-1A of the Amended Plat of the Shopko Minor Subdivision in the City of Helena, Lewis and Clark County, Montana, Filed under Doc. No. 3171732.

Background Information

History of the issue

An application for minor subdivision was submitted on July 1, 2021. This application was deemed complete on July 29th and sufficient on March 8, 2022. Former owners of this parcel utilized the minor subdivision process in 1994 to create separate lats for both Joann Fabrics and Albertsons Grocery Store and then again in 1997 to create a new lot for Applebee's Bar and Grill.

Public Questions / Concerns / Considerations

As of April 11, 2022, there has been no public comment received by the Community Development Department.

Public Support

As of April 11, 2022, there has been no public comment received by the Community Development Department.

Public Information / Engagement

Notice of Public Meeting

Letters to adjacent property owners were sent out on April 6, 2022, and signs was posted on site.

IAP2 Spectrum Type of Participation

Inform

Inform and/or Engagement Plan

Letters to adjacent property owners were sent out on April 6, 2022, and signs was posted on site.

Respectfully submitted,

Tim Burton
Interim City Manager

Presentation Documents

Vicinity Map
Staff Report
Preliminary Plat Document
Copy of Staff Memo
IAP2 Checklist

Public Engagement Guide

The following information is intended to help you determine an appropriate level of public engagement for your project. Below, you will find an overview of the spectrum adopted by the City of Helena as its standard for public participation. You will also find a worksheet that should be completed to help outline your plan for sharing information and providing opportunities for public involvement, when appropriate.

PARTICIPATION SPECTRUM

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
GOAL	Provide balanced and objective information in a timely manner.	Obtain feedback on analysis, issues, alternatives and decisions.	Work with the public to make sure concerns and aspirations are considered and understood.	Partner with the public in each aspect of the decision-making.	Place final decision-making in the hands of the public.
PROMISE	"We will keep you informed."	"We will listen and acknowledge your concerns."	"We will work with you to ensure your concerns and aspirations are reflected in the decisions made."	"We will look to you for advice and innovation and incorporate this in decisions as much as posible."	"We will implement what you decide."

IAP2 SPECTRUM OF PUBLIC PARTICIPATION
(International Association for Public Participation)

City of Helena

PUBLIC INFORMATION & ENGAGEMENT WORKSHEET

Most City projects will involve some type of public information and/or engagement process. Even the smallest impact projects will have a basic level of public information that should be available to the community. Fill out the following worksheet to help determine the level of information or engagement that is appropriate for your project.

Project: _____ **Staff Lead:** _____ **Media Lead:** _____

Departments Involved: _____

External Groups to Involve:

Helena Citizen Council: _____

Advisory Boards/Committees: _____

Stakeholders: _____

Partner Agencies: _____

Other: _____

Start Date: _____ **Expected End Date:** _____

Brief Project Summary: _____

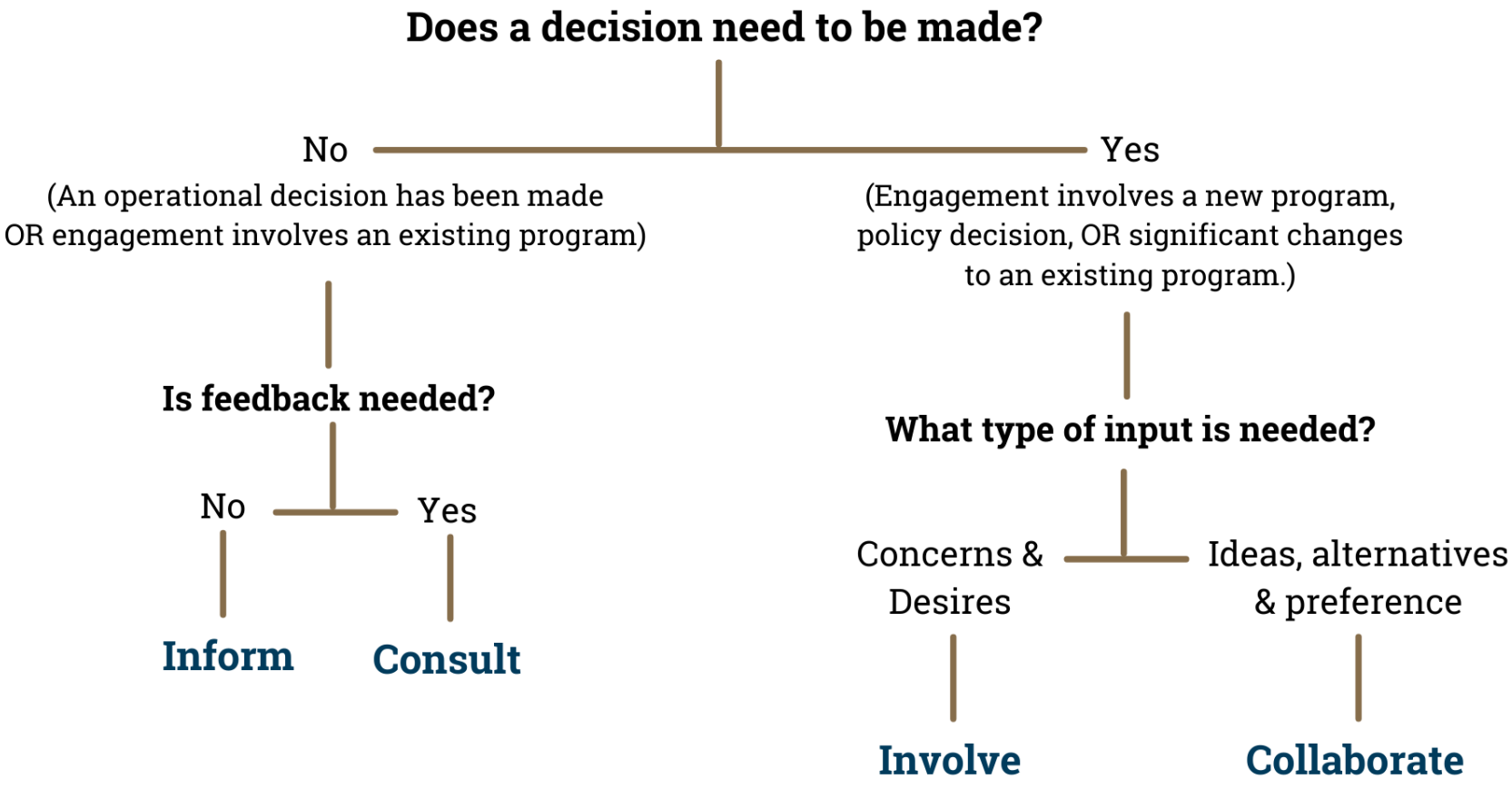
_____

_____

City of Helena

INFORM VS. ENGAGE

The following decision tree will help you evaluate where your project fits on the spectrum of public participation.



Post-Decision

Following a Consult, Involve, or Collaborate engagement process, staff should evaluate the need for a follow-up Inform campaign. The Public Information and Engagement Worksheet can be used to determine the appropriate follow-up Inform process.

City of Helena

CHECKLIST

Type of Involvement	*Informational Tools*	*Engagement Tools*
Inform [provide information]	___ Website ___ Project Map ___ Social Media ___ Media/Public Advisory ___ Utility Bill Inserts ___ Door Hangers	___ Public Meeting(s) ___ Be Heard Helena ___ Q&A
Consult [obtain public feedback on decision(s)]	___ Website ___ Project Map ___ Social Media ___ Media/Public Advisory ___ Utility Bill Inserts ___ Door Hangers	___ Public Meeting(s) ___ Be Heard Helena ___ Survey ___ Polls ___ Ideas
Involve [obtain input for decision(s)]	___ Website ___ Project Map ___ Social Media ___ Media/Public Advisory ___ Utility Bill Inserts ___ Door Hangers	___ Public Meeting(s) ___ Be Heard Helena ___ Survey ___ Ideas ___ Guestbook ___ Stories
Collaborate [partner in all aspects of decision(s)]	___ Website ___ Project Map ___ Social Media ___ Media/Public Advisory ___ Utility Bill Inserts ___ Door Hangers	___ Public Meeting(s) ___ Be Heard Helena ___ Survey ___ Ideas ___ Stories ___ Places ___ Guestbook ___ Polls
Empower [public makes the decision(s)]		___ Ballot (Election)

City of Helena

BE HEARD HELENA

To utilize Be Heard Helena for public engagement, all tools will need to be connected to a project page. Project pages require a 2-3 paragraph introduction, a photo, and a contact person. Please contact the Public Information Officer for help getting started.

Open Environment Tools

Participants can engage with each other. Comments, images, and ideas are visible.

IDEAS - *Allows visitors to share ideas related to the project. People can like/comment on ideas.*
FORUMS - *Community Discussion, 24/7 Moderation*
PLACES - *Gather feedback and photos directly on a map*

Mixed Environment Tools

Participants can see other participant contributions. However, there is little peer-to-peer interaction. Some data may be visible to the community while some data is accessible only by the administrator.

STORIES - *Visitor Generated Stories, Moderation Available, Collect Multi-Media Content*
GUESTBOOK - *Simple, moderated space for visitor comments*
Q&A - *Allow questions to be answered in public and private settings*

Controlled Environment Tools

Participants cannot engage with each other. Data is stored in the backend and only accessible by the administrator.

SURVEY
Survey Question Options

- *Single Line*
- *Essay*
- *Email Address*
- *Number*
- *File Upload*
- *Dropdown (Choose Single Answer from Multiple Choice)*
- *Radio (Choose Single Answer from Multiple Choice)*
- *Checkbox (Choose Single or Multiple Answers from Multiple Choice)*
- *Zip Code (Choose from a list of locations)*
- *Ranking (Rank Priority of Answers)*
- *Likert (Respondents to Apply the Same Measurement to Several Questions)*
- *Emoji (Respondents can Choose A Question/Emoji)*
  - *Q. How do you feel about our services?*
  - *A. Happy* 😊

POLLS
Receive quick feedback on a single question

City of Helena, Montana

April 13, 2022

To: Mayor Collins and the Helena City Commission

From: Michael McConnell – Planner II

Subject: Consider a variance to 12-4-7(B) of the City of Helena Subdivision Regulations to allow variations from city wastewater system standards for the Shopko Minor Subdivision.

Present Situation: To Approve, Conditionally Approve, or Deny the request for an existing pressurized service line where a wastewater main would be required for the Shopko Minor Subdivision located on the Northeast corner of North Montana Avenue and East Custer Avenue.

The newly constructed Chase Bank building has a pressurized wastewater service line. City code states that water and wastewater mains be extended across the frontage of all newly created lots. Since a new lot is being created for that building a wastewater main would normally be required. The Chase Bank building was constructed prior to the subdivision application being submitted and the applicant is requesting a variance from the city's subdivision regulations requiring that all wastewater infrastructure to be installed be built to city standards.

Proposal/Objective: The applicant is proposing a variance to the City of Helena Subdivision Regulation §12-4-7(B) to allow an existing pressurized wastewater service line where a wastewater main would normally be required.

Advantage: Advantages to approving this variance to City Code §12-4-7(B) will be that the applicant will not have to dig up and replace the new service line.

Notable Energy Impact: This development will take advantage of existing infrastructure and reduce sprawl.

Disadvantage: Disadvantages to approving this variance are that there can be no extensions past where the proposed lot ends. No other connections can be made past this point on a pressurized service line.

Notice of Public Hearing: N/A

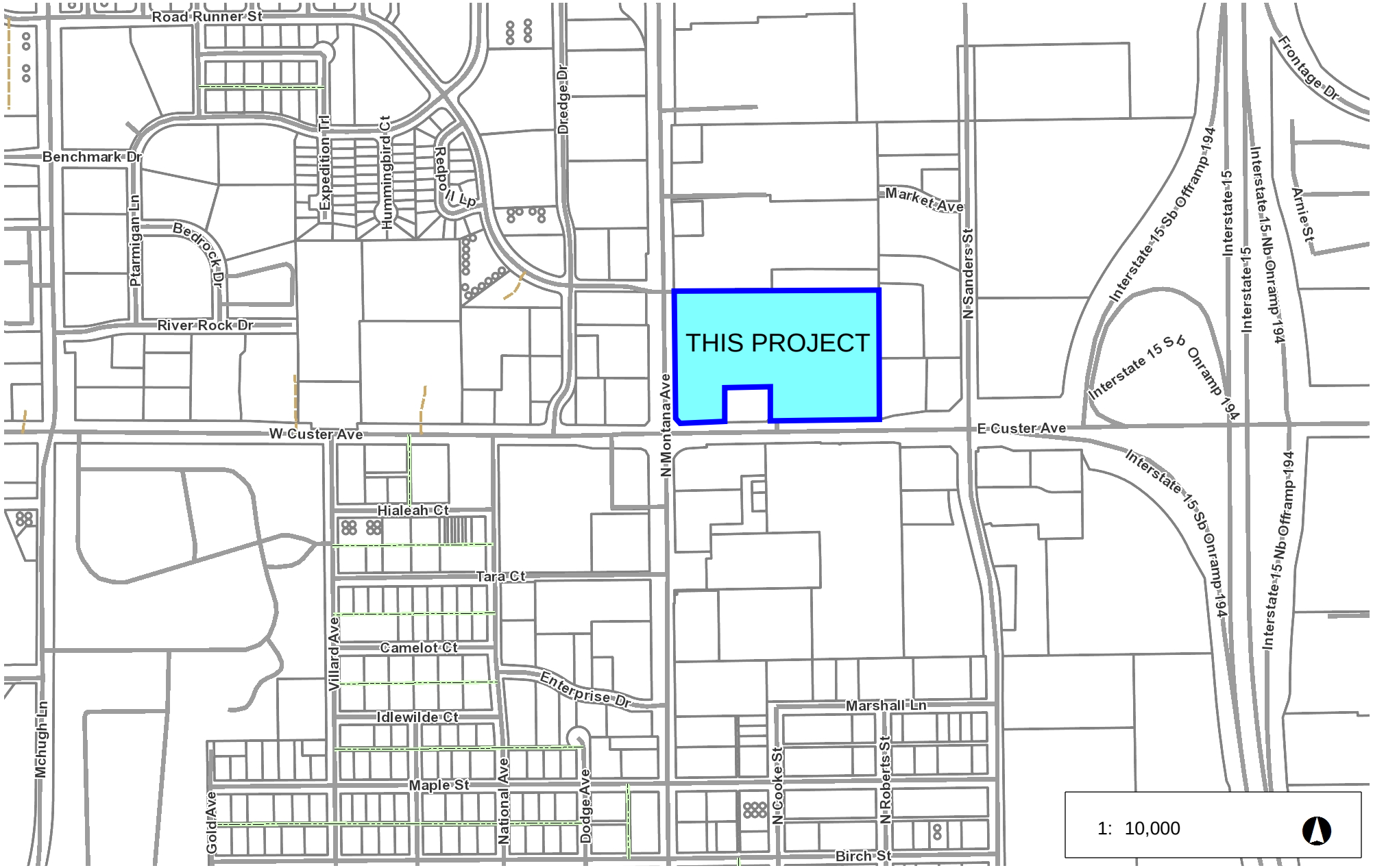
Recommended Motion: Move to Approve/Deny a variance to §12-4-7(B) of the City of Helena Subdivision Regulations to allow variations from city wastewater system standards for the Shopko Minor Subdivision.

ATTACHMENTS:
Vicinity Map
Staff Report
Preliminary Plat Document
Copy of Memo
IAP2 Worksheet

LEWIS & CLARK COUNTY
~ CITY OF HELENA ~

VICINITY MAP

Interactive Mapping Service



0.3 0 0.16 0.3 Miles

SHOPKO MINOR SUBDIVISION

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Michael McConnell, Planner II
Community Development Department
316 North Park Avenue, Room 402
Helena, MT 59623

Phone: 406-447-8492
Fax: 406-447-8460
Email: mmcconnell@helenamt.gov

helenamt.gov

Date: April 25, 2022

To: Tim Burton – Interim City Manager

From: Michael McConnell – Planner II

Subject:
Consider a preliminary plat for the Shopko Minor Subdivision creating 4 new lots from 10.86 acres. The subdivision is located on the northeast corner of North Montana Avenue and East Custer Avenue.

Consider a variance to subdivision regulation §12-4-7(B) to allow an existing pressurized service line where a wastewater main would be required.

Overview

The applicant is requesting preliminary plat approval for the Shopko Minor Subdivision. This request is a replat of Lot 1A-1A of the Shopko Minor Subdivision. This property is located on the northeast corner of North Montana Avenue and East Custer Avenue. The proposal creates 4 new lots including the remainder of Lot 1A-1A-1.

Currently on site there is a stand alone restaurant on its own parcel, a recently constructed bank building which currently is on a leasable space to be converted into its own lot with final plat approval and a large vacant big box storefront.

There are no new streets or infrastructure proposed with this subdivision. The property is within the city limits and zoning for the property will remain B-2 (General Commercial).

General Information

Application Date:	July 1, 2021
Completeness:	July 29, 2021
Sufficiency:	March 8, 2022
Meeting Date:	Planning Board – Not Required City Commission – April 25, 2022
Applicant:	Raider Hill Advisors 757 Third Avenue, 15th Floor, New York, NY 10017
Property Owner:	3101 Montana Avenue LLC 780 3rd Avenue, 18th Floor, New York, NY 10017
Representative:	Greg Wirth Stahly Engineering & Associates

	3530 Centennial Dr. Helena MT, 59601
Legal Description:	Lot 1A-1A of the Amended Plat of Shopko Minor Subdivision Filed under Doc. No. 3171732
General Location:	Northeast corner of North Montana Avenue and East Custer Avenue.
Present Land Use:	Commercial
Adjacent Land Uses & Zoning:	North: Commercial – (B2) South: Commercial – (B2) East: Commercial – (B2) West: Commercial – (B2)
Current Zoning:	B2 – General Commercial
Size:	10.86 acres

Discussion:

As of March 28, 2022, no public comments have been received regarding this application.

Recommendation
Move to conditionally approve the preliminary plat for the Shopko Minor Subdivision creating 4 new lots from 10.86 acres and to adopt the findings of fact and the conditions contained therein for the property legally described as Lot 1A-1A of the Amended Plat of the Shopko Minor Subdivision in the City of Helena, Lewis and Clark County, Montana, Filed under Doc. No. 3171732.

Evaluation

Draft Findings of Fact

Shopko Minor Subdivision

The Helena City Commission will consider the staff report, information submitted in the application for the preliminary plat, other related information, the subdivision review criteria set forth in §76-3-608, MCA, and the City Code of Helena including the City of Helena's Subdivision Regulations in Title 12, in evaluating the subdivision proposal. Based upon this review and after considering the applicant's preferences for mitigations of impacts from this subdivision, the Helena City Commission makes the following Findings and Conclusions:

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. The property is located in the City of Helena in an area with a zoning classification of B2, a zoning district for which commercial uses and higher density residential are allowed by right. The property is surrounded entirely by development in the City which mainly consists of commercial operations built at an urban density.

C. There are no agricultural uses in the vicinity.

Conclusion:
This proposed minor subdivision will not have significant adverse impacts on agricultural production.

2. Impacts to Agricultural Water User Facilities

Findings:

A. Chapter 12 of the Helena 2011 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 proposed lots of the subdivision will utilize city water and wastewater and is located a substantial distance from the nearest agricultural users.

C. This subdivision will not have a significant impact on depleting surface or ground waters and will not have a significant impact on agricultural water user facilities.

Conclusion:
This proposed minor subdivision will not have significant adverse impacts on agricultural water user facilities.

3. Impact to Local Services

Findings:

A. Chapter 12 of the Helena 2011 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. §12-2-15, Helena City Code requires public improvements be installed in conformance with plans, specifications, and a construction schedule approved by the city.

C. Any new infrastructure or stormwater elements need to be installed and approved by the Public Works Department prior to final plat. **(Subdivision Condition #1)**

<u>Transportation</u>

A. The property is located on the corner of North Montana Avenue and East Custer Avenue

giving the newly created lot access to the wider city transportation network.

B. Both North Montana Avenue and East Custer Avenue are classified as Minor Arterials at this location in the 2014 Update to the Helena Area Long Range Transportation Plan.

C. North Montana Avenue and East Custer Avenue are MDT rights of way.

D. There are no changes to access from these rights of way. Any future changes to access from these rights of way would require a permit from MDT.

E. Minor Arterials are capable of handling from 5,000 to 15,000 trips per day.

F. The submitted traffic impact study shows Custer Avenue carrying 21,300 trips per day.

G. The submitted traffic impact study shows Montana Avenue carrying 17,500 trips per day.

H. The submitted traffic impact study estimates that at full build out this subdivision would produce 4,034 new trips per day.

I. Any upgrades to Montana Avenue or Custer Avenue would require MDT approval.

Non-Motorized

A. Currently the property has sidewalks on both the Montana Avenue and Custer Avenue frontages.

B. Most public rights of way in the immediate area have sidewalks which provide pedestrian links to the wider area.

Stormwater

A. The addition of 3 new lots with its associated development will not have an impact on the overall storm water situation in the area.

B. Any new stormwater infrastructure needs to be in easements and transferred to the city.

C. No new stormwater facilities are proposed with this development.

Water/ Wastewater

A. This development will utilize existing water and wastewater facilities and will have a negligible impact on them as a result of new development on site.

B. The applicant has submitted for a variance to §12-4-7(B) of the cities subdivision regulations to allow an existing pressurized wastewater service.

C. A new fire hydrant must be installed northeast of lot 1A-1A-2 prior to final plat review. **(Subdivision Condition #2)**

Other Services

A. Medical and ambulance services are available from St. Peter's Hospital; police and fire protection services are provided by the City of Helena.

B. The City of Helena, in accordance with State laws will provide solid waste disposal services.

C. Cash in lieu of parkland dedication will be provided at final plat. The Parks Board reviewed this proposal at their April 6, 2022, meeting and approved of the cash in lieu payment unanimously.

D. A final amount will be determined during the final platting process in accordance with §12-2-17(2).

Conclusion:
This proposed minor subdivision, as conditioned, will not have significant adverse impacts on local services.

4. Impact to the Natural Environment

Findings:

A. Chapter 12 of the Helena 2011 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 subject property is not within any natural drainage or environmentally sensitive area.

C. The proposed subdivision will utilize city water and wastewater mains.

D. Noise or light associated with development of the subdivision is expected to be consistent with the existing urban uses in the area.

E. No floodplains, minerals, or objects of historic, cultural, and aesthetic significance were identified on the subject property.

Conclusion:
This proposed minor subdivision will not have significant adverse impacts on the natural environment.

5. Impacts to Wildlife and Wildlife Habitat

Findings:

A. Chapter 12 of the Helena 2011 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 proposed minor subdivision is surrounded by urban uses.

C. There is no known habitat located on the property or habitat essential to the conservation of species protected by the Endangered Species Act or of special interest or concern to the State of Montana.

D. The 2019 Growth Policy notes that rural areas are better suited for wildlife and that urban areas like the City of Helena are not intended for wildlife habitat.

E. 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.

Conclusion:
This proposed minor subdivision will not have significant adverse impacts wildlife or wildlife habitat.

6. Impacts to Public Health and Safety

Findings:

A. Chapter 12 of the Helena 2011 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. Safe water, wastewater treatment, and adequate storm water facilities are important components of public health and safety and will be provided with this subdivision.

C. The applicant has submitted for a variance to §12-4-7(B) of the cities subdivision regulations to allow an existing pressurized wastewater service.

D. The Helena Police and Fire Departments serve the property and help protect the subdivision from fire, and other dangers.

E. 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.

F. A new fire hydrant must be installed northeast of lot 1A-1A-2 prior to final plat review. **(Subdivision Condition #2)**

G. There may be liquefaction issues in this area, but this impact will be mitigated by using appropriate building techniques.

Conclusion:

This proposed minor subdivision, as conditioned, will not have significant adverse impacts on public health and safety.

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 final plat for approval and a copy 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. Current structures on site include a bank, standalone restaurant and large, big box structure.

C. All current and future structures are and must remain in compliance with Chapter 11 of the Helena City Code with respect to parking, landscaping, district dimensional standards and all other aspects of the Helena City Code and City of Helena Engineering Standards.

D. All future developments will have to be in compliance with the City of Helena Zoning Ordinance, including all setbacks, lot coverage, parking, landscaping and signage regulations.

E. §76-3-608 (3) (d), MCA and §12-4-6, Helena City Code, requires legal and physical access to each parcel in new subdivisions. This property has legal and physical access on both North Montana Avenue and East Custer Avenue.

F. The applicant has submitted for a variance to §12-4-7(B) of the cities subdivision regulations to allow an existing pressurized wastewater service.

Conclusion:
The minor subdivision with the completion of the proposal, as conditioned, complies with the applicable subdivision requirements.

9. Local Subdivision Review Procedure

Findings:

A public hearing is not required for minor subdivisions in which only one new lot is created. The

Planning Board is not required to review this application. City Commission will review this application at the Commission meeting to be held at 6:00 p.m., Monday, April 25, 2022.

Conclusion:
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 located 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 is existing and are within proposed street ROW or easements. **(Subdivision Condition #1)**

Conclusion:
The proposed subdivision complies with the provision of easements.

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. National Avenue and Idlewild Court will provide legal and physical access each of the proposed lots. Lots will be assigned addresses from the roads in which they access after final plat approval.

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

12. Post Preliminary Plat Approval

Findings:
In light of these Findings and Conclusions, the Helena City Commission hereby conditionally approves the preliminary plan for the Shopko Minor Subdivision, creating 4 lots from approximately 10.8 acres in the B-2 (General Commercial). The conditions of approval herein set forth are additional requirements to mitigate the impacts identified in the previous Findings that are not fully resolved by applicant's proposal. The evidence supporting the reasons for these conditions are contained in the City staff report to the City Commission.

Final plat approval may be granted if:

A. 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.

B. Satisfies any conditions of approval;

Staff is recommending the following conditions:

a. Any new infrastructure or stormwater elements needs to be installed and approved by the Public Works Department prior to final plat.

b. A new fire hydrant must be installed northeast of lot 1A-1A-2 prior to final plat review.

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.

E. 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.

Appeals Process:

76-3-625. Violations -- actions against governing body.

An applicant or other aggrieved party may appeal decisions made by the governing body pursuant to M.C.A §76-3-625.

Recommendation

Move to conditionally approve the preliminary plat for the Shopko Minor Subdivision creating 4 new lots from 10.86 acres and to adopt the findings of fact and the conditions contained therein for the property legally described as Lot 1A-1A of the Amended Plat of the Shopko Minor Subdivision in the City of Helena, Lewis and Clark County, Montana, Filed under Doc. No. 3171732.

1. Any new infrastructure or stormwater elements need to be installed and approved by the Public Works Department prior to final plat.

2. A new fire hydrant must be installed northeast of lot 1A-1A-2 prior to final plat review.

Growth Policy Analysis

The Shopko Minor Subdivision complies with the 2019 City of Helena Growth Policy as proposed. The goals and objectives of the 2019 Growth Policy are supportive of infill development, housing construction and utilizing existing infrastructure where possible.
Below are examples of goals and objectives that exemplify this support.

[0.27] Promote efficient use of community infrastructure, services and resources, including efforts to:

- Increase energy efficiency;
- Reduce vehicle trips;
- Maintain air quality;
- Minimize noise pollution.

[0.41] Coordinate transportation investment with efficient land use patterns, making cycling and walking a practical transportation alternative.

[0.42] Promote transportation facilities and land use patterns that support resource efficiency and reduce the output of greenhouse gasses.

[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.

[0.82] Encourage development patterns and proposals that promote efficient use of City infrastructure and resources.

AMENDED PLAT

AMENDING LOT 1A-1A OF THE PLAT OF THE SHOPKO MINOR SUBDIVISION, DOCUMENT NO.3171732
LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M.M., LEWIS & CLARK COUNTY, MONTANA

SURVEY COMMISSION BY
3101 MONTANA AVENUE, LLC

OWNERS OF RECORD
3101 MONTANA AVENUE, LLC

BASIS OF BEARING
CITY OF HELENA LOW DISTORTION PROJECTION

PURPOSE OF SURVEY
TO SUBDIVIDE LOT 1A–1A INTO FOUR NEW LOTS.

LOT INFORMATION

GROSS AREA:	10.283	ACRES
LOT 1A–1A–1 AREA:	8.190	ACRES
LOT 1A–1A–2 AREA:	0.723	ACRES
LOT 1A–1A–3 AREA:	1.227	ACRES
LOT 1A–1A–4 AREA:	0.683	ACRES

PHYSICAL AND LEGAL ACCESS
WE, THE UNDERSIGNED OWNERS OF THE PROPERTY HEREIN DESCRIBED, DO HEREBY CERTIFY THAT THE LEGAL AND PHYSICAL ACCESS IS PROVIDED OR ASSURED BY THE "DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS" RECORDED IN BOOK M15, PAGE 3109, RECORDS OF LEWIS AND CLARK COUNTY, MONTANA.

RESTRICTIVE COVENANTS
RESTRICTIVE COVENANTS EXIST FOR THE LAND WITHIN THIS SUBDIVISION AND ARE RECORDED IN BOOK_____, PAGE_____, ON FILE AT THE LEWIS AND CLARK COUNTY CLERK AND RECORDER'S OFFICE.

CERTIFICATE OF WAIVER OF PARKLAND DEDICATION AND ACCEPTANCE OF CASH IN LIEU THEREOF

I,_____, CITY CLERK OF HELENA, MONTANA, DO CERTIFY THAT THE FOLLOWING ORDER WAS MADE BY THE CITY COMMISSION OF HELENA AT A MEETING THEREOF HELD ON THE _____ DAY OF _____, 2021, AND ENTERED INTO THE PROCEEDINGS OF SAID BODY TO–WIT: "INASMUCH AS THE DEDICATION OF PARK LAND WITHIN THE PLATTED AREA OF LOT 1A–1A OF THE SHOPKO MINOR SUBDIVISION IS UNDESIRABLE FOR THE REASONS SET FORTH IN THE MINUTES OF THIS MEETING, IT IS HEREBY ORDERED BY THE HELENA CITY COUNCIL THAT LAND DEDICATION FOR PARK PURPOSES BE WAIVED AND THAT CASH IN LIEU OF PARK LAND IN THE AMOUNT OF _____ DOLLARS ($_____), BE ACCEPTED WITH THE PROVISIONS OF TITLE 76, CHAPTER 3, M.C.A."

IN WITNESS WHEREOF, I HAVE HEREUNTO AFFIXED THE SEAL OF HELENA, MONTANA

DATED THIS ____ DAY OF _____, 2020.

_____
CITY OF HELENA – CLERK

CERTIFICATE OF DEDICATION
WE, THE UNDERSIGNED OWNERS OF THE PROPERTY DESCRIBED, DO HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED, SUBDIVIDED, AND PLATTED INTO LOTS BLOCKS, STREETS AND ALLEYS AS SHOWN BY THE PLAT HERETO ANNEXED THE FOLLOWING DESCRIBED TRACT OF LAND IN THE CITY OF HELENA, LEWIS AND CLARK COUNTY, TO WIT:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M.M., LEWIS & CLARK COUNTY, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT (P.O.B.) WHICH IS THE NORTHWEST CORNER OF LOT 1A–1A OF THE SHOPKO MINOR SUBDIVISION, DOCUMENT NO.3171732, RECORDS OF LEWIS AND CLARK COUNTY:

- THENCE, NORTH 89° 10' 59" EAST A DISTANCE OF 529.45 FEET;
- THENCE, SOUTH 00° 49 '01" EAST A DISTANCE OF 7.00 FEET;
- THENCE, NORTH 89° 10' 59" EAST A DISTANCE OF 361.57 FEET;
- THENCE, SOUTH 00° 40 '57" EAST A DISTANCE OF 559.16 FEET TO A POINT ALONG THE SOUTHERLY RIGHT–OF–WAY OF CUSTER AVENUE;
- THENCE, SOUTH 89° 04' 58" WEST A DISTANCE OF 477.41 FEET ALONG SAID SOUTHERLY RIGHT–OF–WAY TO THE SOUTHEAST CORNER OF LOT 1B OF THE DAKOTA SQUARE MINOR SUBDIVISION PER DOCUMENT NO NUMBER 563441;
- THENCE, NORTH 00° 16' 20" WEST A DISTANCE OF 146.88 FEET TO THE NORTHEAST CORNER OF LOT 1B OF THE DAKOTA SQUARE MINOR SUBDIVISION PER DOCUMENT NUMBER 563441;
- THENCE, SOUTH 89° 29' 15" WEST A DISTANCE OF 199.96 FEET TO THE NORTHWEST CORNER OF LOT 1B OF THE DAKOTA SQUARE MINOR SUBDIVISION PER DOCUMENT NUMBER 563441
- THENCE, SOUTH 00° 16' 20" EAST A DISTANCE OF 148.29 FEET TO A POINT ALONG THE SOUTHERLY RIGHT–OF–WAY OF CUSTER AVENUE;
- THENCE, SOUTH 89° 04' 58" WEST A DISTANCE OF 162.86 FEET ALONG SAID SOUTHERLY RIGHT–OF–WAY;
- THENCE, NORTH 47° 04' 07" WEST A DISTANCE OF 44.94 FEET;
- THENCE, NORTH 17° 36' 55" WEST A DISTANCE OF 62.23 FEET TO A POINT ALONG THE WESTERLY RIGHT–OF–WAY OF MONTANA AVENUE;
- THENCE, NORTH 00° 41 '59" WEST A DISTANCE OF 476.98 FEET ALONG SAID WESTERLY RIGHT–OF–WAY TO THE POINT OF BEGINNING,

CONTAINING 10.283 ACRES, MORE OR LESS, ALONG WITH AND SUBJECT TO ALL EASEMENTS OF RECORD OR APPARENT ON THE GROUND.

THE ABOVE DESCRIBED TRACT OF LAND IS TO BE KNOWN AS SHOPKO MINOR SUBDIVISION. THE LANDS SHOWN ON THIS PLAT AS BEING DEDICATED TO THE USE OF THE PUBLIC, INCLUDING STREETS, ALLEYS, EASEMENTS AND OTHER PUBLIC IMPROVEMENTS, IS HEREBY DEDICATED, GRANTED AND DONATED TO THE CITY OF HELENA FOR SUCH USE.

CERTIFICATE OF EXCLUSION FROM D.E.Q. REVIEW
WE, THE UNDERSIGNED OWNERS OF THE PROPERTY HEREIN DESCRIBED, HEREBY CERTIFY THAT ALL LOTS CREATED BY THIS AMENDED PLAT ARE EXEMPT FROM D.E.Q. REVIEW IN ACCORDANCE WITH 76–4–125(1)(d)(ii), MCA BECAUSE THEY ARE LOCATED WITHIN THE JURISDICTION AREA OF THE CITY OF HELENA, WHICH HAS ADOPTED A GROWTH POLICY PURSUANT TO TITLE 76, CHAPTER 1, MCA AND WHICH IS A FIRST CLASS MUNICIPALITY. THE CITY COMMISSION HAS CERTIFIED TO D.E.Q., PURSUANT TO 76–4–127, MCA, THAT ADEQUATE STORM WATER DRAINAGE AND ADEQUATE MUNICIPAL FACILITIES WILL BE PROVIDED.

DATED THIS ____ DAY OF _____, 20___.

_____
JOSEPH TICAR, REGISTERED AGENT
3101 MONTANA AVENUE, LLC

STATE OF MONTANA
COUNTY OF LEWIS AND CLARK

ON THIS ____ DAY OF _____, 20___,
BEFORE ME PERSONALLY APPEARED

_____,

_____,
NOTARY PUBLIC FOR THE STATE OF MONTANA.

DRAFT

CERTIFICATE OF COUNTY TREASURER
I HEREBY CERTIFY, PURSUANT TO SECTION 76–3–611(1)(b) MCA, THAT ALL REAL PROPERTY TAXES ARE PAID AND CURRENT

GEOCODE 05–1888–17–3–01–01–0000
ASSESSMENT CODE 0000021775

DATED THIS ____ DAY OF _____, 20___.

_____
TREASURER, LEWIS & CLARK COUNTY, MONTANA

CERTIFICATE OF FINAL PLAT APPROVAL
THE CITY COMMISSION OF HELENA, MONTANA, HEREBY CERTIFIES THAT IT HAS EXAMINED THIS MAJOR SUBDIVISION PLAT AND HAS FOUND THE SAME TO CONFORM TO LAW.

THE CITY COMMISSION HEREBY ACCEPTS THE DEDICATION, GRANT AND DONATION, TO THE CITY OF HELENA, ANY AND ALL LANDS SHOWN ON THIS PLAT AS BEING DEDICATED TO THE CITY OF HELENA FOR PUBLIC USE.

THE CITY COMMISSION OF HELENA, LEWIS AND CLARK COUNTY, HEREBY APPROVES THIS PLAT

DATED THIS _____ DAY OF _____, 20____ .

_____
MAYOR, CITY OF HELENA

DATED THIS ____ DAY OF _____, 20____ .

_____
CITY CLERK, CITY OF HELENA

DATED THIS ____ DAY OF _____, 20____ .

_____
CITY ENGINEER, CITY OF HELENA

DATED THIS ____ DAY OF _____, 20____ .

_____
COMMUNITY DEVELOPMENT, CITY OF HELENA

DATED THIS ____ DAY OF _____, 20____ .

CERTIFICATE OF EXAMINING LAND SURVEYOR
REVIEWED FOR ERRORS AND OMISSIONS IN CALCULATIONS AND DRAFTING
THIS_____ DAY OF _____, 20___
PURSUANT TO SECTION 76–3–611(2)(A), MCA

_____
EXAMINING LAND SURVEYOR

REG. NO. _____

STAHLY ENGINEERING & ASSOCIATES
PROFESSIONAL ENGINEERS & SURVEYORS
www.seaeng.com
2223 MONTANA AVE. STE. 201 BILLINGS, MT 59101 Phone:(406)601–4055 Fax:(406)601–4062
3530 CENTENNIAL DR. HELENA, MT 59601 Phone:(406)442–8594 Fax:(406)442–8557
851 BRIDGER DR. STE. 1 BOZEMAN, MT 59715 Phone:(406)522–8594 Fax:(406)522–9528

COUNTY: LEWIS & CLARK
PRINCIPAL MERIDIAN, MONTANA

1/4	SEC	T	R	1/4	SEC	T	R
X	17	10N	3W				

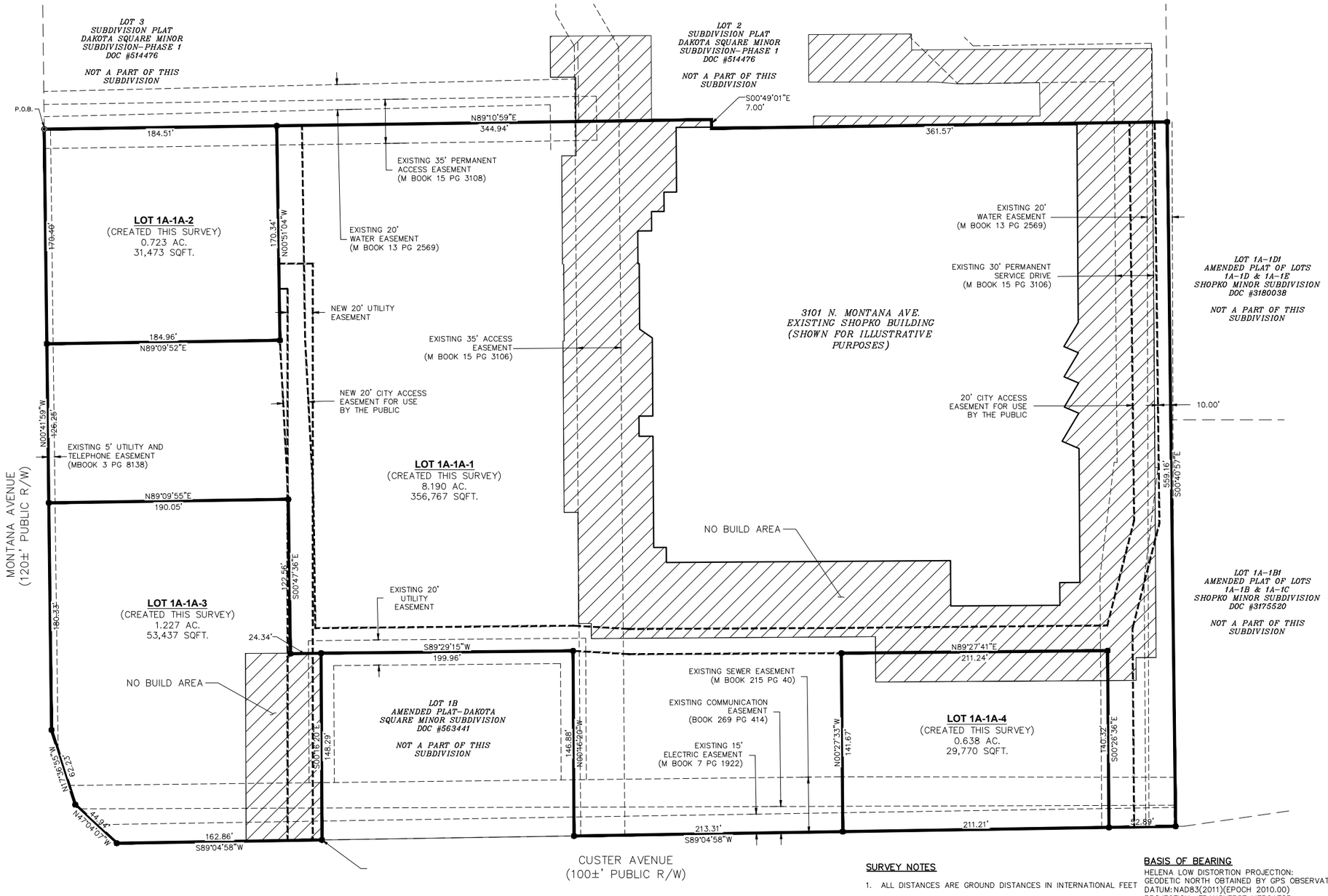
FIELD: NAME
DRAWN: JTF
CHECKED: GDW
DATE: 6/4/2021
REV. 11/10/2021
SHEET
1 OF 2

U:\3117-Alder Hill Advisors\-00321_Shopko Amended Plat\DWG\Survey\3117-00321_Plat.dwg, 1 OF 2 - 24X36, Plotted: Nov 10, 2021 - 4:23pm

AMENDED PLAT

AMENDING LOT 1A-1A OF THE PLAT OF THE SHOPKO MINOR SUBDIVISION, DOCUMENT NO.3171732
LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M.M., LEWIS & CLARK COUNTY, MONTANA

DRAFT



SURVEY NOTES

1. ALL DISTANCES ARE GROUND DISTANCES IN INTERNATIONAL FEET

BASIS OF BEARING

HELENA LOW DISTORTION PROJECTION:
GEODETIC NORTH OBTAINED BY GPS OBSERVATIONS & OPUS PROCESSING
DATUM:NAD83(2011)(EPOCH 2010.00)
PROJECTION: TRANSVERSE MERCATOR
CENTRAL MERIDIAN: W 111°57'00"(-111.95°)
PROJECT ORIGIN LATITUDE: N 46°30'00"(46.5°)
SCALE FACTOR AT CENTRAL MERIDIAN: 1.000191
FALSE NORTHING: 1000,000.00 IFT (30,480m)
FALSE EASTING: 200,000.00 IFT (60,960m)

LEGEND

◉ FOUND RPC "FISH 33886LS" OR AS OTHERWISE NOTED	NEW BOUNDARY THIS SURVEY	DOC. NO.	DOCUMENT NUMBER
○ SET 5/8"X24" REBAR WITH RPC "FISH 33886LS"	ADJACENT BOUNDARY	P.O.B.	POINT OF BEGINNING
	EXISTING EASEMENT	R/W	RIGHT OF WAY

0 40' 80'
SCALE IN FEET

STAHLY ENGINEERING & ASSOCIATES
PROFESSIONAL ENGINEERS & SURVEYORS
www.seaeng.com
2223 MONTANA AVE. STE. 201 BILLINGS, MT 59101 Phone:(406)601-4055 Fax:(406)601-4062
3530 CENTENNIAL DR. HELENA, MT 59601 Phone:(406)442-8594 Fax:(406)442-8557
851 BRIDGER DR. STE. 1 BOZEMAN, MT 59715 Phone:(406)522-8594 Fax:(406)522-9528

COUNTY: LEWIS & CLARK
PRINCIPAL MERIDIAN, MONTANA

1/4	SEC	T	R	1/4	SEC	T	R
X	17	10N	3W				

FIELD: NAME
DRAWN: JTF
CHECKED: GDW
DATE: 6/4/2021 REV. 11/10/2021
SHEET **2 OF 2**

L:\3117-Rodier Hill Addition\-00331_Shopko Amended Plat\DWG\Survey\3117-00331_Plat.dwg, 2 OF 2 - 24X36, Plotted: Nov 10, 2021 - 4:23pm

Motion: Consider a variance to subdivision regulation §12-4-7(B) to allow a pressurized service line where a wastewater main would be required.

Prepared by: Michael McConnell – Planner II

Action to be Considered by the Commission

To Approve, Conditionally Approve, or Deny the request for pressurized service line where a wastewater main would be required for the Shopko Minor Subdivision located on the Northeast corner of North Montana Avenue and East Custer Avenue.

The newly constructed Chase Bank building has a pressurized wastewater service line. City code states that water and wastewater mains be extended across the frontage of all newly created lots. Since a new lot is being created for that building a wastewater main would normally be required. The Chase Bank building was constructed prior to the subdivision application being submitted and the applicant is requesting a variance from the city's subdivision regulations requiring that all wastewater infrastructure to be installed be built to city standards.

Legal Review

Legal Review Completed on 4-4-22

Action Summary

Advantages of Action

Advantages to approving this variance to City Code §12-4-7(B) will be that the applicant will not have to dig up and replace the new service line.

Disadvantages of Action

Disadvantages to approving this variance are that there can be no extensions past where the proposed lot ends. No other connections can be made past this point on a pressurized service line.

Notable Energy Impact

This development will take advantage of existing infrastructure and reduce sprawl.

Motion

Move to Approve/Deny a variance to §12-4-7(B) of the City of Helena Subdivision Regulations to allow variations from city wastewater system standards for the Shopko Minor Subdivision.

Background Information

History of the issue

An application for minor subdivision was submitted on July 1, 2021. This application was deemed complete on July 29th and sufficient on March 8, 2022. Former owners of this parcel utilized the minor subdivision process in 1994 to create separate lats for both Joann Fabrics and Albertsons Grocery Store and then again in 1997 to create a new lot for Applebee's Bar and Grill.

Public Questions / Concerns / Considerations

As of April 11, 2022, there has been no public comment received by the Community Development Department.

Public Support

As of April 11, 2022, there has been no public comment received by the Community Development Department.

Public Information / Engagement

Notice of Public Meeting

Letters to adjacent property owners were sent out on April 6, 2022, and signs was posted on site.

IAP2 Spectrum Type of Participation

Inform

Inform and/or Engagement Plan

Letters to adjacent property owners were sent out on April 6, 2022, and signs was posted on site.

Respectfully submitted,

Tim Burton
Interim City Manager

Presentation Documents

Vicinity Map
Staff Report
Preliminary Plat Document
Copy of Staff Memo
IAP2 Checklist

Public Engagement Guide

The following information is intended to help you determine an appropriate level of public engagement for your project. Below, you will find an overview of the spectrum adopted by the City of Helena as its standard for public participation. You will also find a worksheet that should be completed to help outline your plan for sharing information and providing opportunities for public involvement, when appropriate.

PARTICIPATION SPECTRUM

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
GOAL	Provide balanced and objective information in a timely manner.	Obtain feedback on analysis, issues, alternatives and decisions.	Work with the public to make sure concerns and aspirations are considered and understood.	Partner with the public in each aspect of the decision-making.	Place final decision-making in the hands of the public.
PROMISE	"We will keep you informed."	"We will listen and acknowledge your concerns."	"We will work with you to ensure your concerns and aspirations are reflected in the decisions made."	"We will look to you for advice and innovation and incorporate this in decisions as much as posible."	"We will implement what you decide."

IAP2 SPECTRUM OF PUBLIC PARTICIPATION
(International Association for Public Participation)

City of Helena

PUBLIC INFORMATION & ENGAGEMENT WORKSHEET

Most City projects will involve some type of public information and/or engagement process. Even the smallest impact projects will have a basic level of public information that should be available to the community. Fill out the following worksheet to help determine the level of information or engagement that is appropriate for your project.

Project: _____ **Staff Lead:** _____ **Media Lead:** _____

Departments Involved: _____

External Groups to Involve:

Helena Citizen Council: _____

Advisory Boards/Committees: _____

Stakeholders: _____

Partner Agencies: _____

Other: _____

Start Date: _____ **Expected End Date:** _____

Brief Project Summary: _____

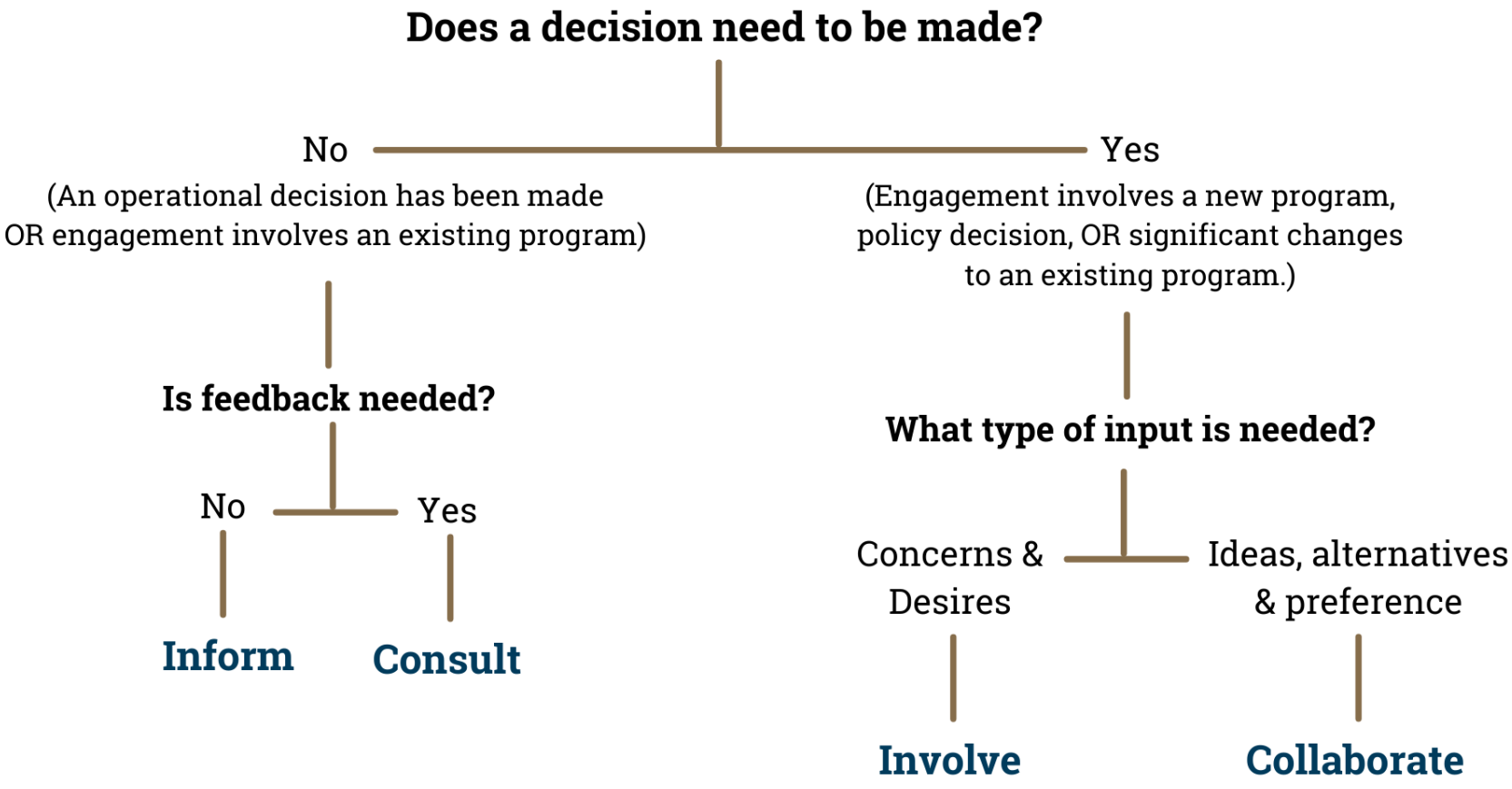
_____

_____

City of Helena

INFORM VS. ENGAGE

The following decision tree will help you evaluate where your project fits on the spectrum of public participation.



Post-Decision

Following a Consult, Involve, or Collaborate engagement process, staff should evaluate the need for a follow-up Inform campaign. The Public Information and Engagement Worksheet can be used to determine the appropriate follow-up Inform process.

City of Helena

CHECKLIST

Type of Involvement	*Informational Tools*	*Engagement Tools*
Inform [provide information]	___ Website ___ Project Map ___ Social Media ___ Media/Public Advisory ___ Utility Bill Inserts ___ Door Hangers	___ Public Meeting(s) ___ Be Heard Helena ___ Q&A
Consult [obtain public feedback on decision(s)]	___ Website ___ Project Map ___ Social Media ___ Media/Public Advisory ___ Utility Bill Inserts ___ Door Hangers	___ Public Meeting(s) ___ Be Heard Helena ___ Survey ___ Polls ___ Ideas
Involve [obtain input for decision(s)]	___ Website ___ Project Map ___ Social Media ___ Media/Public Advisory ___ Utility Bill Inserts ___ Door Hangers	___ Public Meeting(s) ___ Be Heard Helena ___ Survey ___ Ideas ___ Guestbook ___ Stories
Collaborate [partner in all aspects of decision(s)]	___ Website ___ Project Map ___ Social Media ___ Media/Public Advisory ___ Utility Bill Inserts ___ Door Hangers	___ Public Meeting(s) ___ Be Heard Helena ___ Survey ___ Ideas ___ Stories ___ Places ___ Guestbook ___ Polls
Empower [public makes the decision(s)]		___ Ballot (Election)

City of Helena

BE HEARD HELENA

To utilize Be Heard Helena for public engagement, all tools will need to be connected to a project page. Project pages require a 2-3 paragraph introduction, a photo, and a contact person. Please contact the Public Information Officer for help getting started.

Open Environment Tools

Participants can engage with each other. Comments, images, and ideas are visible.

IDEAS - *Allows visitors to share ideas related to the project. People can like/comment on ideas.*
FORUMS - *Community Discussion, 24/7 Moderation*
PLACES - *Gather feedback and photos directly on a map*

Mixed Environment Tools

Participants can see other participant contributions. However, there is little peer-to-peer interaction. Some data may be visible to the community while some data is accessible only by the administrator.

STORIES - *Visitor Generated Stories, Moderation Available, Collect Multi-Media Content*
GUESTBOOK - *Simple, moderated space for visitor comments*
Q&A - *Allow questions to be answered in public and private settings*

Controlled Environment Tools

Participants cannot engage with each other. Data is stored in the backend and only accessible by the administrator.

SURVEY
Survey Question Options

- *Single Line*
- *Essay*
- *Email Address*
- *Number*
- *File Upload*
- *Dropdown (Choose Single Answer from Multiple Choice)*
- *Radio (Choose Single Answer from Multiple Choice)*
- *Checkbox (Choose Single or Multiple Answers from Multiple Choice)*
- *Zip Code (Choose from a list of locations)*
- *Ranking (Rank Priority of Answers)*
- *Likert (Respondents to Apply the Same Measurement to Several Questions)*
- *Emoji (Respondents can Choose A Question/Emoji)*
  - *Q. How do you feel about our services?*
  - *A. Happy* 😊

POLLS
Receive quick feedback on a single question

City of Helena, Montana

April 14, 2022

To: Mayor Collins and the Helena City Commission

From: Michael McConnell – Planner II

Subject: Consider Final Passage of an Ordinance Pre-zoning Property described as Tract A on the Certificate of Survey Identified as Document No. 3360858, and all of Blocks 4, 5, 6, and 9 of the Highland Park Subdivision, Lewis and Clark County, Montana, as R-2 (Residential) and R-3 (Residential).

Present Situation: The City Commission met on January 24, 2022, to hear testimony relating to the annexation, pre-zone, and subdivision of the project area known as the Westside Subdivision. As a result of the staff presentation, community input, and comments from the applicant the commission approved the first passage of the pre-zoning ordinance with a 3-2 vote. A petition protesting the zoning proposal was submitted to city staff on April 12, 2022. The petition is authorized by M.C.A. §76-2-305.

Proposal/Objective: To Approve an ordinance that would pre-zone the property that comprises the proposed subdivision commonly referred to as the "Westside Major Phased Subdivision as R-2 (Residential) and R-3 (Residential). This is the last step in the process to pre-zone property outside the city limits of Helena in preparation for future annexation.

Advantage: If this action is approved the subject property will be pre-zoned in preparation for annexation into the City of Helena. Pre-zoning a property will assign uses and dimensional standards to that property which then become effective upon annexation. City Code section § 11-1-4(A) states that all territory to be annexed into the city must first be pre-zoned. This action will fulfill this requirement.

Notable Energy Impact: The approval of this proposal does not account for any type of energy impacts by itself.

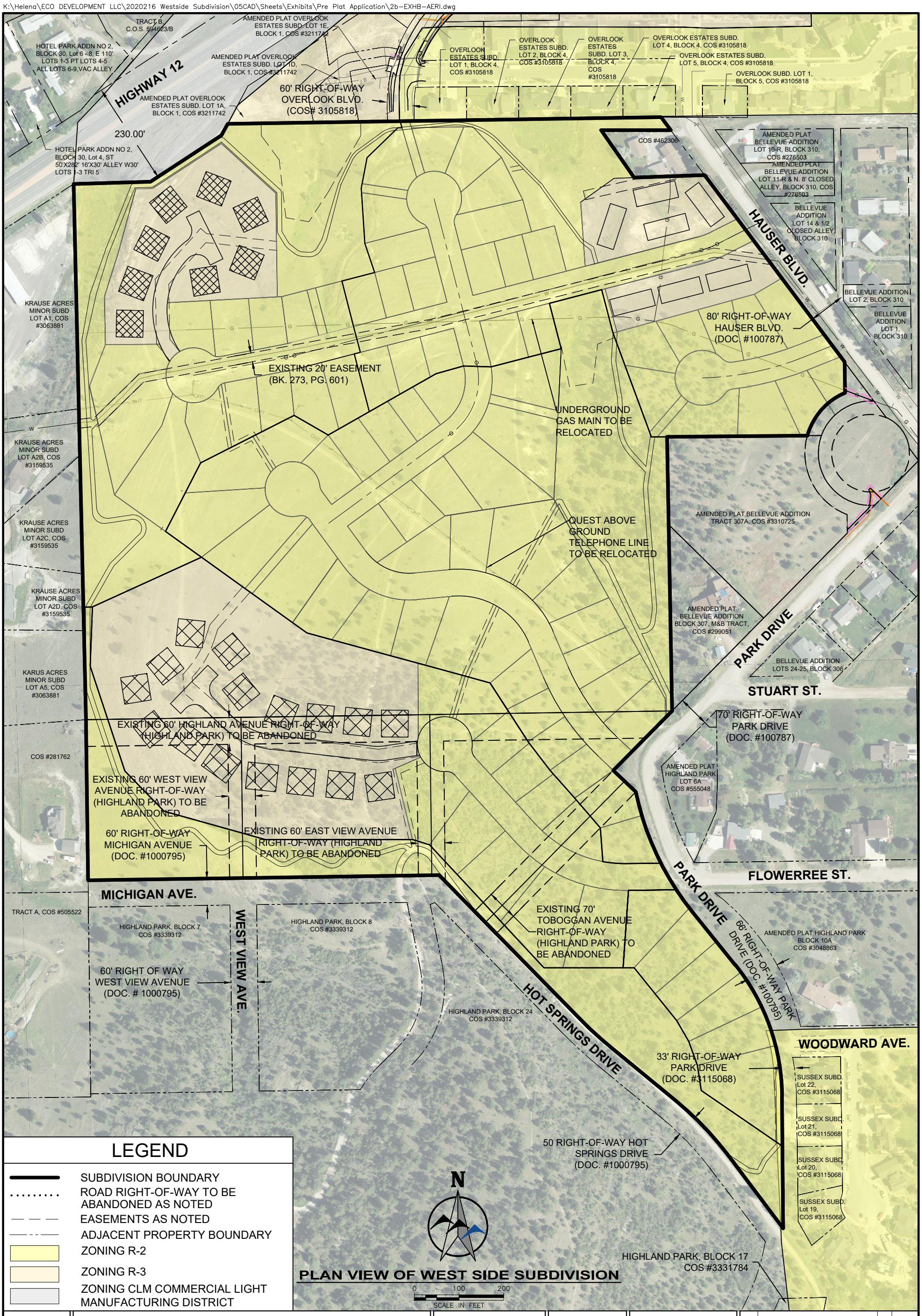
Disadvantage: If this pre-zone proposal is approved the applicant is locked into this proposal, specific layout and lot numbering scheme. If any of those aspects of the project change a new ordinance will become necessary.

Notice of Public Hearing: N/A

Recommended Motion: Move to Approve Final Passage of an Ordinance Pre-zoning Property described as Tract A on the Certificate of Survey Identified as Document No. 3360858, and all of Blocks 4, 5, 6, and 9 of the Highland Park Subdivision, Lewis and Clark County, Montana, as R-2 (Residential) and R-3 (Residential).

ATTACHMENTS:
Zoning Exhibit
Staff Report
Copy of Memo
Ordinance
IAP2 Worksheet

K:\Helena\ECO DEVELOPMENT LLC\2020216 Westside Subdivision\05CAD\Sheets\Exhibits\Pre Plat Application\2b-EXHB-AERI.dwg



2b

ECO DEVELOPMENT, LLC

WEST SIDE MAJOR SUBDIVISION

AERIAL MAP

WWC ENGINEERING
1275 MAPLE STREET, SUITE F
HELENA, MT 59601
(406) 443-3962

PROJECT: 2020-216	
DESIGNED: JMF	△
DRAWN: DLC	△
CHECKED: DDP	△
APPROVED: JMF	△
DATE: AUGUST 21, 2020	△

Michael McConnell, Planner II
Community Development Department
316 North Park Avenue, Room 402
Helena, MT 59623

Phone: 406-447-8492
Fax: 406-447-8460
Email: mmcconnell@helenamt.gov

helenamt.gov

Date: September 28, 2021

To: Helena Zoning Commission

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

Subject: Westside Pre-Zone

Overview

The applicant, ECO Development have requested annexation to the City of Helena, prezoning and subdivision review for 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. The subject property is a 58.85-acre site approximately 600 feet west of the intersection of Granite Avenue and Hauser Boulevard.

While the proposal calls for 103 lots, 94 lots with a zone district designation of R-2 (Residential) and 4 lots intended for multi family construction with a zone district designation of R-3 (Residential), any of the allowable uses in those zoning districts could also take place. The land surrounding this proposed development is mainly low-density single family residential units with some higher density single and multifamily parcels on the north side of the subject property. The remaining 5 lots will be privately owned open space and be zoned R-2 (Residential).

The applicant is proposing zone district designations of R-2 (Residential) and R-3 (Residential). These districts are generally associated with medium to low density residential uses. The subject property is adjacent to city limits on the north side and southeast corner of the proposed development. The zone districts to the north are R-2 (Residential) that generally restrict uses to low density residential and R-3 (Residential) which can accommodate multifamily residential uses. R-3 (Residential) also affords property owners the option of some commercial uses, generally with Conditional Use Permits.

General Information

APPLICATION DATE:	November 9, 2020
MEETING DATE:	Zoning Commission – October 5, 2021 City Commission – November 22, 2021
APPLICANT:	ECO DEVELOPMENT, LLC
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.

<u>Review Process</u>

City Code Section 11-1-4:

A. All territory to be annexed into the city must first be prezoned, and the zoning must be consistent with the designated land uses for such territory as set forth in the growth policy.

B. Prezoning applications are filed with the community development department and any required fees must be paid upon submission of an application.

C. The zoning commission shall hold a public hearing and make a recommendation to the city commission.
D. The city commission shall determine the appropriate zoning and pass an ordinance establishing the zoning, which zoning is effective upon the date of annexation. (Ord. 3097, 4-7-2008)

This review process as defined by city code allows for public comment, staff review and vetting through city departments and appointed and elected boards or committees prior to approval. As part of this process the Community Development Department sends the application materials to applicable departments for their review and comment. This leads to a full evaluation of potential impacts and helps determine how the proposed zoning relates to the review criteria.

DISCUSSION

Public Comment:
As of September 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. No comments have been received since public notification was sent out on September 8, 2021, regarding the new proposal.

Zoning Commission Recommendation: Move to recommend approval of **an ordinance pre-zoning prior to annexation to R-2 (Residential) and R-3 (Residential)**) for 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".

Evaluation:

The property is zoned in unincorporated Lewis and Clark County as "Urban Residential, Mixed Use. While the zone district and its boundaries have been adopted by the County Commission there are currently no development standards, uses or other regulations associated with the zone district. These will be adopted in a future amendment. The intent of that zoning district will be to match City standards to the extent possible, according to Lewis and Clark County.

R-2 (Residential)
The applicant has proposed two zone districts in association with the proposed development. R-2 (Residential) allows single- and two-family dwelling units, community residential facilities with 1-12 residents and daycare uses. There are no high intensity commercial uses associated with this zone district. Some institutional and or civic uses are allowed with a Conditional Use Permit.

This zone district generally fits in with the types of uses and densities located in the immediate vicinity. The zone district dimensional standards including maximum height limit and lot coverage will facilitate land use patterns that are in line with uses and structures currently located in the immediate neighborhood and will ensure that any new development integrates easily with surrounding structures.

Development standards for the R-2 zone district are:
Lot Coverage: 40%
Front/rear Setback: 10 feet minimum
Side Setback: 8 feet minimum
Height: 30 feet maximum
Lot Area: No minimum

R-3 (Residential)
The remainder of the development site is proposed as R-3 (Residential). The R-3 zone district generally allows residential uses including single and two dwelling unit buildings, multifamily dwelling units. Community Residential Facilities with 1-12 residents and daycare uses are allowed in the R-3 zone district. Some institutional and civic uses are allowed in the R-3 district with a Conditional Use Permit as are low intensity commercial uses such as general repair (excludes the repair of vehicles or industrial equipment), artisan shops and larger day care facilities.

The wider area of Helena's west side is primarily residential in character with some commercial uses located along Euclid Avenue/State Highway 12. The immediately surrounding properties to the east and west are lower density residential uses that were primarily developed within Lewis and Clark County. Newer development on the sites north side does include development with higher densities and more multifamily uses than is generally seen throughout the neighborhood.

This zone district generally fits in with the types of uses and densities located in the immediate vicinity. The zone district dimensional standards for maximum lot coverage, height, and setbacks will allow development to a higher density as suggested in the 2019 Growth Policy while limiting the structures themselves enough to be unobtrusive and in character with the immediate neighborhood.

Development standards for the R-3 zone district are:
Lot Coverage: 40% maximum
Front/rear Setback: 10 minimum
Side Setback: 6 minimum
Height: 36 feet maximum
Lot Area: No minimum

Montana MCA Section 76-2-304(1.b), Criteria and guidelines for zoning regulations: (1) Zoning regulations must be (b) *designed to:* (i) *secure safety from fire and other dangers;* (ii) *promote public health, public safety, and the general welfare; and* (iii) *facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.* Montana MCA Section 76-2-304(2.a thru e), "Purposes of Zoning" states: (2) *In the adoption of zoning regulations, the municipal governing body shall consider:* (a) *reasonable provision of adequate light and air;* (b) *the effect on motorized and non-motorized transportation systems;* (c) *promotion of compatible urban growth;* (d) *the character of the district and its peculiar suitability for particular uses; and* (e) *conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.*	
The proposed pre-zone to R-2 and R-3 District meets all the zone change requirements outlined in MCA Section 76-2-304(1.b) and (2.a thru e). This is documented below.	
Designed to (i) *secure safety from fire and other dangers;*	The subject property is currently undeveloped. When annexed any new construction will be built in accordance with the most current building and fire codes that are enforced by the City of Helena. Any new development will be required to comply with all relevant dimensional standards of the R-2 and R-3 Districts. These measures are intended to help protect the property from fire and other dangers. This area is designated in the City of Helena Growth Policy as a moderate fire danger area. Once annexed, the parcel will receive all city services, including fire, police, and once developed, those parcels will have City solid waste services available to them.
Designed to (ii) *promote public health, public safety, and the general welfare; and* (iii) *facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements*	The City through its standards tries to ensure the public health and safety of its citizens through the enforcement of its Building Codes, Fire Codes, and other City regulations. Currently there is no development on the property and by developing to City standards this will better ensure that those issues can be better mitigated than if developed without those standards. These standards and requirements for all development types help ensure that new developments provide adequate transportation infrastructure, water, and sewer facilities. The International Building Code is used to ensure quality construction of new developments and to provide protections based on hazards like wildfire or liquefaction. The City of Helena Engineering Standards ensure that water and sewage facilities are providing safe and efficient services and ensure the overall integrity and ability of those services to provide for the entire service network.

	R-2 and R-3 zone district designations allow generally lower intensity uses and the immediately adjacent neighborhood is currently built out with similar, low intensity uses. This continuity will help facilitate a smooth transition between the subject property and its surroundings.
The application shall also be reviewed through Montana MCA Section 76-2-304. Montana MCA Section 76-2-304(2.a thru e), In the adoption of zoning regulations, the municipal governing body shall consider:	
(a) *reasonable provision of adequate light and air.*	The subject property is zoned by the county as Urban Residential Mixed-Use, which presently does not have use or dimensional standards adopted. As currently zoned, there are no provisions for adequate light or air. The zoning requirements for the R-2 and R-3 zone districts will apply to all future structures on this property and are the mechanism used to enforce compliance and support for these criteria. Enforcement of the zoning requirements related to setbacks from property lines and height restrictions will ensure that all future development has adequate light and air. Additionally, the property must be developed in accordance with other zoning requirements and regulations for the applicable districts, such as: use, off-street parking, screening, and landscaping. These standards ensure adequate light and air are available. The setbacks in the R-02 and R-3 zone districts are 8 feet and 6 feet respectively and will ensure that there is adequate space for light and air around each of the structures. Height limits of 30 feet and 36 feet will ensure that there are no towering structures that will excessively limit the amount of light or air for all structures.
(b) *the effect on motorized and non-motorized transportation systems;*	With the additional 26.6-acres of R-2 and 12.34 acres of R-3 zoned land the effects on both the motorized and non-motorized transportation systems could be significant. Both R-2 and R-3 allow primarily residential uses with some low intensity commercial uses allowed by Conditional Use Permit. The Community Development Department uses a traffic generation model that assumes several uses will be located on the subject property based on relevant examples throughout the community and allowable uses for the specific zone district. This type of model is used because prezoning, as with rezoning, is not intended to be project specific no conditions can be placed on the proposal so the mechanism to be used to estimate the traffic generation must be more general in nature and not specific to the subdivision proposal itself. Using this model, based on the total land area, it is estimated that the motorized traffic generated could be as much as 1,531 new trips per day in the area proposed for

	R-2 zoning In the proposed R-3 area, the model used projects that 1,338 new trips could be generated. Total, it is estimated that the site could generate as much as 2,869 new trips per day if developed to the full potential. This is greater than the 1,500 trips per day that local roads are designed to handle indicating that there could be significant impacts to the motorized transportation network because of these zone districts being implemented. As such the city as part of the annexation process is requiring the Park Drive & Hauser Boulevard corridor be improved to minor collector standards, Hauser Boulevard from Park Drive to Granite Street be improved to a major collector standard and Granite Street from Hauser Boulevard to Knight Street be improved to major collector standards. The effects on the non-motorized transportation system could also be significant with many new dwelling units potentially being located on the subject property. Any new development within the subject property will be required to have infrastructure built to city standards including roads with curb, gutter, sidewalks. The applicant is proposing trails throughout the development to facilitate pedestrian connectivity throughout the new development as well as access to the existing Le Grande Cannon trail. These trails will help distribute pedestrian traffic throughout the development so that pedestrians can access different points in a more efficient and safe manner. Currently there are numerous social trails throughout the property. The 2014 Greater Helena Area Long Range Transportation Plan Update classifies Granite Street as a "Major Collector" between Highway 12 and Hauser Boulevard and that Hauser Boulevard east of Granite would be a major collector. The City of Helena Engineering and Design Standards states "Major Collectors" are designed to carry between 3,500 and 5,000 vehicles per day. The nearby Highway 12 and Granite Street intersection is identified in the LRTP as operating at a level "D/E," and is projected to be operating at a "F/F" level of service in 2035. These projections are if the intersection remains unsignalized. Most of the roads immediately outside the subdivision are in Lewis and Clark County, are unpaved and do not have curb & gutter or sidewalks. The subject property has access to Hauser Boulevard and Park Drive. Currently neither road is built to City standards. As part of the Annexation application the City of Helena

	will be requiring the Park Drive and Hauser Boulevard corridor be improved to minor collector complete streets standards with curb, gutter, and sidewalks. This will ensure that the effects on the motorized and non-motorized transportation systems will be as limited as possible. Utilizing zone districts like R-2 and R-3 that promote lower intensity uses will keep significant amounts of traffic off neighborhood roads and out of the immediately surrounding neighborhoods. Building those roads to city standards will help increase multimodal connectivity, increase safety for all modes and ensure long term viability of the installed infrastructure.
(c) *promotion of compatible urban growth.*	The allowable uses within the R-2 and R-3 zone districts are compatible with the surrounding area. The density and uses allowed within these zone districts are like what is currently represented in the wider neighborhood. The future land use map designates the subject property as "Urban" which includes land that is predominately moderate to high density and lower intensity commercial uses. The Growth Policy encourages lands to be developed with city services and built out at a higher density if they are designated as "Urban.". Parcels on the subject properties north side are similar in nature to what can be expected with the proposed development while parcels on the east and west sides of the subject property are currently developed at lower densities, having been mostly developed in Lewis and Clark County, requiring larger parcels to accommodate wells and septic systems.
(d) *the character of the district and its peculiar suitability for particular uses; and*	The subject property is in Lewis and Clark County within the Urban Residential Mixed-Use zoning district and is also located within the city's Urban Standards Boundary. City staff is recommending pre-zoning to R-2 and R-3 districts prior to annexation into the city because the uses and other requirements associated with R-2 and R-3 zoning are generally compatible with the adjacent residential and commercial developments in the area, both within the city as well as in the county.
(e) *conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area*	The R-2 and R-3 District is a suitable district designation for subject property when considering the existing blend of residential and commercial development in the vicinity. The surrounding area is generally built out with some infill opportunities. The uses in this area will be like the uses found in other parts of the City that are zoned similarly.

Growth Policy Analysis

The 2019 City of Helena 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 such as parks and occasional commercial uses that serve the immediate area or are relatively small and low-intensity."

With proposed zone district classifications of R2 (Residential) and R3 (Residential) this property would meet that definition.

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, in some cases more than one existing neighborhood. 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 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.

This development would also meet several 2019 Growth Policy Goals and Objectives including:

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

[0.12] 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;

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

[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.

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

[0.33] 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.

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

[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.

The land uses generally allowed within these zone districts are mainly residential with a small number of commercial uses allowed with a Conditional Use Permit. Overall, this development is consistent with the goals and objectives of the 2019 City of Helena Growth Policy. The above goals are intended to guide city decision making and implement a citizen guided vision for the future of Helena.

Staff Recommendation:

Move to recommend approval of an ordinance pre-zoning to R-2 (Residential) and R-3 (Residential) prior to annexing into the City of Helena for 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"

Motion: Move to Approve Final Passage of an Ordinance Pre-zoning Property described as Tract A on the Certificate of Survey Identified as Document No. 3360858, and all of Blocks 4, 5, 6, and 9 of the Highland Park Subdivision, Lewis and Clark County, Montana, as R-2 (Residential) and R-3 (Residential).

Prepared by: Michael McConnell – Planner II – Community Development

Action to be Considered by the Commission

To Approve an ordinance that would pre-zone the property that comprises the proposed subdivision commonly referred to as the "Westside Major Phased Subdivision as R-2 (Residential) and R-3 (Residential). This is the last step in the process to pre-zone property outside the city limits of Helena in preparation for future annexation.

Legal Review

Legal Review has been completed on April 4, 2022.

Action Summary

The City Commission met on January 24, 2022, to hear testimony relating to the annexation, pre-zone and subdivision of the project area known as the Westside Subdivision. As a result of the staff presentation, community input and comments from the applicant the commission approved the first passage of the pre-zoning ordinance with a 3-2 vote. A petition protesting the zoning proposal was submitted to city staff on April 12, 2022. The petition is authorized by M.C.A. §76-2-305.

Advantages of Action

If this action is approved the subject property will be pre-zoned in preparation for annexation into the City of Helena. Pre-zoning a property will assign uses and dimensional standards to that property which then become effective upon annexation. City Code section § 11-1-4(A) states that all territory to be annexed into the city must first be pre-zoned. This action will fulfill this requirement.

Disadvantages of Action

If this pre-zone proposal is approved the applicant is locked into this proposal, specific layout and lot numbering scheme. If any of those aspects of the project change a new ordinance will become necessary.

Notable Energy Impact

The approval of this proposal does not account for any type of energy impacts by itself.

Recommended Motion

Move to Approve Final Passage of an Ordinance Pre-zoning Property described as Tract A on the Certificate of Survey Identified as Document No. 3360858, and all of Blocks 4, 5, 6, and 9 of the Highland Park Subdivision, Lewis and Clark County, Montana, as R-2 (Residential) and R-3 (Residential).

Background Information

In November of 2020, WWC Engineering and Eco Development, LLC submitted applications for Pre-Zone, Annexation, and Preliminary Plat review. After an internal review process based on established M.C.A criteria a staff report was created with a recommendation of approval and a hearing date set. On October 05, 2021, the Zoning Commission held a public hearing and recommended denial. Another public Hearing is then held with the City Commission to consider the application materials and Zoning Commission recommendation. If the City Commission vote is favorable a final passage occurs during the regular agenda at a future City Commission meeting.

At the January 24, 2022, meeting the City Commission voted to approve the pre-zone ordinance with a 3-2 vote. On April 12, 2022, a neighborhood group submitted a petition protesting the implementation of the zoning proposals that were previously approved. This protest is authorized by M.C.A §76-2-305. The exact text of the M.C.A. is below. As of the drafting of this memo staff are evaluating the petition to determine if the threshold has been met and will provide a full report relating to the protest petition during the staff presentation at the April 25, 2022, City Commission meeting. If the petition contains the required signatures, a vote of 4-1 or two thirds of the present and voting commission members would be necessary for the pre-zone proposal to become effective upon annexation.

76-2-305. Alteration of zoning regulations -- protest. (1) A regulation, restriction, and boundary may be amended, supplemented, changed, modified, or repealed. The provisions of **76-2-303** relative to public hearings and official notice apply equally to all changes or amendments.

(2) An amendment may not become effective except upon a favorable vote of two-thirds of the present and voting members of the city or town council or legislative body of the municipality if a protest against a change pursuant to subsection (1) is signed by the owners of 25% or more of:

(a) the area of the lots included in any proposed change; or

(b) those lots or units, as defined in **70-23-102**, 150 feet from a lot included in a proposed change.

<u>History of the issue</u>

On October 5, 2021, the Zoning Commission held a public hearing and recommended denial of the zoning proposal. The pre-zone application was scheduled to be heard at the November 22, 2021, City Commission public hearing, as well as presentations for the annexation and preliminary plat applications. The applicant requested a 60-day extension of the preliminary plat deadline at that meeting, which was approved by the commission. The pre zone and preliminary plat public hearings were tabled as a result. The annexation hearing was also tabled.

The City Commission then held a public hearing on January 24, 2022, where the proposal for the Westside Subdivision, Annexation and Pre-Zoning were to be heard. The pre-zone application was approved with a 3-2 vote at that public hearing.

<u>Public Questions / Concerns / Considerations</u>

Public comment both written and presented at the public hearing identified concerns over the city's ability to serve this property and any development that occurs with water and wastewater services. Comments specific to the Pre-Zone application referred to the proposed layout of the zone districts in relation to existing development and the potential traffic generated from this site because of any new development. Given the proposed zone districts and the

City's calculation method based on that zoning, there is the potential for 2,869 new trips.

Public Support

There were public comments submitted that supported this project on the basis that new housing will most likely be built on site based on the Prezoning request.

Public Information / Engagement

Notice of Public Meeting

Notice was sent to the Helena Independent Record announcing that the pre-zone application would appear on the public hearing agenda for the November 22, 2021, City Commission meeting. The notice was scheduled to be run on October 31, 2021.

As a result of the extension request notice was sent to the Helena Independent Record announcing that the pre-zone application would appear on the public hearing agenda for the January 24, 2022, City Commission meeting. The notice was scheduled to be run on January 9, 2022. Certified letters were sent out to adjoining property owners on January 4, 2022.

The public hearing for this item was held on January 24, 2022. Final passage does not require a public hearing to take place and as such no additional notifications took place.

IAP2 Spectrum Type of Participation

Inform

Inform and/or Engagement Plan

Information related to the pre-zone can be found on the Community Development Department website. Notice was sent to the Helena Independent Record for publication on October 31, 2021, and January 9, 2022. Public comment is taken on all projects throughout the review processes and up to and at any public meetings for the project. Where applicable, the application materials are sent out to various external agencies for comment. Montana Department of Transportation, Fish Wildlife and Parks and Lewis and Clark County are typical examples of these outside entities. Staff included information related to the zoning hearings in certified letters sent to all abutting property owners. Signs were posted on site prior to each public hearing with meeting details. This item is to be held as a regular item which requires no additional public notification or engagement.

Respectfully submitted,

Tim Burton

Interim City Manager

Presentation Documents

Vicinity Map

Staff Report

Pre-Zone exhibit

Staff Memo

Ordinance

IAP2 Worksheet

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. ____

AN ORDINANCE PRE-ZONING PROPERTY DESCRIBED AS TRACT A ON THE CERTIFICATE OF SURVEY IDENTIFIED AS DOCUMENT NO. 3360858, AND ALL OF BLOCKS 4, 5, 6, AND 9 OF THE HIGHLAND PARK SUBDIVISION, LEWIS AND CLARK COUNTY, MONTANA, AS R-2 (RESIDENTIAL)and R-3 (RESIDENTIAL)

WHEREAS, ECO Development, LLC, on behalf of property owner Sussex Development, Inc., has requested that the City of Helena pass an ordinance, pursuant to Helena City Code Section 11-1-4, to pre-zone Tract A of the Certificate of Survey filed as Document No. 3360858, and all of Blocks 4, 5, 6, and 9 of the Highland Park Subdivision, Lewis and Clark County, Montana, which property is generally located 600 feet west of the intersection of Granite Avenue and Hauser Boulevard (the above-described property is hereinafter collectively referred to as the "Property");

WHEREAS, the Property comprises all of the lands included in the preliminary plat of a proposed subdivision commonly referred to as the "Westside Major Phased Subdivision", which proposed subdivision the Helena City Commission is presently considering for preliminary plat approval;

WHEREAS, ECO Development, LLC has requested that the following portions of the Property be pre-zoned as R-2 (Residential) (all references to Lots and Blocks come from the proposed preliminary

plat for the Westside Major Phased Subdivision, which plat is attached hereto and incorporated herein as Exhibit "A"):

Block 1 - Lots 1 through 10, inclusive

Block 2 – Lots 1 through 14, inclusive, and Lot 16

Block 3 – Lots 1 through 18, inclusive

Block 4 – Lots 1 through 19, inclusive

Block 5 – Lots 1 through 5, inclusive, and Lot 7

Block 6 – Lots 1 through 18, inclusive

Block 7 - Lots 1 through 12, inclusive;

WHEREAS, ECO Development, LLC has requested that the following portions of the Property be pre-zoned as R-3 (Residential) (all references to Lots and Blocks come from the proposed preliminary plat for the Westside Major Phased Subdivision, which plat is attached hereto and incorporated herein as Exhibit "A"):

Block 1 – Lot 11

Block 2 – Lot 15

Block 5 – Lot 6

Block 6 – Lot 19;

WHEREAS, on **October 5, 2021**, the Helena Zoning Commission recommended **DENIAL** of the requested pre-zoning as described above;

and

WHEREAS, the Helena City Commission held a public hearing on the requested pre-zoning **at 6:00 p.m. on November 22, 2021**, staff recommended **DENIAL** of this request, and in considering said pre-zoning, the Commission gave due consideration to the matters set forth in § 76-2-304, MCA.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. That the following portions of the Property are granted a pre-zoning designation of R-2 (Residential):

Block 1 - Lots 1 through 10, inclusive

Block 2 – Lots 1 through 14, inclusive, and Lot 16

Block 3 – Lots 1 through 18, inclusive

Block 4 – Lots 1 through 19, inclusive

Block 5 – Lots 1 through 5, inclusive, and Lot 7

Block 6 – Lots 1 through 18, inclusive

Block 7 - Lots 1 through 12, inclusive;

Section 2. That the following portions of the Property are granted a pre-zoning designation of R-3 (Residential):

Block 1 – Lot 11

Block 2 – Lot 15

Block 5 – Lot 6

Block 6 – Lot 19.

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 22nd DAY OF NOVEMBER, 2021.

_____
MAYOR

ATTEST:

_____
CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 6TH DAY OF DECEMBER, 2021.

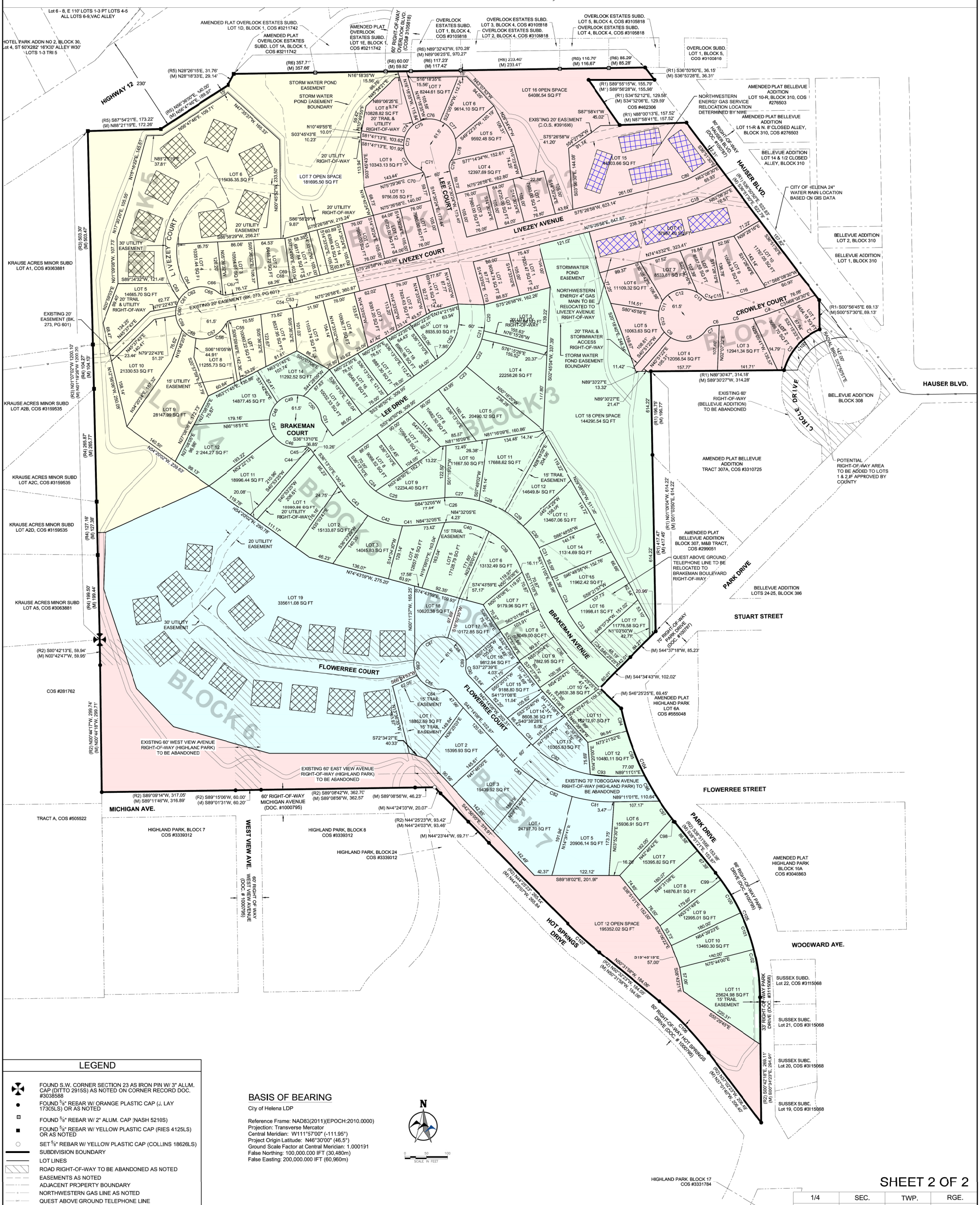
_____
MAYOR

ATTEST:

_____
CLERK OF THE COMMISSION

WEST SIDE SUBDIVISION PRELIMINARY PLAT

LOCATED IN THE SOUTH 1/2 OF SECTION 23, AND THE NORTH 1/2 OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 4 WEST P.M.M., LEWIS AND CLARK COUNTY, MONTANA



LEGEND

- FOUND S.W. CORNER SECTION 23 AS IRON PIN W/ 3" ALUM. CAP (DITTO 2915S) AS NOTED ON CORNER RECORD DOC. #3038588
- FOUND 5/8" REBAR W/ ORANGE PLASTIC CAP (J. LAY 17305LS) OR AS NOTED
- FOUND 5/8" REBAR W/ 2" ALUM. CAP (NASH 5210S)
- FOUND 5/8" REBAR W/ YELLOW PLASTIC CAP (RIES 4125LS) OR AS NOTED
- SET 5/8" REBAR W/ YELLOW PLASTIC CAP (COLLINS 18626LS)
- SUBDIVISION BOUNDARY
- LOT LINES
- ROAD RIGHT-OF-WAY TO BE ABANDONED AS NOTED
- EASEMENTS AS NOTED
- ADJACENT PROPERTY BOUNDARY
- NORTHWESTERN GAS LINE AS NOTED
- QUEST ABOVE GROUND TELEPHONE LINE
- CITY OF HELENA 24 INCH WATER MAIN
- PHASE 1 BOUNDARY
- PHASE 2 BOUNDARY
- PHASE 3 BOUNDARY
- PHASE 4 BOUNDARY
- 4 PLEX
- DUPLEX

(M)	MEASURED (THIS SURVEY)
(R1)	RECORD (CERTIFICATE OF SURVEY #3310725)
(R2)	RECORD (CERTIFICATE OF SURVEY #3339312)
(R3)	RECORD (CERTIFICATE OF SURVEY #3063881)
(R4)	RECORD (CERTIFICATE OF SURVEY #3159535)
(R5)	RECORD (STATE OF MT STATE HIGHWAY COMMISSION RIGHT-OF-WAY PLAN F_249(30))
(R6)	RECORD (CERTIFICATE OF SURVEY #3211742)
(R7)	RECORD (CERTIFICATE OF SURVEY #3105818)

BASIS OF BEARING

City of Helena LDP

Reference Frame: NAD83(2011)(EPOCH:2010.0000)
Projection: Transverse Mercator
Central Meridian: W111°57'00" (-111.95°)
Project Origin Latitude: N46°30'00" (46.5°)
Ground Scale Factor at Central Meridian: 1.000191
False Northing: 100,000.000 IFT (30,480m)
False Easting: 200,000.000 IFT (60,960m)

N

0 50 100
SCALE IN FEET

SURVEY IS NOT VALID UNLESS SEAL CONTAINS THE SIGNATURE OF THE PROFESSIONAL LAND SURVEYOR.

SHEET 2 OF 2

1/4	SEC.	TWP.	RGE.
	23	10N.	4W.
1/4	SEC.	TWP.	RGE.
	26	10N.	4W.

ECO DEVELOPMENT LLC

WEST SIDE SUBDIVISION

JOB#: 2020-216

CERTIFICATE OF SURVEYOR

MONTANA PROFESSIONAL LAND SURVEYOR DAVID L. COLLINS No. 18626LS LICENSED

DAVID L. COLLINS, PLS Date

REVISIONS

Date	By
10/12/20	DDP
2/17/21	DDP
2/23/21	DLC

WWC ENGINEERING
1275 MAPLE STREET, SUITE F
HELENA, MT 59601
(406) 443-3962

Drawn By: DLC Checked By: DDP Date: 8/2020 Scale: 1":100'

PLOT STYLE 12mil.ctb2 GRID.stb FILE PATH: K:\Helena\ECO DEVELOPMENT LLC\202216 Westside Subdivision\SCAD\Sheets\Preliminary Plat\202216-PREL-PLAT-SH2.dwg

PUBLIC INFORMATION & ENGAGEMENT WORKSHEET

Most City projects will involve some type of public information and/or engagement process. Even the smallest impact projects will have a basic level of public information that should be available to the community. Fill out the following worksheet to help determine the level of information or engagement that is appropriate for your project.

Project: Westside Subdivision, Pre-Zone, Annexation **Staff Lead:** Michael McConnell **Media Lead:** Same

Departments Involved: Community Development, Public Works, Transportation Systems, HPD, HFD, Parks

External Groups to Involve:

Helena Citizen Council: Sent comment information

Advisory Boards/Committees: Partks Board, Zoning Commission, Planning Board

Stakeholders: Applicant, Public, School District, MDT, FWP

Partner Agencies: None

Other: _____

Start Date: 11/09/2020 **Expected End Date:** 2027

Brief Project Summary: A property owner 600 feet west of the Hauser Boulevard and Granite Avenue intersection has applied for Annexation, Pre Zoning and preliminary plat approval. The property has gone through an extensive review process and is at the public hearing point in that process. The Zoning Commission has recommended denial of the zoning proposal and the Planning Board has recommended conditional

City of Helena

CHECKLIST

Type of Involvement	*Informational Tools*	*Engagement Tools*
Inform [provide information]	☑ Website ☐ Project Map ☐ Social Media ☑ Media/Public Advisory ☐ Utility Bill Inserts ☐ Door Hangers	☑ Public Meeting(s) ☐ Be Heard Helena ☐ Q&A
Consult [obtain public feedback on decision(s)]	☐ Website ☐ Project Map ☐ Social Media ☐ Media/Public Advisory ☐ Utility Bill Inserts ☐ Door Hangers	☐ Public Meeting(s) ☐ Be Heard Helena ☐ Survey ☐ Polls ☐ Ideas
Involve [obtain input for decision(s)]	☑ Website ☐ Project Map ☐ Social Media ☑ Media/Public Advisory ☐ Utility Bill Inserts ☐ Door Hangers	☑ Public Meeting(s) ☐ Be Heard Helena ☐ Survey ☐ Ideas ☐ Guestbook ☐ Stories
Collaborate [partner in all aspects of decision(s)]	☐ Website ☐ Project Map ☐ Social Media ☐ Media/Public Advisory ☐ Utility Bill Inserts ☐ Door Hangers	☐ Public Meeting(s) ☐ Be Heard Helena ☐ Survey ☐ Ideas ☐ Stories ☐ Places ☐ Guestbook ☐ Polls
Empower [public makes the decision(s)]		☐ Ballot (Election)

City of Helena