

MEETING AGENDA
CITY OF EAST HELENA
CITY HALL – 306 EAST MAIN - ROOM 110
COUNCIL MEETING: 6:30 PM
DATE: TUESDAY, OCTOBER 21, 2025
JOIN ZOOM MEETING: <https://us06web.zoom.us/j/3787705872>
CONFERENCE CALL-IN: 1-253-205-0468 MEETING ID: 378 770 5872

MEETING CALLED TO ORDER: Mayor Harris

PLEDGE OF ALLEGIANCE: Councilmember Leland

PUBLIC HEARING 1:

1. Conditional Use Permit for Re-Establishment of a Commercial Use at 422 Manlove Avenue in the Residential District – Zoning Officer Fadness
Action: Information Only
2. Conditional Use Permit for Re-Establishment of a Commercial Use at 422 Manlove Avenue in the Residential District – Mayor Harris
Action: Hear the Public
3. Conditional Use Permit for Re-Establishment of a Commercial Use at 422 Manlove Avenue in the Residential District – Mayor Harris
Action: Approve/Deny/Table

PUBLIC HEARING 2:

1. Rose Hills Zone Map Amendment and Text Amendments – Zoning Officer Fadness
Action: Information Only
2. Rose Hills Zone Map Amendment and Text Amendments – Mayor Harris
Action: Hear the Public
3. Rose Hills Zone Map Amendment and Text Amendments – Mayor Harris
Action: Approve/Deny/Table

PUBLIC HEARING 3:

1. Rose Hills Major Subdivision Application – Zoning Officer Fadness
Action: Information Only
2. Rose Hills Major Subdivision Application – Mayor Harris
Action: Hear the Public
3. Rose Hills Major Subdivision Application – Mayor Harris
Action: Approve/Deny/Table

PUBLIC COMMENTS: Note: This time is set aside for comments from the public on matters that are not on the meeting agenda. Public comments will be taken on agenda items prior to a motion. All public

comments will be limited to a reasonable duration. Prior to your comments, please state your name and address in an audible tone of voice for the record.

APPROVAL OF MINUTES: October 7, 2025

CITY COURT REPORT: City Judge Dennis Loveless

DEPARTMENTAL REPORTS:

Administration – Clerk/Treasurer Amy Thorngren
Police Department – Police Chief Mike Sanders
Public Works - Public Works Director Kevin Ore
Volunteer Fire Department - Fire Chief Roger Campbell

NEW BUSINESS: None

MAYOR’S REPORT: Mayor Harris

COUNCILMEMBERS’ REPORTS:

Don Dahl
Judy Leland
Wesley Feist
Suzanne Ferguson

LEGAL REPORT: City Attorney Elverum

PAYMENT OF BILLS: Action: Approve/Deny/Table

MEETING SCHEDULE:

1. East Helena City Council Meeting, Tuesday, November 4, 6:30 p.m., City Hall Rm 110
2. East Helena City Council Meeting, Tuesday, November 18, 6:30 p.m., City Hall Rm 110

ADJOURNMENT: Mayor Harris

ADA NOTICE

The City of East Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The city will not exclude people with disabilities from participating in its meetings, or otherwise deny them the City’s services, programs, or activities. Persons with disabilities requiring accommodations to participate in the City’s meetings, services, programs, or activities should contact the City Clerk as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

(406) 227-5321 or TTY Relay Service 1-800-253-4091 or 711

cityclerk@easthelenamt.us - 306 East Main Street, P.O. Box 1170, East Helena, MT 59635

CITY OF EAST HELENA
306 E MAIN ST / PO BOX 1170
EAST HELENA, MT 59635
(406) 227-5321

ORIGINAL COUNCIL MEETING DATE: 10/21/2025

Agenda item:

Conditional Use Permit for Re-Establishment of a Commercial Use at 422 Manlove Avenue in the Residential District

From:

Jared Lay

Initiated by City: ☐ YES ☒ NO (check one)

Department:

Planning & Zoning

Presented by:

Zoning Officer Fadness

Action requested:

Approve/Deny/Table

PLEASE PROVIDE A NARRATIVE BACKGROUND OF THE PROPOSED AGENDA ITEM:

Attachment: Staff Report

Attachments: ☒ YES ☐ NO (check one)

Date submitted:

RECOMMENDATIONS:

Approve for agenda:

☐ YES

☐ NO

Initial:

Referred to Dept. Head for resolution:

☐ YES

☐ NO

Referred to _____:

☐ YES

☐ NO

Agenda requests must be submitted to East Helena City Hall by noon the Wednesday prior to the Tuesday council meeting.

Owner: Kimberly Copeland
PO Box 2036
East Helena, MT 59635

Applicant: Tony Prothero and Jared Lay
PO Box 7895
Helena, MT 59604

Project Location/Legal Description:

The property is located 422 Manlove Avenue and legally described as Lot 8, Block 4 of the Manlove Addition located in Section 25, T. 10 N., R. 3 W, Lewis and Clark County, Montana.



Proposal/Background:

The applicant has submitted a Conditional Use Permit (CUP) application to change the nonconforming use to professional office commercial use on the property located in the Residential District. Pursuant to Section 9.3.02 of the East Helena Zoning Ordinance, a lawful nonconforming nonresidential use can be changed to another nonconforming use provided that the proposed use is not greater intensity than the original use. The property has historically been used for commercial use prior to the adoption of the zoning ordinance by the City. The site was previously used for a service business, Merry Maids. The proposed use is for professional office use for an engineering and surveying company. The proposed project will be located in an area not previously approved under a conditional use permit and is therefore subject to the plan review standards of Chapter 5 of the Ordinance, including review against site plan and CUP approval criteria.

Adjacent Zoning and Land Uses:

Direction	Existing Zoning	Existing Land Use
North	Residential District	Single Family Residential
East	Residential District	Single Family Residential
South	Industrial District	Industrial and Parking
West	Residential District	Single Family Residential

Site Plan Review Criteria:

Per Section 05.1.03, the City staff must evaluate a site plan against specific review criteria to consider the plan for approval. These review criteria from 05.1.03.B are summarized below, along with analyses and comments of staff regarding these specific requirements.

A preliminary site plan was submitted with the application that shows what is proposed for the site, see attached site plan. Below is a review of the provided site plan against the requirements for site plan review.

<i>1. Conformance to and consistency with the City's adopted growth policy</i>	The proposed use for professional office use is consistent with the growth policy. Growth Policy, Land Use and Community Goals, lists Goal #1 as "Provide for orderly development of the City of East Helena and the Planning Area." Objective #4 for reaching this goal is "Assure that new development is respectful of the character of the community including landscaping, lighting, sidewalks, street design and other related improvements." Growth Policy, Economic Development, Lists Goal #1 as "Provide for development and improvement of business and industrial districts in the Planning Area." Objective #4 for reaching this goal is "Foster diversification of the economic base by encouraging and supporting all efforts to bring economic development to the community." Strategies #3 "Continue economic efforts to attract companies and industries to the East Helena area that support well-paying jobs." The project will reuse an existing commercial property into a new commercial use for professional office use. The site is located adjacent to the existing City transportation network as well as water and sewer infrastructure. The site was formerly used for a commercial services business and is being reused with this project. The project would continue to diversify the City's economic base by providing reuse for higher paying engineering and surveying jobs. The property is already set up for commercial use and no exterior improvements are generally required to change the use. All work will be internal to provide office space within the existing building.
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2. <i>Conformance to this title, including the cessation of any current violations</i>	The proposed use is not allowed as a conditional use within the Residential District. The previous use as a commercial services business, Merry Maids, was an existing lawful nonconforming use and Section 9.3.02 allows for the change of use of an existing nonconforming use as long as the proposed use is not of greater intensity as the previous use. The project proposes a change of use to professional office use for engineering and surveying business. The new use would be equal to or less than the intensity of the previous use.
3. <i>Conformance with all other applicable laws, ordinances and regulations</i>	Staff find the application is in general compliance with all other applicable ordinances and regulations of the City of East Helena. The applicant is required to provide copies of all applicable permits (if any) as a condition of this conditional use permit. This will be reviewed and finalized with the site plan review process.
4. <i>The impact of the proposal on the existing and anticipated traffic conditions</i>	No new access is proposed, and it is not anticipated that there will be an increase in traffic above and beyond the previous use. The application indicates that the project will generate approximately 18 trips per day. The previous use would also be classified as general office use and would have the same traffic generation. Therefore, there is no increase in traffic impacts with the proposed use.
5. <i>Pedestrian and vehicular ingress, egress and circulation</i>	Vehicle and pedestrian access will be from Manlove Avenue. The site has one existing approach from Manlove Avenue. This existing approach will be maintained, and no new approaches are proposed.
6. <i>Building location and height</i>	The existing building is located approximately 1-ft from the west property boundary. The applicant does not propose any additions or expansions to the building. The building is considered an existing nonconforming structure and as long as the structure is not altered it can remain. There is an existing garage located to the rear of the primary structure. The existing garage meets the setback requirements for accessory structures.
7. <i>Setbacks</i>	The existing building is located approximately 1-ft from the west property boundary. The applicant does not propose any additions or expansions to the building. The building is considered an existing nonconforming structure and as long as the structure is not altered it can remain. There is an existing garage located to the rear of the primary structure. The existing garage meets the setback requirements for accessory structures.
8. <i>Lighting</i>	The site plan shows no light poles for the project. The existing building shows some exterior lighting on the building that will be maintained.
9. <i>Provisions for utilities, including efficient public services and facilities</i>	The existing building currently has existing water and sewer service from Manlove Avenue, and these services will be maintained. No new services are being proposed.
10. <i>Site surface drainage and stormwater control</i>	The current site appears to grade from south to north. No site changes are proposed with the project and all stormwater will follow existing drainage patterns.
11. <i>Loading and unloading areas</i>	The existing building driveway and parking areas will be utilized for loading and unloading areas.

12. <i>Grading</i>	The current site appears to grade from south to north. No site changes are proposed with the project and all stormwater will follow existing drainage patterns.
13. <i>Signage</i>	No sign is shown with the application materials. If a sign is proposed a separate zoning application will be required to be submitted and reviewed for compliance with the zoning regulations prior to installation of any signs.
14. <i>Screening</i>	No screening is proposed for the project. The project proposes changing the use to a different nonconforming use on the property. The property has been used for commercial use since before the zoning regulations were adopted. The proposed use is anticipated to be low impact, and additional screening does not seem to be necessary.
15. <i>Parking</i>	The application indicates that 7 parking spaces are required by zoning. The site plan shows space for 8 parking spaces and additional parking areas if needed.
16. <i>Other related matters, including relevant comment from affected parties</i>	The zoning administrator has not received any written public comment on the project as of the preparation of the staff report.

Conditional Use Review Criteria:

Per Section 05.1.03.B, the City Council must evaluate an application for a CUP against site plan review criteria to consider the CUP for approval. The Council must also reach favorable conclusions regarding the requirements of Section 05.1.04.B in order to approve the CUP. These review criteria from 05.1.04.B are listed below, along with analyses and comments of staff regarding these specific requirements.

1. <i>That the site for the proposed use is adequate in size and topography to accommodate such use, and all yards, spaces, walls and fences, parking, loading and landscaping are adequate to properly relate such use with the land and uses in the vicinity.</i>	The site plan shows that the site is adequate in size and topography for the proposed use and structures.
2. <i>That the proposed use will have no material adverse effect upon the abutting property. Persons objecting to the recommendations of City staff carry the burden of proof</i>	The proposed new use will be located on an existing developed lot and is located within the Residential District. The use is surrounded by single-family residential uses. There is adequate access and utilities to serve the project. The new use is similar to the previous use and will not have an adverse effect on abutting properties.
3. <i>The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking,</i>	The site is adequate for the proposed use. Based on the site plan review and analysis presented in this report and the CUP review criteria the site size, dimensions, topography, and access are adequate for the proposed use.

<i>traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations</i>	
4. <i>The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval</i>	The proposed new use will be located on an existing developed lot and is located within the Residential District. The use is surrounded by single-family residential uses. There is adequate access and utilities to serve the project. The new use is similar to the previous use and will not have an adverse effect on abutting properties.
5. <i>All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with City standards</i>	It appears the City of East Helena has adequate capacity to provide service to the development.
6. <i>A conditional use permit shall not allow a use that is prohibited or not expressly allowed under this title; nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application</i>	The proposed use is not allowed as a conditional use within the Residential District. The previous use as a commercial services business, Merry Maids, was an existing lawful nonconforming use and Section 9.3.02 allows for the change of use of an existing nonconforming use as long as the proposed use is not of greater intensity as the previous use. The project proposes a change of use to professional office use for engineering and surveying business. The new use would be equal to or less than the intensity of the previous use.

Section 9.3.02 Change of Use Additional Criteria:

Per Section 9.3.02.A.2, to change or expand a nonconforming nonresidential use, the City Council shall determine the proposed nonconforming use is more appropriate to the district than the existing nonconforming use, and no unsafe or unhealthy conditions are perpetuated. These review criteria from 9.3.02.A.2 are listed below, along with analyses and comments of staff regarding these specific requirements.

1. <i>Traffic impacts both on-site and off-site.</i>	The traffic impacts are similar for the proposed use versus the previous use of the property. Both are service oriented office uses of the property. No additional traffic impacts are expected above what has been seen in the past with property and use.
2. <i>Off-street parking and loading requirements.</i>	The site is developed with buildings and existing parking and loading areas. The site will not be changed with the proposed new use and existing parking and loading areas will be used for the new use. The new use will not increase parking or loading requirements for the existing property.
3. <i>Visual impact to the surrounding area.</i>	The proposed new use will utilize existing buildings on the property. No new buildings are proposed and no changes to the exterior of the existing buildings are proposed. The proposed new use will not increase any visual impacts to the surrounding area.

4. <i>The degree of compliance with the adopted Growth Policy and this title.</i>	The proposed use meets several objectives and strategies of the Growth Policy and approval of this CUP under section 9.3.02 will provide compliance with the zoning ordinance.
5. <i>The level of conflict with other users in the surrounding area.</i>	Staff are not aware of any conflict with the previous use and other users in the area and staff do not anticipate any conflict with the proposed use.
6. <i>The presence of other nonconformities in the surrounding area.</i>	Staff are not aware of any other nonconforming uses in the surrounding area other than the one that exists on this property. There are some existing nonconforming structures on adjacent lots, but the proposed use will not affect any existing uses on adjacent lots.
7. <i>The degree to which any existing unsafe or hazardous conditions would be mitigated.</i>	There are no existing unsafe or hazardous conditions identified on the property, and the proposed use will not create any new unsafe or hazardous conditions.
8. <i>The viability of the subject structures.</i>	The existing structures are in good condition and were previously used for a service/office business. Other than some interior remodeling to fit the proposed use, no exterior modifications or improvements are proposed with the new use. The existing structures are viable for the proposed use.
9. <i>On-site and off-site impacts from noise, dust, smoke, surface or groundwater contamination, or other environmental impacts.</i>	The proposed new use is for professional office use for engineering and surveying business. No new on-site or off-site noise, dust, smoke, or other environmental impacts are identified with the proposed use.

Conditional Use Permit Recommendations:

In order to ensure conformance with Ordinance requirements, and to protect public health, safety, and welfare, Staff recommend that the following conditions be stated in the CUP approval:

Condition 1: The applicant shall provide a copy of all other permits required for the proposed use prior to commencement of the proposed uses including but not limited to building permits, etc.

Condition 2: If a sign is proposed, a separate zoning application shall be submitted to the City of East Helena for review and approval prior to construction for the proposed sign. Signs shall meet the requirements of the Residential District.

Condition 3: Site trash pick-up locations shall be coordinated with City of East Helena Public Works prior to the use being established. Any requirements from the City for trash pick-up shall be met.

Per 05.070.C, The City Council shall, in addition to all other conditions, impose the following general conditions upon every conditional use permit granted:

Condition 4. That the right to a use shall be contingent upon the fulfillment of all general and special conditions imposed by the conditional use permit procedure; and

Condition 5. That all of the special conditions shall constitute restrictions running with the land use, shall apply and be adhered to by the owner of the land, successors or assigns, shall be binding upon the owner of the land, his successors or assigns, shall be consented to in writing, and shall be recorded as such with the County Clerk and Recorder's Office by the property owner prior to the issuance of any building permits, final site plan approval or commencement of the conditional use.

Background:

After reviewing the application and the required criteria, the Zoning Administrator has concluded that the application with the recommended conditions comply with the applicable standards and requirements of the East Helena Zoning Ordinance, including Section 01.1.04, and that the proposed site plan and conditional uses will not be detrimental to the health, safety or welfare of the community, is in compliance with the requirements of this title and is in harmony with the purposes and intent of this title and the East Helena Growth Policy

After reviewing the application and the required criteria for conditional use permits, the Zoning Administrator has concluded that the application with the recommended conditions meets the conditions required for approval by the City Council.

Staff analyses of the required criteria as they relate to the site plan and CUP applications are presented above, along with recommendations for conditions to be included as part of the CUP.

Public Comment

No public comment was received by this office as of 10-14-2025.

Council Actions

The Council may take the following actions regarding the conditional use permit:

1. Deny approval of the permit. Denial requires a determination that the applicant has not shown that the conditions required for approval do exist.
2. Approve the permit after making a determination that the applicant has shown that the conditions required for approval do exist.
3. **Staff Recommendation** - Conditionally approve the permit after making a determination that the applicant has shown that the conditions required for approval do exist.

Attachments:

- 1) Submitted Application

The applicant is advised that unmet code provisions, or code provisions that are not specifically listed as conditions of approval, do not, in any way, create a waiver or other relaxation of the lawful requirements of the East Helena Municipal Code or state law.

THE EAST HELENA CITY COUNCIL SHALL MAKE THE FINAL DECISION ON THIS APPLICATION. ANY AGGRIEVED PERSON AS SET FORTH IN SECTION 10.1.06 OF THE ZONING ORDINANCE OF THE EAST HELENA MUNICIPAL CODE MAY APPEAL THE DECISION OF THE CITY COUNCIL.



J BAR T ENGINEERS, LLC

1229 E. LYNDALDE • HELENA, MT 59601
406.449.1306 • JBARTENGINEERS.COM

September 3, 2025

City of East Helena
306 East Main
PO Box 1170
East Helena, MT 59635
Phone: (406) 227-5321

RE: 422 Manlove Avenue – Conditional Use Permit

Dear City of East Helena:

The purpose of this letter is to describe a proposed Conditional Use Permit (CUP) Application for an existing parcel located at 422 Manlove Avenue, East Helena, Montana. The parcel is situated in the Manlove Addition (See Certificate of Survey 1000827) within the City of East Helena limits, in the Residential zoning area, with a total area of approximately 0.197 acres.

The property is presently utilized as a non-conforming use, having historically served as a commercial property for the cleaning business, Merry Maids. The aim of this proposed Conditional Use Permit (CUP) is to change the non-conforming use into another commercial business related to civil engineering and land surveying, specifically J Bar T Engineers LLC.

A detailed breakdown of the property is provided below:

- The property is adequate in size and topography to accommodate commercial use (See Site Plan).
 - The lot is approximately 8,610 square feet.
 - The lot is fairly flat, but slopes northerly at approximately 3%.
- The property contains two existing structures:
 - The main building: 64 ft. x 25.4 ft. (approximately 1,624 sq. ft.)
 - A garage: 24 ft. x 16 ft. (approximately 384 sq. ft.)
- The remainder of the property is a gravel surface.



- There is an existing fence along the entire east side of the property. There is also a partial fence along the west side of the property (see Site Plan for more information).
- There are existing utilities on the property: gas, water, sewer, power, and telecommunications.
 - All approximate utility locations are shown on the Site Plan.
- Traffic Discussion:
 - There will be no increase in the occupiable space.
 - General office: approximately 18 trips per weekday
 - The trip generation per 1000 square feet of gross floor area for a general office building is an average rate of 11.01 trips per weekday. The office area is approximately 1,624 square feet, so it would generate 17.88 trips per weekday.
- Parking: According to the City of East Helena Zoning Ordinance, one parking space shall be provided for each 250 square feet of floor area.
 - The office building is approximately 1,624 square feet, necessitating 7 parking spaces.
 - There is sufficient space for 2 parking spaces in the front (south side) of the building, including an ADA parking space.
 - There is sufficient space for 6 parking spaces at the rear (north side) of the building, with additional room for overflow parking, if needed.
- Weed Control:
 - No exterior site modifications are proposed at this time. Therefore, a noxious weed plan was not created. However, the gravel area will be sprayed for weeds every spring and fall season, and as needed.
- The front entry is believed to be ADA compliant.
- There are currently no intentions to expand the impervious surface area of the property. Consequently, there is no requirement to mitigate increased stormwater runoff.
- Solid Waste Management: A trash receptacle will be provided on the property (See Site Plan). Solid waste disposal will be contracted through Tri-County Disposal Service.
- A shop building is situated on the neighboring property (Lot 7), which extends into this property. The details of this encroachment can be found in Document No. 522182 (attached).

The use of this property as an office for an engineering/surveying company will not adversely affect any abutting properties. This type of use is compatible with the immediate environment of the site and adjacent neighborhoods. No new exterior construction is proposed, and a plan for weed management will be implemented.

For additional information, consult the attached documents. All application materials have been included, including the relevant checklists and the Development Review Application. Furthermore, the attachments contain building photographs, building plans, surveys, records, a vicinity map, and a site plan.



Please contact me should you have any questions or comments via telephone at (406) 449-1306 or email at tony@jbartengineers.com. Thank you.

Sincerely,

J Bar T Engineers, LLC

A handwritten signature in blue ink, appearing to read 'Tony'.

Tony J. Prothero, PE

Attachments:

1. Conditional Use Permit Checklist
2. Development Review Application
3. Site Plan Checklist
4. Vicinity Map
5. Certificate of Survey 1000827
6. Encroachment Easement Document No. 522182
7. Building Photos
8. Building Plans
9. Site Plan (Sheet C1)



CITY OF EAST HELENA
306 EAST MAIN
PO BOX 1170
EAST HELENA, MT 59635
PHONE: (406) 227-5321

CONDITIONAL USE PERMIT CHECKLIST

INTENT: A Conditional Use Permit (CUP) is for certain uses, while generally not suitable in a particular zoning district that may, under certain circumstances, be acceptable. When such circumstances can be demonstrated by the applicant to exist, a conditional use permit may be granted by the City Council. Conditions may be applied to the issuance of the permit and periodic review may be required. No conditional use permit shall be granted for a use which is not specifically designated as a conditional use in this title.

CONDITIONAL USE PERMIT REVIEW:

1. The City Council, in approving a conditional use permit, shall review the application against the review requirements of a site plan.
2. In addition to the review criteria of a site plan, the City Council shall, in approving a conditional use permit, determine favorably as follows under **REQUIREMENTS**.
3. The City Council shall, in addition to all other conditions, impose the following general conditions upon every conditional use permit granted:
 - That the right to a use and occupancy permit shall be contingent upon the fulfillment of all general and special conditions imposed by the conditional use permit procedure; and
 - That all of the special conditions shall constitute restrictions running with the land use, shall apply and be adhered to by the owner of the land, successors or assigns, shall be binding upon the owner of the land, his successors or assigns, shall be consented to in writing, and shall be recorded as such with the County Clerk and Recorder's Office by the property owner prior to the issuance of any building permits, final site plan approval or commencement of the conditional use.
4. The City Council will hold a public hearing, after the required legal notices have been given, to give the public an opportunity to be heard upon the matter.
5. Applications for conditional use permits may be approved, conditionally approved or denied by motion of the City Council. If an application is denied, the denial shall constitute a determination that the applicant has not shown that the conditions required for approval do exist.
6. The applicant shall be notified in writing of the action taken by the City Council within ten working days of its action. If the conditional use permit has been granted the notification shall include any conditions, automatic termination date, period of review or other requirements. If the conditional use permit has been granted, the permit shall be issued upon the signature of the City staff after completion of all conditions and final site plan.
7. Any aggrieved person as set forth in Chapter 10 of the East Helena Zoning Ordinance may appeal the decision of the City Council.

CONDITIONAL USE PERMIT REQUIREMENTS:

1. That the site for the proposed use is adequate in size and topography to accommodate such use, and all yards, spaces, walls and fences, parking, loading and landscaping are adequate to properly relate such use with the land and uses in the vicinity;
2. That the proposed use will have no material adverse effect upon the abutting property. Persons objecting to the recommendations of City staff carry the burden of proof;
3. Relationship of site plan elements to conditions both on and off the property, including:
 - Compatibility with, and sensitivity to, the immediate environment of the site and the adjacent neighborhoods and other approved development relative to architectural design, building mass and height, neighborhood identity, landscaping, historical character, orientation of buildings on the site and visual integration;

- Design and arrangement of the elements of the site plan (e.g., buildings, circulation, open space and landscaping, etc.) so that activities are integrated with the organizational scheme of the community, neighborhood, and other approved development and produce an efficient, functionally organized and cohesive development;
 - Design and arrangement of elements of the site plan (e.g., buildings circulation, open space and landscaping, etc.) in harmony with the existing natural topography, natural water bodies and water courses, existing vegetation, and to contribute to the overall aesthetic quality of the site configuration;
4. Pedestrian and vehicular ingress, egress and circulation, including:
- Design of the pedestrian and vehicular circulation systems to assure that pedestrians and vehicles can move safely and easily both within the site and between properties and activities within the neighborhood area;
 - Non-automotive transportation and circulation systems design features to enhance convenience and safety across parking lots and streets, including, but not limited to, paving patterns, grade differences, landscaping and lighting;
 - Adequate connection and integration of the pedestrian and vehicular transportation systems to the systems in adjacent developments and general community; and
 - Dedication of right-of-way or easements necessary for streets and similar transportation facilities;
5. Landscaping, including the enhancement of buildings, the appearance of vehicular use, open space and pedestrian areas, and the preservation or replacement of natural vegetation;
6. Open space, including:
- The enhancement of the natural environment;
 - Precautions being taken to preserve existing wildlife habitats or natural wildlife feeding areas;
 - If the development is adjacent to an existing or approved public park or public open space area, have provisions been made in the site plan to avoid interfering with public access to and use of that area;
 - Provided recreational area suitably located and accessible to the residential units it is intended to serve and adequate screening provided to ensure privacy and quiet for neighboring residential uses.
7. That any additional conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare. Such conditions may include, but are not limited to:
- Regulation of use;
 - Special yards, spaces and buffers;
 - Special fences, solid fences and walls;
 - Surfacing of parking areas;
 - Requiring street, service road or alley dedications and improvements or appropriate bonds;
 - Regulation of points of vehicular ingress and egress;
 - Regulation of signs;
 - Requiring maintenance of the grounds;
 - Regulation of noise, vibrations and odors;
 - Regulation of hours for certain activities;
 - Time period within which the proposed use shall be developed;
 - Duration of use;
 - Requiring the dedication of access rights; and
 - Other conditions necessary to develop the City in an orderly and efficient manner.

CONDITIONAL USE PERMIT CHECKLIST

3 SETS PRELIMINARY AND 3 SETS FINAL REQUIRED	Yes	No	N/A
1. Development Review Application form.	☒	☐	☐
2. Site Plan Checklist.	☒	☐	☐
3. Site Plans.	☒	☐	☐



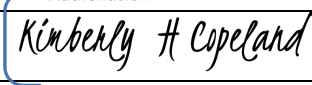
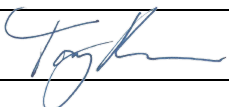
CITY OF EAST HELENA
306 EAST MAIN STREET
PO BOX 1170
EAST HELENA, MT 59635
PHONE: (406) 227-5321

DEVELOPMENT REVIEW APPLICATION

1. Name of Project: 422 Manlove Avenue Conditional Use Permit		
2. Property Owner Information:		
Name: Kimberly H. Copeland	Email: copelanr2@gmail.com	
Mailing Address: PO Box 2036, East Helena, MT 59635		
Phone: 406-439-4320		Fax:
3. Applicant Information:		
Name: Jared Lay	Email: jared@jbartengineers.com	
Mailing Address: PO Box 7895, Helena, MT 59604		
Phone: (406) 449-1306	Fax:	
4. Representative Information:		
Name: Tony Prothero	Email: tony@jbartengineers.com	
Mailing Address: PO Box 7895, Helena, MT 59604		
Phone: (406) 449-1306	Fax:	
5. Street Address of Project: 422 Manlove Avenue		
6. Legal Description: MANLOVE ADDITION, S25, T10 N, R03 W, BLOCK 4, Lot 8		
7. Project Description: Applying for a conditional use permit to change the property from a non-conforming use (cleaning business: Merry Maids) to a civil engineering and land surveying business (9.3.02 Changes to or Expansion of Nonconforming Uses).		
8. Zoning Designation: Residential		
9. Current Land Use(s): Commercial (Cleaning Business: Merry Maids)		
10. Gross Area:	Acres 0.197 Acres	Square Feet 8,581 Sq. Ft.
11. Net Areas:	Acres	Square Feet

12. Application Type - (√)checklist available:			
☐	Sketch Plan (√)	☐	Zone Map Amendment (ZMA) (√)
☒	Site Plan, Preliminary (√)	☐	Zone Map Amendment Initial (√)
☒	CUP, Preliminary (√)	☐	Zoning Text Amendment (√)
☐	Site Plan, Final (√)	☐	Informal Review
☐	CUP, Final (√)	☐	Classification of Use
☐	Variance (√)	☐	Public Agency Exemption
☐	Administrative Appeal (√)		
13. Attachments:			
Yes			
☒	Checklist for Appropriate Application Type (if available). If a Checklist is not available, enough information must be provided to make a proper decision in the matter. No decisions are made for Public Agency Exemption or Informal Review.		
☒	Fee (includes both review fee and advertising fee).		
☒	Copy of most recent paid tax receipt.		
☒	Copy of the deed for the subject property.		
☒	Required Number of Sets.		

As indicated by the signature(s) below, the property owner(s), applicant(s) and representative(s) submit this application for review under the terms and provisions of the East Helena Municipal Code. It is further indicated that any work undertaken to complete a development, approved by the City of East Helena shall be in conformance with the requirements of the East Helena Municipal Code and any special conditions established by the approval authority. This development shall be in conformance with building and fire codes including required building and occupancy permits.

I (We) hereby certify that the above information is true and correct to the best of my (our) knowledge.	
Property Owner's Signature: 	Date: 09/04/25
Property Owner's Signature:	Date:
Property Owner's Signature:	Date:
Property Owner's Signature:	Date:
Applicant's Signature: 	Date: 09/03/2025
Applicant's Signature:	Date:
Representative's Signature: 	Date: 09/03/2025
Representative's Signature:	Date:

Use additional pages as necessary to provide all required information.



CITY OF EAST HELENA
306 EAST MAIN
PO BOX 1170
EAST HELENA, MT 59635
PHONE: (406) 227-5321

SITE PLAN CHECKLIST

CLASSIFICATION OF SITE PLANS: All developments within the City, except individual single-household and two-household each on individual lots, and other development proposals specifically identified as requiring only sketch plan review, shall be subject to site plan review procedures and criteria, and the applicable submittal requirements.

SITE PLAN REVIEW:

A. Site Plan Review Procedures:

1. These procedures shall apply to all developments within the City except for development proposals specified as requiring only sketch plan review.
2. Site plans for projects shall be submitted to City staff for a determination of compliance with the requirements of this title. Once compliance is achieved, the application will be approved for construction or referred to the appropriate permitting authorities.
3. Site plans shall be reviewed for compliance with all applicable requirements of this title and the cessation of any current violations of this title, exclusive of any legal nonconforming conditions.
4. Unless a variance is explicitly sought and granted in association with a site plan, all standards of this title apply whether explicitly mentioned in the record of the review or not. An omission or oversight of a nonconformity with the standards of any nonconformance which was not the subject of an explicitly approved variance may be required to be cured at such time the City becomes aware of the nonconforming condition's existence.
5. Site plans shall be reviewed according to the procedures established by this title. After review of the applicable submittal materials, the City staff shall act to approve or deny the application, subject to the appeal provisions of this title. The basis for the City staff's action shall be whether the application complies with all the applicable standards and requirements of this title, including Section 1.1.05.

B. Site Plan Review Criteria:

1. In considering applications for site plan approval under this title, the City staff shall consider the following:
 - a. Conformance to this title, including the cessation of any current violations;
 - b. Conformance with all other applicable laws, ordinances and regulations;
 - c. Pedestrian and vehicular ingress, egress and circulation, including:
 - (1) Building location and height;
 - (2) Setbacks;
 - (3) Provisions for utilities, including efficient public services and facilities;
 - (4) Site surface drainage and storm water control;
 - (5) Loading and unloading areas;
 - (6) Grading;
 - (7) Signage;
 - (8) Screening; and
 - (9) Parking.
2. If the development includes multiple lots that are interdependent for circulation or other means of addressing requirements of this title, whether the lots are either:

- a. The subject of reciprocal and perpetual easements or other agreements to which the City is a party so that the sale of individual lots will not cause one or more elements of the development to become nonconforming.
3. Site Plan submittals shall contain the following required items:
 - a. Development Review Application form;
 - b. Site Plan, no larger than 11x17 sheet size containing the following:
 - (1) Site boundaries/property lines, with accurate dimensions;
 - (2) Streets and alley frontages with names and easements;
 - (3) Location of all existing and proposed structures, including decks and porches, with distances to the nearest foot between buildings and from buildings to property lines with accurate building area dimensions; and
 - (4) Off-street parking areas, including surfacing specifications;
 - (5) Parcel size in square feet;
 - (6) Total number of dwellings and number of bedrooms per dwelling;
 - (7) Traffic ingress and egress and circulation;
 - (8) Utilities and utility easements, existing and proposed;
 - (9) Surface water features or wetlands;
 - (10) Provisions for handicap accessibility meeting the requirements of the most current Americans with Disabilities Act Standards and applicant's certification that all improvements are in compliance with the most current ADA Standards;
 - (11) Fences and walls, including location, height, and construction materials;
 - c. Floor plans, including garage, basement, and all finished and unfinished spaces;
 - d. Building elevations, if available;
 - e. Any plans, sketches, pictures, specifications and other data that will clearly express any proposed building alterations or additions;
 - f. Length of time since current or previous use;
 - g. Proposed use.
- C. If City staff determines that the proposed site plan will not be detrimental to the health, safety or welfare of the community; is in compliance with the requirements of this title, and is in harmony with the purposes and intent of this title, approval shall be granted. Notice of action shall be given in writing.
- D. Site plan approval may be denied upon a determination that the site plan will be detrimental to the health, safety or welfare of the community; is not in compliance with the requirements of this title, and is not in harmony with the purposes and intent of this title. Persons objecting to the recommendations of City Staff carry the burden of proof. A denial of approval shall be in writing.
- E. The City staff project decisions may be appealed filing a notice of appeal with the Clerk of the Council for the City of East Helena, within 4 days after the date of decision as evidenced by the City staff's signature, by following the procedures of Chapter 10, East Helena Zoning Ordinance.

SITE PLAN CHECKLIST

3 SETS PRELIMINARY REQUIRED	Yes	No	N/A
1. Development Review Application form.	☒	☐	☐
2. Location map, including area within one-half mile of the site.	☒	☐	☐
3. Boundary line of property with dimensions.	☒	☐	☐
4. Date of plan preparation and changes.	☐	☐	☒
5. North point indicator.	☒	☐	☐
6. Suggested scale of 1 inch to 20 feet, but not less than 1 inch to 100 feet.	☒	☐	☐

7. Parcel(s) and site coverage information:	☒	☐	☐
• Parcel size(s) in gross acres and square feet	☒	☐	☐
• Estimated total floor area and estimated ratio of floor area to lot size (floor area ratio, FAR), with a breakdown by land use; and	☒	☐	☐
• Location, percentage of parcel(s) and total site, and square footage for the following:	☒	☐	☐
○ Existing and proposed buildings and structures;	☒	☐	☐
○ Driveway and parking;	☒	☐	☐
○ Open space and/or landscaped area, recreational use areas, public and semipublic land, parks, school sites, etc.; and	☒	☐	☐
○ Public street right-of-way.	☒	☐	☐
8. Total number, type and density per type of dwelling units, and total net and gross residential density and density per residential parcel.	☐	☐	☒
9. Location, identification and dimension of the following existing and proposed data, on-site and to a distance of 150 feet outside site plan boundary, exclusive of public rights-of-way, unless otherwise stated:	☒	☐	☐
• Topographic contours at a minimum interval of 2 feet;	☒	☐	☐
• Adjacent streets and street rights-of-way to a distance of 150 feet, except for adjacent to major arterial streets where the distances shall be 200 feet;	☒	☐	☐
• On-site streets and rights-of-way;	☒	☐	☐
• Ingress and egress points;	☒	☐	☐
• Traffic flow on-site;	☒	☐	☐
• Traffic flow off-site;	☒	☐	☐
• Utilities and utility rights-of-way or easements:	☒	☐	☐
○ Electric; Natural gas; Telephone, cable TV, and similar utilities; Water; and Sewer (sanitary, treated effluent and storm);	☒	☐	☐
• Surface water, including:	☐	☐	☒
○ Holding ponds, streams and irrigation ditches;	☐	☐	☒
○ Watercourses, water bodies and wetlands;	☐	☐	☒
○ Floodplains as designated on the Federal Insurance Rate Map or that may otherwise be identified as lying within a 100-year floodplain through additional floodplain delineation, engineering analysis, topographic survey or other objective and factual basis;	☐	☐	☒
• Grading and drainage plan, including provisions for on-site retention/detention and water quality improvement facilities;	☐	☐	☒
○ All drainageways, streets, arroyos, dry gullies, diversion ditches, spillways, reservoirs, etc. which may be incorporated into the storm drainage system for the property shall be designated;	☐	☐	☒
○ The name of the drainageway (where appropriate);	☐	☐	☒
○ The downstream conditions (developed, available drainageways);	☐	☐	☒
○ Any downstream restrictions;	☐	☐	☒
• Significant rock outcroppings, slopes of greater than 15 percent or other significant topographic features;	☐	☐	☒
• Sidewalks, walkways, driveways, loading areas and docks, bikeways, including typical details and interrelationships with vehicular circulation system, indicating proposed treatment of points of conflict;	☒	☐	☐
• Provision for handicapped accessibility, including but not limited to, wheelchair ramps, parking spaces, handrails and curb cuts, including construction details and the applicant's certification of ADA compliance;	☐	☐	☒

• Fences and walls, including typical details;	☒	☐	☐
• Exterior signs;	☐	☐	☒
• Exterior refuse collection areas, including typical details;	☒	☐	☐
• A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses, containing a layout of all proposed fixtures by location and type;	☒	☐	☐
• Curb, asphalt section and drive approach construction details;	☐	☐	☒
• Landscaping (detailed plan showing plantings, equipment, and other appropriate information;	☒	☐	☐
• Unique natural features, significant wildlife areas and vegetative cover, including existing trees and shrubs having a diameter greater than 2.5 inches, by species;	☐	☐	☒
• Snow storage areas;	☒	☐	☐
• Location of City limit boundaries, within or near the development;	☐	☐	☒
• Existing zoning within 200 feet of the site;	☒	☐	☐
• Historic, cultural and archeological resources, describe and map any designated historic structures or districts, and archeological or cultural sites; and	☐	☐	☒
• Major public facilities, including schools, parks, trails, etc.	☐	☐	☒
10. Detailed plan of all parking facilities, including circulation aisles, access drives, bicycle racks, compact spaces, handicapped spaces and motorcycle parking, on-street parking, number of employee and non-employee parking spaces, existing and proposed, and total square footage of each.	☐	☐	☒
11. Building design information (on-site):	☐	☐	☒
• Building heights and elevations of all exterior walls of the building(s) or structure(s);	☐	☐	☒
• Height above mean sea level of the elevation of the lowest floor and location of lot outfall when the structure is proposed to be located in a floodway or floodplain area;	☐	☐	☒
• Floor plans depicting location and dimensions of all proposed uses and activities; and	☐	☐	☒
• All onsite utilities and mechanical equipment.	☐	☐	☒
12. Description and mapping of soils existing on the site, accompanied by analysis as to the suitability of such soils for the intended construction and proposed landscaping.	☐	☐	☒
13. Temporary facilities plan showing the location of all temporary model homes, sales offices and/or construction facilities, including temporary signs and parking facilities.	☐	☐	☒
14. A noxious weed control plan.	☐	☐	☒



Z:\Shared\1Projects\2025\25-60 PHH CUP\dwg\W.BNDY25-60PHH-EH.MANLOVE.dwg

422 MANLOVE AVENUE CUP
VICINITY-TOPOGRAPHIC MAP
LEWIS & CLARK COUNTY MONTANA



J BAR T ENGINEERS LLC
1229 E. Lyndale Ave.
Helena, MT 59601
www.jbartengineers.com
406.449.1306

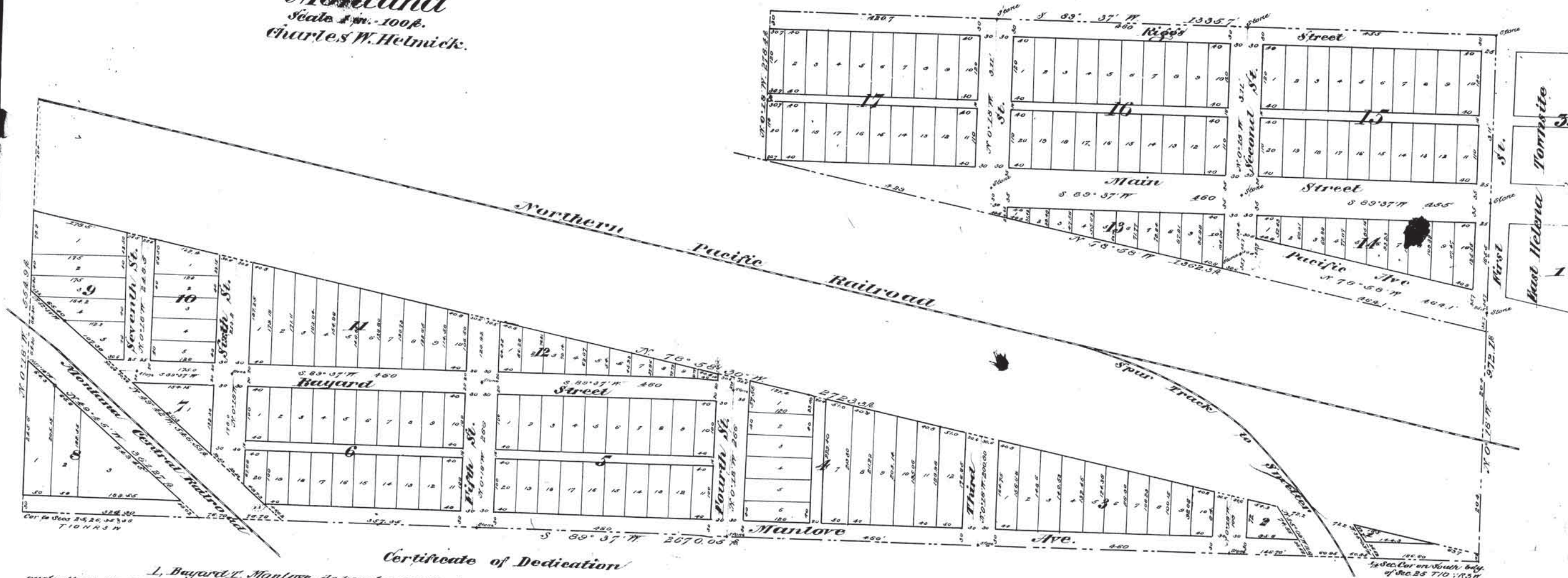
FIGURE 1

PROJECT: 25-60
DATE: 09/2025
DRAWN BY: CEC

Montana
Scale 1 in. = 100 ft.
Charles W. Helmick

The accompanying plat and field notes of the Marlowe Addition to East Helena in the County of Liberty and Clarke, Montana, which has been made at the instance of Maynard P. Marlowe who is the owner of the land embraced in said survey, is this 15th day of September A.D. 1896 hereby accepted and approved

H. Beach, Chairman
Board of County Commissioners, Teton and Clarke County
Montana



Certificate of Dedication

Certificate of Dedication

I, Bayard T. Manlove, do hereby certify that I have caused to be surveyed and plotted into lots, blocks & streets, and alleys, the following described tracts of Land, to wit:- TRACT NO 1 commencing at the ¼ sec. cor. on the south boundary of Sec. 25 T10 N R 3 W thence S. 89° 37' E 186.6 ft, thence N. 35° 03' W 70.22 ft, thence S. 70° 58' 30" E 224.7 ft, thence S. 0° 18' E 16.2 ft, to place of beginning; TRACT NO 2 commencing at a point from which the ¼ sec. cor. on the south boundary of Sec. 25 T10 N R 3 W bears S. 89° 37' E 308.3 ft, thence S. 89° 37' E 184.05 ft, thence N. 65° 42' W 57.55 ft, thence N. 52° 56' W 79.0 ft, thence N. 0° 18' W 150.7 ft, thence S. 70° 58' 30" E 234.2 ft, thence S. 125° 03' E 110.7 ft, to place of beginning; TRACT NO 3 commencing at a point from which the ¼ sec. cor. on the south boundary of Sec. 25 T10 N R 3 W bears N. 89° 37' E 234.5 ft, thence S. 89° 37' E 324.3 ft to cor. to secs 25, 26, 33 & 36, thence N. 0° 18' W 275.6 ft, thence S. 70° 58' 30" E 234.2 ft, thence S. 125° 03' E 110.7 ft, to place of beginning; TRACT NOT commencing at a point from which the ¼ sec. cor. on the south boundary of Sec. 25 T10 N R 3 W bears S. 89° 37' E 124.2 ft, thence N. 70° 58' 30" W 236.2 ft, thence N. 0° 18' W 270.4 ft, thence N. 89° 37' E 124.5 ft, thence S. 0° 18' E 547.9 ft, to place of beginning, to be known as Manlove Addition, to East Helena, Montana, and the land included in all streets or alleys designated on said plat as herby donated to the public use and benefit forever.

In testimony whereof I have hereunto set my hand and seal, this 3rd day of September 1896.

State of Montana
Bayard T. Manlove

all streets and alleys designated on said plat is hereby donated to the public use and benefit forever.
In testimony whereof I have hereunto set my hand and seal, this 3rd day of September 1896:
Bayard T. Manlove.

State of Montana }
County of Lewis & Clarke } ss. J

County of Lewis & Clarke } ss. Be it known that on this 8th day of September, 1896, Bayard T. Manlove, personally known to me, to be the same person who signed and sealed the foregoing plan, came before me a Notary Public in and for Lewis & Clarke County, Montana, and acknowledged the same to be his free act and deed and for the purposes therein expressed. In Witness Whereof I have hereunto set my hand and official seal this 8th day of September 1896.

Feat.

Notary Public in and for Irons & Garfield County, Montana

State of Montana,)
County of Lewis & Clarke) ss.

I hereby certify that the within instrument was filed in my office on the 15 day of Sept. A.D. 1896, at 20 min. past 12 o'clock P.M. and recorded on page _____ of Book _____ of _____ Records of Lewis & Clarke County, State of Montana.

Certificate of Survey

State of Montana
County of Lewis & Clarke

I, Charles F. Helmick, do solemnly swear that I made the survey of Montrose, Addition to East Helena Montana, in accordance with Chapter VI of the Political Code of Montana, that the annexed plat is in accordance with such survey and that the widths of the streets and alleys and the dimensions of the lots and blocks are as thereon designated. Surveyed on August 1896.

Subscribed and sworn to before me this 18th day of August 1896

Charles F. Helmick,
Notary Public
in and for Lewis & Clarke Co. Montana

Seals

Dear

20

ENCROACHMENT EASEMENT

We the undersigned do hereby acknowledge the existence of an encroachment between lots 7 and 8, block 4 of the Manlove Addition. The encroachment is documented with a recent survey by Bob Scow (attached).

The existing fence line, dating back before possession of the two lots by current owners, does not follow the actual lot line. There is an existing building which encroaches onto lot 8 by .68 feet in the south portion of the two lots. The existing fence then runs west away from the actual lot line so that lot 8 encroaches approximately 1.16 feet onto lot 7 in the north. There are no structures other than the fence in this area. To summarize, the existing building and fence cross the actual boundary at a small angle.

It is the understanding that the current encroachment is understood and agreed upon by the current owners of lots 7 and 8, respectively, Thomas Duane Jackson for lot 7 and Harley Ziesman for lot 8. It is further understood and attested by the two current owners that such encroachment be recorded together with a copy of the current survey and that such encroachment be allowed to continue so long as there is no alteration or expansion of the existing encroachment and with the further understanding that should either the fence or the structure at any time in the future, be removed, any replacement structures or constructions shall be properly referenced to the attached survey of lot line.

This agreement shall be submitted to the City of East Helena and to the office of the Clerk and Recorder for Lewis and Clark County to establish the agreement of encroachment.

Thomas Duane Jackson, owner of lot 7, Block 4, Manlove Addition,
East Helena, Montana:

Harley Ziesman, owner of lot 8, Block 4, Manlove Addition, East
Helena, Montana:

Date

Witnessed

Date

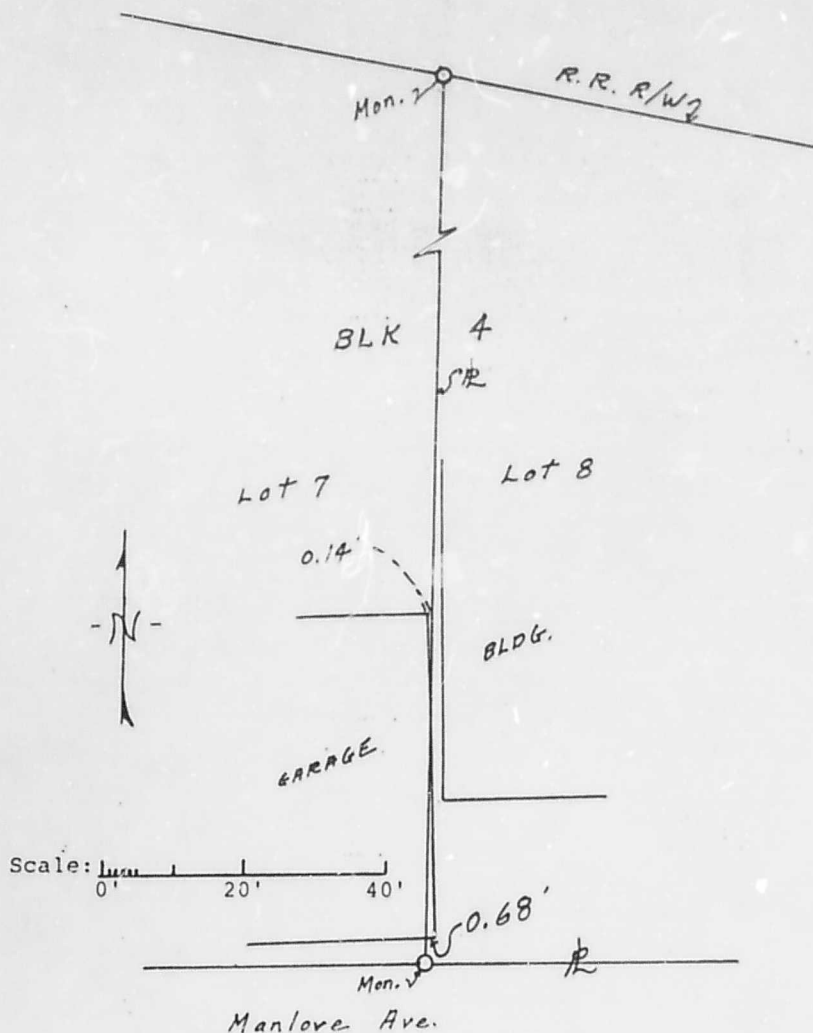


NOTARY Public for the STATE
of MONTANA.

Residing AT EAST Helena.

MY COMMISSION EXPIRES 8-15-94

ENCROACHMENT
SURVEY



The purpose of this survey was to determine encroachment of a building for an Encroachment Easement Agreement between adjoining owners of Lots 7 and 8, Blk 4, Manlove Add't. to East Helena Montana.

ENCROACHMENT

The SE corner of a garage in Lot 7 encroaches 0.68 ft. into Lot 8 and the NE corner of the garage is 0.14 ft. west of the property boundary as shown on the above detail plat.



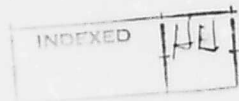
Signed Robert V. Scow date 6-23-94
Robert V. Scow PLS 2736 S

PAULETTE DEHART
TREAS/CLK
LEWIS & CLARK CO., MONT.

1994 AUG -2 PM 2:39

MUS- 9243

By Shirley McShane
1200



522182

Building Photos

Main Building – Southeast Corner (East Side)



Main Building – Northeast Corner (East Side)



Main Building – North Side (Back)



Main Building – South Side (Front)



Garage – East Side



Garage – West Side



Garage – North Side (Back)



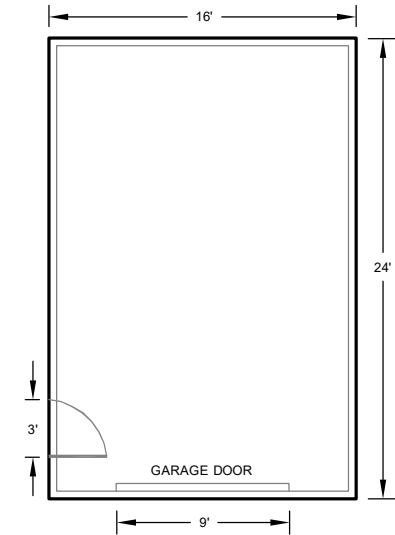
Garage – South Side (Front)





MAIN BUILDING

PLAN VIEW



GARAGE

LEGEND

- PRELIMINARY IMPROVEMENTS
- EXISTING EXTERIOR WALL
- EXISTING INTERIOR WALL



Z:\Shared\1Projects\2025\25-60 PHH CUP\dwg\V.BNDY.25-60PHH-EH.MANLOVE.dwg

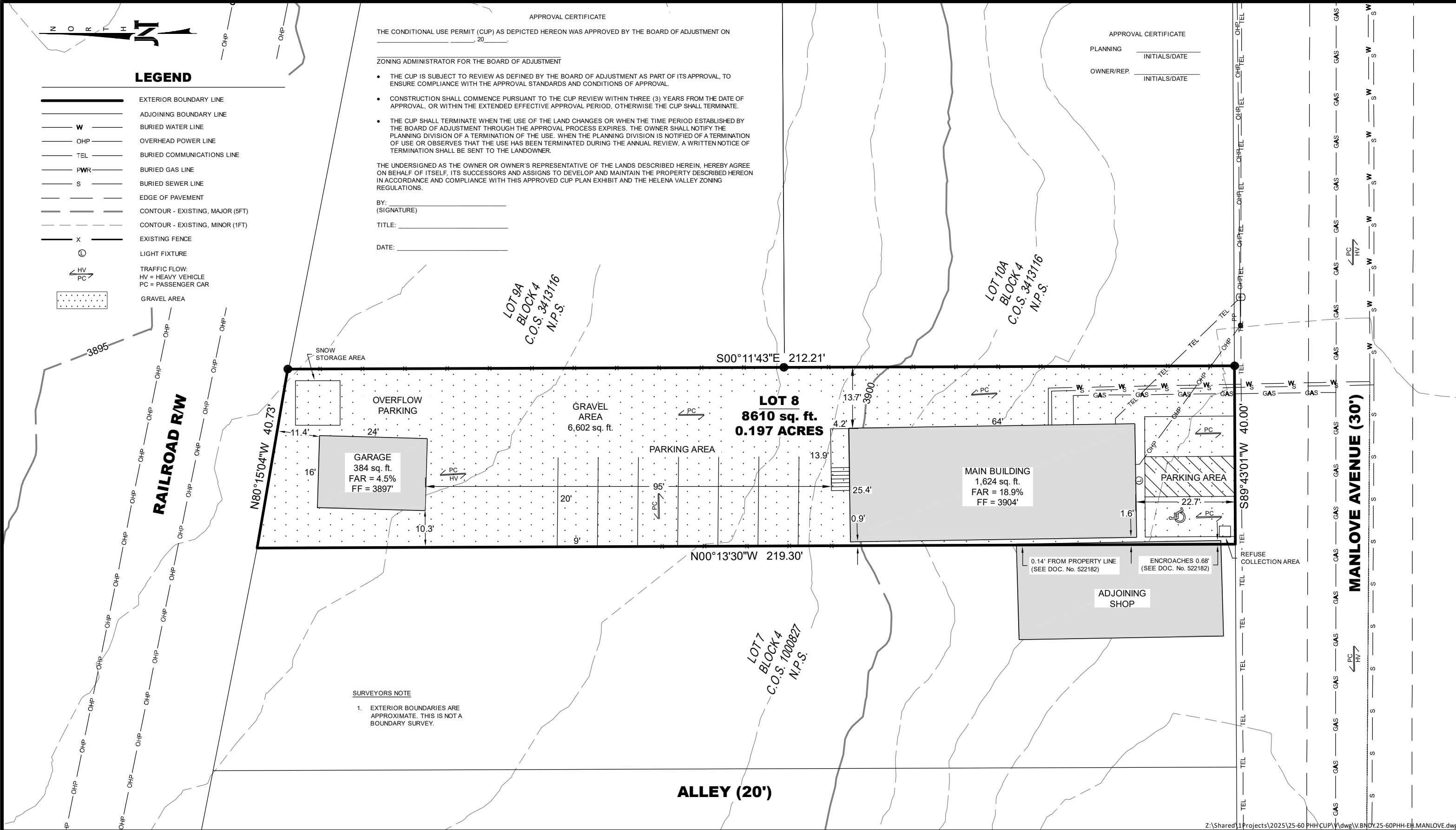
422 MANLOVE AVENUE CUP
BUILDING PLANS
 LEWIS & CLARK COUNTY MONTANA



J BART ENGINEERS LLC
 1229 E. Lyndale Ave.
 Helena, MT 59601
www.jbartengineers.com
 406.449.1306

FIGURE 2

PROJECT: 25-60
 DATE: 09/2025
 DRAWN BY: CEC



CITY OF EAST HELENA
306 E MAIN ST / PO BOX 1170
EAST HELENA, MT 59635
(406) 227-5321

ORIGINAL COUNCIL MEETING DATE: 10/21/2025

Agenda item:

Rose Hills Zone Map Amendment and Text Amendments

From:

Helena Area Habitat for Humanity

Initiated by City: ☐ YES ☒ NO (check one)

Department:

Planning & Zoning

Presented by:

Zoning Officer Fadness

Action requested:

Approve/Deny/Table

PLEASE PROVIDE A NARRATIVE BACKGROUND OF THE PROPOSED AGENDA ITEM:

Attachment: Staff Report

Attachments: ☒ YES ☐ NO (check one)

Date submitted:

RECOMMENDATIONS:

Approve for agenda:

☐ YES

☐ NO

Initial:

Referred to Dept. Head for resolution:

☐ YES

☐ NO

Referred to _____:

☐ YES

☐ NO

Agenda requests must be submitted to East Helena City Hall by noon the Wednesday prior to the Tuesday council meeting.

MEMORANDUM

TO: Mayor, Zoning Commission, and Town Council

FROM: Jeremy Fadness, AICP WWC Engineering

SUBJECT: Public Hearing on Ordinances to amend the East Helena Land Use Map and Zoning Ordinance Text Amendments for the property to be known as Rose Hills Planned Unit Development.

MEETING DATE: Zoning Commission – Wednesday, August 20, 2025 at 6:00 p.m.
City Council – Tuesday October 21, 2025 at 6:30 p.m.

RECOMMENDATION: The Zoning Commission and City Council consider a motion adopting Ordinances; approving the East Helena Zoning Ordinance Text Amendments to amend Chapter 3 to add Section 3.8 – Rose Hills Planned Unit Development and associated districts and development standards and approving the East Helena Land Use Map Amendment to change the designation for the property from Industrial District to Rose Hills Planned Unit Development.

On August 20, 2025 the Zoning Commission made a motion to recommend approval of the Rose Hills Planned Unit Development map and text amendments.

PROPOSAL: To consider a text amendment to the East Helena Zoning Ordinance to add development standards to Chapter 3 for the property to be known as Rose Hills Major Subdivision. The applicant has requested specific development standards be adopted as part of the Rose Hills Subdivision to set zoning standards for the development of each lot within the subdivision. The subdivision application and future lot development will be reviewed against the requirements outlined in the proposed PUD. These development standards would be added to Chapter 3 as Section 3.8 – Rose Hills Planned Unit Development.

To also consider the amendment of the East Helena Land Use Map to designate the property to be known as the Rose Hills Major Subdivision from “Industrial District” to “Rose Hills Planned Unit Development” pursuant to Chapter 12 of the Zoning Ordinance for the City of East Helena, the parcels included are legally described as That portion of the NW1/4 lying North and West of Highway 262 and South of the Rail Road Right of Way and that portion of the NW1/4SW1/4 lying North and West of Highway 282 in Section 36, Township 10 North, Range 3 West,



M.P.M., Lewis and Clark County, Montana. (Ref: Book 12 Deeds, page 207, Book 61 Deeds, page 103, Book 219 Deeds, page 447 and Book 219 Deeds, page 116) EXCEPTING THEREFROM the property shown on Certificate of Survey filed under Doc. No. 3254919, deeded to the City of East Helena by M Book 48 of Records, page 2428, Lewis and Clark County, Montana.

CRITERIA: Zone Map and Text Amendments must be consistent with the intent and purpose of the Zoning Ordinance and must meet the following nine criteria and guidelines pursuant to 76-2-304, MCA.

Criteria:	Findings
1. <i>Is the new zoning in accordance with the Growth Policy?</i>	A. The new zoning for the Rose Hills PUD will change the current Industrial District zoning to a mix of Commercial and medium to high density residential zoning. B. The property was originally zoned industrial due to the METG request and post mining cleanup. The area was always intended to be rezoned prior to development. C. The new Rose Hills PUD zoning will allow for commercial uses to increase economic development opportunities for the City of East Helena as well as provide for some low density neighborhood commercial uses. D. The new Rose Hills PUD zoning will provide one residential zoning district that will provide for a mix of medium density residential and higher density residential development. This will provide additional housing opportunities for the City of East Helena for wider range of incomes. Higher density allows for more affordable housing costs. With the current struggle of housing affordability within East Helena, Montana, and the nation, methods to allow housing to be more affordable should be considered. Higher density development is one of the methods that local governments can utilize to assist with the development of more affordable housing. E. The proposal is in line with the goals and objectives of the East Helena Growth Policy to provide for economic development within the City and provide for housing opportunities to wider range of incomes.
2. <i>Is the new zoning designed to secure safety from fire and other dangers?</i>	A. The property is within the City of East Helena and is provided with services including fire and police protection. B. During development the City water system will be expanded to serve the development of the lots. Currently, there is a City water main that runs through the property. There are plans with the development to add a new water storage tank and develop pressure zones to more adequately serve the property. This will allow for better fire flows throughout the development. C. Prior to the sale of any lot or development of any lot, the City will ensure infrastructure is constructed to meet the needs of the development including adequate fire protection. D. Any proposed building on future lots will require a building permit from the City. This will require all new building to meet current building code requirements including fire codes. E. All lot development will be required to meet current zoning regulations at the time of development including lot setbacks,

	etc. F. These provisions for future infrastructure as well as zoning and building reviews will ensure the development is secure from fire and other dangers.
3. <i>Is the new zoning designed to promote public health, public safety, and the general welfare?</i>	A. The City of East Helena has not started to expand to this area of the City at the present time. B. The property is within the City and was planned for development by the METG and the City. C. All lot development will be required to comply with the zoning permitted and conditional uses. D. All future development will need to comply with setbacks, parking, utilities, grading and storm water management, etc. These regulations are in place to ensure protection of public health and safety. E. The new zoning designation will allow the City to better review the subdivision application impacts based on the proposed uses and density as well as future lot development. This will allow the City to develop conditions and requirements for the subdivision to mitigate impacts on public health and safety. F. The new zoning will not be detrimental to public health, safety, or the general welfare.
4. <i>Is the new zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements?</i>	A. The property is currently within the City of East Helena. B. There is existing water infrastructure located through the property. C. Future development of the property will need to be in compliance with the City subdivision regulations and zoning regulations. D. Future development of the property will require the extension of City services including water, sewer, streets, sidewalks, etc. E. Rezoning the property now will allow the City to better analyze impacts the future subdivision and development of each lot will have on the City, schools, and surrounding area during subdivision and zoning review processes. F. Dedication of parks will be reviewed during the subdivision application reviews. There are areas designated for parks and open space within the subdivision. G. The new zoning will allow the City to better analyze the impacts the subdivision will have on infrastructure and to facilitate the adequate provision of services to the property.
5. <i>Does the new zoning consider the reasonable provision of adequate light and air?</i>	A. All new development within the area to be rezoned will be required to comply with the current zoning regulations at the time of lot development. B. The zoning regulations includes height restrictions. The height restriction is set to be the least intrusive but still allow for higher density development with the development. C. The zoning regulations contain regulations on dust control for developments including requiring paving for parking areas and driveways. This will protect area air quality. D. The new zoning considers the reasonable provision of light and air.
6. <i>Does the new zoning consider the effect on motorized and nonmotorized transportation</i>	A. The property is currently within the City of East Helena. B. Future development of the property will need to be in compliance with the City subdivision regulations and zoning

systems?	regulations. C. Future development of the property will require the extension of City services including streets and sidewalks. D. Rezoning the property now will allow the City to better analyze impacts the subdivision and development of each lot will have on the City, schools, and surrounding area during subdivision and zoning review processes. E. Dedication of parks and trails will be reviewed during future subdivision and zoning application reviews. F. The new zoning will facilitate the City's review of future development and subdivision applications to ensure that adequate motorized and non-motorized transportation is provided.
7. <i>Does the new zoning consider the promotion of compatible urban growth?</i>	A. Any new development will need to be in compliance with the current zoning at the time of development. This will ensure compatible uses and design of the development with the surrounding character. B. The project location is south of the Manlove residential area but is separated by industrial zoned properties. The Manlove area is considered a low to medium density developed area with older homes and infrastructure. C. The project is also located adjacent to the City of Helena and the Mountain View Meadows development. Mountain View Meadows is a high density residential development adjacent to this project and the development of this property would be consistent with the density and uses seen within Mountain View Meadows. D. The new zoning will promote compatible urban growth.
8. <i>Does the new zoning consider the character of the district and its peculiar suitability for particular uses?</i>	A. Any new development will need to be in compliance with the current zoning at the time of development. This will ensure compatible uses and design of the development with the surrounding character. B. The new zoning will allow for higher density development which is needed to provide more affordable housing. C. The new zoning considers the character of the district and its suitability for particular uses.
9. <i>Does the new zoning consider conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?</i>	A. The new zoning considers conserving the value of buildings and encourages the most appropriate use of the land throughout the jurisdictional area. B. The proposed zoning standards are compatible with each other. C. The project location is south of the Manlove residential area but is separated by industrial zoned properties. The Manlove area is considered a low to medium density developed area with older homes and infrastructure. D. The project is also located adjacent to the City of Helena and the Mountain View Meadows development. Mountain View Meadows is a high density residential development adjacent to this project and the development of this property would be consistent with the density and uses seen within Mountain View Meadows. E. All development will be required to comply with the current zoning regulations at the time of development. The

	regulations require that buildings be designed in consideration of adjacent land uses and design. This will ensure conservation of the value of buildings within the jurisdiction.
--	--

STAFF RECOMMENDATION: Staff recommends approval of an Ordinance for East Helena Zoning Ordinance Text Amendments to amend Chapter 3 to add Section 3.8 – Rose Hills Planned Unit Development and associated districts and development standards.

Staff recommends approval of the East Helena Land Use Map Amendment to designate the property to be known as the Rose Hills Major Subdivision from “Industrial District” to “Rose Hills Planned Unit Development” pursuant to Chapter 12 of the Zoning Ordinance for the City of East Helena, the parcels included are legally described as That portion of the NW1/4 lying North and West of Highway 262 and South of the Rail Road Right of Way and that portion of the NW1/4SW1/4 lying North and West of Highway 282 in Section 36, Township 10 North, Range 3 West, M.P.M., Lewis and Clark County, Montana. (Ref: Book 12 Deeds, page 207, Book 61 Deeds, page 103, Book 219 Deeds, page 447 and Book 219 Deeds, page 116) EXCEPTING THEREFROM the property shown on Certificate of Survey filed under Doc. No. 3254919, deeded to the City of East Helena by M Book 48 of Records, page 2428, Lewis and Clark County, Montana.

No public comment has been received by the Zoning Administrator at the time of finalizing this staff report as it relates to this zoning request.

Attachments:

- 1) Draft Text Amendment Ordinance
- 2) Draft Rose Hills Planned Unit Development Regulations
- 3) Applicants Zoning Map
- 4) Draft Zone Map Amendment Ordinance
- 5) Rose Hills Plat
- 6) Rose Hills Project Visualizations

Attachment 1
Draft Text Amendment Ordinance
Proposed District Regulation Language

ORDINANCE NO. _____

**AN ORDINANCE OF THE
CITY COUNCIL OF EAST HELENA, MONTANA,
ADOPTING AMENDMENTS TO THE ZONING ORDINANCE TO ADD ROSE HILLS
PLANNED UNIT DEVELOPMENT REGULATIONS TO CHAPTER 3.**

WHEREAS, **Helena Area Habitat for Humanity**, the owner of the following-described property, has requested that the City of East Helena pass an ordinance, pursuant to East Helena Zoning Ordinance, for:

Text amendments to the Zoning Ordinance to include development standards identified as Section 3.8 – Rose Hills Planned Unit Development which would apply to the following parcels legally described as That portion of the NW1/4 lying North and West of Highway 262 and South of the Rail Road Right of Way and that portion of the NW1/4SW1/4 lying North and West of Highway 282 in Section 36, Township 10 North, Range 3 West, M.P.M., Lewis and Clark County, Montana. (Ref: Book 12 Deeds, page 207, Book 61 Deeds, page 103, Book 219 Deeds, page 447 and Book 219 Deeds, page 116) EXCEPTING THEREFROM the property shown on Certificate of Survey filed under Doc. No. 3254919, deeded to the City of East Helena by M Book 48 of Records, page 2428., Lewis and Clark County, Montana; and

WHEREAS, the City of East Helena has adopted a growth policy per Resolution No. 551 on May 4, 2021, pursuant to 76-1-604, MCA; and

WHEREAS, the City of East Helena adopted the Zoning Ordinance on March 15, 2022 and it became effective on April 13, 2022; and

WHEREAS, the proposed Rose Hills Planned Unit Development Text Amendments have been properly submitted, reviewed, and noticed, in accordance with the procedures set forth in Chapter 13 of the Zoning Ordinance for the City of East Helena and Title 76-2-301, MCA; and

WHEREAS, the Zoning Commission held a public hearing on August 20, 2025, to receive and review all written and oral testimony on the text amendment;

WHEREAS, the Zoning Commission found that the proposed text amendments are consistent with the intent and purpose of the Zoning Ordinance and the East Helena Growth Policy;

WHEREAS, the Zoning Commission made a recommendation to the City Council to approve the zone map amendment; and

WHEREAS, the City Council held a public hearing on October 21, 2025, to receive and review all written and oral testimony on the zone map amendment; and

WHEREAS, the City Council found that the text amendment would be in compliance with the City of East Helena Growth Policy and would be in the public interest; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of East Helena, Montana, that:

Section 1

That the Zoning Ordinance for the City of East Helena, be amended as follows (see Attachment 1 for the complete language):

- Chapter 3 – Amendments to add Section 3.8 – Rose Hills Planned Unit Development.

Section 2

The effective date is thirty days after final adoption of this ordinance on second reading. This ordinance shall be in full force and effect on December 3, 2025.

INTRODUCED AND PASSED BY THE CITY COUNCIL OF EAST HELENA, MONTANA, ON FIRST READING, AT A REGULARLY CONVENED MEETING THEREOF HELD ON THE 21ST DAY OF OCTOBER, 2025.

Kelly Harris, Mayor

ATTEST:

Amy Thorngren, Town Clerk

PASSED, ADOPTED AND APPROVED BY THE CITY COUNCIL OF EAST HELENA, MONTANA, ON SECOND READING, AT A REGULARLY CONVENED MEETING THEREOF HELD ON THE 4TH DAY OF NOVEMBER, 2025.

Kelly Harris, Mayor

ATTEST:

Amy Thorngren, Town Clerk

**SECTION 3.# ROSE HILLS SUBDIVISION PLANNED UNIT DEVELOPMENT
RESIDENTIAL DISTRICT**

3.#.01 INTENT AND PURPOSE.

The intent and purpose of the district is to establish standards within Rose Hills Subdivision that are primarily residential in character and to set forth certain minimum standards for development. There is a rebuttable presumption that the uses set forth for the district will be compatible with each other when the standards of this title are met, and any applicable conditions of approval have been satisfied.

3.#.02 AUTHORIZED USES.

A. Permitted uses.

Day Care Center (Licensed by DPHHS with 12 or fewer children)
Dwelling, single household
Dwelling, two-household
Park, public and private

B. Accessory uses.

Fencing
Garage, domestic (private and noncommercial)
Greenhouse, domestic (private and noncommercial)
Home based business (as allowed in Chapter 8)
Other buildings and structures typically accessory to authorized uses
Parking, domestic (private, noncommercial, and 1.5 ton or less)
Sign, subject to this title
Tool shed, domestic (private and noncommercial)

3.#.03 PHYSICAL STANDARDS.

A. Lot Coverage.

1. Maximum lot coverage by principal and accessory buildings shall be not more than 70 percent of the lot area.

B. Lot Area. These lot areas are cumulative, and these minimums assume a lack of development constraints.

1. Lots for all uses shall have no minimum lot area.

C. Lot Width.

1. Lots for all uses shall have a minimum lot width of 18 feet.

D. Yards.

1. Front yard setback: 5 feet
2. Rear yard setback: 6 feet
3. Side yard setback: 0 feet

E. Building Height.

1. Maximum building height shall be 42 feet.

F. Parking.

1. One off-street, paved parking space shall be provided for each dwelling unit.
2. One off-street, paved parking space shall be provided for each 1,000 square feet of floor area for all other uses

**SECTION 3.# ROSE HILL SUBDIVISION PLANNED UNIT DEVELOPMENT
NEIGHBORHOOD BUSINESS DISTRICT**

3.#.01 INTENT AND PURPOSE.

The intent and purposes of the commercial zoning districts are to establish areas within Rose Hills Subdivision that are primarily of neighborhood business use in character and to set forth certain minimum standards for development within those areas. There is a rebuttable presumption that the uses set forth for each district will be compatible with each other both within the individual districts and to adjoining zoning districts when the standards of this title are met and any applicable conditions of approval have been satisfied.

3.#.02 AUTHORIZED USES.

The uses listed are deliberately broad and some are given special definitions in this title. The intent of this method is to provide general guidance for uses while allowing the unique needs and circumstances of each proposal to be specifically addressed through the review process. Some uses are the subject of special regulations contained in this title.

A. Permitted uses.

- Ambulance service
- Arts and entertainment center
- Banks and other financial institutions
- Community centers
- Community residential facility
- Convenience uses, with fuel sales
- Day care centers (licensed by DPHHS)
- Dwelling, single household
- Dwelling, two-household
- Dwelling, three-or more households
- Essential services (Type I)
- Extended-stay lodgings
- Health and exercise establishments
- Hospitals
- Hotel or motel
- Laundry, dry cleaning
- Medical and dental clinics
- Museum
- Nursing homes
- Offices, as defined in this title
- Park, public and private
- Personal services, as defined in this title
- Pet grooming shop
- Printing offices and publishing establishments
- Public buildings
- Restaurants
- Retail (excluding adult business & casinos)
- Sales of alcohol for on premise consumption
- Technology research establishments

B. Conditional uses.

- Amusement and recreational facilities
- Business, technical, or vocational school
- Bus terminals
- Food processing facilities
- Mortuary
- Research laboratories
- Truck repair, washing, and fueling facilities
- Warehousing
- Warehousing, residential storage (mini warehousing)
- Wholesale distributors with on premise retail outlets, providing warehousing is limited to commodities which are sold on the premises

C. Prohibited uses.

- Adult business
- Casino or any type of casino type gaming
- Crematorium
- Essential Services (Type II)
- Industrial
- Junk salvage or automobile reduction/salvage
- Outside storage
- Production manufacturing or generation facilities (electric and gas)
- Production, manufacturing, and wholesale distribution of medical or recreational marijuana including growing facilities
- Sales of medical or recreational marijuana
- Solid waste transfer station

D. Accessory uses.

- Fencing
- Other buildings and structures typically accessory to permitted uses:
- Refuse and recycling containers
- Sign, subject to this title

3.#.03 PHYSICAL STANDARDS.

A. Lot Coverage.

1. The entire lot, exclusive of required yard setbacks and parking, may be occupied by principal and accessory buildings.

B. Lot Area. These lot areas are cumulative, and these minimums assume a lack of development constraints.

1. Lots for all uses shall have no minimum lot area.

C. Lot Width.

1. Lots for all uses shall have a minimum lot width of 18 feet.

D. Yards.

1. Buildings:
 - a. Front yard setback - 0 feet
 - b. Rear yard setback - 0 feet
 - c. Side yard setback - 0 feet
2. Parking and loading areas:
 - d. Front yard setback - 5 feet

- e. Rear yard setback - 0 feet
 - f. Side yard setback - 0 feet and 5 feet adjacent to a street right-of-way.
- 3. The purpose of differentiated yard setback requirements is to encourage the placement and development of buildings in a manner to address the street and adjacent pedestrian activity and encourage a vigorous and diverse streetscape.
- E. Building Height.
 - 1. Maximum building height shall be 60 feet.
- F. Parking.
 - 1. One off-street, paved parking space shall be provided for each 1,000 square feet of floor area.

Attachment 2
Applicants Zoning Map
Draft Zone Map Amendment Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE
CITY COUNCIL OF EAST HELENA, MONTANA,
AMENDING THE EAST HELENA LAND USE MAP BY
AMENDING THE ZOING DISTIRCT FROM INDUSTRIAL DISTRICT TO ROSE
HILLS PLANNED UNIT DEVELOPMENT ON LOTS LEGALLY DESCRIBED AS
THAT PORTION OF THE NW1/4 LYING NORTH AND WEST OF HIGHWAY 262
AND SOUTH OF THE RAIL ROAD RIGHT OF WAY AND THAT PORTION OF THE
NW1/4SW1/4 LYING NORTH AND WEST OF HIGHWAY 282 IN SECTION 36,
TOWNSHIP 10 NORTH, RANGE 3 WEST, M.P.M., LEWIS AND CLARK COUNTY,
MONTANA. (REF: BOOK 12 DEEDS, PAGE 207, BOOK 61 DEEDS, PAGE 103, BOOK
219 DEEDS, PAGE 447 AND BOOK 219 DEEDS, PAGE 116) EXCEPTING
THEREFROM THE PROPERTY SHOWN ON CERTIFICATE OF SURVEY FILED
UNDER DOC. NO. 3254919, DEEDED TO THE CITY OF EAST HELENA BY M BOOK
48 OF RECORDS, PAGE 2428., LEWIS AND CLARK COUNTY, MONTANA.**

WHEREAS, **Helena Area Habitat for Humanity**, the owner of the following-described property, has requested that the City of East Helena pass an ordinance, pursuant to East Helena Zoning Ordinance, to:

Change the designation of Industrial District to Rose Hills Planned Unit Development for the parcels legally described as That portion of the NW1/4 lying North and West of Highway 262 and South of the Rail Road Right of Way and that portion of the NW1/4SW1/4 lying North and West of Highway 282 in Section 36, Township 10 North, Range 3 West, M.P.M., Lewis and Clark County, Montana. (Ref: Book 12 Deeds, page 207, Book 61 Deeds, page 103, Book 219 Deeds, page 447 and Book 219 Deeds, page 116) EXCEPTING THEREFROM the property shown on Certificate of Survey filed under Doc. No. 3254919, deeded to the City of East Helena by M Book 48 of Records, page 2428, Lewis and Clark County, Montana.; and

WHEREAS, the City of East Helena adopted the Zoning Ordinance on March 15, 2022 and it became effective on April 13, 2022; and

WHEREAS, the Zone Map Amendment has been properly submitted, reviewed, and noticed, in accordance with the procedures set forth in Chapter 12 of the Zoning Ordinance for the City of East Helena Montana and Title 76-2-301, MCA; and

WHEREAS, the Zoning Commission held a public hearing on August 20, 2025, to receive and review all written and oral testimony on the zone map amendment;

WHEREAS, the Zoning Commission found that the proposed zone map amendment is consistent with the intent and purpose of the Zoning Ordinance and the East Helena Growth Policy;

WHEREAS, the Zoning Commission has reviewed and considered the nine zone change criteria established in Section 76-2-304, MCA, and found the zone map amendment to be in compliance with the nine criteria; and

WHEREAS, the Zoning Commission made a recommendation to the City Council to approve the zone map amendment; and

WHEREAS, the City Council held a public hearing on October 21, 2025, to receive and review all written and oral testimony on the zone map amendment; and

WHEREAS, the City Council found that the proposed zone map amendment is consistent with the intent and purpose of Zoning Ordinance; and

WHEREAS, the City Council has reviewed and considered the nine zone change criteria established in Section 76-2-304, MCA, and found the zone map amendment to be in compliance with the nine criteria; and

WHEREAS, the City Council found that the zone map amendment would be in compliance with the City of East Helena Growth Policy and would be in the public interest; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of East Helena, Montana, that:

Section 1

That the above described property is hereby granted a change in zoning designation from Industrial District to Rose Hills Planned Unit Development for the parcels legally described as That portion of the NW1/4 lying North and West of Highway 262 and South of the Rail Road Right of Way and that portion of the NW1/4SW1/4 lying North and West of Highway 282 in Section 36, Township 10 North, Range 3 West, M.P.M., Lewis and Clark County, Montana. (Ref: Book 12 Deeds, page 207, Book 61 Deeds, page 103, Book 219 Deeds, page 447 and Book 219 Deeds, page 116) EXCEPTING THEREFROM the property shown on Certificate of Survey filed under Doc. No. 3254919, deeded to the City of East Helena by M Book 48 of Records, page 2428, Lewis and Clark County, Montana.

Section 2

The effective date is thirty days after final adoption of this ordinance on second reading. This ordinance shall be in full force and effect on December 3, 2025.

INTRODUCED AND PASSED BY THE CITY COUNCIL OF EAST HELENA, MONTANA, ON FIRST READING, AT A REGULARLY CONVENED MEETING THEREOF HELD ON THE 21ST DAY OF OCTOBER, 2025.

Kelly Harris, Mayor

ATTEST:

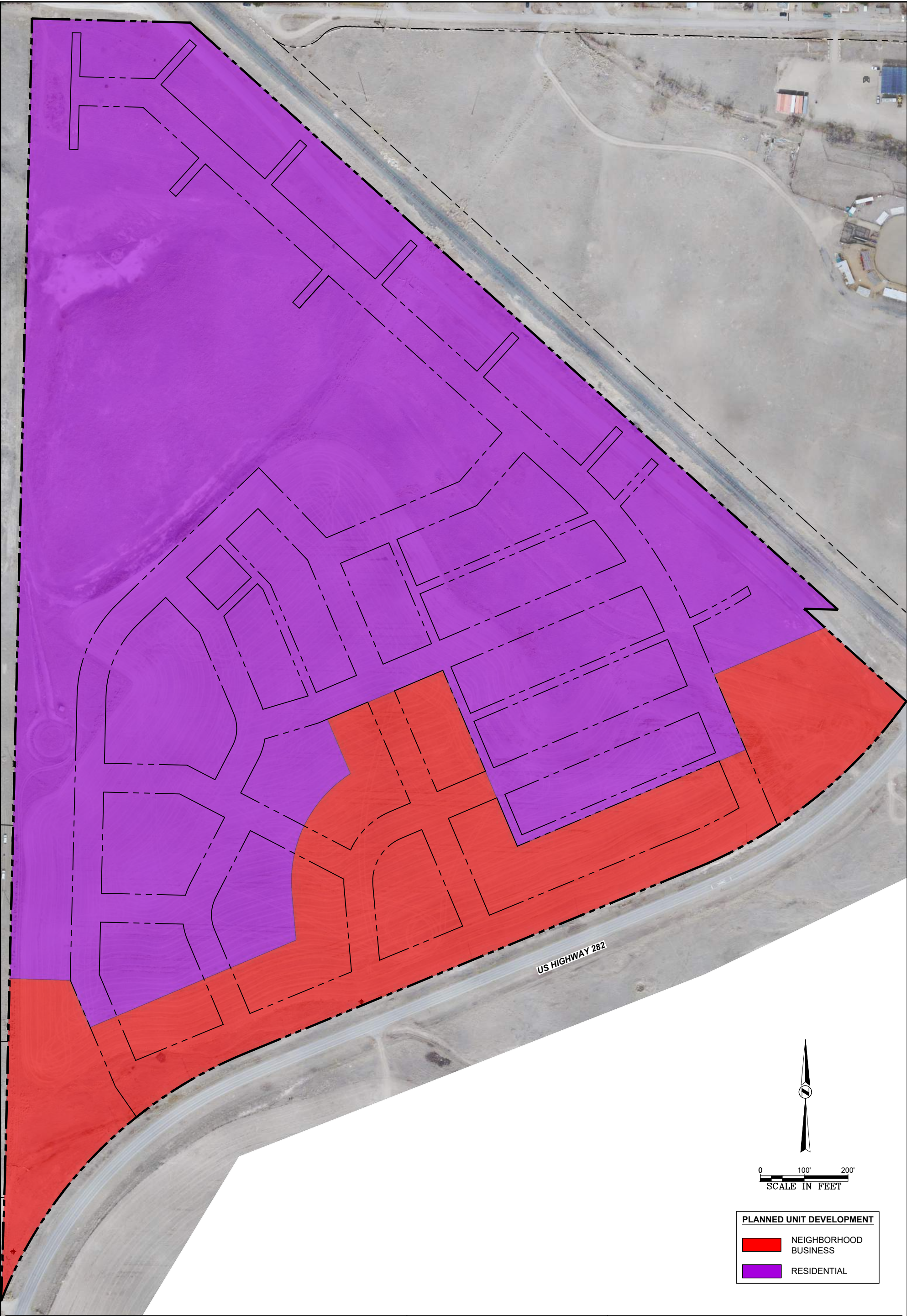
Amy Thorngren, Town Clerk

PASSED, ADOPTED AND APPROVED BY THE CITY COUNCIL OF EAST HELENA, MONTANA, ON SECOND READING, AT A REGULARLY CONVENED MEETING THEREOF HELD ON THE 4TH DAY OF NOVEMBER, 2025.

Kelly Harris, Mayor

ATTEST:

Amy Thorngren, Town Clerk

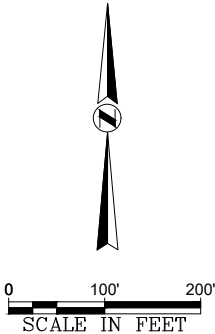


Attachment 3
Rose Hills Plat
Project Visuals and Exhibits



PHASING SCHEDULE

PHASE	DATE	LOTS	EDU
1	2026	112	136
2	2027	18	28
3	2028	71	65
4	2029	50	47
5	2030	51	74
TOTAL		302	350

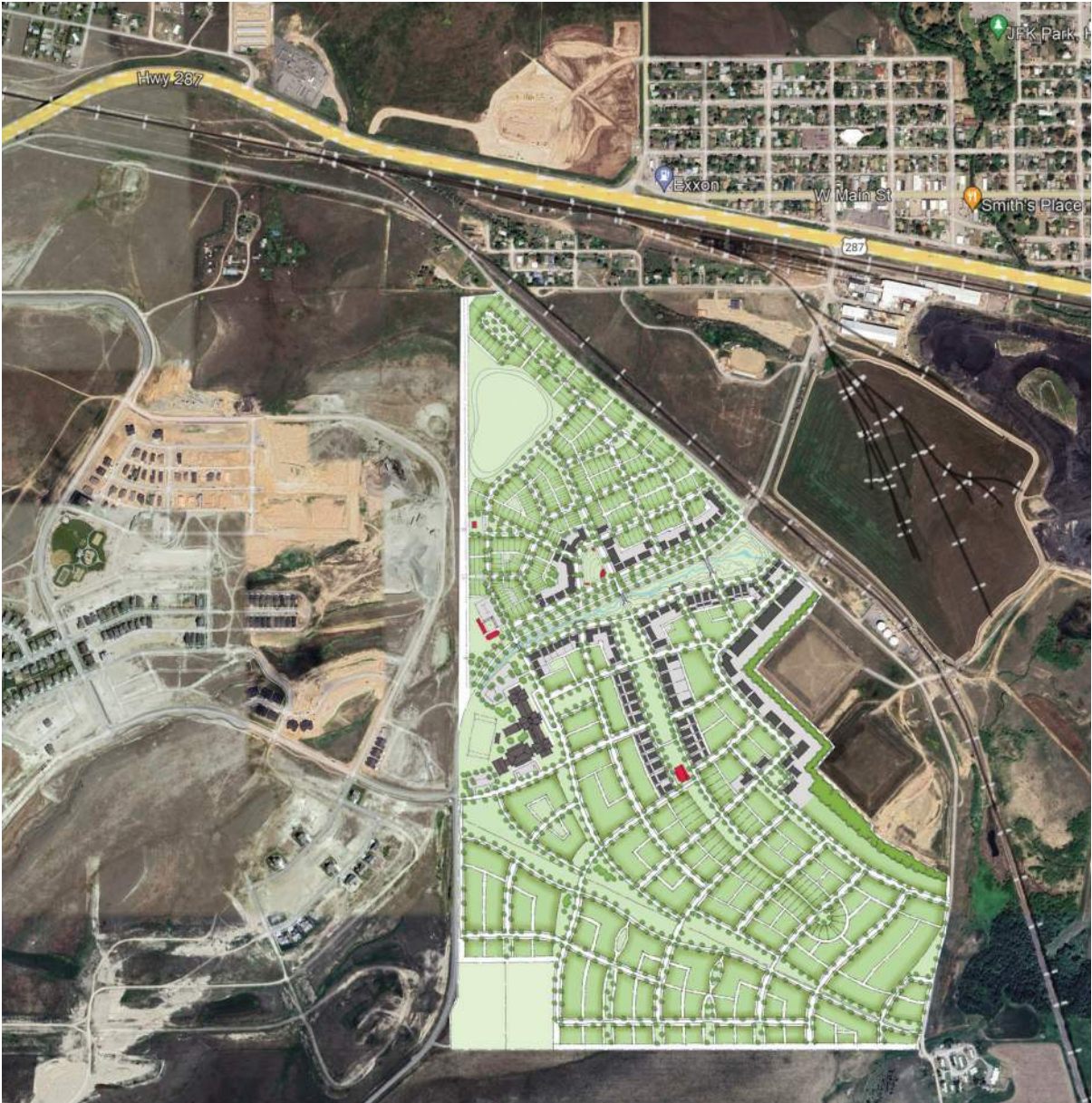




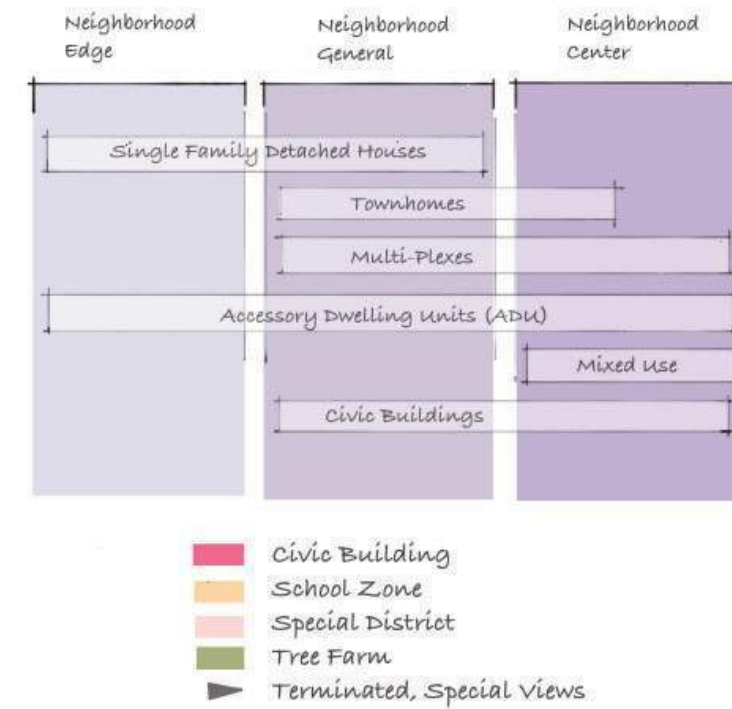




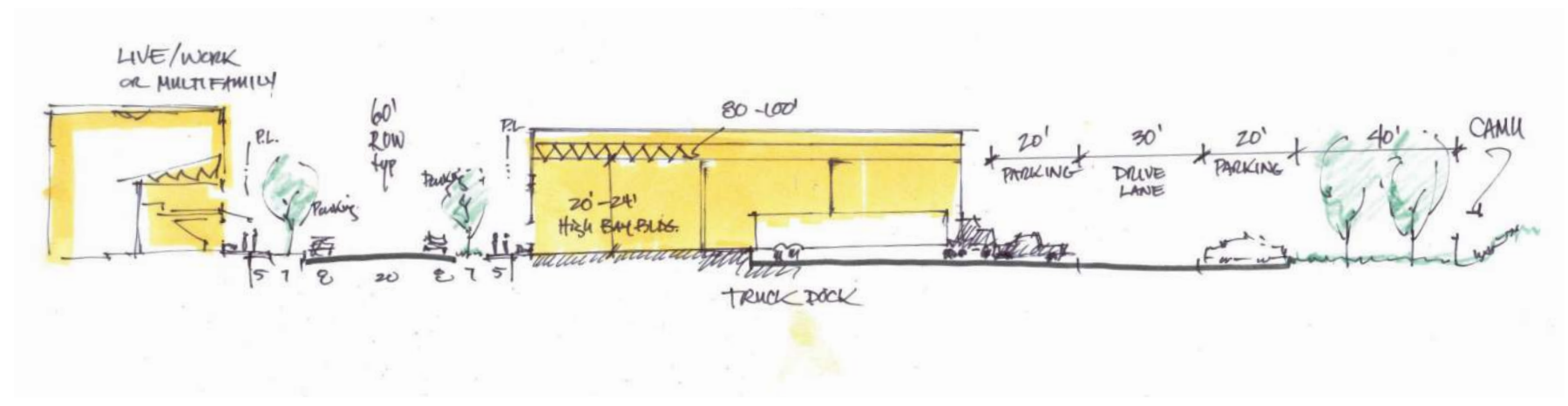
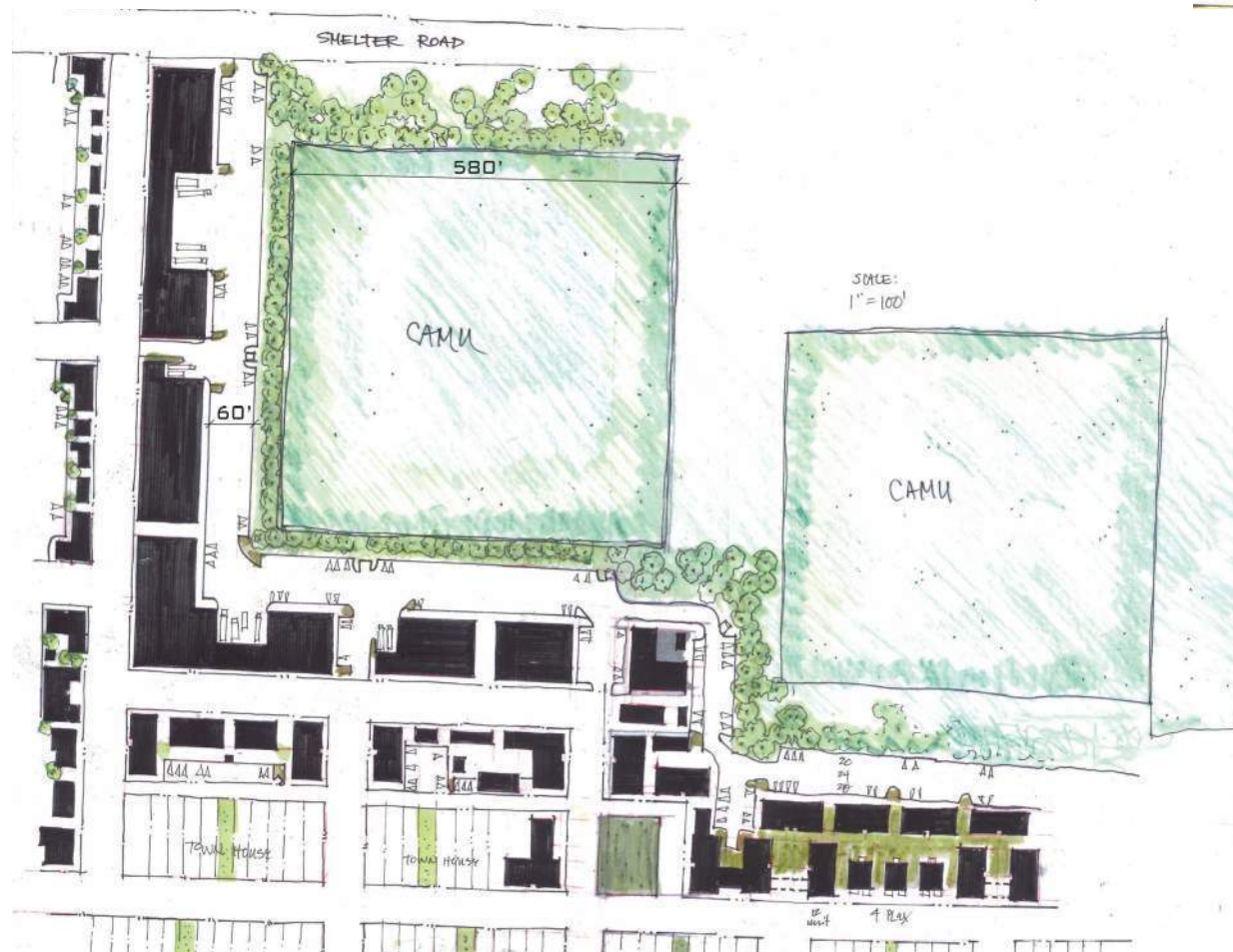
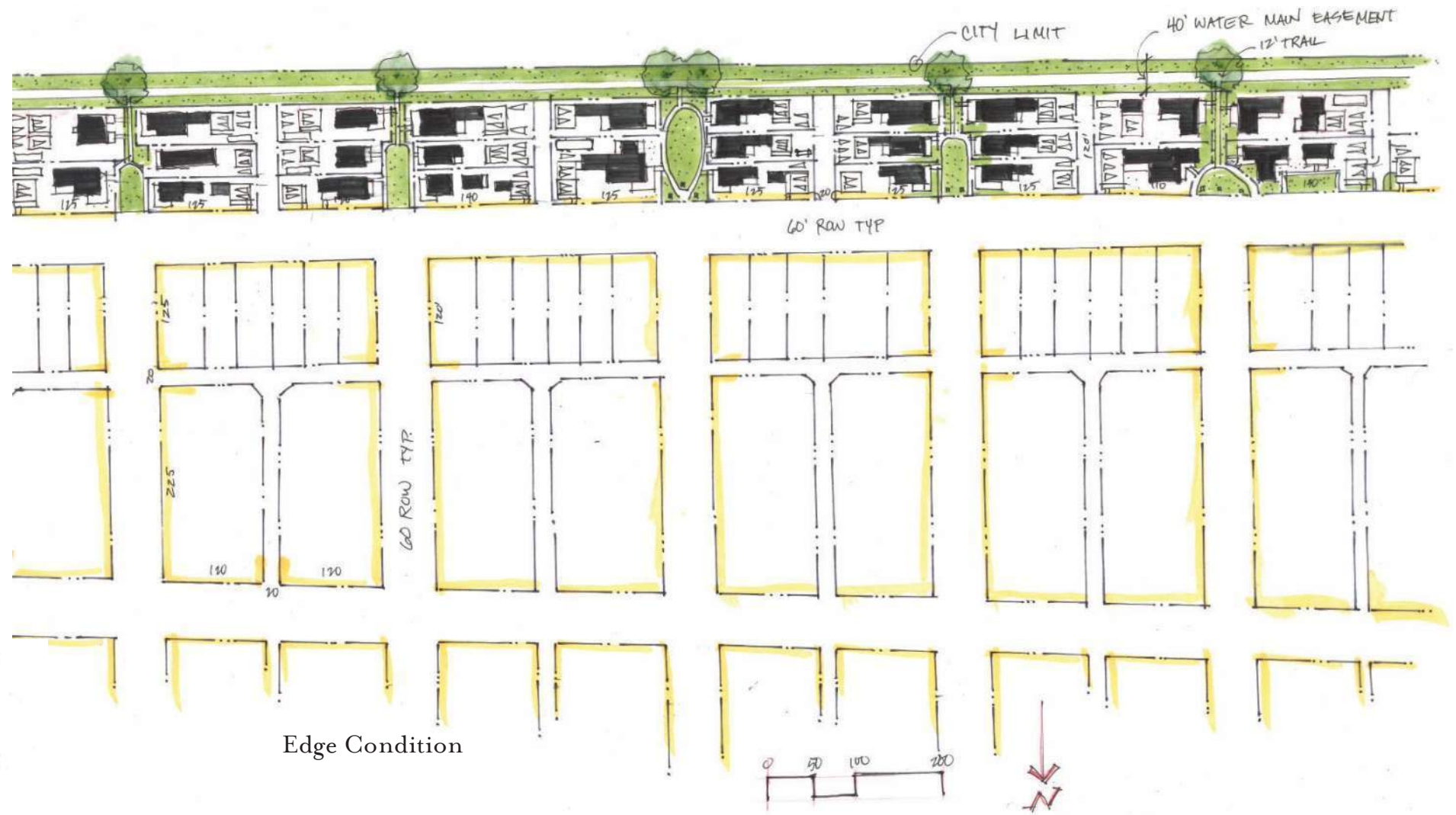
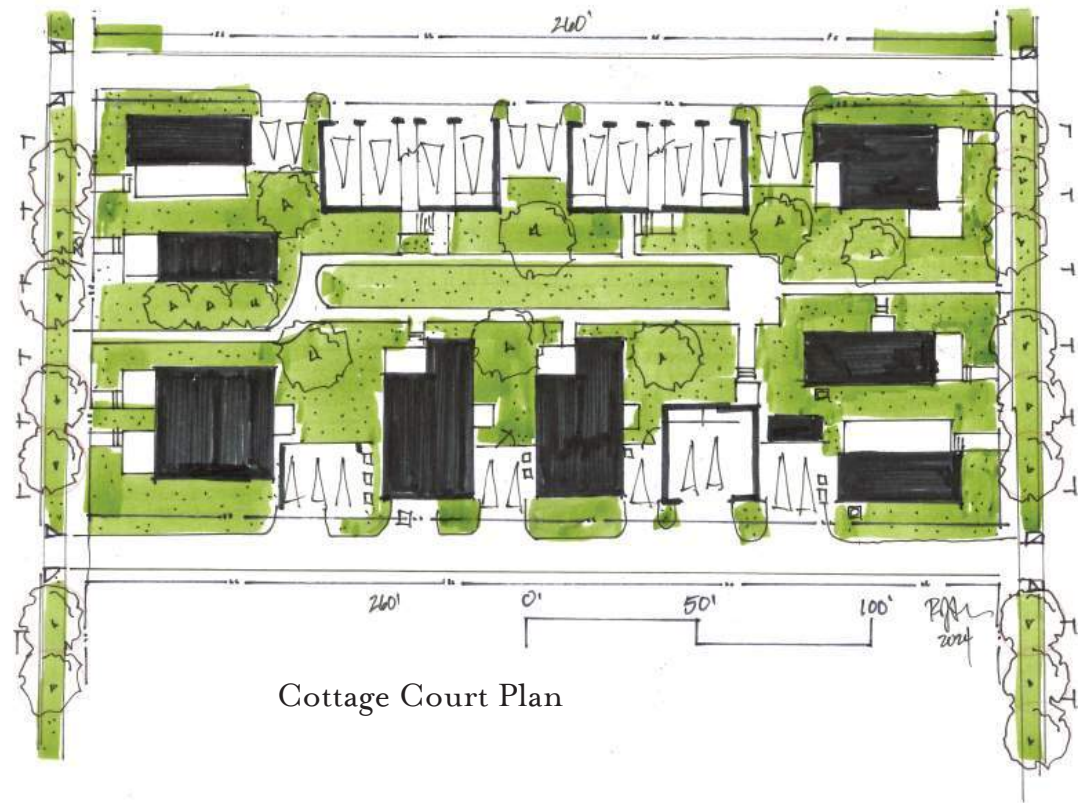
Area Map with Site Included



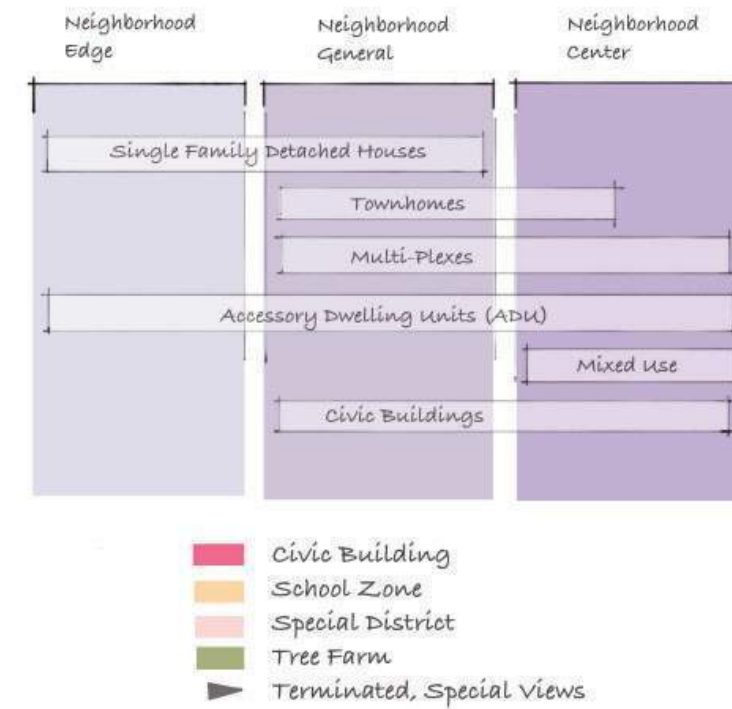
Area Map Enlarged



Regulating Masterplan







Regulating Masterplan



★ Highlighted area on map is location of image



Town Center Green—*Looking Northwest*

Building Types Depicted



Commercial/Residential



Commercial/Residential



Live-Work Commercial/Residential



Live-Work Commercial/Residential



★ Highlighted area on map is location of image



Townhome and Cottage Neighborhood—*Looking North*

Building Types Depicted



Cottage Home



Cottage Home



Cottage Home



Cottage Home



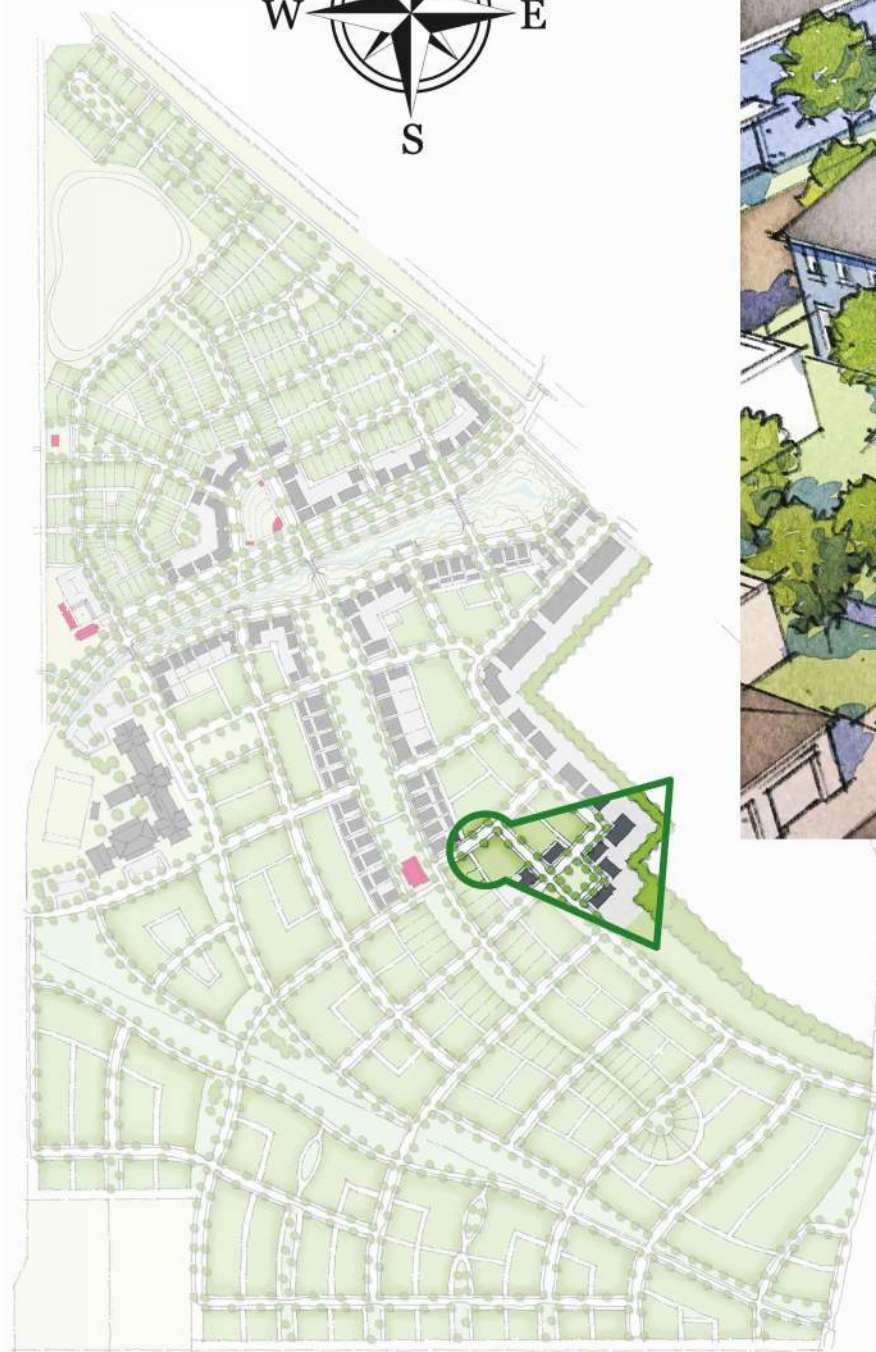
Townhomes



Townhomes



Multi-Family and Live-Work—*Looking North*



★ Highlighted area on map is location of image

Building Types Depicted



6-Plexes



Mixed Use



Live/Work Units



Townhomes



Townhome Lawn—*Looking East*



★ Highlighted area on map is location of image

Building Types Depicted



Townhomes



4-Plexes



4-Plexes



Townhomes



6-Plexes



★ Highlighted area on map is location of image



Single Family Neighborhood—*Looking Northeast*

Building Types Depicted



Single Family



Single Family



Single Family



Single Family Townhomes



Single Family Townhomes



Southern Acreage—*Looking Southeast*

Building Types Depicted



6-Plexes



8-Plexes



4-Plexes

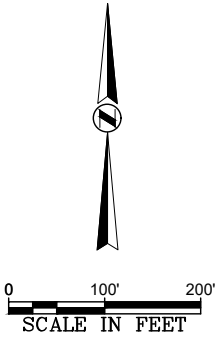
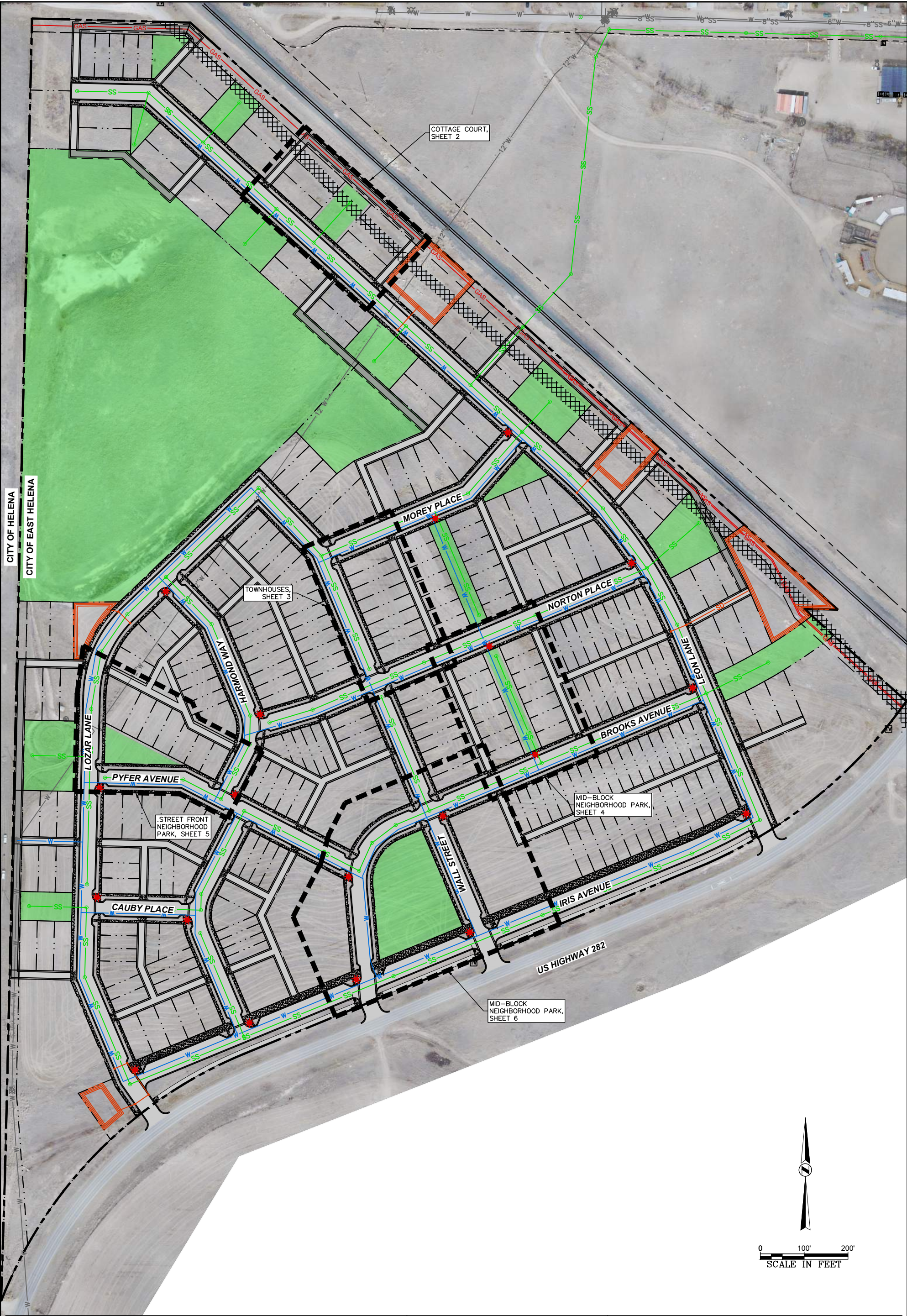


Duplexes



Townhomes

★ Highlighted area on map is location of image



NEIGHBORHOOD EXHIBIT

1 OF 6

ROSE HILLS SUBDIVISION

EAST HELENA, MONTANA

ISSUE/REVISION				
No.	DATE	DESCRIPTION	EOR	QCR

STAHLY ENGINEERING & ASSOCIATES

PROFESSIONAL ENGINEERS & SURVEYORS

www.stahlyeng.com

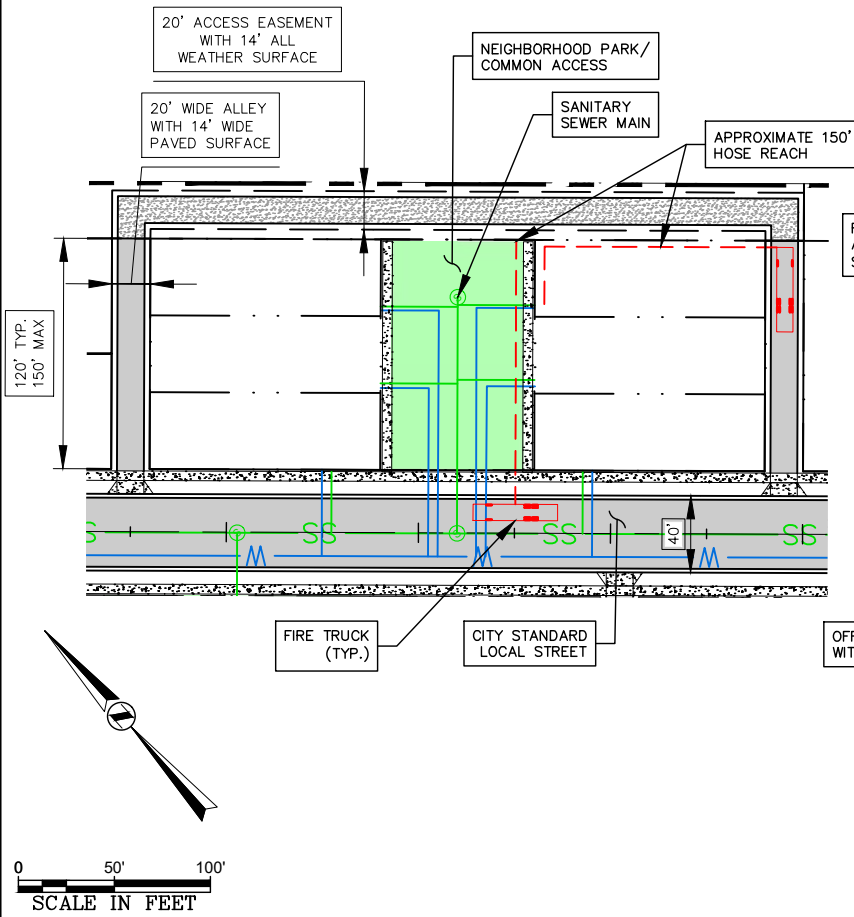
BILLINGS
Phone: (406) 680-14055

BOZEMAN
Phone: (406) 522-8528

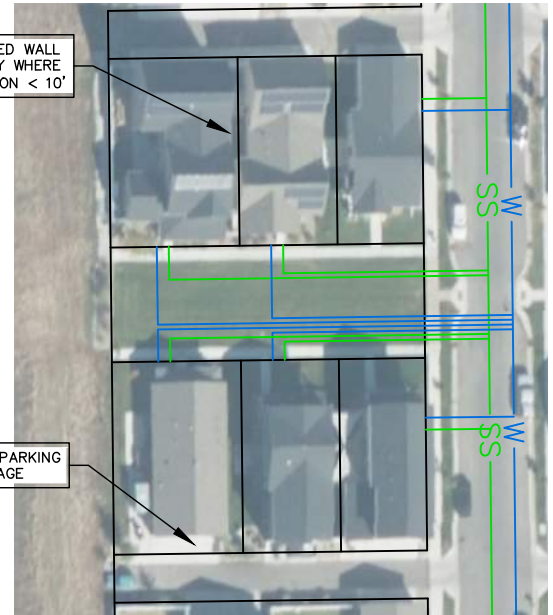
CODY
Phone: (307) 593-5341

GREAT FALLS
Phone: (406) 684-4644

HELENA
Phone: (406) 442-8594



AERIAL PHOTO EXAMPLE



- NOTE:
1. LOTS LINES APPROXIMATED FROM MONTANA CADASTRAL.
 2. WATER AND SANITARY SEWER UTILITIES APPROXIMATED FROM CITY OF BILLINGS.

STREETSCAPE PHOTO EXAMPLE



HOUSE FRONTAGE EXAMPLE



STAHLY ENGINEERING & ASSOCIATES

PROFESSIONAL ENGINEERS & SURVEYORS

www.seaeng.com

BILLINGS
Phone:(406)601-4055

CODY
Phone:(307)509-5541

BOZEMAN
Phone:(406)522-9526

GREAT FALLS
Phone:(406)604-4644

HELENA
Phone:(406)442-8594

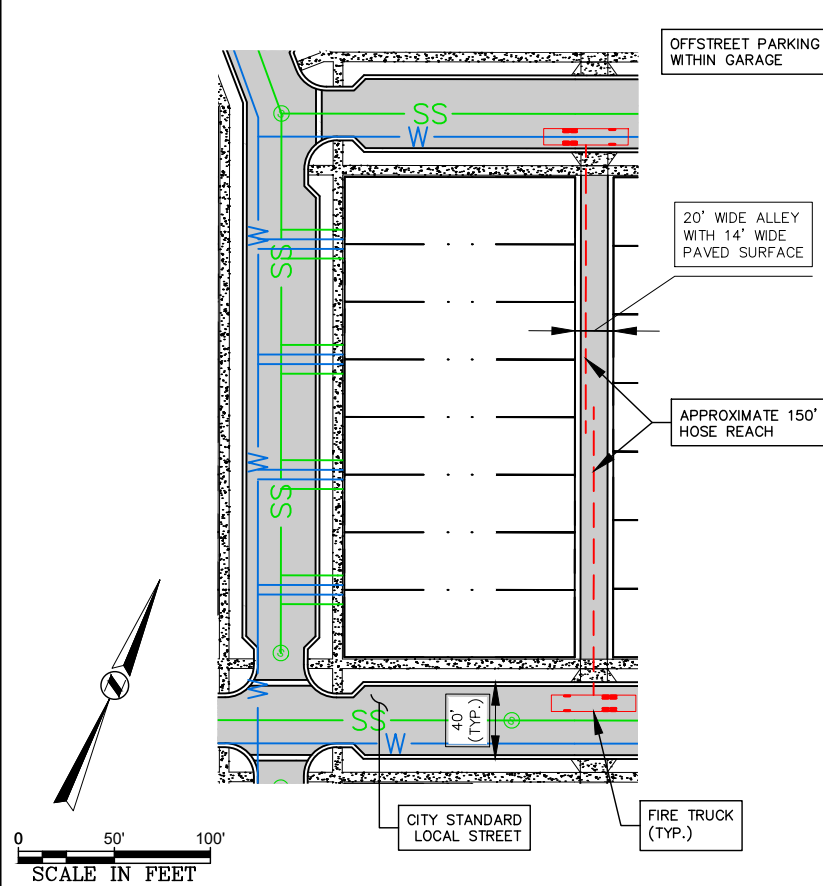
COTTAGE COURT EXHIBIT

ROSE HILLS
SUBDIVISON
EAST HELENA,
MONTANA

DESIGNED: GDW
DRAWN: JTF
CHECKED: GDW
DATE: 4.7.2025

SHEET
2 OF 6

AERIAL PHOTO EXAMPLE



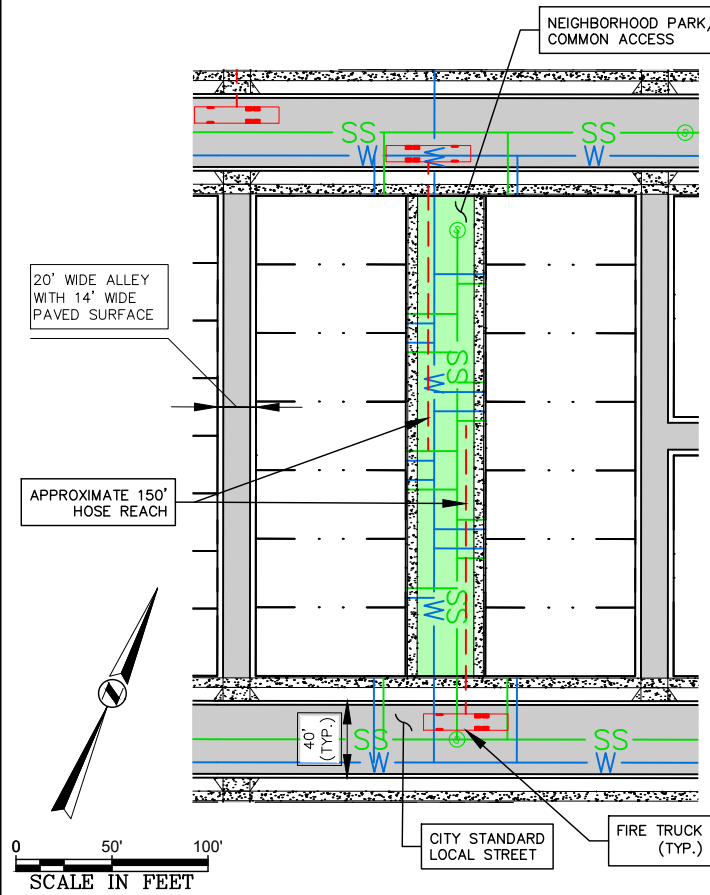
NOTE:
1. LOTS LINES APPROXIMATED FROM MONTANA CADASTRAL.
2. WATER AND SANITARY SEWER UTILITIES APPROXIMATED FROM CITY OF BILLINGS.

STREETSCAPE PHOTO EXAMPLE



TOWNHOME FRONTAGE EXAMPLE





FIRE RATED WALL
ASSEMBLY WHERE
SEPARATION < 10'

AERIAL PHOTO EXAMPLE



OFFSTREET PARKING
WITHIN GARAGE

NOTE:

1. LOTS LINES APPROXIMATED FROM MONTANA CADASTRAL
2. WATER AND SANITARY SEWER UTILITIES APPROXIMATED FROM CITY OF BILLINGS.

STREETSCAPE PHOTO EXAMPLE 1



STREETSCAPE PHOTO EXAMPLE 2



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PROFESSIONAL ENGINEERS & SURVEYORS

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BILLINGS
Phone:(406)601-4055

CODY
Phone:(307)509-5541

BOZEMAN
Phone:(406)522-9526

GREAT FALLS
Phone:(406)604-4644

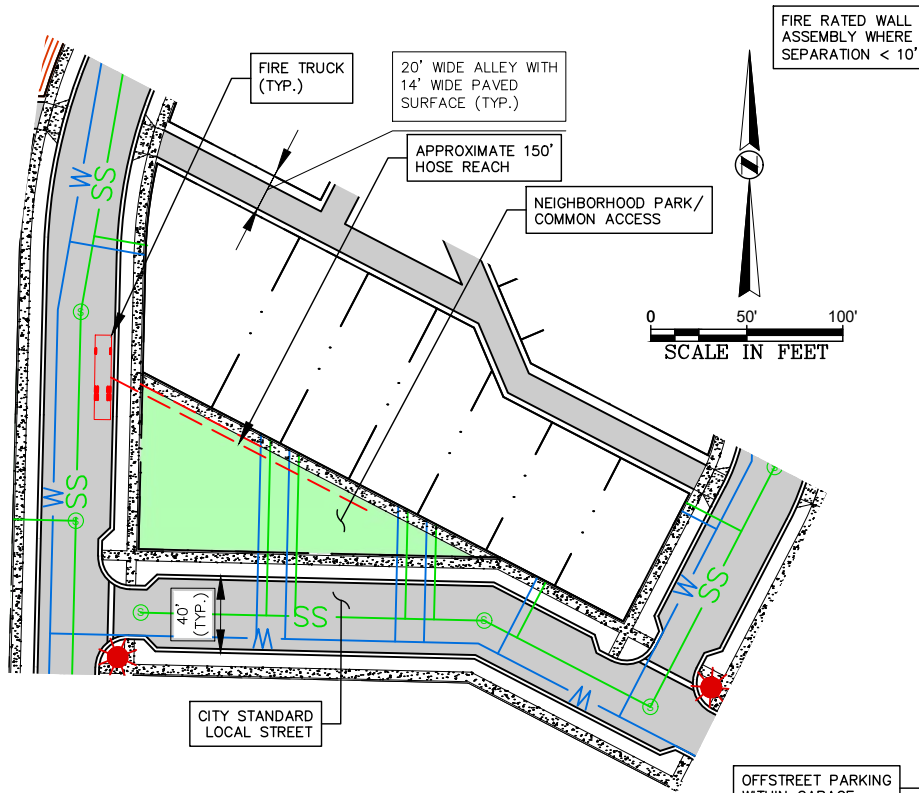
HELENA
Phone:(406)442-8594

**MIDBLOCK PARK
EXHIBIT**

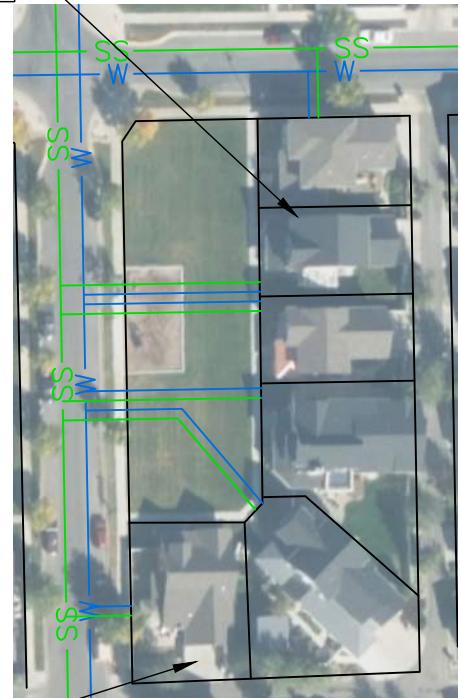
**ROSE HILLS
SUBDIVISION
EAST HELENA,
MONTANA**

DESIGNED: GDW
DRAWN: JTF
CHECKED: GDW
DATE: 4.7.2025

SHEET
4 OF 6



AERIAL PHOTO EXAMPLE



- NOTE:
1. LOTS LINES APPROXIMATED FROM MONTANA CADASTRAL.
 2. WATER AND SANITARY SEWER UTILITIES APPROXIMATED FROM CITY OF BILLINGS.



STREETSCAPE PHOTO EXAMPLE

AERIAL PHOTO EXAMPLE 2



STAHLY ENGINEERING & ASSOCIATES PROFESSIONAL ENGINEERS & SURVEYORS

BILLINGS
Phone:(406)601-4055

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CODY
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GREAT FALLS
Phone:(406)604-4644

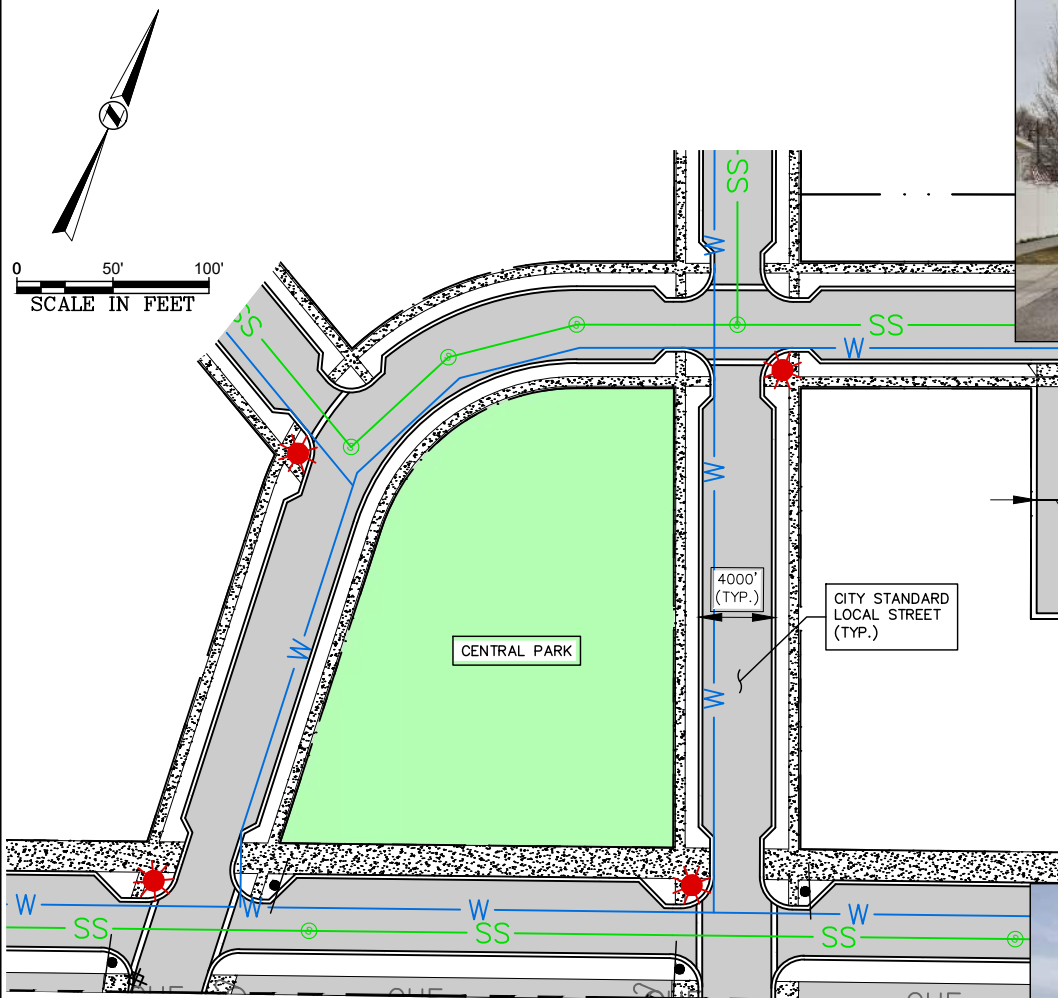
HELENA
Phone:(406)442-8594

FRONTAGE PARK EXHIBIT

ROSE HILLS
SUBDIVISION
EAST HELENA,
MONTANA

DESIGNED: GDW
DRAWN: JTF
CHECKED: GDW
DATE: 4.7.2025

SHEET
5 OF 6



**STREETSCAPE PHOTO
EXAMPLE 1**



**STREETSCAPE
PHOTO EXAMPLE 2**

STREETSCAPE PHOTO EXAMPLE 3



STREETSCAPE PHOTO EXAMPLE 4



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**NEIGHBORHOOD BUSINESS
EXHIBIT**

**ROSE HILLS
SUBDIVISION
EAST HELENA,
MONTANA**

DESIGNED: GDW
DRAWN: JTF
CHECKED: GDW
DATE: 4.7.2025

SHEET
6 OF 6

CITY OF EAST HELENA
306 E MAIN ST / PO BOX 1170
EAST HELENA, MT 59635
(406) 227-5321

ORIGINAL COUNCIL MEETING DATE: 10/21/2025

Agenda item:

Rose Hills Major Subdivision Application

From:

Helena Area Habitat for Humanity

Initiated by City: ☐ YES ☒ NO (check one)

Department:

Planning & Zoning

Presented by:

Zoning Officer Fadness

Action requested:

Approve/Deny/Table

PLEASE PROVIDE A NARRATIVE BACKGROUND OF THE PROPOSED AGENDA ITEM:

Attachment: Staff Report

Attachments: ☒ YES ☐ NO (check one)

Date submitted:

RECOMMENDATIONS:

Approve for agenda:

☐ YES

☐ NO

Initial:

Referred to Dept. Head for resolution:

☐ YES

☐ NO

Referred to _____:

☐ YES

☐ NO

Agenda requests must be submitted to East Helena City Hall by noon the Wednesday prior to the Tuesday council meeting.

**BEFORE THE
EAST HELENA CITY COUNCIL
EAST HELENA, MONTANA**

FINDINGS OF FACT AND ORDER

**IN THE MATTER OF THE APPLICATION OF HELENA AREA HABITAT FOR
HUMANITY FOR PRELIMINARY PLAT APPROVAL OF THE ROSE HILLS
MAJOR SUBDIVISION:**

PURSUANT to the Montana Subdivision and Platting Act, Section 76-3-101 through 76-3-614, Montana Codes Annotated, and the East Helena Subdivision Regulations, the East Helena Contract Planner and East Helena Planning Board reviewed the proposed preliminary plat for 307 lots as submitted by the Applicant, together with the required supplementary information, to determine if the information submitted meets the requirements of the Montana Subdivision and Platting Act and the East Helena Subdivision Regulations. Staff considered all submitted reports, exhibits, etc., and considered written comments.

THEREFORE, with completion of the review and the receipt of all public input Staff being fully advised of all matters presented to it regarding this application, Staff makes the following recommendations:

STAFF REPORT

ROSE HILLS MAJOR SUBDIVISION

September 19, 2025

To: East Helena Planning Board

From: Jeremy Fadness, AICP, WWC, East Helena Contract Planner

Subject: A proposed major subdivision Planned Unit Development, Preliminary Plat to be known as **Rose Hills Major Subdivision**

GENERAL INFORMATION

DATE OF APPLICATION: January 2, 2025
DATE OF INCOMPLETENESS: January 9, 2025 (5 working days)
DATE OF ADDITIONAL INFORMATION: January 10, 2025
DATE OF COMPLETENESS: January 17, 2025 (5 working days)
DATE OF INSUFFICIENCY: February 10, 2025 (15 working days from completeness)
DATE OF ADDITIONAL INFORMATION: May 7, 2025
DATE OF INSUFFICIENCY: May 23, 2025 (15 working days)
DATE OF ADDITIONAL INFORMATION: June 12, 2025
DATE OF SUFFICIENCY: July 1, 2025 (15 working days)
REVIEW PERIOD ENDS: October 23, 2025 (80 working days from Sufficiency)

PUBLIC MEETING DATES:

Planning Board Meeting – September 24, 2025 at 6:00 p.m.
City Council Meeting – October 21, 2025 at 6:30 p.m.

LEGAL NOTIFICATION: A legal advertisement was published in the Independent Record on September 6 and September 20, 2025. Adjacent property owners were notified by regular mail postmarked August 28, 2025. Affected agencies were notified on July 25, 2025. Legal ads and notifications are provided in Attachment A. We have received 5 agency responses to date and they are provided in Attachment B.

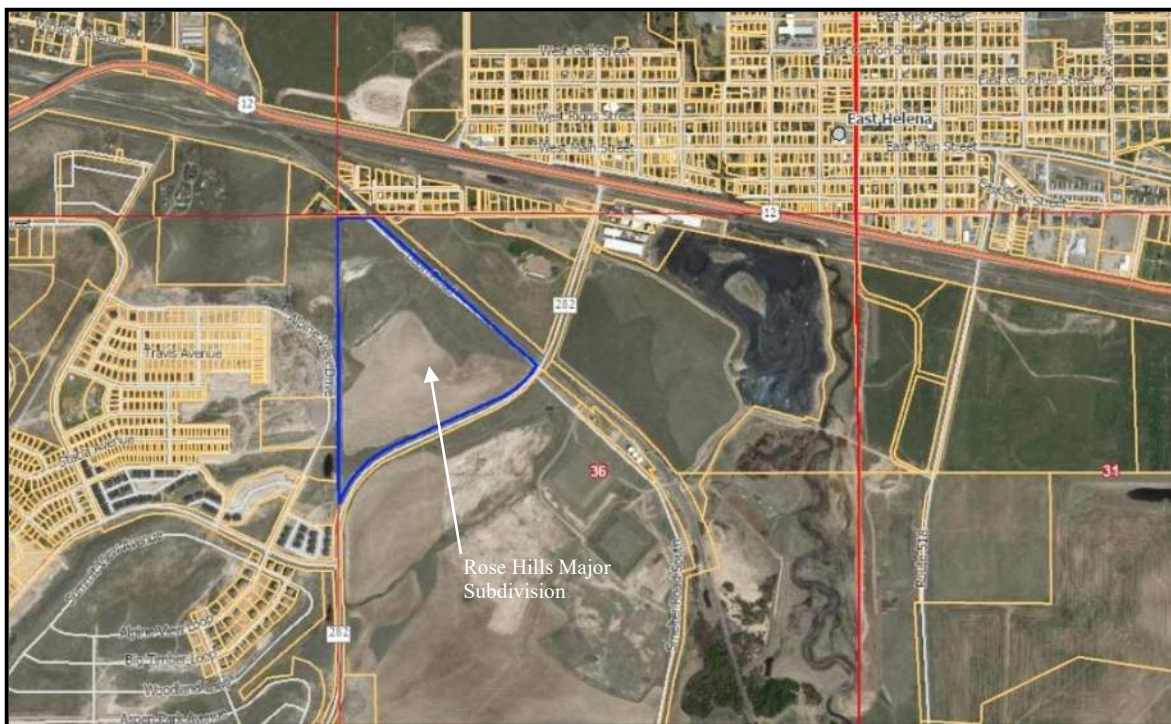
PROPERTY OWNER: Helena Area Habitat for Humanity
432 North Last Chance Gulch, Suite R
Helena, MT 59601

APPLICANT: Helena Area Habitat for Humanity
432 North Last Chance Gulch, Suite R
Helena, MT 59601

REPRESENTATIVE: Stahly Engineering
Greg Wirth
3530 Centennial Drive
Helena, MT 59601

LEGAL DESCRIPTION: That portion of the NW1/4 lying North and West of Highway 262 and South of the Rail Road Right of Way and that portion of the NW1/4SW1/4 lying North and West of Highway 282 in Section 36, Township 10 North, Range 3 West, M.P.M., Lewis and Clark County, Montana. (Ref: Book 12 Deeds, page 207, Book 61 Deeds, page 103, Book 219 Deeds, page 447 and Book 219 Deeds, page 116) EXCEPTING THEREFROM the property shown on Certificate of Survey filed under Doc. No. 3254919, deeded to the City of East Helena by M Book 48 of Records, page 2428, Lewis and Clark County, Montana.

GENERAL LOCATION: Located within the City of East Helena south of Highway 12 and west of Highway 282.



DESCRIPTION

PROPOSAL

The Applicant proposes to develop the Rose Hills Major Subdivision into three hundred and seven (307) lots from an existing 72.364-acre parcel of land. 248 lots are proposed for single and multi-family residential, 39 lots for mixed use residential and commercial, 15 for parkland, and 5 for city utilities. The applicant is proposing the project in five phases, Phase 1 would be completed in 2027 with each phase being completed each year after that with Phase 5 being completed in 2031. The minimum size lot reviewed is 2,526 square feet and the maximum size lot is Parkland Lot 307, Block 13 at 11.81 acres. The subdivision will be accessed by Highway 282 and ten new internal streets Lozar Street, Harmond Street, Wall Street, Leon Road, Wilson Avenue, Cauby Place, Pyfer Avenue, Brooks Avenue, Norton Avenue, and Morey Avenue. The applicant has proposed

parkland dedication to meet the parkland dedication requirements. The subdivision would be served by City water and sewer. The applicant has proposed onsite treatment of storm water via detention ponds. Prior to development, extensions of water and sewer mains and storm water treatment will be required to be reviewed and approved by the City of East Helena. The applicant has requested that the City sign a Municipal Facilities Exemption (MFE) for each phase of the subdivision and the MFE will be approved by DEQ and filed with the final plat. Further, water and sewer main extensions are required to be reviewed by DEQ prior to construction.

The required preliminary review fee of \$33,500 has been paid. Any remaining balance for review of the subdivision by the City of East Helena or their contract engineers will be paid prior to final plat approval. The Rose Hills Subdivision has been reviewed against the requirements of May 7, 2024 East Helena Subdivision Regulations

SUBDIVISION ANALYSIS

A preliminary plat, vicinity map, topographic map, and Flood Hazard Boundary map of the Rose Hills Subdivision have been provided. The Flood Hazard Boundary map indicates that the property is not within a delineated flood hazard area. There are no major drainage channels or drainage areas located within subdivision boundaries. There are a few areas within the subdivision boundary with slopes greater than 15%. Most of these areas are located within the large parkland lot which is the old city dump. The remaining portions are associated with an old road and pad that was used for a water tank that has been removed. The application indicates that these areas will be graded to provided suitable building areas prior to development of each lot.

ACCESS

The subdivision will be accessed by Highway 282 and ten new internal streets Lozar Street, Harmond Street, Wall Street, Leon Road, Wilson Avenue, Cauby Place, Pyfer Avenue, Brooks Avenue, Norton Avenue, and Morey Avenue. Highway 282 will provide primary access to the proposed subdivision. Highway 282 is currently a paved two-lane roadway along the east boundary of the property. The Traffic Impact Study (TIS) indicates that approximately 2,527 trips per day will be generated by the proposed subdivision. Existing traffic counts presented in the study indicate that Highway 282 had 1,771 average daily trips in 2024. The proposed subdivision would more than double the amount of traffic on Highway 282 at final build out of Phase 5.

The East Helena city engineer reviewed the submitted TIS as part of the application sufficiency review. As part of the review, the city engineer recommended that left turn lanes be installed along Highway 282 at each approach in order to mitigate public health and safety of the drivers due to the large curve located to the south of the property subdivision, sight distance due to the curve, as well as current posted speeds. The applicant has proposed the addition of left turn lanes on Highway 282 at each proposed new approach.

There are no pedestrian or bike facilities located along Highway 282 and none are currently proposed by either the city or the applicant. The application indicates that all streets will be constructed to City standards with boulevards and sidewalks on both sides of the street. A wider bike/pedestrian path will also be constructed along one side of Wilson Avenue. A sidewalk will also be constructed between Wilson Avenue and Highway 282 along the subdivision frontage. Each lot will be accessed by the proposed

streets and sidewalks. Internal pedestrian connectivity will be provided by construction of the proposed sidewalks.

WATER SUPPLY

The Rose Hills Subdivision will be served by City water. The application provides preliminary engineering plans and a preliminary engineering report that show the proposed layout for water extensions. There is an existing water transmission main that goes through the property from the existing City storage tank located to the south of the property. The proposed subdivision would reroute this existing main into the existing subdivision streets to provide water service to the subdivision. Based on the studies conducted by the City, a new water pressure zone will need to be established to provide adequate water flows and pressures to the proposed subdivision. This will require the installation of a new water storage tank. The applicant is currently working with the City on addressing this requirement, a condition of approval is included that requires that an agreement be in place for providing water service to the subdivision prior to Phase 1 final plat and all requirements of the agreement shall be implemented as required by the agreement. The applicant proposes to install an 8" PVC water main loop from the existing water mains. The water main is proposed to be looped throughout the proposed subdivision with fire hydrants at proposed intersections and a maximum spacing of 400-ft. The applicant will be required to submit water main extension plans to the City of East Helena and DEQ for review and approval prior to development of the lots. The preliminary report indicates that with the implementation of the new pressure zone fire flows should be more than 1,000 gallons per minute as required by fire code. All water infrastructure will be provided within street rights-of-way, within proposed utility easements, or within utility lots dedicated to the City of East Helena.

WASTEWATER TREATMENT

The Rose Hills Subdivision proposes to be served by City wastewater. A new lift station is proposed on Manlove that will serve this subdivision and future development in the area. The new lift station will pump wastewater to the existing gravity system and to the wastewater treatment system. The applicant has entered into an agreement with the city for construction of the new lift station. The city will construct the lift station and it will be installed prior to final plat of Phase 1. The proposed lift station will be fed from proposed gravity mains within each street right-of-way to collect wastewater from each lot then conveyed through a proposed gravity main south across the adjacent property to the south to the lift station. Any easement required for construction of the main across adjacent property will need to be secured prior to final plat of Phase 1. The City currently is getting close to capacity of the wastewater treatment plant. The City Engineer indicates that there are 334 EDUs of available capacity within the current treatment plant. This capacity is on a first come first serve basis and is allocated when engineering plans for each phase are submitted to the City for review and approval. Each phase will be reviewed independently to determine capacity. The City is currently working on plans and projects to increase the treatment plant capacity. It is anticipated that several future projects will increase capacity of the system to accommodate this and future developments. These improvements are anticipated to be completed by 2028 or 2029. Each phase will be required to show there is adequate capacity for treatment prior to final plat of each phase. Plans for the construction of the sewer main extensions will be submitted to the City of East Helena and DEQ for review and approval prior to construction.

STORM WATER

The application provides a proposed grading and drainage plan for the subdivision including road plans and proposed flow directions and street grades. The grading plan shows that storm water for the proposed subdivision will flow to the proposed streets and then routed to surface detention ponds located throughout the subdivision. Each phase will be provided with detention ponds and critical locations to treat storm water from that phase. The detention ponds will be permanent and located on utility lots that will be dedicated to the city for operation and maintenance of the ponds. The application indicates that each pond is designed to detain and treat storm water from a 25-year event in accordance with the City of East Helena Engineering Standards. The application indicates that all ponds will be designed with a maximum water depth of 3-ft with gradual side slopes. The plan shows that the required storm water treatment can be done on-site. The applicant will submit a final grading and drainage plan to the City of East Helena for review and approval prior to construction of the improvements for each phase.

The city will work with the applicant on each phase to ensure adequate access to each pond is provided for maintenance as well as ensuring that proper drainage in and out of each pond is provided to ensure that homes are not inundated by storm water from a large storm event.

SOLID WASTE

The Rose Hills Subdivision will be serviced by the City of East Helena for garbage collection and disposal. Each lot will be required to provide trash receptacles per City requirements. There are some alleys as well as carriage lanes (one-way roads) proposed within the subdivision. There will be a mix of trash collection locations with some within the streets on front load lots and some in alleys or carriage lanes. Each lot owner will be responsible for working with the City of East Helena for trash collection service.

PARKLAND

The applicant has proposed dedicating 17.44 acres of parkland to meet the parkland dedication requirements. The application indicates that 5.09 acres of parkland are required to be dedicated to meet the parkland requirements. The applicant has proposed dedicating park and open space lots throughout the subdivision to satisfy the parkland requirements. The application indicates that the proposed parkland dedication would satisfy the parkland requirements for all phases of the subdivision. The applicant has not proposed any improvements to the parkland as part of the proposed subdivision.

There are concerns from staff with the proposed parkland dedication proposal. Many of the proposed lots are small and located between buildings and would be considered pocket parks. These may be difficult to develop and maintain for the city. The larger central park located in Phase 5 would be a good location for a small neighborhood park. The largest open space lot located in Phase 4 at 12.49 acres is the location of the old city dump and most of it is steep. This is a large area for the city to maintain without the ability to develop into fields, playgrounds, etc. There could be walking trails constructed and other surface amenities, but the majority would be open space. It is recommended that a more thorough parkland dedication plan be submitted to the City for review and approval by the Council prior to final plat of Phase 1 that addresses how each space can be developed to serve the proposed subdivision and analyzes potential maintenance costs to the City.

CULTURAL RESOURCES

A determination by the State Historic Preservation Office was provided with the application. The determination identified two historic railroads, one mammal fossil, a historic smelter, and two historic residences. None of these identified sites appear to be within the project area and will not be disturbed by the project.

PHASING

The applicant is proposing to final plat the proposed subdivision in 5 phases. The application includes a phasing schedule and plan showing each phase as a standalone phase. The application proposed final platting Phase 1 in 2026 and completing Phase 5 by 2030. After reviewing the infrastructure needs prior to Phase 1, the applicant has requested to final plat Phase 1 by the end of 2027 with a phase per year until Phase 5 is final platted in 2031.

Phase	Year Final Platted	Description
1	2027	112 lots and legal and physical access to all lots. Water mains and services to serve the lots, sewer mains and services to serve the lots, the lift station and force main, pressure zone infrastructure as required by the city, and storm water conveyance and detention. Temporary secondary access will be constructed from the end of each east/west route down to Highway 282 to provide for secondary access to the phase. This will be located in the location of future streets with subsequent phases. A temporary cul-de-sac will be constructed on the end of Leon Road that will be removed with the subsequent phase. Several parkland land dedicated lots and utility lots are proposed throughout the phase.
2	2028	18 lots and legal and physical access to all lots. Water mains and services to serve the lots, sewer mains and services to serve the lots, and storm water conveyance and detention. The emergency access proposed with Phase 1 will connect to new construction of Wall Street. No parkland or utility lots are proposed with Phase 2
3	2029	71 lots and legal and physical access to all lots. Water mains and services to serve the lots, sewer mains and services to serve the lots, and storm water conveyance and detention. Several parkland land dedicated lots and utility lots are proposed throughout the phase.
4	2030	50 lots and legal and physical access to all lots. Water mains and services to serve the lots, sewer mains and services to serve the lots, and storm water conveyance and detention. Several parkland land dedicated lots and utility lots are proposed throughout the phase.
5	2031	51 lots and legal and physical access to all lots. Water mains and services to serve the lots, sewer mains and services to serve the lots, and storm water conveyance and detention. Several parkland land dedicated lots and utility lots are proposed throughout the phase.

Each phase has been planned so that each phase is independent and does not rely on infrastructure for a future phase. For example, Phase 1 can be completed on its own and does not rely on infrastructure to be installed with Phase 2.

Staff have concerns with the proposed temporary access roads proposed with Phase 1. The roads are proposed as gravel access roads and are not intended to be permanent. Staff have concerns that if the subdivision is not completed these temporary accesses would become permanent. Staff recommend that the subdivider be required to financially guarantee that these temporary accesses at a minimum are constructed to a 24-ft top width and paved. This way if the subdivision is not completed the subdivider would be required to widen and pave the temporary accesses to be permanent.

The application does not provide a detailed plan of what items would be constructed with each phase prior to final plat and what would be financially guaranteed. The East Helena Subdivision Regulations Chapter 5 Section 2.b.12 requires that at a minimum water and sanitary sewer mains shall be installed; water and sewer services into all lots within the subdivision shall be installed; all storm water infrastructure shall be installed; the roads shall be installed to a minimum of the top of the base course gravel; and all other required improvements shall be financially guaranteed and the subdivider shall enter into a subdivision improvements agreement with the City for installation of remaining infrastructure. The applicant is proposing that sidewalk adjacent to all lots be constructed by the lot owner with zoning and building permits. The developer would construct sidewalks along lots proposed to be dedicated to the city or any common or open space lots.

EVALUATION CRITERIA

PRESENT LAND USE

The existing land use of the subject property is vacant/open space. There is an existing city water main running through the property. The site has been previously used for some dryland farming and grazing and a portion of the property is the old, reclaimed City dump.

ADJACENT LAND USE

North	Vacant/Industrial
East	Vacant/Industrial
South	Vacant/Industrial
West	Residential Development/City of Helena

EFFECTS ON AGRICULTURE

The subject property is currently vacant/open space. The property is currently used for some dry land farming on the east side of the property, and the reclaimed city dump is on the west side of the property. The property to the west is currently being developed within the City of Helena for residential use. Property to the north and east are vacant and zoned industrial. Soils on the north along the railroad spur are identified as prime farmland if irrigated, soils in the center and southern portion are identified as farmland of local importance, and soils on the east portion are identified as not prime farmland per NRCS soils data. Only 16% of the project site identifies as prime farmland if irrigated

and 31% identify as farmland of local importance. Although some of the soils are identified as prime farmland if irrigated none of the land appears to be irrigated or has been irrigated. Although a portion of the project on the east side has been historically dry land farmed, the proposed subdivision does not appear to affect prime farmland or take highly productive farmland out of production.

Conclusions:

1. A subdivision proposal must be reviewed for its impact on agriculture. (MCA 76-3-608(3), Chapter 4 Section 16.b.4.A, EHSR)
2. The proposal will have an impact on prime farmland if irrigated and farmland soils of local importance, such soils are located on the subject property.
3. The property has not been irrigated now or recently. The property appears to be dry land farmed.
4. Adjacent property to the west is being developed with a residential subdivision. Adjacent property to the north is vacant and does not appear to have any agricultural uses. Property to the east is vacant land partially used for dry land farming as well as industrial uses associated to clean up activities.
5. Dry land farming on this property and adjacent property appears to be mostly a land management technique and not used as highly productive land.
6. Noxious Weed Management Plan has been submitted with the application and a final weed management plan will be submitted to the City for approval prior to ground disturbance and final plat.
7. With the mitigating conditions of approval and requirements of final plat approval, the impacts of the subdivision on agriculture will be reduced.

Recommended Conditions to Mitigate the Effects on Agriculture

- *An approved Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted for review and approval prior to ground disturbance and final plat.*

EFFECTS ON AGRICULTURE WATER USER FACILITIES

The application indicates there are no water rights associated with the property. Further, there are no irrigation ditches that run through the property or serve the property. The proposed subdivision appears to not impact on agricultural water user facilities.

Conclusions:

1. A subdivision proposal must be reviewed for its impact on agricultural water user facilities. (MCA 76-3-608(3), Chapter 4 Section 16.b.4.B, EHSR)
2. There does not appear to be any impact to agricultural water user facilities associated with the project.

Recommended Conditions to Mitigate the Effect on Agricultural Water User Facilities

- *No recommended conditions to mitigate impacts.*

IMPACT ON LOCAL SERVICES

Water System Impacts:

The Rose Hills Subdivision will be served by City water. The application provides preliminary engineering plans and a preliminary engineering report that show the proposed layout for water extensions. There is an existing water transmission main that goes through the property from the existing City storage tank located to the south of the property. The proposed subdivision would reroute this existing main into the existing subdivision streets to provide water service to the subdivision. Based on the studies

conducted by the City, a new water pressure zone will need to be established to provide adequate water flows and pressures to the proposed subdivision. This will require the installation of a new water storage tank. The applicant is currently working with the City on addressing this requirement, a condition of approval is included that requires that an agreement be in place for providing water service to the subdivision prior to Phase 1 final plat and all requirements of the agreement shall be implemented as required by the agreement. The applicant proposes to install an 8" PVC water main loop from the existing water mains. The water main is proposed to be looped throughout the proposed subdivision with fire hydrants at proposed intersections and a maximum spacing of 400-ft. The applicant will be required to submit water main extension plans to the City of East Helena and DEQ for review and approval prior to development of the lots. The preliminary report indicates that with the implementation of the new pressure zone fire flows should be more than 1,000 gallons per minute as required by fire code. All water infrastructure will be provided within street rights-of-way, within proposed utility easements, or within utility lots dedicated to the City of East Helena.

Wastewater System Impacts:

The Rose Hills Subdivision proposes to be served by City wastewater. A new lift station is proposed on Manlove that will serve this subdivision and future development in the area. The new lift station will pump wastewater to the existing gravity system and to the wastewater treatment system. The applicant has entered into an agreement with the city for construction of the new lift station. The city will construct the lift station and it will be installed prior to final plat of Phase 1. The proposed lift station will be fed from proposed gravity mains within each street right-of-way to collect wastewater from each lot then conveyed through a proposed gravity main south across the adjacent property to the south to the lift station. Any easement required for construction of the main across adjacent property will need to be secured prior to final plat of Phase 1. The City currently is getting close to capacity of the wastewater treatment plant. The City Engineer indicates that there are 334 EDUs of available capacity within the current treatment plant. This capacity is on a first come first serve basis and is allocated when engineering plans for each phase are submitted to the City for review and approval. Each phase will be reviewed independently to determine capacity. The City is currently working on plans and projects to increase the treatment plant capacity. It is anticipated that several future projects will increase capacity of the system to accommodate this and future developments. These improvements are anticipated to be completed by 2028 or 2029. Each phase will be required to show there is adequate capacity for treatment prior to final plat of each phase. Plans for the construction of the sewer main extensions will be submitted to the City of East Helena and DEQ for review and approval prior to construction.

Subdivision Access:

The subdivision will be accessed by Highway 282 and ten new internal streets Lozar Street, Harmond Street, Wall Street, Leon Road, Wilson Avenue, Cauby Place, Pyfer Avenue, Brooks Avenue, Norton Avenue, and Morey Avenue. Highway 282 will provide primary access to the proposed subdivision. Internal roads are proposed to be designed to City of East Helena design standards with a 40-ft top back of curb to top back of curb width, 4-ft boulevard and 5-ft sidewalks on each side. Highway 282 is currently a paved two-lane roadway along the east boundary of the property. The Traffic Impact Study (TIS) indicates that approximately 2,527 trips per day will be generated by the proposed subdivision. Existing traffic counts presented in the study indicate that Highway 282 had

1,771 average daily trips in 2024. The proposed subdivision would more than double the amount of traffic on Highway 282 at final build out of Phase 5.

The East Helena city engineer reviewed the submitted TIS as part of the application sufficiency review. As part of the review, the city engineer recommended that left turn lanes be installed along Highway 282 at each approach in order to mitigate public health and safety of the drivers due to the large curve located to the south of the property subdivision, sight distance due to the curve, as well as current posted speeds. The applicant has proposed the addition of left turn lanes on Highway 282 at each proposed new approach.

There are no pedestrian or bike facilities located along Highway 282 and none are currently proposed by either the city or the applicant. The application indicates that all streets will be constructed to City standards with boulevards and sidewalks on both sides of the street. A wider bike/pedestrian path will also be constructed along one side of Wilson Avenue. A sidewalk will also be constructed between Wilson Avenue and Highway 282 along the subdivision frontage. Each lot will be accessed by the proposed streets and sidewalks. Internal pedestrian connectivity will be provided by construction of the proposed sidewalks.

The residents of the proposed subdivision may be required to participate in a Special Improvement District (SID) to help pay for maintenance of internal streets and Highway 282 in the future.

Emergency Services:

The City of East Helena Volunteer Fire Department (EHVFD) will provide fire protection for the proposed subdivision. The EHVFD currently provides fire protection for the existing parcel as it is within the City of East Helena. The applicant proposes to construct a looped water main system that would come from a water main that currently runs through the property. In order to improve pressure and flow, a new pressure zone will be needed with the addition of a new storage tank. The water main is proposed to loop through the proposed subdivision; fire hydrants will be provided at all intersections and every 400-ft at a minimum. The main water extension and fire protection design for the proposed subdivision are required to be submitted to the City of East Helena for review and approval prior to construction of infrastructure. With the addition of the upper pressure zone and storage tank, there is adequate flow and pressure to serve the proposed subdivision and fire flow calculations are provided with the application.

Law enforcement for the proposed subdivision will be handled by the East Helena Police Department. Law enforcement is currently handled by the City of East Helena as the property is located within the City of East Helena.

Ambulance and medical service is provided by St. Peters Hospital. It is not anticipated that the proposed uses will impact hospital or ambulance services.

Solid Waste:

The Vigilante Subdivision will be serviced by the City of East Helena for garbage collection and disposal. Each lot will be required to provide trash receptacles per the City requirements. Each lot owner will be responsible for working with the City of East

Helena for trash collection service. No alleys are proposed within the subdivision; therefore, all trash collection will occur within the proposed streets.

Schools:

The Rose Hills Subdivision will generate up to 94 school children that will attend the East Helena School District. The East Helena School District currently has three elementary schools, one middle school, and a high school located to the north of and across Highway 12 and the railroad tracks from the project. Correspondence provided from the school district shows that there will be impacts to the school district with the proposed subdivision. There is a concern with busing and ensuring that adequate bus pickup and drop locations are provided outside of Highway 282. The school district does not commit to providing busing for students as the project is located within the 3-mile area where busing is required by the state. The school district would need to decide if they can provide bus service to the subdivision. If not then parents will need to drop off and pick up students from school. The applicant has not proposed any mitigation for the school impact. There is a frontage road planned parallel to Highway 282 that can be used for bus pick up and drop off. The proposed new residential lots will increase the tax base of the school district and will increase tax revenue for the district.

Mail Delivery:

No correspondence with the East Helena Post Office was provided with the application. It is likely that the Post Office will require a central neighborhood box unit for each phase of the subdivision. The applicant will be required to work with the East Helena Post Office on final approval of location and configuration for the neighborhood box unit prior to final plat approval for each phase.

Dry Utilities:

All dry utilities (electric, gas, telephone, etc.) will be provided within the proposed street rights-of-way. No additional utility easements are proposed to provide dry utility services. The applicant will need to work with each utility company to ensure utilities are provided and if any easements are needed for those utilities outside of street right-of-way the easements shall be shown on the final plat for each phase.

Conclusions:

1. A subdivision proposal must be reviewed for its impact on local services. (MCA 76-3-608(3), Chapter 4 Section 16.b.4.C, EHSR)

Fire Protection and Emergency Services:

2. Each lot will be located within the City of East Helena.
3. The subdivision will be served by the East Helena Volunteer Fire Department.
4. The subdivision will be connected to the City of East Helena water system via a looped water main. Two separate connections will be provided to an existing City water main to provide a loop system and redundancy. Per the analysis by the City Engineer, an upper pressure zone and new storage tank will need to be provided in order to provide adequate fire flows. Fire Hydrants will be provided at each intersection and every 400-ft as required.
5. Multiple points of ingress/egress are provided on to Highway 282.
6. One dead end street is proposed within the subdivision with an emergency turn around.
7. The dead end road exceeds the maximum dead length required by the City and a variance has been submitted for review and approval.

8. Temporary secondary access roads as well as temporary emergency turnaround are proposed as part of the phasing to provide for secondary access routes during phased build out of the subdivision.
9. Staff are concerned with the proposed temporary access road proposed from Phase 1. The roads are proposed as gravel access roads and are not intended to be permanent. Staff have concerns that if the subdivision is not completed that these temporary accesses would become permanent. Staff recommend that the subdivider be required to financially guarantee that these temporary accesses at a minimum be constructed to a 24-ft top width and paved. This way if the subdivision is not completed the subdivider would be required to widen and pave the temporary accesses to be permanent.
10. Evidence of approval of the final water system plans by the City of East Helena City Engineer and Fire Chief shall be submitted prior to final plat approval for each phase.

School District:

11. The governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services. (MCA, 76-3-608(1))
12. The applicant is proposing a frontage road parallel to Highway 282 that can be used for bus pick up and drop off.
13. No other mitigation is proposed by the subdivider to offset impacts to the School District.

Roads:

14. A copy of the Storm Water Pollution Prevention Plan approved by DEQ shall be submitted prior to final plat approval for each phase, if applicable.
15. The subdivider shall submit evidence of the approved road names from the Lewis and Clark County Address Coordinator for each new road, which shall be submitted with the final plat submittal for each phase.
16. Final Road Plans and Grading and Storm Water Drainage Plans, approved by the City of East Helena City Engineer and Public Works, shall be submitted with the final plat submittal for each phase.
17. Road certification(s) shall be submitted with the final plat submittal for each phase or remaining road improvements shall be financially guaranteed prior to final plat approval for each phase.
18. Traffic control signs and road name signs shall be installed in accordance with the final approved road plans.
19. Left turn lanes shall be installed on Highway 282 at each of the proposed access points prior to final plat of the phase when the access is required to be constructed.
20. Improvements for all internal roads shall be certified prior to final plat approval for each phase or remaining improvements shall be financially guaranteed prior to final plat approval for each phase.
21. Leon Road is an existing road on the north side of the subdivision along the rail spur. This road provides access to several residential lots to the northwest of the subdivision. The subdivider proposes to abandon this road and easement and relocate it to the new Leon Road location. The subdivider would provide access on the west end of the new Leon Road to the existing residential lots via a road meeting city standard to the property boundary.
22. **Planning Board Conclusion: The carriage lanes are not proposed to be wide enough for emergency services access with on street parking. The Planning Board recommends a condition to require no parking signs on all proposed carriage lanes.**

Pedestrian Facilities:

23. Construction of the internal roads to meet City standards with sidewalks and boulevards will provide adequate pedestrian facilities.
24. **Planning Board Conclusion: There is a concern with pedestrian and bicycle access along Highway 282 adjacent to the subdivision. The planning board recommends that a condition be added to require a bike path be added between Wilson Avenue and Highway 282.**

Water and Wastewater Service:

25. The subdivider will provide a looped water system and a looped connection to existing City water mains.
26. A new pressure zone is required to be established for the subdivision with a new storage tank. An agreement for the installation of the new water tank and setup of the new pressure zone and implementation of the agreement requirements shall be completed prior to final plat of each Phase.
27. The subdivider has entered into an agreement with the city for the installation of a new lift station that will serve this development as well as other areas. The city will install the lift station. The lift station and force main are required to be installed prior to final plat of Phase 1.
28. The subdivider will provide a wastewater connection to an existing City sewer main and an internal collection system.
29. Plans for water and wastewater extensions to serve the proposed subdivision shall be submitted to the City of East Helena and DEQ for review and approval prior to construction and final plat approval for each phase.
30. Evidence of plan approval from the City of East Helena City Engineer and Public Works as well as DEQ for water and sewer main extensions shall be provided prior to final plat approval for each phase
31. Certification of completion of water and sewer main extensions in accordance with the approved plans shall be submitted prior to final plat approval for each phase.

Solid Waste Services:

32. The City of East Helena will provide solid waste pick up and disposal for all residents within the proposed subdivision.

Mail Delivery Services:

33. The subdivider shall work with East Helena Post Office and provide evidence of neighborhood box unit location approval prior to final plat approval for each phase.
34. The subdivider shall certify that the neighborhood box unit has been installed per the approved plans prior to final plat approval.

Utilities:

35. Existing and proposed easements shall be shown on the final plat.
36. The applicant shall work with Northwestern Energy to ensure the adequacy and location of proposed utilities and if utility easements are required outside of proposed rights-of-way or proposed easements those shall be provided on the final plat for each phase.
37. The subdivider shall submit utility availability certifications for all dry utilities prior to final plat approval for each phase.

Overall Finding:

38. With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

Recommended Conditions to Mitigate the Effects on Local Services

- *The subdivider shall include an RSID/SID waiver for potential maintenance and capital projects to assist with water system projects, sewer system projects, road projects, and parks and recreation projects.*
- *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision.*
- *Prior to final plat approval, the subdivider shall provide approval from the City of East Helena Fire Chief on the water system design.*
- *Prior to final plat approval, the subdivider shall provide City of East Helena and DEQ approval for water and sewer extensions for each phase.*
- *Prior to final plat approval, the subdivider shall provide certification of the completion of water and sewer main extensions to the approved plans for each phase.*
- *Prior to final plat approval, the subdivider shall provide City of East Helena approval of road and grading and drainage plans for each phase.*
- *Prior to final plat approval, the subdivider shall provide certification that the roads and grading and drainage improvements have been completed per the approved plans or the subdivider shall financially guarantee any remaining improvements and enter into a subdivision improvements agreement for completion of the remaining improvements.*
- *The subdivider shall provide approval from the East Helena Post Office for the location of the neighborhood box unit prior to final plat approval for each phase.*
- *Prior to final plat approval for each phase, the subdivider shall provide certification that the neighborhood box unit has been installed per the approved plan or the subdivider shall provide a financial guarantee for the neighborhood box unit and enter into a subdivision improvements agreement.*
- *Prior to final plat approval the subdivider shall provide evidence that all dry utilities are provided to each lot for each phase. If additional easements are required outside of proposed rights-of-way or utility easements, those easements shall be provided on the final plat for each phase.*
- *Prior to final plat approval for Phase 1, the new lift station to serve the subdivision shall be installed and operational.*
- *Prior to final plat approval for Phase 1, an agreement shall be finalized for the implementation of an upper pressure zone to serve the subdivision and the installation of a new water storage tank.*
- *Prior to final plat of each phase, any improvements required by the pressure zone and water storage agreement shall be implemented and certification by the City Engineer that all requirements for that phase have been met.*
- *Prior to final plat of Phase 1, a left turn lane shall be installed on Highway 282 for the access of Leon Road. Engineering plans shall be submitted to the City of East Helena for review and approval. Certification of the installation shall be provided prior to final plat.*
- *Prior to final plat of Phase 2, a left turn lane shall be installed on Highway 282 for the access of Wall Street. Engineering plans shall be submitted to the City of East Helena for review and approval. Certification of the installation shall be provided prior to final plat.*
- *Prior to final plat of Phase 5, a left turn lane shall be installed on Highway 282 for the access of Lozar Street. Engineering plans shall be submitted to the City of East Helena for review and approval. Certification of the installation shall be provided prior to final plat.*
- *Prior to final plat of Phase 1, the subdivider shall submit a request to the City of East Helena to abandon the existing Leon Road and easement along the north boundary of Phase 1. The road and easement shall be abandoned prior to final plat and the abandonment shown on the final plat. Temporary road and access easement shall be provided from the end of the new Leon Road to the existing Leon Road and*

easement in order to continue access to the existing residential lots prior to final plat of Phase 1 and the easement shall be shown on the final plat.

- *Prior to final plat of Phase 3, the subdivider shall submit a request to abandon the remainder of existing Leon Road west of the Phase 1 boundary. The road and easement shall be abandoned prior to final plat and the abandonment shown on the final plat. Permanent access shall be provided from the end of Leon Road to the existing Leon Road in the northwest corner of the property meeting city street standards. The road shall be constructed, certified by the project engineer, and accepted by the City of East Helena prior to final plat of Phase 3. All rights-of-way required for new Leon Road and access to the adjacent properties shall be shown on the final plat.*
- ***Planning Board Condition: No parking signs shall be required on all proposed carriage lanes to provide for access by emergency services. No parking signs shall be shown on the engineering plans and approved by the City Engineer. No parking signs shall be installed or financially guaranteed prior to final plat of each phase.***
- ***Planning Board Condition: A 10-ft wide bike and pedestrian path shall be provided between Wilson Avenue and Highway 282 for the full frontage of the subdivision. The bike path shall be included on the engineering plans and approved by the City Engineer. The bike path shall be installed or financially guaranteed prior to final plat of each phase that requires construction of a portion of Willson Avenue.***

IMPACT ON THE NATURAL ENVIRONMENT

The proposed project will not have an impact on the natural environment. The property is currently used vacant/open space and dry land farming. The project is not located within a designated flood hazard area. The proposed subdivision does not contain any streams or critical wildlife areas. The project will be served by City water and sewer. The included storm water report indicates storm water will be treated onsite utilizing storm water detention ponds. The application indicates there are no wetlands or forested lands located on the property.

Conclusions:

1. A subdivision proposal must be reviewed for its impact on the natural environment. (MCA 76-3-608(3), Chapter 4 Section 16.b.4.D, EHSR)

Surface Water Features:

2. The project is located outside of a delineated flood hazard area.
3. Storm water runoff from developed lots and streets has the potential to contaminate surface water. The developer has proposed onsite storm water detention to treat surface water prior to discharge.
4. A Storm Water Pollution Prevention Plan (SWPPP) will be required prior to start of construction. The plan will be submitted to DEQ for review and approval and an approved plan must be submitted prior to final plat of each phase.

Ground Water Quantity and Quality:

5. The subdivider proposes connections to City water and sewer systems for water supply and wastewater treatment.
6. The subdivision should have minimal impact on groundwater quantity or quality.

Wetlands:

7. For any disturbances that occur within wetlands under the jurisdiction of the Army Corps of Engineers, permits must be obtained prior to the disturbance.

8. It does not appear there are any wetlands present on the subject property.

Air Quality:

9. Temporary impacts to air quality may be noticed due to construction activities to install infrastructure for the proposed lots as well as development of each lot.
10. With the addition of new residential dwellings there is the possibility that some dwellings may choose to heat with wood. This may add to air quality issues that the Helena Valley experiences during the winter months. DEQ and Lewis and Clark County regulate burning of wood during times of poor air quality. Existing regulations should alleviate impacts to air quality due to wood burning.

Vegetation:

11. Existing vegetation includes farmed row crops and native short grasses. The site contains minimal noxious weeds except for some small areas.
12. An approved Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soil disturbed within the subdivision will be provided prior to final plat approval of each phase.

Overall Finding:

13. Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

Recommended Conditions to Mitigate the Effects on Natural Environment

- *An approved Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted for review and approval prior to ground disturbance and final plat.*
- *A DEQ approved Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City prior to final plat of each phase.*

IMPACTS ON WILDLIFE AND WILDLIFE HABITAT

The proposed project will not have an impact on wildlife and wildlife habitat. The property is currently used for vacant/open space and dry land farming. The proposed subdivision does not contain any streams or critical wildlife areas. The project site is open with limited vegetative cover. Small mammals may live or occasionally pass through the property or stay for short periods. The proposed subdivision will not significantly impact wildlife and wildlife habitat.

Conclusions:

1. A subdivision proposal must be reviewed for its impact on wildlife. (MCA 76-3-608(3), Chapter 4 Section 16.b.4.E and F, EHSR)
2. There are not critical wildlife or wildlife habitat on the subject property. There is limited vegetation and no trees on the property. The property is surrounded by residential and industrial uses. It is not anticipated that the subdivision would have impacts to wildlife or wildlife habitat.

Recommended Condition to Mitigate the Effects on Wildlife

- *No recommended conditions of approval for wildlife or wildlife habitat as there no anticipated impacts to wildlife or wildlife habitat.*

IMPACTS ON PUBLIC HEALTH AND SAFETY

Traffic:

The addition of 2,527 trips per day of traffic onto Highway 282 will impact existing traffic and transportation network. Based on the review of the city engineer, left turn

lanes should be required at all access points to protect drivers. The new residents will likely be required to be part of a Special Improvement District to help pay for the maintenance of Valley Drive.

Existing Utilities:

There is an existing gas main that runs through the property. The subdivider proposes to relocate this main outside of the subdivision and removing the easement from the property. The subdivider will need to work with the utility prior to final plat of Phase 1 to complete this work and abandon the easement. Any new easements for the new gas main location shall be provided on the final plat.

Railroad Right-of-way:

There is an existing rail spur located on the south side of the property. This rail spur has minimal use with one or two small local trains a week with material from Ash Grove and METG. There appears to be minimal safety issues with this but separation should be provided to make sure residents and children don't access this area. It is recommended to provide security fencing along the north boundary of the subdivision along the railroad right-of-way to protect residents and children.

City Dump:

The reclaimed city dump is located on the west side of the property. This area is not proposed for development and is proposed to be protected as open space. Currently the subdivider proposes dedicating this area to the city as parkland.

Soil Remediation:

The property is located within the East Helena Superfund site and soils remediation is led by the County Lead Abatement program and METG. The subdivider will be required to show compliance with remediation requirements to a residential standard prior to final plat of each phase. The remediation plan provided with the application shows levels of lead and arsenic higher than the limits for residential use. The plan outlines remediation recommendations for the site to achieve the required limits.

Other Conclusions:

The subdivision is not located in a high fire area and will be served by city water and provided with fire hydrants. The proposed uses would be compatible with existing land uses around of the subdivision. The subdivision would be served by city water and sewer protecting groundwater quality and quantity. Impacts on public health and safety can be mitigated.

Conclusions:

1. A subdivision proposal must be reviewed for its impact on public health and safety. (MCA 76-3-608(3), Chapter 4 Section 16.b.4.G, EHSR)

Traffic Safety (Vehicular and Pedestrian):

2. All internal roads will be constructed to City standards including boulevards and sidewalks.
3. The applicant will be required to construct left turn lanes on Highway 282 at each access point.

Emergency Services:

4. The subdivision will be served by the EHVFD and the East Helena Police Department.
5. With the installation of the upper pressure zone and water storage, the subdivision provides for adequate water supply for fire protection.
6. Multiple points of ingress/egress are provided on to Highway 282. One dead end street is proposed with an emergency turn around at the end.
7. Temporary secondary access roads are proposed as part of the phasing to provide for secondary access routes during phased build out of the subdivision.
8. A Temporary cul-de-sac is proposed on the end of Leon Road during phasing of the subdivision.
9. Staff are concerned with the proposed temporary access roads proposed from Phase 1. The roads are proposed as gravel access roads and are not intended to be permanent. Staff have concerns that if the subdivision is not completed that these temporary accesses would become permanent. Staff recommend that the subdivider be required to financially guarantee that these temporary accesses at a minimum be constructed to a 24-ft top width and paved. This way if the subdivision is not completed the subdivider would be required to widen and pave the temporary accesses to be permanent.
10. The proposed subdivision is located directly adjacent to a railroad spur line and safety of residents and children are a concern. It is recommended to require security fencing on the north boundary along the railroad right-of-way to prevent access from adjacent lots.

Soils Remediation:

11. The project site is located within the East Helena Superfund area and has been identified as having lead concentrations above residential standards. Soil remediation will need to be completed prior to final plat of each phase.

Overall Finding:

12. With the mitigating conditions of approval and requirements of final plat approval, impacts on Public Health & Safety will be reduced.

Recommended Conditions to Mitigate the Effects on Public Health and Safety

- *The subdivider shall include an RSID/SID waiver for potential maintenance and capital projects to assist with water system projects, sewer system projects, road projects, and parks and recreation projects.*
- *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision.*
- *Prior to final plat approval, the subdivider shall provide approval from the City of East Helena Fire Chief on the water system design.*
- *Prior to final plat approval, the subdivider shall provide City of East Helena and DEQ approval for water and sewer extensions for each phase.*
- *Prior to final plat approval, the subdivider shall provide certification of the completion of water and sewer main extensions to the approved plans for each phase.*
- *Prior to final plat approval, the subdivider shall provide City of East Helena approval of road and grading and drainage plans for each phase.*
- *Prior to final plat approval, the subdivider shall provide certification that the roads and grading and drainage improvements have been completed per the approved plans or the subdivider shall financially guarantee any remaining improvements and enter into a subdivision improvements agreement for completion of the remaining improvements.*
- *An approved Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted for review and approval prior to ground disturbance and final plat.*

- *A DEQ approved Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City prior to final plat of each phase.*
- *For Phase 1, a temporary access road shall be provided from the end of Morey Avenue, Norton Avenue, and Brooks Avenue to Highway 282. This will ensure that secondary access is provided for emergency services and residents.*
- *For Phase 1, a temporary emergency turnaround shall be provided at the end of Leon Road. This will ensure that emergency services can access and turn around at the end of Leon Road.*
- *Prior to final plat of Phases 1, the subdivider shall be required to construct or financially guarantee the proposed temporary access to a minimum 24-ft wide paved section to ensure continued access and maintenance by the City of East Helena. At a minimum the temporary access road must be constructed to a 24-ft wide gravel section prior to final plat approval for each phase, this cannot be financially guaranteed.*
- *Access and utility easements shall be provided for all temporary cul-de-sacs and temporary access roads for each phase. Easement widths and locations shall be reviewed and approved by the City of East Helena and provided on the final plat for each phase.*
- *The subdivider shall submit a plan to the City for security fencing along the north boundary and railroad right-of-way for review and approval. The fence shall be installed prior to the final plats of Phase 1 and Phase 3. Certification shall be provided from the applicant that the fence has been installed per the approved plan.*
- *Prior to final plat approval for Phase 1, the new lift station to serve the subdivision shall be installed and operational.*
- *Prior to final plat approval for Phase 1, an agreement shall be finalized for the implementation of an upper pressure zone to serve the subdivision and the installation of a new water storage tank.*
- *Prior to final plat of each phase, any improvements required by the pressure zone and water storage agreement shall be implemented and certification by the City Engineer that all requirements for that phase have been met.*
- *Prior to final plat of Phase 1, a left turn lane shall be installed on Highway 282 for the access of Leon Road. Engineering plans shall be submitted to the City of East Helena for review and approval. Certification of the installation shall be provided prior to final plat.*
- *Prior to final plat of Phase 2, a left turn lane shall be installed on Highway 282 for the access of Wall Street. Engineering plans shall be submitted to the City of East Helena for review and approval. Certification of the installation shall be provided prior to final plat.*
- *Prior to final plat of Phase 5, a left turn lane shall be installed on Highway 282 for the access of Lozar Street. Engineering plans shall be submitted to the City of East Helena for review and approval. Certification of the installation shall be provided prior to final plat.*
- *The subdivider shall work with the East Helena School District on location of a temporary bus pickup and drop-off for students outside of Highway 282 right-of-way off of the new Leon Road access. Any improvements required for a bus pickup and drop-off area shall be constructed prior to final plat of Phase 1.*

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Chapter 4, Section 16.a of the East Helena Subdivision Regulations states that the City Council shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision:

Provides easements within and to the proposed subdivision for the location and installation of any planned utilities.

Findings of Fact

1. In order to provide utility amenities to residents within a subdivision and also develop the subdivision in accordance with applicable local, state and federal regulations, the basic utilities considered necessary for the development of a subdivision include gas, water, sewer, electricity, telephone, roads, and stormwater control.
2. There is an existing City water main through the property. A utility easement exists for the water main. The water main will be relocated in some locations to proposed streets. Any locations that the water main is not within rights-of-way will be provided in an easement.
3. There is a gas main that runs through the property with an easement. The application states this gas main will be relocated and the easement abandoned. Any new easements required for the relocation of the gas main will need to be in new easements shown on the plat.
4. Highway 282 is a dedicated right-of-way owned and maintained by the City of East Helena along and adjacent to the east boundary of the subdivision.
5. All utilities are proposed within existing or proposed street rights-of-way, proposed easements, or proposed utility lots dedicated to the City of East Helena.
6. The weight of the evidence regarding availability to utilities indicates that all lots within the subdivision will have adequate access to the utility amenities considered necessary for the development of a subdivision.

Conclusions

1. Existing and proposed utility easements are required to be shown on the final plat.
2. The preliminary plat and associated application materials present credible evidence that there are easements or rights-of-way for the location and installation of planned and existing utilities.
3. The proposed subdivision application provides utility easements or rights-of-way within and to the proposed subdivision.

Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. Highway 282 is a dedicated right-of-way owned and maintained by the City of East Helena along and adjacent to the east boundary of the subdivision.
2. All internal access roads are proposed at a minimum to be 66-ft wide dedicated rights-of-way owned and maintained by the City of East Helena. That will provide 40-ft wide roads from top back of curb to top back of curb, 7-ft boulevards on both sides, and 5-ft sidewalks on both sides.
3. All internal streets will be improved to current City standards.
4. The weight of the evidence regarding legal and physical access indicates that all lots within the subdivision will have adequate legal and physical access.

Conclusions

1. Legal Access will be provided to each proposed lot within the subdivision via Highway 282 and an internal road system that will be constructed to City standards for new construction.
2. The preliminary plat and associated application materials present credible evidence that there is legal and physical access to each parcel within the proposed subdivision.

Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided in the subdivision regulations.

Findings of Fact

1. The East Helena Subdivision Regulations Chapter 5 Section 2.b.12 requires that at a minimum water and sanitary sewer mains; water and sewer services into all lots within the subdivision; all storm water infrastructure shall be installed; the roads shall be installed to a minimum of the top of the base course gravel; and all other required improvements shall be financially guaranteed and the subdivider shall enter into a subdivision improvements agreement with the City for installation of remaining infrastructure. In accordance with the East Helena Subdivision Regulations, the subdivider may enter into a Subdivision Improvements Agreement and Guaranty, securing the required improvements through a bond, letter of credit, or other acceptable security.
2. Phasing allows a subdivider to complete improvements in manageable installments. The requirements and conditions attendant to each phase of this project will ensure that the required improvements are complete before the final plat of each phase is filed. Any remaining improvements can be financially guaranteed, and the subdivider must enter into a subdivision improvements agreement with the City for completion of remaining infrastructure for that phase.
3. The weight of evidence indicates that all required improvements will be installed or financially guaranteed before final plat approval.

Conclusions

1. The subdivider is required to submit evidence that the improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval.
2. The final plat requirements or a Subdivision Improvements Agreement and Guaranty will ensure that all improvements are installed.
3. The governing body may require a percentage of improvements or specific types of improvements necessary to protect public health and safety to be completed before allowing bonding or other reasonable security under 76-3-507(2)(a), MCA, for purposes of filing a final plat.
4. The requirements of final plat approval provide credible evidence that this prerequisite will be met.

Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in East Helena Subdivision Regulations have been considered and will be accomplished before the final plat is submitted.

Finding of Fact

1. The subdivider has indicated that no water rights currently exist on the subject property. The application indicates that the Montana Environmental Trust Group did not transfer water rights to the subdivider with the sale of the property.
2. The weight of the evidence provides assurance that the disclosure and disposition of water rights was considered by the proper parties.

Conclusions

1. There are no water rights existing on the property; therefore, no water rights can be transferred or disposed.

Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. There are no irrigation easements or major watercourses on the property.
2. No easements for irrigation or water courses are required.
3. The weight of evidence indicates that watercourse and irrigation easements have been considered, and their placement accomplished prior to final plat approval.

Conclusions

1. The preliminary plat and application materials present credible evidence that watercourse and irrigation easements have been considered, and their placement accomplished prior to final plat approval.

Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Findings of Fact

1. The subdivision will create 307 residential and mixed use lots.
2. The subdivision would require 5.09 acres of parkland dedication or cash-in-lieu.
3. The subdivider is proposing dedication of 17.44 acres of parkland throughout the property and with each phase of the subdivision.
4. The proposed 17.44 acres dedication will satisfy parkland requirements for all phases of the subdivision.
5. Staff has concerns with the proposed parkland dedication. The proposed parkland is mostly scattered throughout the subdivision and includes small parks between lots and two larger park areas, the central park on the east side and the large open space parcel where the old city dump is located. Small park spaces may provide opportunity for limited development of amenities in the future.
6. The current parkland proposal dedicates the parkland with each phase of the subdivision.
7. No amenities are proposed for any of the parkland lots.
8. The City must determine if the proposed parkland is suitable for parkland dedication and if not work with the developer to determine suitable parkland dedication or cash-in-lieu.

Conclusions

1. Some of the parkland proposal may provide suitable parkland dedication to address the needs of the residents of the subdivision. It is recommended to add a condition of approval that requires the developer to prepare a parkland plan to the City for City Council approval prior to approval of the final plat for Phase 1.

COMPLIANCE WITH PREREQUISITES FOR PLANNED UNIT DEVELOPMENTS

Chapter 10 of the East Helena Subdivision Regulations states that the City Council shall make a determination that the requested modifications for a PUD will produce an environment, landscape quality and character superior to the produced by the existing standards of the Subdivision Regulations. The specific areas in which the PUD application differs from the subdivision standards are identified below:

- 1) Lots – Several lots within the subdivision do not meet the 3:1 length to width ratio required by the subdivision regulations. These are a mix of small cottage style single-family homes and townhome lots located in Block 1, Block 2, Block 4, Block 5, Block 7, Block 8, Block 9, Block 10, and Block 11. The proposed zoning

to allow smaller lot sizes and widths has been reviewed by the zoning commission and recommended for approval by the Council.

Conclusion: The lots do meet the minimum lot size requirements and lot width requirements of the proposed new PUD zoning regulations. The proposal allows for higher density residential development with smaller cottage homes and townhomes to try and make housing more affordable.

- 2) Blocks – The application shows that one block from Morey Avenue to the end of Leon Road exceeds the 800-ft maximum block length requirement. Due to the location of the old city dump area and the inability to construct a connector road down the hill meeting city standards the request block length is necessary.

Conclusion: The increased block length in this location should not be a concern due to topographic and site constraints this appears to be necessary to provide for the development of the north side of the property.

- 3) Streets and Roads – The applicant is requesting a dead road length greater than 800-ft from Morey Avenue to the end of Leon Road. Due to the location of the old city dump area and the inability to construct a connector road down the hill meeting city standards the request block length is necessary.

Conclusion: The increased dead-end length in this location should not be a concern due to topographic and site constraints this appears to be necessary to provide for the development of the north side of the property. An emergency turnaround is provided at the end meeting city standards.

- 4) Lots – The application proposes to access several lots not directly from city standard streets. The application proposes that several lots be accessed via what they call carriage lanes. These carriage lanes would be similar to alleys. The applicant has worked with the City Engineer and is working with emergency services to ensure access and lots are designed to provide for maintenance and emergency services.

Conclusions:

With the information provided in the application there appears to be adequate access for maintenance and emergency services. The applicant will need to continue to work with the City and emergency services throughout design plan approval to ensure they are adequately designed for access by emergency services and maintenance by the City. **Planning Board Conclusions: No parking signs shall be installed along each side of the carriage lanes to ensure access for emergency services.**

With the exception of proposed zoning changes which are reviewed as part of the zoning amendment process, these appear to be the only differences the subdivision proposes to the requirements of the subdivision regulations.

- 1) Lots – Staff has determined that the that exceeding the 3:1 lot ratio requirement on certain lots throughout the subdivision is justified based on the proposed layout and there is sufficient lot width and area per the proposed PUD zoning regulations to build on the proposed lots. The request would allow for higher density which would create the opportunity for smaller homes and townhome style development which may reduce the cost of housing. The requested modification would produce an environment,

landscape quality and character that is superior to the requirements of the subdivision regulations.

- 2) Blocks – Staff has determined that the block length and dead-end length exceeding for Leason Road exceeding the 800-ft maximum required by the subdivision regulations is justified based on the proposed layout. The applicant indicates that the proposed layout is the most efficient layout for the property and reduces infrastructure needs for the proposed density. This in turn reduces the amount of infrastructure that the City will need to maintain when the subdivision is completed. The requested modification would produce an environment, landscape quality and character that is similar to the requirements of the subdivision regulations by reducing the amount of infrastructure needed to serve the proposed lots.
- 3) Lots – Staff has determined that the request to allow some lots within the subdivision to access off a common area and alley is justified based on the information provided within the application. The applicant shall continue to work with the City Engineer and emergency services to ensure adequate access is provided for maintenance and emergency services. The requested modification would produce an environment, landscape quality and character that is superior to the requirements of the subdivision regulations by reducing the land owned and by the City of East Helena but still providing for the infrastructure required by the Subdivision Regulations. **Planning Board recommends addition of a condition to require no parking signs along the carriage lanes to ensure emergency access.**

ENVIRONMENTAL ASSESSMENT CRITERIA

An Environmental Assessment (EA) is required for a major subdivision application. An environmental assessment, summary of probable impacts report, and community impact report were provided with the subdivision application. The environmental assessment, summary of probable impacts, and community impact report all meet the requirements of the East Helena Subdivision Regulations. The reports provided were utilized for the evaluation of the above review criteria.

SUMMARY

As outlined above the proposed Rose Hills Major Subdivision will not have an adverse impact on local services, existing water or wastewater systems, agriculture, wildlife or wildlife habitat, or public health and safety, with the exception to those impacts identified above and proposed mitigation. The subdivision proposes to develop an existing parcel currently used as vacant/open space with some dry land farming. The parcel would be developed into 307 lots from an existing 72.364-acre parcel of land. 248 lots are proposed for single and multi-family residential, 39 lots for mixed use residential and commercial, 15 for parkland, and 5 for city utilities. Impacts on local services due to the proposed development will be significant but can be mitigated.

The review is performed pursuant to the Montana Subdivision and Platting Act, Section 76-3-101 through 76-3-614, Montana Codes Annotated and the East Helena Subdivision Regulations. The proposed preliminary plat, Rose Hills Major Subdivision, as submitted by the Applicant, together with the required supplementary information satisfies the requirements of these regulations and complies with the East Helena Growth Policy.

RECOMMENDATIONS

Rose Hills Major Subdivision is recommended for approval with the following conditions:

Recommended Conditions for all Phases

1. Plans for all internal roads as well as storm water conveyance and treatment shall be submitted to the City of East Helena for review and approval by the City Engineer and City Public Works prior to construction of roads and storm water improvements for each phase. The City Engineer and City Public Works approval and approved plans shall be submitted prior to final plat approval for each phase. If storm water facilities are not located within City right-of-way or on City dedicated property, then easements shall be provided on the final plat for maintenance of these facilities. *(Chapter 8, Sections 9.b.5 and 10.b, EHSR)*
2. Plans for water main extensions shall be submitted to the City of East Helena and DEQ for review and approval prior to construction of water mains and connections to the existing City water system. The City of East Helena and DEQ approval and approved plans shall be submitted prior to final plat approval for each phase. If water infrastructure is not located within City right-of-way or on City dedicated property then easements shall be provided on the final plat for maintenance of these facilities. *(Chapter 8, Section 11.d and e, EHSR)*
3. Prior to final plat approval for Phase 1, an agreement shall be finalized for the implementation of an upper pressure zone to serve the subdivision and the installation of a new water storage tank. *(Chapter 8, Section 11.d, EHSR)*
4. Prior to final plat of each phase, any improvements required by the pressure zone and water storage agreement shall be implemented and certification by the City Engineer that all requirements for that phase have been met. *(Chapter 8, Section 11.d and e, EHSR)*
5. Plans for sewer main extensions shall be submitted to the City of East Helena and DEQ for review and approval prior to construction of sewer mains, lift stations, and connections to the existing City sewer system. The City of East Helena and DEQ approval and approved plans shall be submitted prior to final plat approval for each phase. If sewer infrastructure is not located within City right-of-way or on City dedicated property then easements shall be provided on the final plat for maintenance of these facilities or easement documents shall be provided for offsite sewer mains that have been filed with the Lewis and Clark County Clerk and Recorder. *(Chapter 8, Section 12.d and e, EHSR)*
6. Prior to final plat approval for Phase 1, the new lift station and force main to serve the subdivision shall be installed and operational. *(Chapter 8, Section 12.d, EHSR)*
7. A traffic control plan and street identification sign plan for each phase shall be submitted to the City of East Helena for approval by the City Engineer and City Public Works. The City Engineer and City Public Works approval and approved plans shall be submitted prior to final plat approval for each phase. *(Chapter 8, Sections 9.b.11, EHSR)*
8. Each phase must provide adequate infrastructure including water, sewer, and access that is not dependent on future phases. The phases must be sequenced so that phases are adjacent to a previously final platted phase. *(Chapter 8, EHSR)*
9. Prior to any development and/or soil disturbance, a Noxious Weed Management Plan for the proposed development shall be submitted to the City of East Helena for review and approval. Certification from the subdivider that all requirements of the approved

- Noxious Weed Management Plan have been met shall be submitted prior to final plat approval of each phase. (*Chapter 8, Section 20, EHSR*)
10. A Storm Water Pollution Prevention Plan shall be submitted to DEQ for review and approval prior to construction for each phase. The DEQ approved Storm Water Pollution Prevention Plan shall be submitted to the City prior to final plat approval for each phase. (*Chapter 8, Section 4.2.h, EHSR*)
 11. The subdivider shall work with the East Helena Postal Service on location and configuration of a neighborhood box unit for each phase. The Applicant shall provide evidence that they have worked with the Postal Service prior to final plat approval of each phase. If a neighborhood box unit is required for the subdivision, the Applicant shall submit plans for the location and installation of the mailboxes to the Postal Service for review and approval prior to installation. (*Chapter 8, Section 9.b.12, EHSR*)
 12. The subdivider shall provide proof that each lot has been assigned an address by the Lewis and Clark County Address Coordinator prior to final plat approval for each phase. (*Chapter 4 Section 16.b.4.G, EHSR*)
 13. The subdivider shall work with utility providers to ensure that all dry utilities are placed within the proposed rights-of-way and easements. If dry utilities cannot be provided within proposed rights-of-way or easements and additional easements are required, the required easements shall be provided on the final plat for each phase. The subdivider shall provide evidence that they have worked with the dry utility providers on placement of utilities and whether additional easements are necessary prior to final plat for each phase. The subdivider shall provide evidence that dry utilities are installed and available for use to each lot prior to final plat for each phase. (*Chapter 8, Section 14, EHSR*)
 14. The subdivider shall provide a lighting plan for each phase to the City for review and approval prior to final plat of each phase. (*Chapter 8, Section 9.b.10, EHSR*)
 15. The subdivider shall work with the City and Northwestern Energy to set up a lighting district for the installation, operation, and maintenance of all proposed street lighting for each phase. (*Chapter 8, Section 9.b.10, EHSR*)
 16. The subdivider shall prepare a parkland dedication, parkland development, and/or cash-lieu of parkland proposal to the City for review and approval of the City Council prior to final plat of Phase 1. All requirements of the approved plan shall be met prior to final plat approval of each phase. (*Chapter 8, Section 17, EHSR*)
 17. The subdivider shall be responsible for construction of sidewalks adjacent to any common areas or lots dedicated the City for utilities or open space. The applicant will be responsible for construction of those sidewalks prior to final plat for each phase or financially guarantee those improvements as part of each phase. (*Chapter 8, Section 9, EHSR*)
 18. ***The subdivider shall construct a 10-ft wide bike and pedestrian path between Wilson Avenue and Highway 282 the full length of Wilson Avenue. The bike path shall be included with the engineering plans for each phase that a portion of Wilson Avenue is proposed to be constructed and approved by the City Engineer. The bike path shall be constructed or financially guaranteed prior to final plat of the phase. (Chapter 8, Section 9, EHSR)***
 19. The subdivider shall include an RSID/SID waiver in a notarized document filed with the subdivision plat for the first phase that is applicable to all phases that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a special/rural improvement district for any purpose allowed by law, including: developing, improving or expanding a community water system or a

community wastewater treatment system for an incorporated municipality, drainage structures, and traffic control signs, and constructing and/or maintaining any pedestrian facilities such as sidewalks and trails. (*MCA 76-3-608(7), Chapter 8 Section 5, East Helena Subdivision Regulations*)

20. The subdivider shall include an RSID/SID waiver in a notarized document filed with the subdivision plat for the first phase that is applicable to all phases that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a special/rural improvement district for any purpose allowed by law, including: improving and/or maintaining the roads that access the subdivision including (i.e. Highway 282 and ten new internal streets Lozar Street, Harmond Street, Wall Street, Leon Road, Wilson Avenue, Cauby Place, Pyfer Avenue, Brooks Avenue, Norton Avenue, and Morey Avenue) related right-of-way. (*MCA 76-3-608(7), Chapter 8 Section 5, East Helena Subdivision Regulations*)
21. The subdivider shall submit security fencing plan to the City for review and approval for the installation of fence along the north boundary of the subdivision along the existing railroad right-of-way. The subdivider shall install or financially guarantee the fencing prior to final plat of Phase 1. (*Chapter 4, Section 18.b.4.G, EHSR*)
22. The subdivider shall provide, with the final plat of each phase, evidence that they have applied for County-issued addresses for each lot within the proposed phase. (*Chapter 4 Section 18.b.4.G, EHSR*)
23. The final plat for each phase shall be prepared in accordance with the applicable State survey requirements, Montana Subdivision and Platting Act survey requirements and the East Helena Subdivision Regulations. (*East Helena Subdivision Regulations*)
24. DEQ Municipal Facilities Exemption language must be shown on the face of the plat for each phase indicating that the parcels are exempt from DEQ subdivision review. (*Chapter 8, Sections 10.a, 11.b, 12.b, and 13.b, EHSR*)
25. DEQ Approval of the Municipal Facilities Exemption shall be provided prior to final plat approval for each phase. The Municipal Facilities Exemption shall be filed with the final plat at the Lewis and Clark County Clerk and Records office. (*Chapter 8, Sections 10.a, 11.b, 12.b, and 13.b, EHSR*)
26. Prior to filing the final plat for each phase, the Applicant shall:
 - a. Provide proof that all taxes and special assessments assessed and levied on the property are paid for the current tax year; including any past delinquencies. (*Section 76-3-611(1)(b), MCA*)
 - b. Provide documentation (abstract of title or platting certificate) showing that the Applicant is the lawful owner of the property with the apparent authority to subdivide the same, showing the names of lien holders or claimants of record and the written consent to the subdivision by the owners of the land, if other than the Applicant, and any lien holders of claimants of record against the land. (*Section 76-3-612, MCA*)
27. The Applicant is financially responsible for actual outside engineering, consulting, professional and/or contracted service fees, etc. at the sole discretion of the City of East Helena for review of the preliminary plat and/or final plat approval of the proposed subdivision. The Applicant shall pay all costs incurred by the City of East Helena for the review of the subdivision prior to filing the final plat for each phase. (*City of East Helena Subdivision Review Fee Schedule*)
28. Each phase shall be final platted based on the submitted phasing plan. The subdivider shall provide notice to the City of East Helena prior commencement of each Phase. If phasing schedule changes the subdivider shall obtain approval of phasing schedule

prior to final plat. No phase shall be extended to allow final plat longer than 20-years after the preliminary plat approval date. (*Chapter 4, Section 3, EHSR*)

Recommended Conditions for Phase 1

29. The subdivider shall install all infrastructure improvements for Phase 1 per the approved plans and specifications. At a minimum the following infrastructure shall be installed prior to final plat.

- a. All on and offsite water and sanitary sewer mains and other required offsite improvements;
- b. Water and sewer services into all lots within the subdivision;
- c. All storm water infrastructure shall be installed; and
- d. The roads shall be installed to a minimum of the top of the base course gravel.

All other required improvements shall be financially guaranteed and the subdivider shall enter into a subdivision improvements agreement with the City for installation of remaining infrastructure prior to final plat approval. (*Chapter 5 Section 2.b.12, EHSR*)

30. The subdivider shall provide certification of all completed infrastructure by a professional engineer in the State of Montana prior to final plat. All completed infrastructure shall be final accepted by the City prior to final plat. (*Chapter 8, EHSR*)

31. All proposed alleys and carriage lanes providing primary access to lots within Phase 1 shall be approved by the City Engineer and City Fire Chief and installed to the approved plans. All alleys and carriage lanes providing primary access and as needed for maintenance and emergency services shall be paved with asphalt. **All carriage lanes shall be provided with no parking signs.** (*PUD Request, EHSR*)

32. All proposed utility lots shall be dedicated to the City of East Helena on the final plat. (*Chapter 8, EHSR*)

33. All proposed access and utility easements shall be properly dedicated on the final plat. (*Chapter 8, EHSR*)

34. The subdivider shall submit plans to the City for the installation of a left turn lane on Highway 282 for new approach of Leon Road for review and approval. The left turn lane on Highway 282 for Leon Road shall be installed prior to final plat and certified by a professional engineer that it was installed to the approved plans and specs. These improvements cannot be financially guaranteed. (*Chapter 8, EHSR*)

35. A temporary secondary access shall be constructed from the end of Morey Avenue, Norton Avenue, and Brooks Avenue to Highway 282. The temporary secondary access shall be a 24-ft wide paved surface. At a minimum the secondary access shall be constructed to a 24-ft wide gravel surface. If the subdivider does not pave the temporary secondary access, then the paving shall be included in a financial guarantee and subdivision improvements agreement. An access and utility easement shall be provided on the final plat for the temporary secondary access. The width of the easement shall be approved by the City of East Helena prior to final plat approval. (*Chapter 8, EHSR*)

36. A temporary emergency turnaround shall be constructed at the end of Leon Road. The emergency turnaround shall meet the requirements of the City of East Helena Engineering Standards and shall be paved. At a minimum the turnaround shall be constructed to a gravel surface. If the subdivider does not pave the turnaround, then the paving shall be included in a financial guarantee and subdivision improvements agreement. An access and utility easement shall be provided on the final plat for the

temporary turnaround. The width of the easement shall be approved by the City of East Helena prior to final plat approval. *(Chapter 8, EHSR)*

37. Prior to final plat of Phase 1, the subdivider shall submit a request to the City of East Helena to abandon the existing Leon Road and easement along the north boundary of Phase 1. The road and easement shall be abandoned prior to final plat and the abandonment shown on the final plat. Temporary road and access easement shall be provided from the end of the new Leon Road to the existing Leon Road and easement in order to continue access to the existing residential lots prior to final plat of Phase 1 and the easement shall be shown on the final plat. *(Chapter 4 Section 18.b.4.G, EHSR)*
38. The subdivider shall relocate the gas main that runs through the property prior to final plat of Phase 1. Any new easements required for the relocated gas main shall be provided on the final plat. *(Chapter 8, EHSR)*
39. The subdivider shall work with the East Helena School District on the location of a temporary bus pickup and drop-off for students outside of the Highway 282 right-of-way off of the new Leon Road access. Any improvements required for a bus pickup and drop-off area shall be constructed prior to final plat of Phase 1. *(Chapter 4 Section 18.b.4.G, EHSR)*

Recommended Conditions for Phase 2

40. The subdivider shall install all infrastructure improvements for Phase 2 per the approved plans and specifications. At a minimum the following infrastructure shall be installed prior to final plat.
 - a. All on and offsite water and sanitary sewer mains and other required offsite improvements;
 - b. Water and sewer services into all lots within the subdivision;
 - c. All storm water infrastructure shall be installed; and
 - d. The roads shall be installed to a minimum of the top of the base course gravel.

All other required improvements shall be financially guaranteed and the subdivider shall enter into a subdivision improvements agreement with the City for installation of remaining infrastructure prior to final plat approval. *(Chapter 5 Section 2.b.12, EHSR)*

41. The subdivider shall provide certification of all completed infrastructure by a professional engineer in the State of Montana prior to final plat. All completed infrastructure shall be final accepted by the City prior to final plat. *(Chapter 8, EHSR)*
42. All proposed alleys and carriage lanes providing primary access to lots within Phase 2 shall be approved by the City Engineer and City Fire Chief and installed to the approved plans. All alleys and carriage lanes providing primary access and as needed for maintenance and emergency services shall be paved with asphalt. **All carriage lanes shall be provided with no parking signs.** (PUD Request, EHSR)
43. All proposed utility lots shall be dedicated to the City of East Helena on the final plat. *(Chapter 8, EHSR)*
44. All proposed access and utility easements shall be properly dedicated on the final plat. *(Chapter 8, EHSR)*
45. The subdivider shall submit plans to the City for the installation of a left turn lane on Highway 282 for new approach of Wall Street for review and approval. The left turn lane on Highway 282 for Wall Street shall be installed prior to final plat and certified by a professional engineer that it was installed to the approved plans and specs. These improvements cannot be financially guaranteed. (Chapter 8, EHSR)

Recommended Conditions for Phase 3

46. The subdivider shall install all infrastructure improvements for Phase 3 per the approved plans and specifications. At a minimum the following infrastructure shall be installed prior to final plat.

- a. All on and offsite water and sanitary sewer mains and other required offsite improvements;
- b. Water and sewer services into all lots within the subdivision;
- c. All storm water infrastructure shall be installed; and
- d. The roads shall be installed to a minimum of the top of the base course gravel.

All other required improvements shall be financially guaranteed and the subdivider shall enter into a subdivision improvements agreement with the City for installation of remaining infrastructure prior to final plat approval. (*Chapter 5 Section 2.b.12, EHSR*)

47. The subdivider shall provide certification of all completed infrastructure by a professional engineer in the State of Montana prior to final plat. All completed infrastructure shall be final accepted by the City prior to final plat. (*Chapter 8, EHSR*)

48. All proposed alleys and carriage lanes providing primary access to lots within Phase 2 shall be approved by the City Engineer and City Fire Chief and installed to the approved plans. All alleys and carriage lanes providing primary access and as needed for maintenance and emergency services shall be paved with asphalt. **All carriage lanes shall be provided with no parking signs.** (PUD Request, EHSR)

49. All proposed utility lots shall be dedicated to the City of East Helena on the final plat. (*Chapter 8, EHSR*)

50. All proposed access and utility easements shall be properly dedicated on the final plat. (*Chapter 8, EHSR*)

51. Prior to final plat of Phase 3, the subdivider shall submit a request to the City of East Helena to abandon the remaining portion of Leon Road and easement along the north boundary of Phase 3. The road and easement shall be abandoned prior to final plat and the abandonment shown on the final plat. (*Chapter 8, EHSR*)

52. A permanent access shall be constructed to City street standards from the end of new Leon Road and connected to existing Leon Road adjacent to the north boundary of the subdivision. The street shall be in a City required 66-ft wide right-of-way dedicated to the City of East Helena. The street shall be constructed and certified by a professional engineer prior to final plat of Phase 3. (*Chapter 4 Section 18.b.4.G, EHSR*)

Recommended Conditions for Phase 4

53. The subdivider shall install all infrastructure improvements for Phase 4 per the approved plans and specifications. At a minimum the following infrastructure shall be installed prior to final plat.

- a. All on and offsite water and sanitary sewer mains and other required offsite improvements;
- b. Water and sewer services into all lots within the subdivision;
- c. All storm water infrastructure shall be installed; and
- d. The roads shall be installed to a minimum of the top of the base course gravel.

All other required improvements shall be financially guaranteed and the subdivider shall enter into a subdivision improvements agreement with the City for installation

of remaining infrastructure prior to final plat approval. (*Chapter 5 Section 2.b.12, EHSR*)

54. The subdivider shall provide certification of all completed infrastructure by a professional engineer in the State of Montana prior to final plat. All completed infrastructure shall be final accepted by the City prior to final plat. (*Chapter 8, EHSR*)
55. All proposed alleys and carriage lanes providing primary access to lots within Phase 2 shall be approved by the City Engineer and City Fire Chief and installed to the approved plans. All alleys and carriage lanes providing primary access and as needed for maintenance and emergency services shall be paved with asphalt. **All carriage lanes shall be provided with no parking signs.** (PUD Request, EHSR)
56. All proposed utility lots shall be dedicated to the City of East Helena on the final plat. (*Chapter 8, EHSR*)
57. All proposed access and utility easements shall be properly dedicated on the final plat. (*Chapter 8, EHSR*)

Recommended Conditions for Phase 5

58. The subdivider shall install all infrastructure improvements for Phase 5 per the approved plans and specifications. At a minimum the following infrastructure shall be installed prior to final plat.
 - a. All on and offsite water and sanitary sewer mains and other required offsite improvements;
 - b. Water and sewer services into all lots within the subdivision;
 - c. All storm water infrastructure shall be installed; and
 - d. The roads shall be installed to a minimum of the top of the base course gravel.

All other required improvements shall be financially guaranteed and the subdivider shall enter into a subdivision improvements agreement with the City for installation of remaining infrastructure prior to final plat approval. (*Chapter 5 Section 2.b.12, EHSR*)

59. The subdivider shall provide certification of all completed infrastructure by a professional engineer in the State of Montana prior to final plat. All completed infrastructure shall be final accepted by the City prior to final plat. (*Chapter 8, EHSR*)
60. All proposed alleys and carriage lanes providing primary access to lots within Phase 2 shall be approved by the City Engineer and City Fire Chief and installed to the approved plans. All alleys and carriage lanes providing primary access and as needed for maintenance and emergency services shall be paved with asphalt. **All carriage lanes shall be provided with no parking signs.** (PUD Request, EHSR)
61. All proposed utility lots shall be dedicated to the City of East Helena on the final plat. (*Chapter 8, EHSR*)
62. All proposed access and utility easements shall be properly dedicated on the final plat. (*Chapter 8, EHSR*)
63. The subdivider shall submit plans to the City for the installation of a left turn lane on Highway 282 for new approach of Wall Street for review and approval. The left turn lane on Highway 282 for Wall Street shall be installed prior to final plat and certified by a professional engineer that it was installed to the approved plans and specs. These improvements cannot be financially guaranteed. (Chapter 8, EHSR)

The East Helena Planning Board met on September 24, 2025 at 6:00 p.m. and held a public hearing noticed in accordance with state statute to consider the Rose Hills Major Subdivision application, preliminary plat, and staff recommendations. The Planning Board recommended the addition of two additional conditions of approval to mitigate impacts from the proposed subdivision. In consideration of the above findings of fact, the recommendation of staff, and the criteria for approval outlined in the East Helena Subdivision Regulations the East Helena Planning Board on a vote of 5 for, 0 against, and 1 absent, recommends approval of the Rose Hills Major Subdivision with conditions as presented.

The East Helena City Council met on October 21, 2025 at 6:30 p.m. at a public hearing noticed in accordance with state statute to consider the Rose Hills Major Subdivision application, preliminary plat, staff recommendations, public comment, and Planning Board recommendations. The City Council reviewed the Rose Hills Major Subdivision application and plat and make the following conclusions in accordance with the East Helena Subdivision Regulations that the application and with the conditions of approval;

1. The plat provides easements for the location and installation of any planned utilities, both on and off site;
2. The plat provides for legal and physical access to each parcel within the subdivision and the notation of that access on the applicable plat and any instrument transferring the parcel;
3. Assures that all required public and private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by the East Helena Subdivision Regulations;
4. Assure that the requirements of 76-3-504(1)(j), MCA, regarding disclosure

and disposition of water rights as set forth in Chapter 8 Section 16 of the East Helena Subdivision Regulations have been considered and will be accomplished before final plat; and

5. Assures that the requirements of 76-3-504(1)(k) regarding watercourse and irrigation easements as set forth in Chapter 8 Section 15 of the East Helena Subdivision Regulations have been considered and will be accomplished before the final plat is submitted.

In consideration of the above findings of fact, the recommendation of staff, and the criteria for approval outlined in the East Helena Subdivision Regulations the East Helena City Council on a vote of ___ for, ___ against, and ___ absent, approved the Rose Hills Major Subdivision with conditions as presented above.

Preliminary plat approval of the Rose Hills Major Subdivision shall be in force for the terms of the proposed phasing plan which indicates Phase 1 final plat will be completed by December 2027, Phase 2 will be completed by December 2028, Phase 3 will be completed by December 2029. Phase 4 will be completed by December 2030, and Phase 5 will be completed by December 2031. If the approved phasing changes the subdivider shall submit an updated phasing plan to the City Council for review and approval in accordance with the East Helena Subdivision Regulations. Under no circumstances may the subdivision be approved for longer than 20 years. A party, as defined by 76-3-625 M.C.A., who is aggrieved by a decision of the governing body may, within thirty (30) days after this decision, appeal to the Lewis and Clark County district court.

DATED this ___ day of _____, 2025

East Helena City Council

ATTEST:

Kelly Harris, Mayor

Amy Thorngren, City Clerk

Attachment A

Notification

NOTICE OF PUBLIC HEARING FOR ROSE HILLS MAJOR SUBDIVISION

Pursuant to the City of East Helena Subdivision Regulations, the East Helena Planning Board will receive public comment on a proposed 302 lot major subdivision to be known as Rose Hills Subdivision. The application proposes the development of an existing 72.64-acre parcel into 302 mixed use development with streets, water, sewer, and storm water infrastructure. Access is proposed from Highway 282. The applicant proposes dedicate land to satisfy the parkland dedication requirements. The property is within the City of East Helena. The property is legally described as That portion of the NW1/4 lying North and West of Highway 262 and South of the Rail Road Right of Way and that portion of the NW1/4SW1/4 lying North and West of Highway 282 in Section 36, Township 10 North, Range 3 West, M.P.M., Lewis and Clark County, Montana. (Ref: Book 12 Deeds, page 207, Book 61 Deeds, page 103, Book 219 Deeds, page 447 and Book 219 Deeds, page 116) EXCEPTING THEREFROM the property shown on Certificate of Survey filed under Doc. No. 3254919, deeded to the City of East Helena by M Book 48 of Records, page 2428. The applicant and property owner is Habitat for Humanity.

Information on the proposed application is available for review at East Helena City Hall main office, 306 East Main Street, East Helena 59635. You may direct questions on the proposed application to the East Helena Contract Planner Jeremy Fadness, WWC Engineering, 1275 Maple Street Suite F, Helena, MT 59601, (406)-443-3962. Written comments may be directed to the City Clerk, Amy Thorngren, 306 East Main Street in East Helena or mailed to P.O. Box 1170, East Helena, Montana 59635. Written comments must be received by September 24, 2025 at 4:00 pm. Interested parties are invited to attend a Public Hearing and make known their views and concerns on the proposed subdivision application. The Planning Board Public Hearing will be held on September 24, 2025 at 6PM in Room 110 at City Hall, 306 East Main St. in East Helena.

Publish: September 6 & September 20, 2025

NOTICE OF PUBLIC HEARING FOR ROSE HILLS MAJOR SUBDIVISION

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Publish: October 4 & October 18, 2025



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Total	\$88.00

See Proof on Next Page

**NOTICE OF PUBLIC HEARING FOR ROSE HILLS MAJOR
SUBDIVISION**

Pursuant to the City of East Helena Subdivision Regulations, the East Helena Planning Board will receive public comment on a proposed 302 lot major subdivision to be known as Rose Hills Subdivision. The application proposes the development of an existing 72.64-acre parcel into 302 mixed use development with streets, water, sewer, and storm water infrastructure. Access is proposed from Highway 282. The applicant proposes dedicate land to satisfy the parkland dedication requirements. The property is within the City of East Helena. The property is legally described as That portion of the NW1/4 lying North and West of Highway 262 and South of the Rail Road Right of Way and that portion of the NW1/4SW1/4 lying North and West of Highway 282 in Section 36, Township 10 North, Range 3 West, M.P.M., Lewis and Clark County, Montana. (Ref: Book 12 Deeds, page 207, Book 61 Deeds, page 103, Book 219 Deeds, page 447 and Book 219 Deeds, page 116) EXCEPTING THEREFROM the property shown on Certificate of Survey filed under Doc. No. 3254919, deeded to the City of East Helena by M Book 48 of Records, page 2428. The applicant and property owner is Habitat for Humanity.

Information on the proposed application is available for review at East Helena City Hall main office, 306 East Main Street, East Helena 59635. You may direct questions on the proposed application to the East Helena Contract Planner Jeremy Fadness, WWC Engineering, 1275 Maple Street Suite F, Helena, MT 59601, (406)-443-3962. Written comments may be directed to the City Clerk, Amy Thorngren, 306 East Main Street in East Helena or mailed to P.O. Box 1170, East Helena, Montana 59635. Written comments must be received by September 24, 2025 at 4:00 pm. Interested parties are invited to attend a Public Hearing and make known their views and concerns on the proposed subdivision application. The Planning Board Public Hearing will be held on September 24, 2025 at 6PM in Room 110 at City Hall, 306 East Main St. in East Helena.
September 6, 20, 2025 ##### MNAXLP



INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Helena Independent Record** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(123) 456-7890**.

Notice ID: ZROu8jyla5fgfZ3kGRE1 | **Proof Updated: Sep. 22, 2025 at 08:49am MDT**
Notice Name: Rose Hills Major Subdivision

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

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CITY OF EAST HELENA CITY OF
EAST HELENA
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(406) 227-5321

FILING FOR

Helena Independent
Record

Columns Wide: 2 **Ad Class:** Legals

Total Column Inches: 8.75

Number of Lines: 38

10/04/2025: General Legal	48.00
10/18/2025: General Legal	40.00

Subtotal	\$88.00
Tax	\$0.00
Processing Fee	\$0.00
Total	\$88.00

See Proof on Next Page

**NOTICE OF PUBLIC HEARING FOR ROSE HILLS MAJOR
SUBDIVISION**

Pursuant to the City of East Helena Subdivision Regulations, the East Helena City Council will receive public comment on a proposed 302 lot major subdivision to be known as Rose Hills Subdivision. The application proposes the development of an existing 72.64-acre parcel into 302 mixed use development with streets, water, sewer, and storm water infrastructure. Access is proposed from Highway 282. The applicant proposes to dedicate land to satisfy the parkland dedication requirements. The property is within the City of East Helena. The property is legally described as That portion of the NW1/4 lying North and West of Highway 262 and South of the Rail Road Right of Way and that portion of the NW1/4SW1/4 lying North and West of Highway 282 in Section 36, Township 10 North, Range 3 West, M.P.M., Lewis and Clark County, Montana. (Ref: Book 12 Deeds, page 207, Book 61 Deeds, page 103, Book 219 Deeds, page 447 and Book 219 Deeds, page 116) EXCEPTING THEREFROM the property shown on Certificate of Survey filed under Doc. No. 3254919, deeded to the City of East Helena by M Book 48 of Records, page 2428. The applicant and property owner is Habitat for Humanity.

Information on the proposed application is available for review at East Helena City Hall main office, 306 East Main Street, East Helena 59635. You may direct questions on the proposed application to the East Helena Contract Planner Jeremy Fadness, WWC Engineering, 1275 Maple Street Suite F, Helena, MT 59601, (406)-443-3962. Written comments may be directed to the City Clerk, Amy Thorngren, 306 East Main Street in East Helena or mailed to P.O. Box 1170, East Helena, Montana 59635. Written comments must be received by October 21, 2025 at 4:00 pm. Interested parties are invited to attend a Public Hearing and make known their views and concerns on the proposed subdivision application. The City Council Public Hearing will be held on October 21, 2025 at 6PM in Room 110 at City Hall, 306 East Main St. in East Helena. October 4, 18, 2025 ##### MNAXLP

City of East Helena

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Council Members
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**P.O. Box 1170
East Helena
Montana 59635**

City Offices
406-227-5321

City Fax
406-227-5456

Police Admin.
406-227-8686

Date: September 26, 2025
To: Adjacent Property Owners
From: Jeremy Fadness, AICP, East Helena Contract Planner

Subject: Landowner Notification for Rose Hills Major Subdivision, NW1/4 of Section 36, Township 10 North, Range 3 West, Lewis and Clark County, Montana.

Dear Landowner:

The City of East Helena has received an application for a 302-lot major subdivision located off Highway 282, within the City of East Helena, as shown on the enclosed vicinity map. The subdivision is proposed over 5 phases with 40 lots proposed as mixed use commercial and residential and 262 lots proposed for residential use, as shown on attached zoning map. The applicant is Helena Area Habitat for Humanity. The proposal is referred to as Rose Hills Major Subdivision. A complete copy of the application packet is available for viewing at the East Helena City Hall main office or additional information can be requested by contacting Jeremy Fadness at (406) 443-3952 or jfadness@wwcengineering.com.

Subdivision Proposal: three hundred and two (302) lots on 72.64 acres. The application proposes the development in five phase, as shown on the attached preliminary plat exhibit. The application proposes final platting one phase per year starting in 2027 with the final phase final platted in 2031. Primary access to this property is via Highway 282. This subdivision has the potential to add 94 children to the East Helena School District, as indicated in the Community Impact Report submitted with the application. It is estimated the subdivision will generate an additional 2,576 trips per day to the roads, according to the submitted traffic impact study. The subdivision would be connected to the City of East Helena public water and sewer treatment systems. Storm water is proposed to be managed onsite via roads constructed to City standards and detention ponds. The project is not located in or near a designated Zone A floodplain.

According to state law, the East Helena City Council must consider the following criteria in making their decision on the subdivision proposal:

1. Effects on Agriculture
2. Effects on Agricultural Water-User Facilities
3. Effects on Local Services
4. Effects on Natural Environment
5. Effects on Wildlife and Wildlife Habitat
6. Effects on Public Health and Safety



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Police Admin.
406-227-8686

As an adjacent landowner, you are invited to offer comments regarding the impacts of the subdivision on the sets of criteria listed above. A copy of the subdivision application may be viewed at the East Helena City Hall main office located at 306 East Main St. in East Helena.

Comments by the general public are accepted in writing (mail, e-mail or dropped off at the East Helena City Hall), or verbally at the meeting or by calling Jeremy Fadness, WWC Engineering, at (406) 443-3962. Comments submitted to the City of East Helena will be submitted to the East Helena Planning Board and East Helena City Council.

A public hearing date for the East Helena City Council has been set for **Tuesday October 21, 2025, at 6:30 p.m.** in Room 110 at City Hall, 306 East Main St. in East Helena. At the conclusion of the public hearing the Council will make a decision on the application to approve, approve with conditions, or deny the proposed subdivision.

If you have questions on the subdivision application or subdivision process you may contact the East Helena Contract Planner, Jeremy Fadness, AICP, WWC Engineering, 1275 Maple Street, Suite F, Helena, MT 59601 or e-mail jfadness@wwcengineering.com.

Thank you in advance for your assistance.

Jeremy Fadness, AICP
City of East Helena Contract Planner

Enc: Preliminary Plat Exhibit, Proposed Zoning Exhibit, & Vicinity Map

cc: Outgoing Correspondence File, Subdivision File
City Clerk - Electronic
City Attorney - Electronic

K:\Helena\CITY OF EAST HELENA\2024545 On-Call Planning Services\11Regulatory\SUBDIVISION\SUBDIVISION REVIEWS\ROSE HILLS MAJOR SUBDIVISION\CORRE\LANDOWNER NOTIFICATIONS\3rd Letters\1) Rose Hills Landowner 3rd Notification Letter 9-26-2025.doc



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406-227-5321

City Fax
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Police Admin.
406-227-8686

Date: August 28, 2025
To: Adjacent Property Owners
From: Jeremy Fadness, AICP, East Helena Contract Planner

Subject: Landowner Notification for Rose Hills Major Subdivision, NW1/4 of Section 36, Township 10 North, Range 3 West, Lewis and Clark County, Montana.

Dear Landowner:

The City of East Helena has received an application for a 302-lot major subdivision located off Highway 282, within the City of East Helena, as shown on the enclosed vicinity map. The subdivision is proposed over 5 phases with 40 lots proposed as mixed use commercial and residential and 262 lots proposed for residential use, as shown on attached zoning map. The applicant is Helena Area Habitat for Humanity. The proposal is referred to as Rose Hills Major Subdivision. A complete copy of the application packet is available for viewing at the East Helena City Hall main office or additional information can be requested by contacting Jeremy Fadness at (406) 443-3952 or jfadness@wwcengineering.com.

Subdivision Proposal: three hundred and two (302) lots on 72.64 acres. The application proposes the development in five phase, as shown on the attached preliminary plat exhibit. The application proposes final platting one phase per year starting in 2026 with the final phase final platted in 2030. Primary access to this property is via Highway 282. This subdivision has the potential to add 94 children to the East Helena School District, as indicated in the Community Impact Report submitted with the application. It is estimated the subdivision will generate an additional 2,576 trips per day to the roads, according to the submitted traffic impact study. The subdivision would be connected to the City of East Helena public water and sewer treatment systems. Storm water is proposed to be managed onsite via roads constructed to City standards and detention ponds. The project is not located in or near a designated Zone A floodplain.

According to state law, the East Helena City Council must consider the following criteria in making their decision on the subdivision proposal:

1. Effects on Agriculture
2. Effects on Agricultural Water-User Facilities
3. Effects on Local Services
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5. Effects on Wildlife and Wildlife Habitat
6. Effects on Public Health and Safety



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As an adjacent landowner, you are invited to offer comments regarding the impacts of the subdivision on the sets of criteria listed above. A copy of the subdivision application may be viewed at the East Helena City Hall main office located at 306 East Main St. in East Helena.

Comments by the general public are accepted in writing (mail, e-mail or dropped off at the East Helena City Hall), or verbally at the meeting or by calling Jeremy Fadness, WWC Engineering, at (406) 443-3962. Comments submitted to the City of East Helena will be submitted to the East Helena Planning Board and East Helena City Council.

A new public hearing date for the East Helena Planning Board has been set for **Wednesday, September 24, 2025, at 6:00 p.m.** in Room 110 at City Hall, 306 East Main St. in East Helena. At the conclusion of the public hearing the board may make a final recommendation on the subdivision to the City Council. You will be notified separately when the City Council public hearing is scheduled.

If you have questions on the subdivision application or subdivision process you may contact the East Helena Contract Planner, Jeremy Fadness, AICP, WWC Engineering, 1275 Maple Street, Suite F, Helena, MT 59601 or e-mail jfadness@wwcengineering.com.

Thank you in advance for your assistance.

Jeremy Fadness, AICP
City of East Helena Contract Planner

Enc: Preliminary Plat Exhibit, Proposed Zoning Exhibit, & Vicinity Map

cc: Outgoing Correspondence File, Subdivision File
East Helena Planning Board, Don Dahl - Electronic
City Clerk - Electronic
City Attorney - Electronic

K:\Helena\CITY OF EAST HELENA\2024545 On-Call Planning Services\11Regulatory\SUBDIVISION\SUBDIVISION REVIEWS\ROSE HILLS MAJOR SUBDIVISION\CORRE\LANDOWNER NOTIFICATIONS\2nd Letters\1) Rose Hills Landowner 2nd Notification Letter 8-28-2025.doc



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First Name	Last Name	Address	City	State	Zip
Rebecca	Barker	PO Box 2274	East Helena	MT	59635
Jeremie	Harris	PO Box 496	East Helena	MT	59635
Mathew and Penny	Balcerzak	PO Box 623	East Helena	MT	59635
James and Darlene	Wiseman	PO Box 1000	East Helena	MT	59635
Kevin and Tanja	Hulst	PO Box 611	East Helena	MT	59635
Moutain View Meadows LLC		431 South Alice Street	Helena	MT	59601
East Helena Public Schools		PO Box 1280	East Helena	MT	59635
City of Helena Parks		316 North Park Avenue, Room 320	Helena	MT	59623
MONTANA ENVIRONMENTAL TRUST GROUP LLC		PO Box 1390	Helena	MT	59624
EH HOLDING LLC		PO Box 4879	Helena	MT	59624

City of East Helena

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Police Admin.
406-227-8686

Date: July 25, 2025
To: Affected Agencies
From: Jeremy Fadness, AICP, East Helena Contract Planner

Subject: Agency Comments on Rose Hills Major Subdivision, NW1/4 of Section 36, Township 10 North, Range 3 West, Lewis and Clark County, Montana.

All Agencies:

The City of East Helena has received an application for a 302-lot major subdivision located off Highway 282, within the City of East Helena, as shown on the enclosed vicinity map. The subdivision is proposed over 5 phases with 40 lots proposed as mixed use commercial and residential and 262 lots proposed for residential use, as shown on attached zoning map. The applicant is Helena Area Habitat for Humanity. The proposal is referred to as Rose Hills Major Subdivision. A complete copy of the application packet is available for viewing at the East Helena City Hall main office or additional information can be requested by contacting Jeremy Fadness at (406) 443-3952 or jfadness@wwcengineering.com.

Subdivision Proposal: three hundred and two (302) lots on 72.64 acres. The application proposes the development in five phase, as shown on the attached preliminary plat exhibit. The application proposes final platting one phase per year starting in 2026 with the final phase final platted in 2030. Primary access to this property is via Highway 282. This subdivision has the potential to add 94 children to the East Helena School District, as indicated in the Community Impact Report submitted with the application. It is estimated the subdivision will generate an additional 2,576 trips per day to the roads, according to the submitted traffic impact study. The subdivision would be connected to the City of East Helena public water and sewer treatment systems. Storm water is proposed to be managed onsite via roads constructed to City standards and detention ponds. The project is not located in or near a designated Zone A floodplain.

According to state law, the East Helena City Council must consider the following criteria in making their decision on the subdivision proposal:

1. Effects on Agriculture
2. Effects on Agricultural Water-User Facilities
3. Effects on Local Services
4. Effects on Natural Environment
5. Effects on Wildlife and Wildlife Habitat
6. Effects on Public Health and Safety



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We are notifying you of this application to see if you have any thoughts or concerns about this proposal. Please notify us as soon as possible if you believe negative impacts will result from the subdivision when you review them against the criteria listed above. If you have ideas for ways to eliminate or minimize those concerns, please explain those as well.

Please provide any comments you may have to the East Helena Contract Planner, Jeremy Fadness, AICP, WWC Engineering, 1275 Maple Street, Suite F, Helena, MT 59601 or e-mail jfadness@wwcengineering.com **by August 22, 2025.**

Thank you in advance for your assistance.

Jeremy Fadness

Jeremy Fadness, AICP
City of East Helena Contract Planner

Enc: Preliminary Plat Exhibit, Vicinity Map, and Proposed Zoning Map

cc: Outgoing Correspondence File, Subdivision File
East Helena Planning Board, Don Dahl - Electronic
City Clerk - Electronic
City Attorney - Electronic

K:\Helena\CITY OF EAST HELENA\2024545 On-Call Planning Services\11Regulatory\SUBDIVISION\SUBDIVISION REVIEWS\ROSE HILLS MAJOR SUBDIVISION\CORRE\AGENCY NOTIFICATION\1) Rose Hills
Agencies Notification Letter 7-24-2025.doc



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Vigilante Agency Contact List

AGENCY	CONTACT NAME	ADDRESS	CITY	ST	ZIP	PHONE	
East Helena School District	Dan Rispens, Superintendent	P.O. Box 1280	East Helena	MT	59635	227-7700	drispens@ehps.k12.mt.us
Lewis and Clark County Community Development and Planning	Greg McNally, Community Development Director	316 North Prak Avenue, Room 445	Helena	MT	59623	447-8374	gmcnally@lccountymt.gov
Lewis and Clark County Public Works	Jenny Chambers, Public Works Director	3402 Cooney Drive	Helena	MT	59602	447-8031	jchambers@lccountymt.gov
Lewis and Clark County Public Works	Dan Karlin, County Engineer	3402 Cooney Drive	Helena	MT	59602	447-8034	dkarlin@lccountymt.gov
City of Helena Community Development Department Planning Division	Chris Brink, Community Development Director	316 North Park Avenue, Room 445	Helena	MT	59623	447-8490	cbrink@helenamt.gov
City of Helena Public Works Department	Ryan Leland, Public Works Director	316 North Park Avenue,	Helena	MT	59623	447-8433	rleland@helenamt.gov
City of Helena Transportation Systems Department	David Knoepke, Transportation Systems Director	3001 E Lyndale Avenue	Helena	MT	59601	457-8571	dknoepke@helenamt.gov
East Valley Fire District		2694 Valley Drive	East Helena	MT	59635	227-1104	mail
East Helena Fire Rescue	Roger Campbell, Fire Chief	P.O. Box 1170	East Helena	MT	59635	227-5321	firechief@easthelenamt.us
East Helena Police Department	Mike Sanders, Chief of Police	P.O. Box 1170	East Helena	MT	59635	227-5377	msanders@lccountymt.gov
East Helena Public Works	Kevin Ore, Public Works Director	P.O. Box 1170	East Helena	MT	59635	227-5321	kore@easthelenamt.us
Robert Peccia and Associates, East Helena Contract Engineer	Neal Levang, P.E.	P.O. Box 5653	Helena	MT	59601	447-5000	nlevang@rpa-eng.com
Montana Department of Transportation	Dan Block, Great Falls District Traffic Engineer	P.O. Box 201001	Helena	MT	59702	494-9600	dblock@mt.gov
Montana Fish, Wildlife, and Parks		930 Custer Avenue	Helena	MT	59620	495-3260	fwpcments@mt.gov
Montana Natural Heritage Program		1515 E. 6TH Ave.	Helena	MT	59620	444-5354	mail
NorthWestern Energy		1315 North Last Chance Gulch	Helena	MT	59601	467-2669	mail
Spectrum		3215 N Montana Ave, Suite 1	Helena	MT	59602		mail

Vigilante Agency Contact List

[illegible]

Attachment B

Agency Comment



Community Development and Planning
Lewis and Clark County

316 N. Park Ave. Room 230 Helena, MT 59623
Phone: 406-447-8374 Fax: 406-447-8398
e-mail: planning@lccountymt.gov



August 12, 2025

To: Jeremy Fadness, AICP, City of East Helena Contract Planner

From: Jenny Chambers, Director, Lewis and Clark County Community Development and Public Works

Re: Notice of Major Subdivision - East Helena, Montana Review Request for Rose Hill Subdivision

Mr. Fadness,

Thank you for the opportunity to review and comment on the application for a 302-lot major subdivision located off Highway 282, within the City of East Helena. Based on the limited information provided and understanding that this proposed development is estimated to be developed in five phases with a final plan estimated in 2030, please consider the following questions and comments at this time:

- 1) Traffic impacts for 302-lot projects can significantly impact the surrounding transportation network. Please evaluate the increased traffic volumes, potential traffic flow, safety and infrastructure needs. From the preliminary information reviewed, it is not clear the anticipated traffic flow routes and necessary access routes for residents and emergency services. Lewis and Clark County recommends you limit the number of approaches to arterial streets to maintain level of service.
- 2) Prior to any soil disturbance, a noxious weed management plan should be submitted for approval to the Lewis and Clark County Weed District and the subject property should be certified as weed-free.
- 3) Both pre- and post-construction activities should address stormwater management and follow regulatory requirements.
- 4) As you are aware, the proposed Rose Hill Subdivision lies within the East Helena Superfund area. Please ensure that any necessary remediation is completed to meet public health and safety standards and development addresses any required institutional controls for the area.
- 5) It is not clear if there is an access into the proposed Subdivision on its north side, as one of the maps appears to show an access, while the other does not. We recommend that there be an access at this location.

- 6) We recommend that there be an easement/right-of-way extension to the west for connection to future development and that the road within this extension be constructed to City of East Helena standards.

If you have any questions about the comments we have provided, please feel free to contact me.

Sincerely,



Jenny Chambers



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, OMAHA DISTRICT
MONTANA REGULATORY OFFICE
100 NEILL AVENUE
HELENA, MONTANA 59601-3329

July 25, 2025

SUBJECT: Rose Hills Major Subdivision - Lewis and Clark County, USACE File No. NWO-2025-01101-MT

Jeremy Fadness
WWC Engineering
1275 Maple Street, Suite F
Helena, Montana 59601-0668
jfadness@wwcengineering.com

Dear Mr. Fadness:

This letter is in response to correspondence we received requesting comments or permitting information regarding the above-referenced project. Specifically, the project involves a 302- lot major subdivision on 72.64 acres. The project is located on or near Prickly Pear Creek, at Latitude 46.5839°, Longitude -111.9329°, in Section 36, Township 10 N, Range 3 W, East Helena, Lewis and Clark County, Montana.

The purpose of this letter is to inform you that based on the information provided in your submittal, we are unable to ascertain if regulated activities are proposed or if jurisdictional waters of the U.S. are present within the project area. A Department of the Army (DA) permit may be required for the proposed activity. In lieu of a specific response, please consider the following general information concerning our regulatory program that may apply to the proposed project.

If the proposal involves activity in navigable waters of the United States, it may be subject to the U.S. Army Corps of Engineers (USACE) jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (RHA). Within the state of Montana, portions of the Kootenai River, the Missouri River, and the Yellowstone River¹ are considered a navigable water of the U.S. Section 10 prohibits the construction, excavation, or deposition of materials in, over, or under navigable waters of the United States unless the work has been authorized by a DA permit. Structures or work outside the limits defined for navigable waters of the United States require a Section 10 permit if the structure or work affects the course, location, or condition of the water body. The law applies to any dredging or disposal of dredged materials, excavation, filling, rechannelization, or any other modification of a navigable water of the United States,

¹ Section 10 waters in Montana are the Kootenai River (from the International Border between the United States and Canada downstream to Jennings Rapids near Jennings, Montana), the Missouri River and its impoundments (from its headwaters near Three Forks to the North Dakota state line), and the Yellowstone River (from Emigrant to the North Dakota state line).

and applies to all structures, from the smallest floating dock to the largest commercial undertaking.

If the proposal involves a discharge of dredged or fill material into waters of the United States, it may be subject to USACE jurisdiction under Section 404 of the Clean Water Act (CWA). Discharges of fill material generally include, without limitation: placement of fill that is necessary for the construction of any structure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; dams and dikes; property protection or reclamation devices such as riprap, weirs, bulkheads, and revetments; levees or berms; fill for intake and outfall pipes and trenched utility lines; fill associated with the creation of ponds; and any other work involving the discharge of fill or dredged material. A DA permit is required whether the work is permanent or temporary. Waters of the U.S. include the area below the ordinary high water mark of stream channels, lakes or ponds connected to the tributary system, and wetlands adjacent to these waters ([33 CFR § 328.3](#)). Other waters and wetlands, as well as man-made channels, may be waters of the U.S. in certain circumstances, which must be determined on a case-by-case basis. CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States unless the work has been authorized by a Department of the Army permit under Section 404. Information about the USACE permitting process can be obtained online at <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Montana>.

The mission of the USACE Regulatory Program is to protect the Nation's aquatic resources while allowing reasonable development through fair, flexible, and balanced permit decisions. Under Section 404 of the Clean Water Act, we work to protect the biological, physical, and chemical integrity of the Nation's aquatic resources. Projects are evaluated on a case-by-case basis to determine the potential benefits and detriments that may occur as a result of the proposal.

Before a permit is issued or verified, the Corps must ensure that we've met all our obligations under any related federal and state laws. For all projects, the Corps will consult with other state and federal agencies and Native American tribes, as appropriate. USACE evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses; please see the attached document for additional information and resources for permitting.

Useful documents, links, and information about Jurisdictional Determinations, Pre-Application Meetings, Permit Exemptions, Nationwide Permits, Regional Permits, Individual Permits, and Permit Applications and Permit Resources are available on our webpage: <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Montana>.

Prior to applying for a DA permit, the project proposer may request a pre-application consultation meeting with USACE (virtual or in-person, on or off-site) to obtain information regarding the information needed, alternatives, and options for permitting before an applicant makes irreversible commitments of resources (funds, detailed

designs, materials, etc.). A pre-application meeting is strongly recommended if the proposal has substantial impacts to waters of the U.S., or if it is a large, unique, or controversial project.

USACE Section 10/404 permits do not cover other potential authorizations that are often required. Others may include state or local permits such as a 310 Permit, SPA 124 Permit, 318 Authorization or 401 Water Quality Certification, Navigable Rivers Land Use License, or Floodplain Permit. Local and state governments issue permits or other authorizations to ensure compliance with local and state laws and regulations. The Corps permitting program is in place to ensure your project is in compliance with federal laws and regulations.

Note that this letter is not a DA authorization to proceed. It only informs you of the need to obtain a DA permit if waters of the U.S. will be affected. If the final design includes the placement of fill material in any jurisdictional area described above, or otherwise requires authorization by a DA permit, please submit a [Montana Joint Permit Application](#) to this office prior to starting any work. After a review of the materials submitted, we will determine what type of permit, if any, will be required. If waters of the U.S. will not be affected by a jurisdictional activity a DA permit will not be required for the project.

Please refer to identification number **NWO-2025-01101-MT** in any correspondence concerning this project. If you have any questions, please contact the Montana Regulatory Office by email at Montana.Reg@usace.army.mil, or by telephone at (406) 441-1375.

Sincerely,

Montana

Regulatory Team

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at: <https://regulatory.ops.usace.army.mil/customer-service-survey/>. Paper copies of the survey are also available upon request for those without Internet access.

U.S. Army Corps of Engineers – Omaha District, Montana

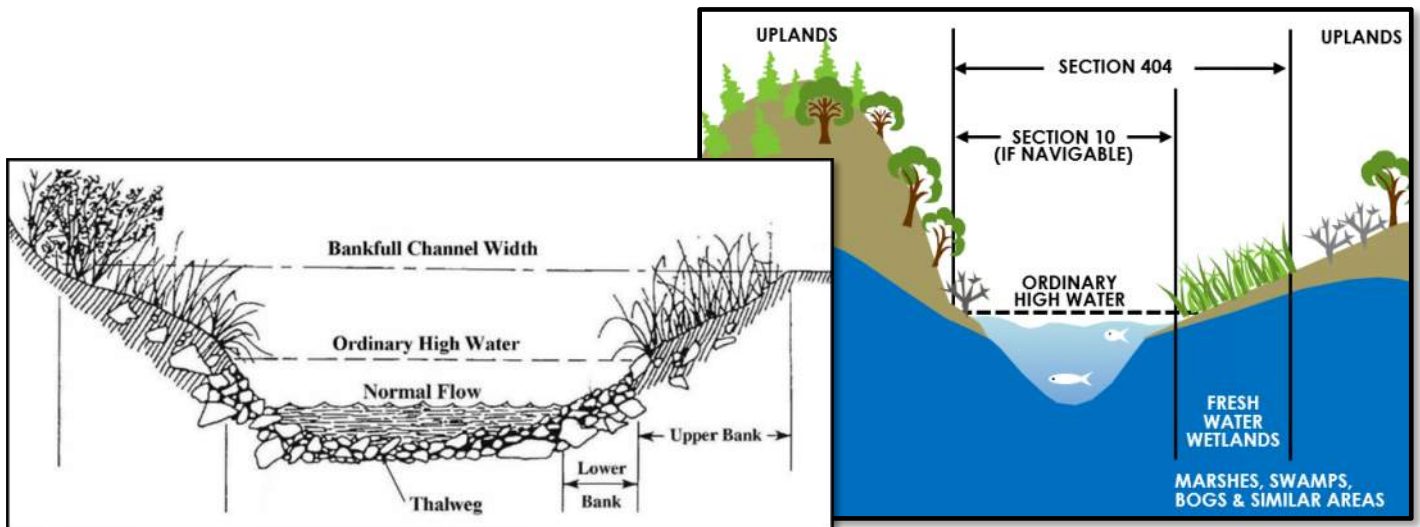
Additional Information and Resources for Permitting

1. Geographic and Activity Jurisdiction: The U.S. Army Corps of Engineers (USACE) Regulatory Program, administers and enforces **Section 10 of the Rivers and Harbors Act of 1899 (RHA)** and **Section 404 of the Clean Water Act (CWA)**.

Under **Section 10 of the RHA**, a permit is required to do **any work in, over or under** a navigable water of the United States or to do **any work that affects the course, location, or condition** of the waterbody in such a manner as to impact on its navigable capacity. Navigable waters in Montana include the Missouri River, most of the Yellowstone River and a portion of the Kootenai River, their impoundments and side channels.

Under **Section 404 of the CWA**, a permit is required for the **discharge of dredged or fill material** into waters of the United States (WOTUS). WOTUS includes the area below the ordinary high water mark of river and stream channels, lakes or ponds connected to the tributary system, and wetlands adjacent to these waters. Other waters and wetlands, as well as man-made ditches and channels, may be WOTUS in certain circumstances, which must be determined by the Corps on a case-by-case basis.

There are some activities that have been determined to be exempt from USACE regulation. For example, discharges resulting from normal farming, silviculture, and ranching activities (plowing, seeding, cultivating, etc.) are generally not subject to regulation under Section 404 of the CWA. To be considered exempt, these activities must occur in the context of established (on-going) farming operations. You should obtain confirmation from the Corps to avoid a potential violation of federal law before conducting any discharge you believe is exempt.



2. Pre-Application Meeting: Applicants can request a pre-application consultation or meeting – virtual or in-person, on or off-site. This is an optional step, but helpful in determining the information needed for permitting, additional authorizations that may be needed, alternatives, and options for permitting before an applicant makes irreversible commitments of resources (funds, detailed designs, materials, etc.). Applicants can request Pre-Application meetings through the **Regulatory Request System**: <https://rrs.usace.army.mil/rrs> or via email to Montana.Reg@usace.army.mil. Please include information on point of contacts, project location, and preliminary project details.

3. Application Submission: Applicants should submit their application package, including maps, plans and drawings to the **Regulatory Request System**: <https://rrs.usace.army.mil/rrs> or via email to Montana.Reg@usace.army.mil. Submit complete, detailed, and thorough information regarding the project. Processing time cannot begin until the Corps receives complete application information, including proper drawings. We need to be able to locate the project (detailed location map) and easily determine and verify dimensions and position of the project (site plan and cross section drawings).

4. Aquatic Resource Inventory: The application package must include a delineation of waters of the United States and special aquatic sites, including wetlands or pool and riffle complexes, and other waters, such as lakes, ponds and ditches, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by USACE to include the use of the 1987 Wetland Delineation Manual and appropriate Regional Supplements. USACE can perform the delineation upon request; however, this may take time to schedule due to often high workloads in USACE District Regulatory offices. Therefore, delineations are typically performed by a consultant hired by the property owner and verified by USACE personnel.

5. Project Evaluations & Alternatives: USACE evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) ([33 CFR part 325](#)), (2) determining whether the proposal is contrary to the public interest ([33 CFR § 320.4](#)), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) ([40 CFR part 230](#)). If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" ([40 CFR § 230.10\(a\)](#)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.

6. Endangered Species and Critical Habitat: The Endangered Species Act requires Federal agencies to consult with the U.S. Fish and Wildlife Service (Service) and the National Marine Fisheries Service, as appropriate, if an activity that requires Federal authorization (such as a USACE permit) may affect endangered or threatened species or critical habitat. For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the application must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. The Service has developed an online system that allows users to find information about sensitive resources that may occur within the vicinity of a proposed project. The "Information, Planning and Conservation System," (IPaC), is located at: <https://ipac.ecosphere.fws.gov/>.

7. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act (NHPA) requires the Corps to take into account the effects that activities authorized by Department of the Army permits are likely to have on historical properties listed in, or eligible for listing in, the National Register of Historic Places (NRHP). Any structure over fifty years of age is considered historic and is potentially eligible for listing on the NRHP unless it has been previously determined ineligible. State Historic Preservation Officers (SHPO) and Tribal Historic Preservation Officers (THPO) are provided the opportunity to review and comment on all individual permit activities and certain general permit activities. For non-Federal permittees, if the activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the NRHP, the application must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. Inquiry with the Montana SHPO is recommended to determine the presence of any associated historic resources in the area. Contact information can be found at <http://mhs.mt.gov/shpo>.

8. Water Quality Certification: Section 401 of the Clean Water Act requires any applicant for a permit for an activity that may result in the discharge of a pollutant into WOTUS to obtain a certification that the discharge will comply with applicable effluent limitations and water quality standards. Applications for water quality certifications are reviewed by states, Tribes, or the U.S. Environmental Protection Agency (EPA). Water quality certifications are required for USACE permits that authorize discharges of

dredged or fill materials into WOTUS. Some of the Nationwide Permits (NWP) or Regional General Permits (RGP) have WQC granted for them already; individual permits and other NWP/RGP will require individual certification. Contact our office to determine the appropriate Water Quality Agency for your project.

9. Mitigation: Mitigation consists of avoidance, minimization, and compensation. USACE requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. You are required to submit a mitigation plan/statement with an application if impacts will occur to 0.10 acre of wetlands and/or 0.03 acre of stream.

Compensatory mitigation is the restoration, establishment, enhancement, and in certain circumstances, preservation of aquatic resources to offset unavoidable adverse impacts. Compensatory mitigation is accomplished through purchase of credits from a mitigation bank or in-lieu fee program, or permittee-responsible mitigation. During the application review process, the Corps will determine whether compensatory mitigation is necessary and may require the applicant submit a plan for conducting proposed compensatory mitigation.

10. Activities Affecting Structures or Works Built by the United States: If any aspect of your proposed project is located within the vicinity of an existing USACE federally authorized Civil Works project (a "USACE project"), you may be required to seek permission from USACE pursuant to 33 U.S.C. 408 (Section 408) and/or real estate related permissions. Alterations/modifications to completed USACE projects requires a USACE permission pursuant to Section 408. In addition, real estate permissions may be necessary if the proposed project would affect United States real estate interests managed by USACE. For information on our Section 408 request process or to determine whether a Section 408 or real estate permission is required, please contact: Section408NWO@usace.army.mil

11. United States Coast Guard (USCG): In Montana, the Missouri River, portions of the Kootenai River, and the majority of the Yellowstone River are considered navigable waters of the U.S. as determined by USACE. The state of Montana considers additional waterways to be navigable waterways. The USCG is the agency with the authority to regulate the construction, operation, and maintenance of bridges and causeways in or across navigable waters under Section 9 of the Rivers and Harbors Act. Aerial trams and conveyors, aqueducts, utility lines, overhead pipelines, and similar structures that are affixed to a bridge span over waters of the U.S., are themselves considered a bridge structure. If the proposed work involves bridging or crossing of a navigable water the work may be regulated by the USCG.

To determine USCG requirements, please contact:

Commander (dpw)
13th Coast Guard District
915 2nd Avenue, Room 3510
Seattle, WA. 98174-1067
Attn: Waterways Management Branch
(206) 220-7282 | D13-SMB-D13-DPW@uscg.mil

12. Other Federal, State, or Local Permits: A USACE Section 10/404 permit does not cover other potential authorizations that may be required. Others may include state or local permits such as a 310 Permit, SPA 124 Permit, 318 Authorization or 401 Water Quality Certification, Navigable Rivers Land Use License, or Floodplain Permit. Local and state governments issue permits or other authorizations to ensure compliance with local and state laws and regulations. The Corps permitting program is in place to ensure your project is in compliance with federal laws and regulations.

See the Montana Department of Natural Resources & Conservation – Stream Permitting website for details: <https://dnrc.mt.gov/Licenses-and-Permits/Stream-Permitting/>



East Helena Public Schools

School District No. 9

P.O. Box 1280 * East Helena, MT. 59635

Superintendent/ Administration Office (406) 227-7700

Eastgate Elementary School (406) 227-7770 * Prickly Pear Elementary (406) 227-7720

Radley Elementary School (406) 227-7710 * East Valley Middle School (406) 227-7740

East Helena High School (406) 227-7730

"Success For All"



July 24, 2025

Jeremy Fadness
WWC Engineering
1275 Maple Street Suite F
Helena, MT 59601

Dear Jeremy,

In response to your questions in your letter dated July 25, 2025 regarding the impact of a new subdivision called Rose Hills Subdivision in the East Helena School District, we would like to enter the following comments. Development in a Blue Ribbon School District like East Helena Public Schools will add value to any proposed subdivision and the East Helena area. We are ready to welcome children from Rose Hills into our schools, but the potential crowding and financial impact to the school district is of concern.

The impacts of a subdivision on the infrastructure of a school system have long been a concern for the East Helena Board of Trustees and the taxpayers. As such this issue has been raised repeatedly to allow schools relief from the influx of additional students from subdivisions through the use of impact fees. While impact fees are available to some units of government, they have not yet been allowed for schools. East Helena has been lucky to receive support in other ways though, simply through benevolent donations like the one from Mountain View Meadows subdivision in which a portion of the area was set aside for district use in the form of a land donation. We are aware the future Habitat for Humanity developments may possibly include a school site, but have a current concern that a school may be needed there prior to the development and availability of the parcel.

The East Helena School District would like to actively participate in the subdivision process and will request the ability to provide comments to the City of East Helena as it evaluates the options and considers the impact of their decisions on the entire community. At this time, there are some issues that need to be shared as the developers look at the impact their subdivision will have on the local schools:

Keep in mind that East Helena Schools wishes to be good partners and good neighbors with our community and Rose Hills Subdivision. The school district is always interested in safety and connectivity throughout the community. Open space in the form of parks and playing fields are mutually beneficial to the Rose Hills Subdivision as well as the school district. We would like to suggest pedestrian access and amenities to and from areas with green space and pathways that interconnect and give the greatest value in collaboration with the community.

The East Helena School District currently has the ability to absorb a limited number of students without potential negative impact on the quality of education provided. The school district has an enrollment of nearly 2,000 students. Our reputation as a quality school district could be adversely impacted if classroom space becomes cramped. The addition of 350 EDU's in the

district will contribute, as you suggest, as many as 94 more students K -12. We believe the number could be higher than that based on the affordable housing concept of Habitat which will likely attract younger families with school-aged children. Our current facilities are nearing capacity and based on the aggressive nature of this subdivision plan, full capacity could be reached sooner than expected causing the district to have to make difficult decisions regarding expansion and asking the taxpayers to foot the bill for a capital improvement bond.

Regarding bus service, it appears the proposed subdivision lies inside the three 3 mile limit set in Montana law for mandatory bus transportation. Bus service cannot be guaranteed. This appears to be true of the distance between Rose Hills and all of our campus locations except Eastgate Elementary. The trustees may have to evaluate this statutory limit against the stark reality that students coming to our current campuses from the Rose Hills area will be required to cross a major US highway and busy train tracks to get to our campuses. This almost certainly eliminates the possibility of 5, 6, and 7 year olds riding bikes or walking to school which will add to the burden of automobile traffic at our campus sites during drop off and pick up times which is already a serious concern and hazard. The district may have to consider additional traffic controls or redevelopment of current streets and routes to accommodate the increased traffic. Conversely, trustees could opt to provide bus transportation which would not be reimbursed by the state (due to being within the 3 mile limit) with the cost burden being entirely borne by local taxpayers. If bus service is to be provided, planners should consider bus ingress and egress into the subdivision and plan accordingly for 83 passenger type D buses. It will not be safe for stops to be placed on the highway.. This will push buses into the subdivision. Turnarounds or bus loops will be necessary to accommodate bus traffic. A second option would be for the developer to work with the state of Montana to create a bus stop on the highway in which the school bus could pull entirely off the road to load and unload away from traffic.

Thank you for the opportunity to comment on this exciting project. Please let me know if you have any questions and feel free to contact me at 227-7700 through the district's Central Office or drispens@ehps.k12.mt.us.

Sincerely,



Dan Rispens
Superintendent

Representing the East Helena Public Schools

Jeremy Fadness

From: Jeremy Perlinski <jperlinski@rpa-eng.com>
Sent: Tuesday, September 16, 2025 11:16 AM
To: Jeremy Fadness
Cc: Kevin Ore
Subject: RE: EDU Count

WARNING: This email originated from an external sender. Please use caution when clicking links or opening attachments.

Hi Jeremy,

Below is the current number of EDUs that can be allocated for future development. Let me know if you have any questions. Thanks,

Jeremy

Existing WWTP Capacity	434,400	gal
Flow per EDU	190	gpd
Total # of Allowable EDUs	2,287	EDUs

Current # of EDUs	1,238	EDUs
Pele Trailer Park EDUs	85	EDUs
East Clark WSD EDUs	56	EDUs
Red Fox Meadows EDUs	197	EDUs
Total # of Existing EDUs	1,576	EDUs

Red Fox Meadows ¹	63	EDUs
Highland Meadows ¹	189	EDUs
Vigilante Subdivision ¹	17	EDUs
East Clark Street WSD	71	EDUs
Town Pump ¹	11	EDUs
Vigilante West ¹	26	EDUs
Total # of Remaining EDUs	377	EDUs

EDUs Available	334	EDUs
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From: Kevin Ore <kore@easthelenamt.us>
Sent: Tuesday, September 16, 2025 10:59 AM
To: Jeremy Perlinski <jperlinski@rpa-eng.com>; Jeremy Fadness <jfadness@wwcengineering.com>
Subject: EDU Count

Hello Perlinski,

Could you please verify the updated edu number for Jeremy.

Jeremy Fadness

From: Kegan McClanahan <KMCCLANAHAN@lccountymt.gov>
Sent: Wednesday, September 17, 2025 8:53 AM
To: Jeremy Fadness
Subject: Rose Hills Subdivision - Water Quality Protection District Comments

WARNING: This email originated from an external sender. Please use caution when clicking links or opening attachments.

Jeremy,

I apologize for being several weeks late on formally sending you comments on the Rose Hills Subdivision. Seeing as the subdivision will be connected to the City of East Helena's water and sewer systems, the Water Quality Protection District has no comment on this project.

Thanks,

Kegan



Kegan McClanahan
Water Quality Protection District
Hydrogeologist

Phone: 406-457-8927

Email: KMCCLANAHAN@lccountymt.gov

1930 9th Avenue
Helena, MT 59601



We want your feedback! >>>

Jeremy Fadness

From: Sharon Foster <sharonfoster@hvid-mt.com>
Sent: Thursday, July 31, 2025 12:39 PM
To: Jeremy Fadness
Subject: HVID-EH Rose Hills Major Subdivision

WARNING: This email originated from an external sender. Please use caution when clicking links or opening attachments.

The City of East Helena Rose Hills Major Subdivision does not affect HVID.

Thank you,

Sharon K. Foster
HVID Office Manager
Helena Valley Irrigation District (HVID)
3840 N. Montana Avenue
Helena, MT 59602
(406) 442-3292

Jeremy Fadness

From: Maxell, Bryce <BMaxell@mt.gov>
Sent: Thursday, July 31, 2025 8:55 AM
To: Jeremy Fadness
Subject: Rose Hills Major Subdivision

WARNING: This email originated from an external sender. Please use caution when clicking links or opening attachments.

Hi Jeremy,

I received your letter requesting agency comments on the Rose Hills Major Subdivision in East Helena.

The Montana Natural Heritage Program does not comment on projects. Instead we remain a neutral source of information on species and habitats for environmental review, permitting, and planning processes across Montana.

We would be happy to provide an Environmental Summary Report for the Rose Hills Major Subdivision if you file a request at <https://mtnhp.mt.gov/requests/>. All requests for information from us need to be filed in this online request routing system and we can typically get information back out to you within a business day. I have created a video that helps explain how to interpret and use our Environmental Summary Reports and can also answer any additional questions you might have.

-Bryce

Bryce Maxell
Program Coordinator, Montana Natural Heritage Program

✉ bmaxell@mt.gov

☎ 406.444.3989 (office) | 406.461.1279 (cell) 🌐 mtnhp.mt.gov



Attachment C

Applicant Phasing Request

Jeremy Fadness

From: Jacob Kuntz <jacobk@helenahabitat.org>
Sent: Tuesday, September 16, 2025 11:57 AM
To: Jeremy Fadness
Cc: gwirth@seaeng.com
Subject: Extending Phasing Timeline

WARNING: This email originated from an external sender. Please use caution when clicking links or opening attachments.

Hi Jeremy,

Thanks for your call regarding the phase schedule. Based on our discussion, I have no issue with extending the phasing schedule by one year if it helps avoid a future extension process. While we still hope to be underway with homebuilding in Rose Hills by the end of 2026, your approach seems like a smart way to prevent an unnecessary administrative step.

I appreciate you bringing this to our attention.

Best,
Jacob



Jacob Kuntz (he/him/his)
Executive Director
Helena Area Habitat for Humanity
PO Box 459, Helena, MT 59624
406-204-7315 (Office)
406-531-6578 (Cell)
jacobk@helenahabitat.org
<https://helenahabitat.org/>

MEETING MINUTES
CITY OF EAST HELENA
CITY HALL – 306 EAST MAIN - ROOM 110
COUNCIL MEETING: 6:30 PM
DATE: TUESDAY, OCTOBER 7, 2025
JOIN ZOOM MEETING: <https://us06web.zoom.us/j/3787705872>
CONFERENCE CALL-IN: 1-253-205-0468 MEETING ID: 378 770 5872

MEETING CALLED TO ORDER: Mayor Harris called the meeting to order at 6:30 p.m. Councilmember Dahl led the Pledge of Allegiance.

CITY OFFICIALS & STAFF PRESENT: Mayor Kelly Harris, Council President Don Dahl, Councilmember Judy Leland, Councilmember Wesley Feist, Councilmember Suzanne Ferguson, Clerk/Treasurer Amy Thorngren, City Attorney Pete Elverum, Public Works Director Kevin Ore, Fire Chief Roger Campbell, Volunteer Firefighter Nick Kallem, Police Chief Mike Sanders, Deputy Police Chief Ed Royce, and Patrol Officer Chris Kirkegaard

PUBLIC PRESENT: Patty White, Kara Snyder, Rylan Stahly, Bill Hoffman, Pat Bertagnolli (via Zoom), Eva Bertagnolli (via Zoom), Cindy Brooks (via Zoom), and Dave Jensen

ABSENT/EXCUSED: City Judge Dennis Loveless

(0:00:30) HELENA FOOD SHARE PRESENTATION: A copy of the presentation was included in the council packet. Program Director Kara Snyder and Communications Director Patty White presented information on Helena Food Share's programs with emphasis on services provided to and support from the East Helena area. This was an information-only item.

PUBLIC COMMENTS:

(0:15:50) Dave Jensen commented in opposition to the condition of the new concrete and asphalt on Pacific Street, soil compaction specification enforcement, and designated truck route enforcement. Mr. Jensen provided pictures and a written version of his comments for the record.

(0:24:30) Bill Hoffman commented in support of creating pickleball facilities in East Helena.

APPROVAL OF MINUTES:

1. **(0:27:35) September 16, 2025** – The draft minutes were included in the council packet. There was no public comment. Councilmember Feist made a motion to approve the minutes as presented. Councilmember Dahl seconded the motion. The motion passed unanimously.

2. **(0:27:50) September 25, 2025** – The draft minutes were included in the council packet. There was no public comment. Councilmember Dahl made a motion to approve the minutes as presented. Councilmember Feist seconded the motion. The motion passed unanimously.

CITY COURT REPORT: A written report was on the council room table. City Judge Dennis Loveless was excused.

DEPARTMENTAL REPORTS:

(0:28:40) Administration – Information about the Greater Helena MPO open houses was included in the council packet. Clerk/Treasurer Amy Thorngren reported that she had met with Lewis & Clark Public Health regarding their grants for neighborhood block parties next summer.

(0:29:55) Police Department – A picture of a social media post praising Patrol Officer Kyle Butler was on the council room table. Police Chief Mike Sanders reported that the department had received 587 calls-for-service in September, participated in the EHHS Homecoming parade, hosted Coffee with a Cop at Galaxy Roasting, and escorted the EHHS golf team out of town for the state tournament. He commended Deputy Chief Royce for completing a leadership course through Northwestern University. Mayor Harris expressed his appreciation for how much the East Helena Police Department has improved during Chief Sanders' tenure.

(0:35:00) Public Works – A written report was included in the council packet. Public Works Director Kevin Ore reported that crews had responded to a broken water line in Vigilante Subdivision, he met with DEQ regarding an upcoming inspection, all the tables at Main Street Park had been replaced, Montana Avenue/Valley Drive will be closed October 16th and 17th for pavement repairs, final comments on the BUILD grant have been submitted, and one of the three boilers in City Hall failed and needs to be replaced.

(0:39:05) Volunteer Fire Department - Fire Chief Roger Campbell introduced Volunteer Firefighter Nick Kallem and reported that the department was moving to digital patient care reports, would like to paint a mural on the side of the fire station, participated in the EHHS Homecoming parade, attended the 9/11 Remembrance Day event, provided medical coverage for JV football games, met with the Mayor Harris and Valley Bank regarding the Christmas Stroll, and will be participating in the Halloween Stroll.

NEW BUSINESS:

1. **(0:44:35) Request to Place a Memorial Park Bench along Prickly Pear Creek** – Pat and Eva Bertagnolli requested Council's approval to purchase a bench and place it along the creek in a location approved by the city in memory of their son Brady. There was no public comment. Councilmember Feist made a motion to approve the request. Councilmember Leland seconded the motion. The motion passed unanimously.
2. **(0:48:45) 701 E. Lewis St. Encroachment Permit Application** – Copies of Will and Rachael Gold's application and the draft permit agreement were included in the

council packet. Mayor Harris noted that the property had changed hands and required an updated agreement. There was no public comment. Councilmember Ferguson made a motion to approve the encroachment permit. Councilmember Feist seconded the motion. The motion passed unanimously.

3. **(0:49:50) METG Exempt Survey Boundary Line Relocation** – A copy of the certificate of survey was included in the council packet. Public Works Director Ore noted that the boundary line relocation would increase the amount of land for sale by the Montana Environmental Trust Group which relates to water rights and separates an additional 5 acres for a water tank that will be dedicated to the city. Cindy Brooks was available to answer questions. There was no public comment. Councilmember Feist made a motion to approve the boundary line relocation. Councilmember Dahl seconded the motion. The motion passed unanimously.
4. **(0:51:35) City Attorney Elverum's Contract Agreement** – A copy of the updated contract was included in the council packet. Mayor Harris noted that the contract is updated every 2 years. There was no public comment. Councilmember Leland made a motion to approve the contract. Councilmember Feist seconded the motion. The motion passed unanimously.
5. **(0:52:50) Selection of Garbage Truck Contract** – A copy of the bid form and specifications was in the council packet. A bid from Northland Truck Sales, Inc. was on the council room table. Mayor Harris reported that one bid had been received and that it came in under budget. There was no public comment. Councilmember Feist made a motion to approve the purchase of a new garbage truck. Councilmember Dahl seconded the motion. The motion passed unanimously.
6. **(0:56:35) West Riggs Street Overlay Project** – A bid from Helena Sand & Gravel, Inc. and a map of the project were included in the council packet. Public Works Director Ore noted that West Riggs Street was chosen above other streets in need of repair because there were no water or sewer projects planned for it. (0:58:25) Dave Jensen requested clarification on the bid. Councilmember Ferguson made a motion to approve the overlay project. Councilmember Leland seconded the motion. The motion passed unanimously.

(1:00:10) MAYOR'S REPORT: Mayor Harris reported that he had been in discussions regarding roads. He thanked City Attorney Elverum for his work on the water rights letter of response.

COUNCILMEMBERS' REPORTS:

(1:01:00) Don Dahl reported that he attended the METG open house, the Planning Board meeting, and the water rights special meeting.

(1:01:25) Judy Leland reported that she attended the METG open house.

(1:01:45) Wesley Feist reported that he attended the METG open house, attended the water rights special meeting, attended the Montana Opioid Abatement Trust meeting, and that he has accepted a new role at NorthWestern Energy.

(1:03:45) Suzanne Ferguson reported that she attended the METG open house.

(1:03:50) LEGAL REPORT: City Attorney Elverum reported that he attended an Interim Local Government Committee meeting at the legislature regarding development.

(1:08:45) PAYMENT OF BILLS: Claims 299239 through 299310 were presented for Council's review. Councilmember Leland made a motion to pay the bills. Councilmember Feist seconded the motion. The motion passed unanimously.

MEETING SCHEDULE:

1. East Helena City Council Meeting, Tuesday, October 21, 6:30 p.m., City Hall Rm 110
2. East Helena City Council Meeting, Tuesday, November 4, 6:30 p.m., City Hall Rm 110

ADJOURNMENT: Mayor Harris adjourned the meeting at 7:39 p.m.

ATTEST:

Clerk/Treasurer



Public Works Department

Proud to serve our Community

October 21st, 2025

1.) WWTP Report

- Prospect has all the walls up on the new Headworks building. They are planning on working through December before shutting down for the winter. Trusses will be installed this week, screw augers were set this last Wednesday.
- We had our meeting last Wednesday with City Engineer Jeremy Perlinski, METG, and Hydrometrics on sample points for ground water discharge permit. This will be a year's long sampling period. (Discuss)
- Colten, Jared, Shane and I were in Bozeman last week getting our CEC hours for our water and sewer license.

2.) Metal Removal Building

- Operations in Metals Building have gone well this last month.

3.) Source Water Report

- DEQ was out on Friday the 10th and performed our Sanitary Compliance inspection on the drinking water system. Went well just waiting for DEQ to send out report. (Discuss)
- Monday the 20th D/N tanks will be inspecting the concrete at M.C. Creek tank. This is the warranty follow up inspection.

4.) Solid Waste Report

- Thank you for approving purchase of new garbage truck. We mailed down payment. Truck is expected to be delivered by late December.

5.) Parks

- Lots of broken trees at JFK park from heavy snow. Thanks to all the guys working together to get this cleaned up.

6.) Pool

- Pool is closed for the Season.

7.) Streets

- Helena Sand is going to be working on pavement repairs. We are going to pave multiple repair spots on Valley Drive October 16th and 17th when school is on break. (Discuss)
- Submitted the updated grant agreement to Federal Highways. No response as of now.

8.) Facilities

- Crews are working on parking lot light improvements at City Hall.
- Still working on getting some estimates for boiler replacement here at City Hall.

9.) Resident/City Information and Events

- Halloween stroll coming up.
- School District will have red ribbon parade on Oct. 22nd.
- Still working with Attorney Elverum, DEQ, and DPHHS on stopping unapproved sewer connections that are being made in McDonald Trailer Park.