

**East Helena Subdivision
Administrative Materials**

August 2013



PRE-APPLICATION INFORMATION FORM

Please fill out this form as best you can and return to the City of East Helena to schedule your pre-application meeting. If you have any problems filling out this form, please call the City at 227-5321 and we will assist you.

PLEASE CHECK ONE: SUBDIVISION NON-SUBDIVISION

1. Name of Applicant _____
Name of Property Owner (if different) _____
Address/City/State/Zip _____
Email _____ Phone(s) work _____ home _____

2. Contact person _____ Phone(s) work _____ home _____
Email _____

3. Legal Description and general location _____

Please provide a general vicinity map, showing existing streets, north arrow and the proposed location of the site.

4. Describe land use proposal (CUP, zone change, etc) _____

5. What, if any, is the existing zoning? _____

6. Do you plan to hire an engineer? yes no

Do you plan to hire a surveyor? _____yes _____no

7. Are you aware of any site conditions that may affect development? _____

8. Describe proposed water and sewer system _____

9. Describe proposed streets/access _____

10. Do you intend to apply for a variance? _____

11. Describe drainage provisions (if applicable) _____

For Subdivision Pre-Application Conference, please complete the following additional information:

12. Name of proposed subdivision _____

13. Number and size of lots _____ Approximate size of subdivision _____

14. How do you intend to meet the park dedication requirement? _____cash donation _____park dedication
_____combination _____ n/a

Please include a sketch of the proposed subdivision showing the layout of the existing streets in relation to the site.

**SUBDIVISION
CONFERENCE**

PRE-APPLICATION

A. Prior to submitting a preliminary plat application, a subdivider for a subdivision shall consult with the City to become familiar with the city's subdivision application requirements and review process. The subdivider shall attend a pre-application meeting prior to submitting a subdivision application or resubmitting a previously submitted subdivision application that has material changes or amendments made by the subdivider after the original application has been determined by the city to contain required elements and sufficient information.

B. In order to make the pre-application meeting productive, subdividers should provide as much of the following information as possible:

1. Names and addresses of the subdivider and the owner of the tract proposed to be subdivided;
2. Name of proposed subdivision;
3. Location of tract to be subdivided;
4. Existing zoning of the tract to be subdivided;
5. Number and size of proposed subdivided lots;
6. Size of the proposed subdivision;
7. State whether an engineer and surveyor have been retained;
8. Proposed water system;
9. Proposed sewage system;
10. Proposed streets;
11. Whether the subdivider intends to apply for a zone change, zoning variance, or subdivision regulation variance;
12. Description of any physical and environmental site conditions affecting development, including water bodies, floodplains, geological hazards, and high fire risk areas;
13. Drainage provisions;
14. Proposed special maintenance or improvement districts;
15. Proposed park dedication;
16. Legible drawing of proposed subdivision showing layout of existing streets in relationship to proposed improvements and topography of tract, if possible; drawing does not need to be to scale;
17. A general vicinity map showing existing streets and north arrow;
18. Nearest existing water and wastewater mains to the property, and type, size, and location of existing wastewater treatment facilities, including septic systems;
19. Existing structures on the property;

20. Existing easements and rights of way on the property;
 21. Existing and proposed covenants or deed restrictions;
 22. Ownership information showing legal title and authority to subdivide;
 23. Water rights, including the type, uses, and ownership; and
 24. Show location of agricultural water facilities, diversion points, and places of use.
- C. The city will make available to the subdivider at the pre-application meeting a list of public utilities; local, state, and federal agencies; and any other entities that may have a substantial interest in the proposed subdivision and that may be contacted for comment on the subdivision application and the time frames that the utilities, agencies, and entities are given to respond.
- D. For informational purposes only, the state laws, local regulations, and growth policy provisions that may apply to the subdivision review process will be identified at the pre-application meeting.
- E. The pre-application meeting will be scheduled within thirty (30) days after the subdivider submits a written request for a pre-application meeting and submits the pre-application materials to the city.
- F. A subdivision application must be submitted within one hundred eighty (180) days of the pre-application meeting. If an application is not submitted within that time frame, the subdivider must request a new pre-application meeting prior to submitting the subdivision application. (Ord. 3065, 10-16-2006)

Applicable laws and regulations

The following are state laws, local regulations, growth policy provisions and other documents that may apply to the subdivision review process; this is for informational purposes only per MCA 76-3-504 (1)(q)(ii).

- Montana Code Annotated: including but not limited to Title 76 – Chapter 3
- Administrative Rules of Montana: including but not limited to Title 8, Chapter 94, Sub-chapter 30
- City of East Helena Subdivision Regulations and Zoning Ordinance
- 2013 City of East Helena Growth Policy
- Greater Helena Area Transportation Plan – 2004 Update
- East Helena Floodplain Ordinance
- The Regulations Governing Soil Displacement and Disposal in the East Helena Superfund Area in Lewis and Clark County

Comment Contact List

The following entities may be contacted for comments on proposed subdivisions. The City requests these entities respond within 2 weeks of receiving the City's "Request for comment." Although the City requests that these entities respond within 2 weeks, they may comment at any time during the subdivision review process. Applications for subdivision review will not be delayed if these entities do not respond within the review period. MCA 76-3-504 (1)(q)(iii). This serves as your written notice that some or all of these public utilities, government agencies or other entities may be contacted for comment on your subdivision preliminary plat application. Notification of which public utilities, government agencies or other entities were actually contacted to review your preliminary plat application will be provided to you once the subdivision preliminary plat application is submitted and deemed complete.

- CenturyLink Communications (formerly Qwest)
- Optimum Communications (formerly Bresnan)
- City of East Helena
- City of Helena
- East Helena Public Schools
- Helena Regional Airport
- Helena School District
- Helena Valley Irrigation District
- Jefferson County
- Lewis and Clark County
- Lewis and Clark County Water Quality Protection District
- Lewis and Clark County Soil Conservation District
- Montana Department of Environmental Quality (maintains a list of public water supply source water protection areas)
- Montana Department of Fish, Wildlife and Parks
- Montana Department of Natural Resources and Conservation (Floodplain Management Section)
- Montana Department of Transportation
- Montana Land Reliance
- Montana Natural Heritage Program
- NorthWestern Energy
- St. Peter's Ambulance Service
- State Historic Preservation Office; City-County Historic Preservation Office
- Three Rivers Communications
- U.S. Army Corps of Engineers
- U.S. Bureau of Land Management
- U.S. Bureau of Reclamation
- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service
- U.S. Forest Service
- U.S. Geological Survey, Water Resources Division
- U.S. Post Office
- Yellowstone Pipe Line Co.



CITY OF EAST HELENA
PRELIMINARY PLAT APPLICATION
Application for Major and Minor Subdivisions

All fees are non-refundable and made payable to the City of East Helena.

Please provide all of the information requested in the Application and Check List.
AN INCOMPLETE APPLICATION MAY DELAY REVIEW OF YOUR REQUEST.

1. Name of Proposed Subdivision _____

2. Applicant _____

Property Owner _____

Address _____

Address _____

Phone(s)wk _____ hm _____

Phone(s) wk _____ hm _____

E-mail _____

E-mail _____

Engineer _____

Surveyor _____

Address _____

Address _____

Phone(s) wk _____ hm _____

Phone(s) wk _____ hm _____

E-mail _____

E-mail _____

3. Subdivision representative _____ phone _____

(The subdivision representative is authorized to represent the property owner and to receive the completeness and sufficiency evaluation.)

4. GEO Code # _____

5. Legal description (submit a deed to verify description) _____

6. Location (general description) _____

7. Do you intend to request a zoning change? _____yes _____no
8. Do you intend to request a _____zoning variance _____subdivision regulation variance?
If so, attach the appropriate Variance Application Form.

9. Current land use _____

10. Proposed land use _____

11. Number of existing lots _____ Number of new lots _____
Size of new lots: maximum _____sq. ft., minimum _____sq. ft.

12. Gross area of property _____ acres Net area _____ acres

13. Proposed improvements: _____Streets _____ Water _____Sewer
_____Landscaping _____ Storm drainage _____Erosion Control

14. How will the improvements be paid for? _____

15. Will the development be phased? _____yes _____no If yes, explain

16. How do you intend to meet the park dedication requirement?
_____Cash Donation _____Park Dedication _____Combination _____N/A

17. If parkland is to be donated, describe your rationale for placement and purpose of parks. _____

18. Are there currently covenants on the property? _____If so, attach a copy.

19. Is a home-owner's association planned? _____ Are covenants planned? _____If so, attach a
proposed covenants. copy of

20. Are you claiming this to be a first minor subdivision from a tract of record? _____yes _____no If yes,
attach information substantiating this claim.

21. See attached checklist for additional items to be filed with this application.

I, the above-mentioned Applicant, request review of the preliminary plat for this subdivision. The information
presented with this application is true and accurate to the best of my knowledge.

Signed _____ date _____ Applicant

Signed _____ date _____ Property owner (if different from above)

Signed _____ date _____ Property owner (if different from above)

Signed _____ date _____ Property owner (if different from above)



FINAL PLAT APPROVAL FORM

Date _____

1. Name of Subdivision _____
2. Location: 1/4 Section __ Township Range For
Amended Plats: Lot(s) Block(s) _____ Subdivision
3. Name, address and telephone number of subdivider:

4. Name, address and telephone number of persons of firms providing services and information (e.g.: surveyor, engineer, designer, planning consultant, attorney):

5. Descriptive Data:
 - a. Gross area in acres _____
 - b. Number of lots or rental spaces _____
 - c. Existing zoning or other regulations _____

6. Date Preliminary Plat Approved: _____
7. Any Conditions? _____ (If Yes, attach list of conditions.) Describe the manner in which each condition was addressed.
8. Any Deed Restrictions or covenants? _____ (If Yes, attach a copy.) If restrictions or covenants were a condition of approval, list specific location of said restrictions or covenants.
9. All improvements installed? _____ (If No, attach a list of the subdivision improvements completed, and proposed to be guaranteed, engineer's certification of costs of improvements to be installed, proposed financial guarantees.)
10. List of materials submitted with this application:
 - a. _____
 - b. _____
 - c. _____
 - d. _____
 - e. _____
 - f. _____

I do hereby certify that all the statements and information and the statements and information contained in all exhibits transmitted herewith are true. I hereby apply to the City Council of East Helena for approval of the final plat of _____.

Subdivider

FOR OFFICIAL USE ONLY

1. Application Number _____
2. Date Application Submitted _____
3. Date by which Final Plat must be approved or rejected _____



**CITY OF EAST HELENA
VARIANCE REQUEST APPLICATION**

The governing body may grant variances from Section VI. DESIGN AND IMPROVEMENT STANDARDS of the City of East Helena Subdivision Regulations when strict compliance would result in an undue hardship and when it is not essential to the public welfare. Such a variance shall not have the effect of nullifying the intent and purpose of these regulations. The governing body may not, by variance permit subdivision for building purposes in areas located within the floodway of a flood of 100-year frequency as defined by Title 76, Chapter 5, MCA. The governing body shall not approve a variance unless it makes findings based upon the evidence in each specific case as defined in the application section below. Please use a separate sheet for each variance requested.

Applicant: _____ **Subdivision:** _____

Subdivision Regulation (i.e. Section VI.H., Streets and Roads): _____

Variance Requested: _____

Please attach any maps, diagrams, or other information that describe the requested variance.

Describe how the requested variance applies to the following criteria (please attach additional pages if necessary):

a. **The granting of the variance will not be detrimental to the public health, safety or general welfare, or injurious to other adjoining properties.**

b. **Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, an undue hardship to the owner would result if the regulations were enforced.**

c. **The variance will not cause a substantial increase in public costs.**

- d. **The variance will not place the subdivision in nonconformance with any adopted zoning regulations or applicable adopted plans.**

Innovative designs that address energy conservation, transportation efficiency, affordable housing, ADA accessibility or preservation of the natural environment which do not circumvent the purpose of these regulations may be reasons for granting of a variance by the governing body.

I, the above-mentioned Applicant, request review of the subdivision variance application. The information presented with this application is true and accurate to the best of my knowledge.

Signed:

Applicant

Procedure

The applicant shall include with the submission of the subdivision application a variance application and a written statement describing the requested variance and the facts of hardship upon which the request for the variance is based. When a Planning Board public hearing is held on the subdivision application, the Planning Board shall make a recommendation to the governing body upon each requested variance. The governing body shall consider each requested variance application at the public meeting or hearing on the subdivision application.

Conditions

In granting variances, the governing body may impose conditions that will in its judgment, substantially secure the objectives of the City of East Helena Subdivision Regulations.

Statement of Facts

When any such variance is granted, the motion of approval of the proposed subdivision shall contain a statement describing each variance and the facts and conditions upon which it is based.

MODEL

IRREVOCABLE LETTER OF CREDIT

Letter of Credit No. ____

Name of Local Government
Address

Date

Gentlemen:

We hereby establish in your favor our Irrevocable Letter of Credit # _____ for the account of _____ (Subdivider) available by your drafts at sight up to an aggregate amount of \$ _____. Should _____ (Subdivider) default or fail to complete the improvements under the terms specified in the attached subdivision improvements agreement for (name of subdivision) we shall pay on demand your sight draft or drafts for such funds, to the limit of credit set forth herein, as are required to complete said improvements.

All drafts must be presented prior to expiration date and this Letter of Credit must accompany the final draft for payment. Drafts drawn hereunder must be by sight draft marked:

“Drawn under (lending institution), Letter of Credit # _____ dated (date of Letter of Credit) _____,” and the amount drawn endorsed on the reverse _____ hereof by the lending institution.

Unless otherwise stated, this Letter of Credit is subject to the Uniform Customs and Practices for Commercial Documentary Credits (1983 Revision) International Chamber of Commerce. We hereby agree with the drawers, endorsers and bona fide holders of the drafts drawn under and in compliance with the terms of this Credit that these drafts shall be duly honored upon presentation to the drawee.

This letter of credit may not be withdrawn or reduced in any amount prior to its expiration date except by your draft or written release.

_____(Lending Institution)

_____(Signature and Title of Official)____

GRANT OF ACCESS EASEMENT

THIS INDENTURE, made and entered into this _____ day of _____, 20____, by and between _____, of _____, Montana, hereinafter referred to as the "Grantor", and ____ (subdivider) of _____, Montana, hereinafter referred to as the "Grantee."

THE GRANTOR does hereby give, grant and convey unto the Grantee, its successor and assigns, the right, privilege and authority to construct, reconstruct, maintain, operate, repair, improve, and to travel upon and use, a road and its necessary fixtures and appurtenances through, over, and across a corridor, 60 feet wide, shown on the attached certificate of survey, extending across the following described tract(s) of land:

(legal description of Grantor's property over which easement is granted)

THIS GRANT of right and authority shall run with the said property and be binding on the Grantor, its successors, all subsequent owners and any parties having right, title, or interest in the said property.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand this ____ day of _____, 20____.

Grantor

STATE OF MONTANA)
) ss.
County of _____)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared _____, known to me to be the persons whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this ____ day of _____, 20____.

Notary Public for the State of Montana
Residing at _____, Montana
My commission expires _____