



## **NOTICE OF PUBLIC MEETING**

The Lewis and Clark County Commissioners Public Meeting will be held on Thursday, August 13, 2015, at 9:00 AM in Commission Chambers Room 330.

It is the policy of the Board of County Commissioners to render a decision at a later date after they have had ample time to consider all oral and written public testimony. The BoCC may render a final decision on the same date if substantial new information is not received.

1. **Pledge of Allegiance**
2. **Consent Action Items**
  - a. Vendor Claims Report for week ending August 14, 2015. (Marni Bentley)
3. **Resolution 2015-115 Intention to Create the Walter Drive Rural Improvement District No. 2015-8. (Matt Heibel)**

The Commissioners will consider the resolution.
4. **Resolution 2015-114 Levying and Assessing a Tax Upon Benefited Property Within The Emerald Ridge Rural Improvement District No. 2015-5. (tabled 8/11/15) (Matt Heibel)**

The Commissioners will consider the resolution.
5. **Special Zoning District No. 33 R-2A Regulations Variance Request. (Lindsay Morgan)**

The Commissioners will consider a variance request from the R-2A regulations of Special Zoning District No. 33 to allow an existing garage and deck, located at 1004 Pintail Court, to encroach into the setbacks from the south and east property boundaries.
6. **Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.**
7. **Adjourn**

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

- Vendor Invoice Claims and Reports are available for public inspection in the County Budget Office.
- Lewis and Clark County will provide appropriate auxiliary aids to individuals with hearing, vision, or speech impairments.
- Availability of these services will be dependent upon sufficient notice to secure them. For assistance, please contact 447-8304 or TTY Relay Services 1-800-253-4091

<b>Checks for the week ending August 14, 2015</b>	<b>Amount</b>
168TICKETS LLC	\$908.04
360 OFFICE SOLUTIONS	\$1,326.35
3-V DISTRIBUTING, INC.	\$735.82
A2Z STAFFING SOLUTIONS	\$1,258.04
ACADEMY OF NUTRITION & DIETETICS	\$518.00
ACTION COLLECTION SERVICES, INC.	\$200.00
ACTION PRINT	\$4,795.46
AG-WEST DISTRIBUTING COMPANY	\$2,541.14
ALARCON, CYNTHIA	\$69.00
ALARM SERVICE, INC.	\$35.00
ALLEGIANCE (FIXED)	\$47,372.57
ALLEGRA PRINT & IMAGING	\$2,100.00
ALSCO	\$10.88
AMERICAN PLANNING ASSOC.	\$274.00
AMS	\$12,226.99
ANDERSON STEVENSON WILKE	\$1,085.00
ANDERSON, DARCI	\$12.00
ANDERSON, ROBERT L.	\$46.50
ANDERSON-ZURMUEHLEN, P.C.	\$1,500.00
ARTCRAFT PRINTERS, INC	\$128.83
AUGUSTA SERVICE STATION	\$1,247.50
AUTOTRIX SIGNS & GRAPHICS	\$240.00
AVAILITY LLC	\$79.00
AWARDS & SPECIALITIES - TROPHY CASE	\$142.00
BALZARINI, PETER J.	\$101.60
BARRETT, WILL	\$103.40
BATTERIES PLUS BULBS-BIG SKY	\$21.98
BENTLEY, JOAN L.	\$16.60
BIBBERO SYSTEMS, INC.	\$262.39
BIG SKY CREMATIONS	\$500.00
BIRCHMIER, MARY	\$28.45
BJERKE, BARBARA A.	\$13.15
BLACKFOOT VALLEY DISPATCH	\$24.00
BOB BARKER COMPANY, INC.	\$2,982.71
BOTTLED WATER, INC.	\$45.00
BOULDER MONITOR	\$91.00
BOYD ANDREW COMMUNITY SERVICES	\$19,344.00
BRADNBERRY, INC.	\$3,459.00
BREEDEN, JOSEPH H.	\$41.80
BROOKE, MARK T.	\$12.00
BULLITT COMMUNICATIONS	\$2,481.00
BURKHART DENTAL SUPPLY COMPANY	\$119.47
CADWALLADER, MARK E.	\$12.00
CAMPBELL, MARY BETH	\$25.23
CANYON CREEK STOCK 4-H CLUB	\$200.00
CAP PAVING	\$16,565.60
CAPITAL CITY HEALTH CLUB	\$489.86
CAPITAL CITY PUBLISHING (HELENA)	\$4,032.30
CAPITAL COMMUNICATIONS	\$2,599.00
CAPITAL LAUNDRY & TEXTILE	\$91.50
CAPITAL TRAILER & EQUIPMENT	\$207.90

CAPITAL TRANSFER & STORAGE	\$50.00
CARDINAL HEALTH 411, INC.	\$2,891.12
CAROLINA SOFTWARE	\$100.00
CARQUEST AUTO PARTS	\$707.34
CASA ADVOCATES FOR KIDS	\$18,500.00
CASCADE COUNTY REGIONAL YOUTH	\$14,297.27
CASEY, GAYLE	\$38.80
CENTER FOR MENTAL HEALTH (HELENA)	\$3,662.96
CENTRAL PARTS COMPANY/NAPA	\$724.00
CENTURYLINK	\$1,846.69
CERTIFIED LABORATORIES	\$293.69
CHARLTON, AARON H.	\$23.50
CHARTER ONLINE-WAS OPTIMUM	\$272.20
CHERRY CREEK RADIO, LLC	\$1,986.50
CITY OF HELENA/POLICE DEPT.	\$12,976.80
CITY OF HELENA/SANITATION DEPT	\$95,570.99
CITY OF HELENA/TRAFFIC DEPT.	\$1,313.55
CITY OF HELENA/WATER DEPT.	\$4,989.89
CITY/COUNTY ADMIN. BLDG.	\$473.00
CLAGUE, DAVID W.	\$26.95
CLAMPITT, BARBARA K.	\$12.00
CLEARWATER PUMP AND SUPPLY	\$20.00
CLINCH, JAMES P.	\$28.45
COCHLIN, ROGER F.	\$92.50
COMFORT SUITES	\$3,458.33
CONQUERGOOD, DARCIE L.	\$25.44
CONQUERGOOD, HOWARD M.	\$29.25
COWEE, LORA L.	\$14.88
COWLES MONTANA MEDIA CO	\$1,005.00
CRAWFORD, YVONNE S.	\$1,078.70
CULLIGAN OF HELENA	\$21.00
CURVATURE LLC	\$1,553.03
D&H LAWN CARE	\$114.00
DAKOTA SUPPLY GROUP	\$14.97
DALY, GREG	\$132.44
DANIELSON, JASON	\$2,342.13
DAPHNE SOFTWARE	\$586.50
DAVIS BUSINESS MACHINES, INC.	\$95.90
DE YOUNG, CAROLYN	\$10.94
DEADY, CONNIE J.	\$12.00
DEPT.OF JUSTICE-CENTRAL SERVICES	\$1,900.00
DEPT.OF REVENUE	\$32.50
DEPT.OF REVENUE-BUS LICENSE	\$280.00
DEPT.OF REVENUE-MISC. TAX DIV.	\$658.52
DILL, JILL A.	\$17.75
DISCUS DENTAL LLC	\$61.93
DONALDSON, TRACY	\$42.25
DOWL HKM	\$956.25
DRIVDAHL, MARTIN R.	\$38.44
DUFRECHOU, AUDREY	\$726.48
DUSTBUSTERS, INC.	\$12,939.71
EAGLE ELECTRIC, INC.	\$33,281.21

EASTSIDE STORAGE	\$17.00
EASTWOOD, RONALD L.	\$43.34
ECLINICALWORKS, LLC.	\$8,096.56
ECOLAB	\$640.95
EDUCATIONAL SERVICES	\$167.66
EMPIRE OFFICE MACHINES	\$1,267.94
ENGELSON RIENDEAU, LAURA L.	\$135.03
ETHERINGTON, ANTHONY J.	\$12.00
FASTENAL COMPANY	\$117.11
FASTENERS	\$45.24
FEDEX	\$187.04
FERRON, AARON V.	\$23.50
FETH, CHARLES A.	\$25.00
FICKLER OIL COMPANY	\$878.50
FLEET SERVICES (PUBLIC WORKS)	\$325.40
FLYING HORSE COMMUNICATIONS, INC	\$17,500.00
FLYING M MACHINE & FABRICATION, LLC	\$330.00
FREDRICK, DUANE A.	\$12.00
FREEMAN & MACLEAN, P.C.	\$180.02
FREEMAN, TINA L.	\$109.00
FREZZETTE, ALFIO J.	\$1,576.64
FRIENDS RETRO	\$75.00
FRIENDSHIP CENTER	\$4,038.52
FRONTLINE GLASS, INC.	\$215.60
GALLATIN COUNTY DETENTION CENTER	\$2,015.00
GOLD RUSH ELECTRIC	\$685.50
GORDER-JENSEN FUNERAL HOME	\$250.00
GREAT WEST ENGINEERING	\$5,507.50
GRUBER, FRANK	\$100.00
HAMLIN, KIMBERLY L.	\$27.88
HANSON, IRENE J.	\$13.15
HARLOW'S TRUCK CENTER	\$70.36
HARVEST CLEANING SERVICE	\$734.00
HELENA AREA FRIENDS OF PETS	\$1,742.50
HELENA AUTO CENTER	\$169.95
HELENA FUEL INC.	\$22,414.10
HELENA INDEPENDENT RECORD (OHIO)	\$109.89
HELENA INK & TONER CO.	\$1,768.00
HELENA STAMP WORKS & ENGRAVING LLC	\$92.00
HELENA TOWING SERVICE	\$870.00
HELGERSON, JOLENE	\$69.29
HELLMAN, PATRICIA M.	\$25.80
HENKEL, CANDICE	\$49.50
HENRY SCHEIN, INC.	\$4,261.63
HIGUERA, JAMES R.	\$12.00
HOLLEY, LISA S.	\$378.00
HOLSTROM, JOYCE	\$25.00
HOME DEPOT CREDIT SERVICES	\$78.72
HON COMPANY LLC, THE	\$4,064.23
HUGHES, ALAN	\$176.96
HUNSAKER, DOUGLAS J.	\$16.60
HUTSON, CASSANDRA L.	\$12.00

IBS OF THE BIG SKY	\$164.95
IDEAL PRODUCTS, INC.	\$2,500.00
INDUSTRIAL TOWEL & COVER	\$269.48
INFORMATION TECHNOLOGY & SERVICES	\$8,468.25
INFORMATION TECHNOLOGY CORE	\$15,177.68
INLAND TRUCK PARTS	\$907.58
INTEGRATED IMAGING SYSTEMS	\$147.85
INTERNAL REVENUE SERVICE (ATLANTA)	\$688.65
INTOXIMETERS, INC.	\$1,880.00
INVESTMENT PROPERTIES FINANCE GROUP	\$15,192.94
J C BILLION	\$137,445.00
J&D TRUCK REPAIR, INC.	\$143.31
J&J TIRE CENTER	\$307.96
JESS, KATHLEEN A.	\$12.00
JOHNSON, MICHELLE L.	\$26.73
K & J CONVENTION SERVICES, LLC	\$3,222.00
KAREN'S KAFE	\$97.73
KENNY, LISA	\$70.72
KNAPP, STEPHEN J.	\$12.00
KOIS BROTHERS EQUIPMENT CO.	\$328.53
KOWALSKI, JOHN T.	\$13.15
KUNNARY, STEPHEN M.	\$12.00
L&C CO 4-H COUNCIL	\$3,300.00
L&C CO FAIRGROUNDS	\$2,000.00
L&C CO HEALTH DEPT.	\$336.00
L&C CO PUBLIC WORKS DEPARTMENT	\$24,893.47
L&C CO SHERIFF'S OFFICE	\$1,888.76
L&C CO SHERIFF'S RESERVES	\$6,430.00
L&C CO SHOP	\$146.03
LABUFF, LAVENE D.	\$12.00
LEHRKIND'S	\$375.50
LES SCHWAB TIRES	\$205.03
LETTER RUN EXPRESS	\$1,000.00
LINCOLN SEWER DISTRICT	\$24.67
LINCOLN TELEPHONE COMPANY, INC.	\$386.73
LINCOLN, ROSA H.	\$13.15
LINDEMAN, KEN	\$1,887.00
LITTLE SHIPPER	\$39.04
LOSEY, TERRI	\$67.96
LOWE'S	\$41.87
LYON GROUP, LLC.	\$250.00
MACHINERY POWER & EQUIPMENT CO	\$54.00
MACK, KIMBERLEY K.	\$28.45
MARTINELLI, FRANCENE	\$12.00
MATLOCK, AMI	\$30.00
MCCORKLE, RENEE L.	\$28.45
MCDONALD, DIANE L.	\$25.00
MED-ENG SYSTEMS INC.	\$720.00
MEGGAN'S CLEANING	\$100.00
MERCK SHARP & DOHME CORP.	\$8,668.61
MHL SYSTEMS	\$3,861.87
MILLIS, AARON D.	\$12.00

MINNETI, ERIC	\$12.00
MISSOULIAN	\$57.00
MONTANA BROOM & BRUSH SUPPLY	\$902.69
MONTANA INTERACTIVE - COLORADO	\$862.00
MONTANA JANITORIAL, INC.	\$80.00
MONTANA ORGANIC ASSOCIATION	\$400.00
MONTANA PROPANE, INC.	\$106.13
MONTANA RADIO COMPANY	\$2,250.00
MONTANA RECORDS MANAGEMENT, LLP	\$161.12
MONTANA SHED CENTER	\$2,057.00
MONTANA WASTE SYSTEMS- GF	\$10,628.28
MOORE MEDICAL CORPORATION	\$700.41
MOORE, KATHY	\$51.00
MOUNTAIN STATE TACTICAL	\$1,750.00
MOUNTAIN VIEW CO-OP	\$195.07
MSU-EXTENSION PUBLICATIONS	\$225.00
MT ASSN OF CO SCHOOL SUPT	\$50.00
MT BUSINESS ASSISTANCE CONNECTION	\$8,099.00
MUNSON, STAN	\$540.25
MURPHY, SHELLEY D.	\$12.00
MURRAY, MICHAEL A.	\$448.22
NELSON, CRAIG D.	\$25.00
NELSON, M.E. (MICKEY)	\$613.15
NET TRANSCRIPTS INC.	\$423.82
NICO ELECTRONIC SYSTEMS	\$44.00
NIEMANN, DRENDA	\$269.50
NITRO GREEN	\$949.00
NMS LABS	\$49.00
NORMONT EQUIPMENT COMPANY	\$1,746.68
NORTHWEST BATTERY & ELECTRIC	\$114.30
NORTHWESTERN ENERGY	\$21,188.01
NORTHWESTERN ENERGY,CK GRP-A	\$1,752.03
NOVELL, INC.	\$90,332.42
O'MALLEY, DAN	\$156.20
ONE WAY MARINE & MOTOR SPORTS, INC.	\$81.00
OVERHEAD DOOR COMPANY OF HELENA	\$1,113.00
PAD FOR PAWS FOUNDATION	\$500.00
PARAGON BERMUDA (CANADA) LTD	\$606.96
PATCH, JUSTIN L.	\$109.75
PATIENT TOOLS, INC.	\$104.00
PAUL'S KEY & REPAIR	\$60.25
PAVEMENT MAINTENANCE SOLUTIONS, INC	\$24,812.11
PAXSON, WADE	\$14.88
PENNA, MARIA	\$56.06
PETTY CASH - CRK OF DIST CRT	\$51.80
PETTY CASH - SHERIFF'S OFFICE	\$267.12
PICKETT, LEONARD R.	\$45.16
PIONEER CHEMICAL SUPPLY	\$681.33
PIPPIN, MORGAN T.	\$34.40
PRECISION EMBROIDERY	\$12.00
PRO FORCE LAW ENFORCEMENT	\$8,661.85
QUILL CORPORATION	\$32.17

QWIK SIGNS	\$284.50
R & R PUMP	\$71.50
RAMLER, KODY J.	\$26.95
RANCH & HOME SUPPLY, INC. (HELENA)	\$908.13
RASMUSSEN, CHASE L.	\$38.44
REDDEN, LESLIE	\$25.00
REEDER, KEITH G.	\$25.00
REEHL, BEN T.	\$31.90
RESPEC	\$380.00
RESPOND SYSTEMS	\$82.68
RETZ FUNERAL HOME	\$750.00
REYNOLDS, MELANIE	\$51.00
RHYS, SHERREL	\$11.99
RICO, DAVID	\$72.00
ROCK HAND HARDWARE	\$446.76
ROCKMOUNT	\$321.14
ROCKY MOUNTAIN RADIATOR	\$915.00
ROCKY MOUNTAIN TRUCK CENTER	\$83.05
ROSE-ZAMMITT, LISA L.	\$14.30
RPH INNOVATIONS, LLC	\$2,000.00
S AND K ELECTRIC LLC	\$575.00
SAMPSON, JENIFER	\$25.00
SANOFI PASTEUR, INC.	\$5,227.77
SAPPHIRE RESOURCE CONNECTION	\$500.00
SARCHET, BRENT	\$69.00
SHELL, MARY ANN	\$12.00
SCHORER, ERIC J.	\$58.60
SCHWEITZER, KATRINA MIRREN	\$12.00
SCHWEITZER, LENNY R.	\$12.00
SERVICEMASTER COMMERCIAL BLDG SERV	\$5,950.00
SHEETS, CLAYTON R.	\$12.00
SHEW, ELIZABETH J.	\$12.00
SHILO INN & SUITES	\$13,986.70
SHIRLEY, GAYLE	\$296.71
SHOP SPECIALTIES	\$295.00
SKINNER, LOREEN	\$13.15
SMITH, BRUCE T., M.D.	\$12.00
SMITH, ROGER	\$1,152.76
SNAP-ON-TOOLS-CHARLIE POPP	\$19.89
SOLSTICE SPIRIT LTD	\$7,539.73
SONNY'S SEPTIC TANK CLEANING	\$75.00
SOUTH HILLS PHARMACY	\$3,499.84
SPARTAN CONSULTING	\$2,500.00
SPENGLER, PAUL N.	\$205.12
SPIEKER SPRINKLERS	\$317.00
ST. PETERS HOSPITAL	\$21.55
STARPLEX CORPORATION	\$5,734.33
STATE LAW LIBRARY OF MONTANA	\$792.00
STATEWIDE PUBLISHING MONTANA	\$160.00
STRAINER, TONY F.	\$12.00
STRAW, JEFFREY	\$14.30
SWAIN, CLAIR	\$152.50

TAMARACK FORESTRY SERVICES, INC.	\$1,900.00
TARANIK, CLINTON P.	\$12.00
TARP O MATIC, INC.	\$6,900.00
TEASE, ANTOINETTE M., PLLC	\$185.00
THERACOM, A CAREMARK COMPANY	\$618.29
THREE RIVERS COMMUNICATIONS	\$311.31
TIMEKEEPING SYSTEMS, INC.	\$6,008.26
TIRE-RAMA SERVICE CENTER	\$3,003.53
TREE TRIMMERS & LANDSCAPING, LLC	\$4,380.00
TRI COUNTY DISPOSAL	\$218.06
TRIHYDRO	\$3,095.41
ULINE - SHIPPING SUPPLIES	\$235.30
UNITED TRUCK & EQUIPMENT	\$450.50
US BANCORP CARD SERVICES, INC.	\$6,176.49
US DEPT.OF EDUCATION	\$589.87
US POSTMASTER - HARRIS ST.	\$164.00
UTILITIES UNDERGROUND LOCATION CNTR	\$108.33
VEMCO	\$125.00
VERIZON WIRELESS	\$2,811.51
VINCENT, KRISTINA M.	\$22.35
VISION NET, INC.	\$245.00
WAISNER, WILBUR J.	\$12.00
WAL MART STORES, INC.	\$369.66
WENSTROM, LYNN J.	\$43.40
WESTAFF	\$1,173.75
WESTERN RANCH SUPPLY CO.	\$2,400.00
WHITEHALL'S ALPINE DISTRIBUTING	\$152.40
WILLIAMS, DEREK, M.D.	\$2,825.00
WINES, STACEY M.	\$31.90
WOLF CREEK WATER & SEWER DISTRICT	\$88.45
WOODY'S CAR WASH	\$20.00
XEROX CORPORATION	\$518.24
YAEGER, RALPH M.	\$26.73
YWCA	\$118,180.00
ZARSKE, TAMMIE	\$30.40
	<u><u>\$1,084,466.07</u></u>





Resolution 2015-115 Intention to Create the Walter Drive Rural Improvement District No. 2015-8. (Matt Heibel)

Presented By:

Summary:

The Commissioners will consider the resolution.

**ATTACHMENTS:**

Description	Type
☐ Memo	Attachment
☐ Resolution	Resolution
☐ Exhibit 'A'	Resolution
☐ Exhibit 'B'	Resolution



**Lewis and Clark County  
Community Development and Planning**

*316 N. Park Ave. Room 230  
Helena, MT 59623  
Phone: 406-447-8374  
Fax: 406-447-8398  
E-mail: [planning@lccountymt.gov](mailto:planning@lccountymt.gov)*



DATE: August 6, 2015

TO: County Commission  
FROM: Matt Heimel, Special Districts Planner  
SUBJECT: Resolution of Intention to Create the Walter Drive RID

Planning staff has processed a request to create a Rural Improvement District by the subdivision applicant for the proposed Valleyview Farms Subdivision in order to satisfy condition of approval #12. The applicant is required to cooperate with staff in order to create a RID to maintain Walter Drive and the subdivision's internal access road. A separate rural improvement district for maintenance of the internal access road is anticipated to be created on the day of subdivision final plat. Creation of the Walter Drive RID under this resolution will partially satisfy condition of approval #12.

A resolution of intention for the proposed district is attached to this memo outlining the details and costs for maintenance in the district. After the resolution of intention is approved, a 30-day public protest period will be initiated. All landowners within the proposed district boundaries will be notified and a public meeting on the creation of the district will be scheduled.

A petition to create the district was not circulated because over 50% of property owners representing the project cost have waived their right to protest the creation of a RID through their restrictive covenants. The threshold for formal protest to block proceedings on a RID is 50%. A protest period will still be held, as required under statute, and the Commission may still consider any public comment on the proposed district.

After the discussion has been closed, the Commissioners may render a decision on the resolution establishing their intent to create the district:

1. The Commission may approve or reject establishing intention to create district.
2. The Commission may require details the resolution to be amended prior to approval.

## **RESOLUTION 2015-**

### **RESOLUTION OF INTENTION TO CREATE THE WALTER DRIVE RURAL IMPROVEMENT DISTRICT NO. 2015-8**

WHEREAS, the Lewis and Clark County Board of County Commissioners is authorized to establish intention to create a rural improvement district whenever the public interest or convenience may require, as per MCA 7-12-2103; and

WHEREAS, the subdivision applicant for the proposed Valleyview Farms Subdivision was granted preliminary approval on September 18, 2008; and

WHEREAS, condition of approval #12 states that “A Rural Improvement district shall be created to maintain Walter Drive and the internal access road; (Section XL.H.7., County Subdivision Regulations)”; and

WHEREAS, the subdivision applicant has requested the creation of a Rural Improvement District to partially satisfy one part of the Valleyview Farms Subdivision conditions of approval; and

WHEREAS, owners of property within the proposed district to be assessed for over 50% of the cost of the proposed program as determined by the method of assessment described in this resolution of intention have waived the right to protest the creation of a Rural Improvement District for the purpose of improving and/or maintaining the roads that access the proposed district including related right-of-way, drainage structures, and traffic control signs; and

WHEREAS, the designated items set forth in MCA 7-12-2103(2) are as follows:

- (a) The designated number of the district is 2015-8.
- (b) The boundaries and the roads to be improved and maintained are described on Exhibit ‘A’.
- (c) The general character of maintenance includes, but is not limited to: Snow plowing, road grading, soil stabilization, and miscellaneous road work as needed.
- (d) DOWL is the engineer to have charge of the work. The estimated cost for funding said maintenance is \$3,039.96 per year, or \$126.67 per parcel per year, as shown on Exhibit ‘B’. All maintenance funds collected for the district will be spent solely on road maintenance within the proposed district.
- (e) The method by which the costs shall be assessed is described in MCA 7-12-2151(d): “each lot, tract, or parcel of land in the district [will] be assessed an equal amount based upon the total cost of the [maintenance].”

- (f) Pursuant to MCA 7-12-2103(2)(f), "if an increase occurs in the number of benefitted lots, tracts, or parcels within the boundaries of the proposed district during the term of the bonded indebtedness, the assessment per lot, tract, or parcel then in the district will be recalculated as provided in MCA 7-21-2151(4)."

NOW, THEREFORE, BE IT RESOLVED by the Lewis and Clark County Board of Commissioners, that it does hereby establish its intention to create the Walter Drive Rural Improvement District No. 2015-8 for the purpose of equitably funding road maintenance.

BE IT FURTHER RESOLVED that the Lewis and Clark County Public Works Department is authorized and responsible for coordinating maintenance as described on Exhibit 'B' for roadways within the district as shown on Exhibit 'A'.

BE IT FURTHER RESOLVED that written protests will be received from persons owning real property within the district for thirty (30) days after the first publication of notice and that said protests must contain the printed landowner name and address as it appears on the last assessment roll.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

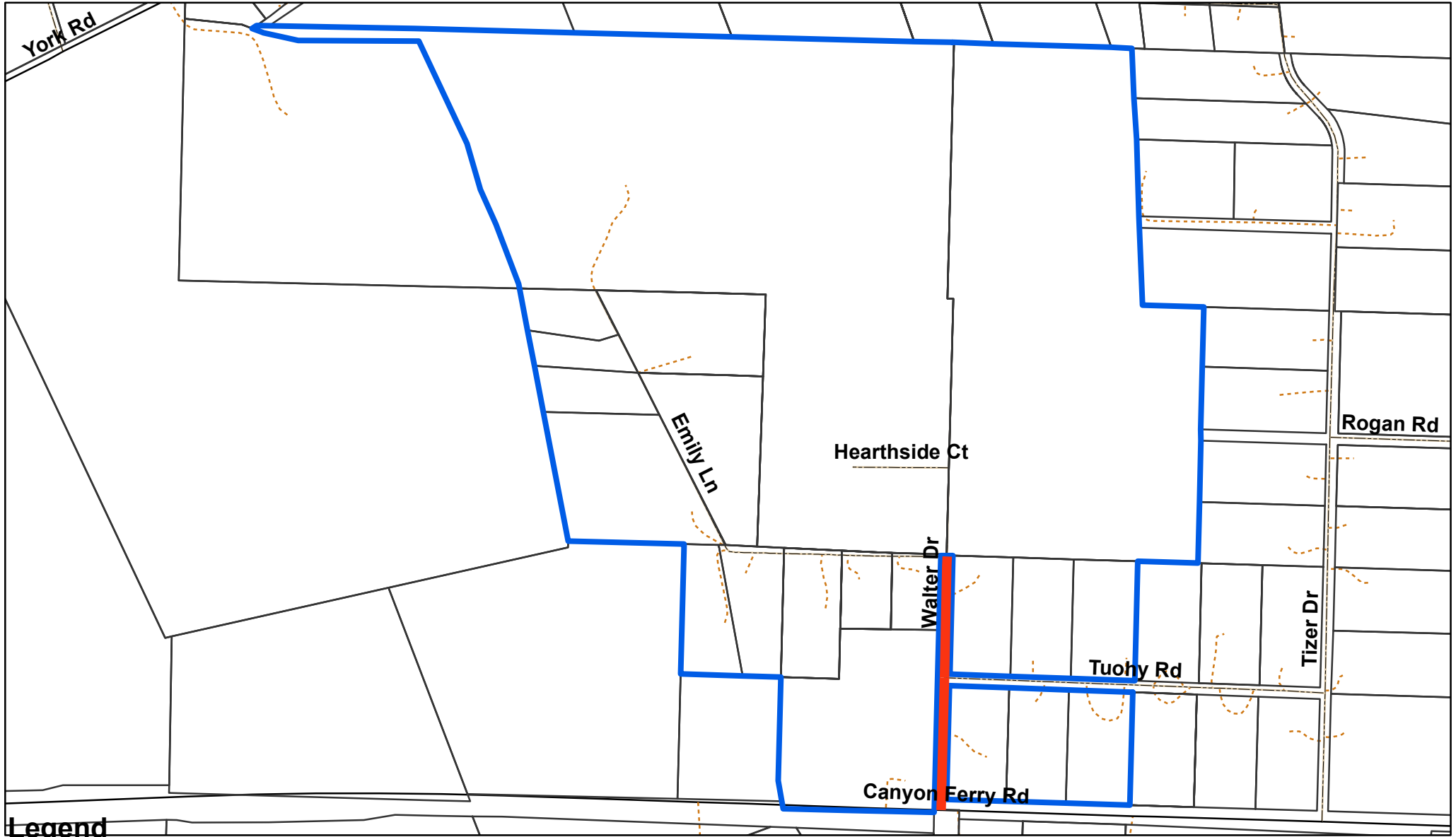
\_\_\_\_\_  
Andy Hunthausen, Chairman







ATTEST:

\_\_\_\_\_  
Paulette DeHart, Clerk of the Board

Attachments: Exhibit 'A'  
Exhibit 'B'

# Exhibit 'A': Walter Drive Rural Improvement District



- Legend**
-  Road to be Maintained
  -  Walter Drive RID Boundary
  -  Parcel Boundaries
  -  PAVED
  -  UNPAVED
  -  DRIVEWAY

Lewis & Clark County  
Community Development & Planning Department  
316 N Park Ave  
Helena, Montana 59601  
406-447-8375

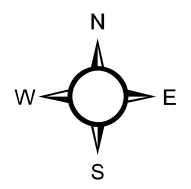


Exhibit 'B': Walter Drive RID Cost Estimate

Number of Assessments 24

<b>ANNUAL MAINTENANCE</b>			
Snow plowing			\$338.40
Road grading			\$676.80
Soil stabilization			\$1,692.00
Miscellaneous			\$188.00
Sub Total			\$2,895.20
5% Admin. Fee (not to exceed \$500)			\$144.76
Total Annual Maintenance Fee			\$3,039.96
<b>Estimated Annual Maintenance Assessment</b>			<b>\$126.67</b>



Resolution 2015-114 Levying and Assessing a Tax Upon Benefited Property Within The Emerald Ridge Rural Improvement District No. 2015-5. (tabled 8/11/15) (Matt Heime)

Presented By:

Summary:

The Commissioners will consider the resolution.

**ATTACHMENTS:**

Description	Type
☐ Memo	Attachment
☐ Protest 1	Attachment
☐ Exhibit 'A'	Resolution
☐ Resolution 2015-114	Resolution



**Lewis and Clark County  
Community Development and Planning**

*316 N. Park Ave. Room 230  
Helena, MT 59623  
Phone: 406-447-8374  
Fax: 406-447-8398  
E-mail: [planning@lccountymt.gov](mailto:planning@lccountymt.gov)*



DATE: August 5, 2015

TO: County Commission  
FROM: Matt Heimel, Special Districts Planner  
SUBJECT: Draft resolution to levy and assess the Emerald Ridge Rural Improvement District

A draft resolution levying and assessing the Emerald Ridge Rural Improvement District is attached to this memo outlining costs for maintenance and improvements. The resolution creating the district was adopted on July 23, 2015, under Resolution 2015-101. A protest period has closed, and as of August 5, 2015, one protest letter has been received and has been forwarded to the Commission.

After the items have been discussed, the Commission may render a decision:

Commission Actions & Options:

1. The Commission may approve or reject the draft resolution.
2. The Commission may require details of the draft resolution to be amended prior to approval.



Fox Den Storage LLC.  
PO Box 813  
East Helena, MT 59635

August 3, 2015

Lewis and Clark County  
County Commissioners  
316 N Park Ave.  
Helena, Mt 59623

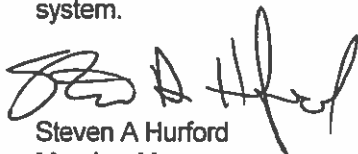
Dear Commissioners:

My Name is Steven A Hurford the Member Manager of Fox Den Storage LLC. Property Address; 4306 Emerald Ridge Loop Helena, MT 59602: Property ID#39695

My reason for opposition to the Rural Improvement District is the that I feel the road and drainage was never put in properly. Parts of Emerald Ridge Loop was built without any ditches so the water runs down the road. Their was a drainage ditch installed on the eastside of my property to divert the storm water around my property with no road ditches there is no way for the water to get into this ditch. The roads were raised after I was here with no consideration of my driveway. I have a 2' to 2'6" abrupt rise to get out of my drive.

The water retention pound was built with no way to drain it . The summer of 2007 the contractor started to dig across my property. They called, and told me that they had to remove trees so they could dig this ditch. I told them that they didn't have any right to be on my property. I finally went to DEQ and they stopped the whole thing until this got resolved. The way I was told that the pond would be installed by DEQ is not the way it was. I gave the developer an easement across my property with an agreement that they would maintain the drainage system. (See attached easement) I was told that the drainage pipe would be built with a controlled release of water. It was built with an 8" PVC pipe from the bottom of this pond to the county ditch on Lake Helena Drive approximately 400" long with no way to keep the animals out.

I feel that the easement that I gave them exempted me from having to pay for any maintenance on this system.



Steven A Hurford  
Member Manager  
Fox Den Storage LLC.

## UTILITY, PIPELINE AND STORM DRAINAGE EASEMENT

THIS AGREEMENT, made and entered into this 19<sup>th</sup> day of ~~April~~<sup>Nov</sup>, 2007, by and between FOX DEN STORAGE, LLC, Grantor, P. O. Box 813, East Helena, Montana, 59635, and RIO GROUP LLP, Grantee, 55 W. 14<sup>th</sup> Street, Suite 203, Helena, Montana, 59601.

### WITNESSETH:

WHEREAS, Grantor is the owner of Tract G3-1B, Certificate of Survey No. 3007500 and Grantee owns, maintains and controls a storm water pond located east and adjacent to Tract G3-1B, and

WHEREAS, Grantor desires to provide a corridor for the placement of an outlet pipe from the said storm water pond and Grantee agrees to accept said corridor and construct, maintain, repair, and service an outlet pipe from the said storm water pond to a termination at the Lewis and Clark County ditch adjacent to Lake Helena Drive;

NOW, THEREFORE, it is agreed as follows:

For valuable consideration, receipt of which is hereby acknowledged Grantor grants, sells, transfers and conveys over to Grantee, its heirs, executors, administrators, agents or assigns together with the right of ingress and egress over and across the following described utility pipeline and storm drainage easement:

A strip of land 20-feet wide for the installation and maintenance of utilities through Tract G3-1B, Certificate of Survey No. 3007500, located in the SW 1/4 of Section 32, T.11N., R.2W., P.M.M., Lewis and Clark County, Montana, being 10 feet on both sides of the following described centerline:

Commencing at an aluminum cap marked 4125S at the southwest corner of said Section 32, thence N89°51'23"E, 393.79 feet along the south boundary of said Section 32 to the southwest corner of Lot 27 Emerald Ridge Major Subdivision Phase 2; thence N00°15'05"E, 20.00 feet along the west boundary of said Lot 27 to the Point of Beginning; thence S89°51'23"W, 335.26 feet; thence N45°08'37"W, 40.09 feet to the Point of

Termination on the east right-of-way of Lake Helena Drive; lengthening and shortening sidelines to terminate at property and right-of-way lines.

Easement contains 0.172 acres more or less and is subject to any other easements of record or apparent on the ground.

The Grantee by accepting this easement does forever indemnify and save harmless the Grantor, its successors and assigns, of and from any and all injury and/or liability whatsoever for claims, actions, or damages in any way arising or resulting from Grantee's use of said easement, including any damages caused by the drainage of water from the storm water pond.

The Grantee further agrees to take complete responsibility for controlling the drainage of water and debris from the said storm water pond and outlet pipe and to compensate Grantor for any damage to the said property of Grantor caused by the failure of Grantee to control the drainage of water or to maintain the drainage system.

TO HAVE AND TO HOLD the same premises unto said Grantee, its heirs and assigns forever.

IN WITNESS WHEREOF, the Grantor and Grantee have hereunto set their hands and seals the day and year first above written.

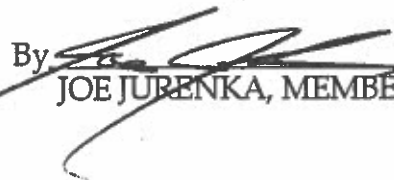
DATED: ~~April~~ <sup>Nov.</sup> 19<sup>th</sup>, 2007

DATED: ~~April~~ <sup>Nov</sup> 19<sup>th</sup>, 2007

FOX DEN STORAGE, LLC, Grantor

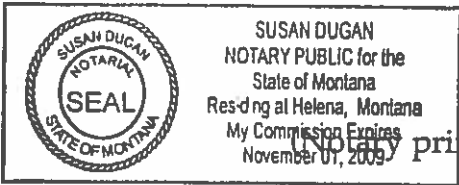
RIO GROUP LLP, Grantee

By   
STEVE HURFORD

By   
JOE JURENKA, MEMBER

STATE OF MONTANA     )  
  : ss.  
County of Lewis & Clark    )

This instrument was acknowledged before me on ~~April~~ <sup>Nov.</sup> 19<sup>th</sup>, 2007, by STEVE HURFORD, Manager of Fox Den Storage, LLC.



(SEAL)

SUSAN DUGAN  
NOTARY PUBLIC for the  
State of Montana  
Residing at Helena, Montana  
My Commission Expires  
November 01, 2009

(Notary prints name here)

Susan Dugan  
Susan Dugan

Notary Public for the State of Montana  
Residing at Helena, MT  
My Commission expires: November 1, 2009

STATE OF MONTANA )

: ss.

County of Lewis & Clark )

This instrument was acknowledged before me on ~~April~~ <sup>Nov.</sup> 19<sup>th</sup>, 2007, by JOE JURENKA, a Member of RIO GROUP, LLP.

LaDene Barber

(Notary prints name here)

LaDene Barber

(SEAL)

Notary Public for the State of Montana  
Residing at Denton, MT  
My Commission expires: August 15, 2009

## EXHIBIT 'A'

	A	B	C	D	E
1	Assessment Code	Owner Name(s)	Property Legal Description	7-Year Debt Service Assessment	Maintenance Assessment
2	38772	VINCENT DANIELLE & TOM	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 2, PHASE I COS #3083509	\$180.95	\$58.28
3	38778	HINES CHRISTOPHER	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 7, COS #3083509	\$180.95	\$58.28
4	39696	HOOVER DWAIN L & BOUCHER VERNA M	HOFF MINOR SUBD NO 2, S32, T11 N, R02 W, Lot 5E, COS #3055025	\$180.95	\$58.28
5	39419	STOVALL REID & MISHELLE	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 24, COS #3108407	\$180.95	\$58.28
6	39426	MUSGJERD DEAN A & LOIS F	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 31, COS #3108407	\$180.95	\$58.28
7	38781	BUTLER CHARLES W & PATRICIA M	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 10, COS #3083509	\$180.95	\$58.28
8	38792	VAN ALSTEIN BYRON M & KATHRYN E	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 20, COS #3083509	\$180.95	\$58.28
9	37803	IWEN MICHAEL KENNETH & TONA MARIE	ROTH MINOR SUBD, S32, T11 N, R02 W, Lot 5, COS #3046385	\$180.95	\$58.28
10	37792	BARCLAY ERIC A & TERRI A	HOFF MINOR #2 LOT 5, S32, T11 N, R02 W, Lot 5D, COS #3055025	\$180.95	\$58.28
11	38793	RUCH JAMES D & LORI L	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 17, COS #3083509	\$180.95	\$58.28
12	39429	EHLI BRIAN R & SHELLY A	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 34, COS 3108407	\$180.95	\$58.28
13	39435	CHRISTENSEN ANGELA JOY	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 40, COS #3108407	\$180.95	\$58.28
14	38789	ROGNE STEVE D & MARIA Y	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 19, COS #3083509	\$180.95	\$58.28
15	38786	MCCULLOUGH ALBERT L & CINDY	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 14, COS #3083509	\$180.95	\$58.28
16	38783	RHODES JACK W & JANE E	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 11, COS #3083509	\$180.95	\$58.28
17	38784	COLLINS WILMOT J & MAGDALENE M	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 12, COS #3083509	\$180.95	\$58.28
18	39422	PING PAUL J	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 27, PHASE II COS #3108407	\$180.95	\$58.28
19	39423	MANNING THOMAS & HOLLY	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 28, PHASE II COS #3108407	\$180.95	\$58.28
20	39432	STOUT FREDERICK V & KIMBERLEY L	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 37, PHASE II COS #3108407	\$180.95	\$58.28
21	38773	HAUCK TRAVIS J & TONYA C	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 3, PHASE I COS #3083509	\$180.95	\$58.28
22	38777	HARBOSEN JON & MICHELLE	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 6A, COS #3102622	\$180.95	\$58.28

## EXHIBIT 'A'

	A	B	C	D	E
23	39433	LOSEY MATTHEW BRANCH	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 38, COS #3108407	\$180.95	\$58.28
24	37789	CAMPBELL MORRIS A & SUE HOELL	HOFF MINOR #2 LOT 5, S32, T11 N, R02 W, Lot 5A, COS #3055025	\$180.95	\$58.28
25	38771	CARRELL KELLI	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 1, PHASE I COS #3083509	\$180.95	\$58.28
26	37790	CAMPBELL SUE HOELL & MORRIS A	HOFF MINOR #2 LOT 5, S32, T11 N, R02 W, Lot 5B, COS #3055025	\$180.95	\$58.28
27	37791	FIGLER SAGE JOSHUA	HOFF MINOR #2 LOT 5, S32, T11 N, R02 W, Lot 5C, COS #3055025	\$180.95	\$58.28
28	38788	BAHNY CODY	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 18, COS #3083509	\$180.95	\$58.28
29	38785	LOFTIS MICHAEL B & KRISTINA L	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 13, COS #3083509	\$180.95	\$58.28
30	38790	BACHMAN JAMES J & TERRY G	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 22, COS #3083509	\$180.95	\$58.28
31	39420	HILTON JOHN C & TAMMIE M	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 25, PHASE II COS #3108407	\$180.95	\$58.28
32	39425	AMERICAN FEDERAL SAVINGS BANK	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 30, COS #3108407	\$180.95	\$58.28
33	39430	COOK BRADLEY A & KATHLEEN C	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 35, COS #3108407	\$180.95	\$58.28
34	39434	KARLIN ADAM & EASTIN	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 39, COS #3108407	\$180.95	\$58.28
35	38774	WALTEE MARK & KIMBERLY	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 4, PHASE I COS #3083509	\$180.95	\$58.28
36	38780	CROSBY RICHARD & MARY	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 9, COS #3083509	\$180.95	\$58.28
37	45311	PRYOR EDWIN G II	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 54, PHASE 3 COS #3162684	\$180.95	\$58.28
38	38787	SULLIVAN TODD A & SHERI L	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 15, COS #3083509	\$180.95	\$58.28
39	37804	SCHAFFER JOHN & RHONDA	ROTH MINOR SUBD, S32, T11 N, R02 W, Lot 4, COS #3046385	\$180.95	\$58.28
40	45443	HAHN LOWELL D & JULIET G	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 67, PHASE 3 PER COS #3162684	\$180.95	\$58.28
41	45309	MIDDLESTEAD ENTERPRISES LLC & WARRIOR ENTERPRISES INC	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 52, PHASE 3 COS #3162684	\$180.95	\$58.28
42	45308	MIDDLESTEAD ENTERPRISES LLC & WARRIOR ENTERPRISES INC	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 51, PHASE 3 COS #3162684	\$180.95	\$58.28
43	38779	TAYLOR BRADLEY C & JENNIFER R	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 8, COS #3083509	\$180.95	\$58.28
44	45305	SPITE HILL PROPERTIES	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 48, PHASE 3 COS #3162684	\$180.95	\$58.28

## EXHIBIT 'A'

	A	B	C	D	E
45	45315	SAUTER STORMY P	EMERALD RIDGE SUBD, S32, T11 N, R2W, Lot 58, PHASE 3 COS #3162684	\$180.95	\$58.28
46	45307	NYE JOSEPH & JENNIFER	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 50, PHASE 3 COS #3162684	\$180.95	\$58.28
47	45310	THOMPSON BRADLEY A	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 53, PHASE 3 COS #3162684	\$180.95	\$58.28
48	45317	MIDDLESTEAD ENTERPRISES LLC & WARRIOR ENTERPRISES INC	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 60, PHASE 3 PER COS #3162684	\$180.95	\$58.28
49	45306	COZZIE BRYSON J & COURTNEY S	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 49, PHASE 3 COS #3162684	\$180.95	\$58.28
50	45312	MIDDLESTEAD ENTERPRISES LLC & WARRIOR ENTERPRISES INC	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 55, PHASE 3 COS #3162684	\$180.95	\$58.28
51	45316	SUTTON JACQUELINE N	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 59, PHASE 3 COS #3162684	\$180.95	\$58.28
52	39421	MOORE ANDREW W & MELISSA Z	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 26, PHASE II COS #3108407	\$180.95	\$58.28
53	39424	JOSE RYAN J & ADRIENNE L	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 29, COS #3108407	\$180.95	\$58.28
54	39431	HILTUNEN CARL G & ELIZABETH F	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 36, COS #3108407	\$180.95	\$58.28
55	38794	ANDERSON SHAUN D & DARA I	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 16, COS #3083509	\$180.95	\$58.28
56	38791	MICHALSON THAD & ANDI	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 21, COS #3083509	\$180.95	\$58.28
57	45303	SHUBINSKY JOSEPH A & BRITTANY L	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 46, PHASE 3 PER COS #3162684	\$180.95	\$58.28
58	45304	BUTLER DEBORAH F	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 47, PHASE 3 PER COS #3162684	\$180.95	\$58.28
59	45313	FITTE STEVEN JOSEPH	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 56, PHASE 3 PER COS #3162684	\$180.95	\$58.28
60	38776	GALLIK DAVID B	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 5A, COS #3102622	\$180.95	\$58.28
61	39418	ADAMS JENNIFER E & JOSH E	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 23, COS #3108407	\$180.95	\$58.28
62	39427	COIL ANDY B & SHAYNON D	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 032, COS #3108407	\$180.95	\$58.28
63	39428	GESTRING SCOTT	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 33, COS #3108407	\$180.95	\$58.28
64	39436	HAGENGRUBER JOHN G & SHARI L	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 41, COS #3108407	\$180.95	\$58.28
65	39695	FOX DEN STORAGE LLC	S32, T11 N, R02 W, C.O.S. 3007500, PARCEL G3-1B, ACRES 10.03, TRACT G3-1B, IN SW4	\$180.95	\$58.28
66	45299	MIDDLESTEAD ENTERPRISES LLC & WARRIOR ENTERPRISES INC	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 42, PHASE 3 COS #3162684	\$180.95	\$58.28

## EXHIBIT 'A'

	A	B	C	D	E
67	45302	MIDDLESTEAD ENTERPRISES LLC & WARRIOR ENTERPRISES INC	EMERALD PARK SUBD, S32, T11 N, R02 W, Lot 45, PHASE 3 COS #3162684	\$180.95	\$58.28
68	45301	SCHIEDEWITZ TRAVIS P & RHONDA L	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 44, PHASE 3 COS #3162684	\$180.95	\$58.28
69	45300	GALEN ANDREW J	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 43, PHASE 3 COS #3162684	\$180.95	\$58.28
70	45442	BALLARD STEVEN C	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 66, PHASE 3 PER COS #3162684	\$180.95	\$58.28
71	45314	STEWARD JOSEPH H & NANCY M	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 57, PHASE 3 PER COS #3162684	\$180.95	\$58.28
72	45318	MIDDLESTEAD ENTERPRISES LLC & WARRIOR ENTERPRISES INC	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 61, PHASE 3 PER COS #3162684	\$180.95	\$58.28
73	45338	SPITE HILL PROPERTIES LLC	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 62, PHASE 3 PER COS #3162684	\$180.95	\$58.28
74	45439	ENNIS JESSE & KATHRYN	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 63, PHASE 3 PER COS #3162684	\$180.95	\$58.28
75	45440	MIDDLESTEAD ENTERPRISES LLC & WARRIOR ENTERPRISES INC	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 64, PHASE 3 PER COS #3162684	\$180.95	\$58.28
76	45441	LUBICK ANTHONY J	EMERALD RIDGE SUBD, S32, T11 N, R02 W, Lot 65, PHASE 3 PER COS #3162684	\$180.95	\$58.28



## **RESOLUTION 2015-114**

### **A RESOLUTION LEVYING AND ASSESSING A TAX UPON BENEFITED PROPERTY WITHIN THE EMERALD RIDGE RURAL IMPROVEMENT DISTRICT NO. 2015-5**

WHEREAS, a resolution to create the Emerald Ridge Rural Improvement District No. 2015-5 (the "District") was adopted by the Board of County Commissioners on July 23, 2015, as Resolution 2015-101, providing an equitable method for assessing benefited properties based upon the benefits received; and

WHEREAS, Section 7-12-2161 MCA provides that the Board of County Commissioners may, before the first Monday in September of each year, pass and finally adopt a resolution levying and assessing all the property within the district with an equal amount to the whole cost of maintaining, preserving, or repairing the improvements within the district; and

WHEREAS, property owners of lots within the District were notified of the public rate hearing, pursuant to Section 7-12-2159 MCA; and

NOW, THEREFORE, BE IT RESOLVED by the Lewis and Clark County Board of Commissioners, that the following shall be levied and assessed upon all benefited properties within the boundaries of the District.

BE IT FURTHER RESOLVED that a debt service assessment for road improvements of \$180.95 per parcel per year shall be levied for a period of seven (7) years.

BE IT FURTHER RESOLVED that an ongoing maintenance assessment to be levied and assessed perpetually until otherwise modified by a resolution passed by the Board of County Commissioners shall levy \$58.28 per parcel per year.

BE IT FURTHER RESOLVED that a description of each parcel of land, the name of each owner, if known, and the amount of each estimated annual assessment is listed on Exhibit "A", attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the assessment amount contained on attached Exhibit 'A' shall be made in two equal payments by the day and month

specified on the annual tax notice. Payments made after the specified dates shall be delinquent. Assessments will be placed on tax bills in the next available tax year.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Andy Hunthausen, Chairman

ATTEST:

\_\_\_\_\_  
Paulette DeHart, Clerk of the Board

Attachments: Exhibit "A"



Special Zoning District No. 33 R-2A Regulations Variance Request. (Lindsay Morgan)

Presented By:

**Summary:**

The Commissioners will consider a variance request from the R-2A regulations of Special Zoning District No. 33 to allow an existing garage and deck, located at 1004 Pintail Court, to encroach into the setbacks from the south and east property boundaries.

**ATTACHMENTS:**

Description	Type
□ Variance Request Staff Report	Attachment



## Lewis and Clark County Community Development and Planning

316 N. Park Ave. Room 230  
Helena, MT 59623  
Phone: 406-447-8374  
Fax: 406-447-8398  
E-mail: [planning@lccountymt.gov](mailto:planning@lccountymt.gov)



A report to the Planning and Zoning Commission and the Board of County Commissioners regarding two requests for variances from the setback requirements of Special Zoning District No. 33 (Town View Estates) follows. A public hearing has been scheduled for this matter before the Planning and Zoning Commission on Wednesday, August 12, 2015 at 5:30 p.m., and the Board of County Commissioners on Thursday, August 13, 2015 at 9:00 a.m. Both hearings will be held in Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

### I. GENERAL BACKGROUND:

**A. Applicant/Owner:** Nick and Anna Hill  
1004 Pintail Court  
Helena, MT 59602

**B. Primary Contact Person:** Dylan Osterhout  
1419 11<sup>th</sup> Avenue  
Helena, MT 59601

**C. Location of Property:**  
The property is located at 1004 Pintail Court near Helena, Montana.

**D. Property Description:**  
The property is described as Lot 9 in Block 9 of Phase IV-A of the Skyview Subdivision (COS #3042455). See Figure No. 1 – Vicinity Map.

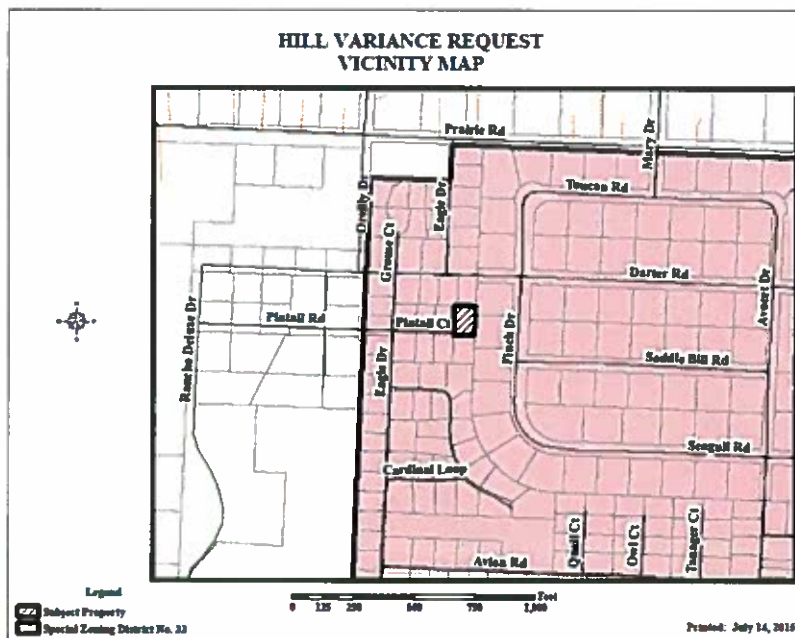


Figure No. 1  
Vicinity Map

**E. Zoning:**

The property is zoned R-2A in Special Zoning District No. 33 (Town View Estates). According to the regulations for this zone, every lot shall have a front yard of at least 20 feet in depth, two side yards of at least 8 feet in width each, and a rear-yard of at least 20 feet in depth.

**F. Nature of Request:**

The Applicant is requesting two variances from the regulations of the R-2A zone. Specifically, the requests are to allow for:

- (1) the existing deck to continue encroaching half of a foot into the 8-foot wide side-yard setback from the east property boundary; and
- (2) the existing detached garage to continue encroaching 5 feet into the 20-foot wide front-yard setback from the south property boundary.

See Figure No. 2 - Partial As-built/Inspection Exhibit.

**G. Public Comment:**

Letters have been sent to adjacent landowners notifying them of the requested variances. As of Tuesday, August 4, 2015, the Community Development and Planning Department has received one written comment regarding the requested variances. The comment states that they have no problem with the variances being approved. (*See attached comment letter from Marie Wolny (August 3, 2015)*)

**H. Background:**

The zoning regulations for the District were adopted on March 30, 1979 (Resolution No. 1979-9). This District was later expanded to include an R-2A zone on November 7, 1995 (Resolution No. 1995-122), and this zone has since been amended on two occasions: May 29, 1998 (Resolution No. 1998-67) and August 18, 2005 (Resolution No. 2005-111).

The property is approximately 0.24 acres in size and is currently developed with a single-family residence, an attached deck, and a detached, two-car garage. The residence is 1,040 square feet in size, the deck is approximately 165 square feet in size, and the garage is 484 square feet in size. According to the records on file with the State, both the house and garage were constructed in 2005, and according to a Warranty Deed on record at the Clerk and Recorder's Office, Nicholas R. Hill and Anna S. Hill purchased the property on August 6, 2007 (Document #3135601). It is unknown when the deck was constructed; however, the application states that the deck was constructed prior to the purchase of the property by the Hills.

**II. EVALUATION OF THE REQUEST:****A. Procedure for Consideration of a Variance:**

The criteria to determine findings-of-fact and to evaluate each variance request is outlined below:

- 1. A literal enforcement of the zoning regulations will result in an unnecessary hardship to the Applicant.**

The subject property is partially flat with a slope to the southwest. Almost all lots within the R-2A zone of this District also have gentle slopes. The subject property contains a single-family residence with an attached deck, and a detached two-car garage. Per a site inspection by Planning staff, almost all properties within the R-2A zone also contain a house and two-car

garage; and according to the application, many of these properties also contain an attached deck. The property also has a public access and utility easement with a cul-de-sac on its southwest corner with a paved radius of 50 feet, along with three other utility easements and zoning setbacks that limit the buildable area on-site. There are different scenarios in which the orientation and size of the house, deck, and garage may have been changed so that all setback requirements were met; however, the Applicant purchased the property in 2007 after the house, deck, and garage had already been constructed.

If the variance from the setback requirements is not granted for the deck, half of a foot of the deck will have to be removed on the east side of the property. If the variance from the setback requirements is not granted for the garage, five feet of the garage will have to be removed on the south side of the property.

Variance Request No. 1 - Deck

- The criterion has/has not been met. A literal enforcement of the zoning regulations will/will not result in an unnecessary hardship to the Applicant.

Variance Request No. 2 - Garage

- The criterion has/has not been met. A literal enforcement of the zoning regulations will/will not result in an unnecessary hardship to the Applicant.

**2. The variance is not contrary to the public interest.**

No comment letters have been received from CenturyLink, Charter, or the Montana Department of Environmental Quality (DEQ).

NorthWestern Energy, the Floodplain Administrator/Disaster and Emergency Services Coordinator, and the City-County Health Department (Environmental Division) provided a statement of “no comments” regarding the proposed variances. *(See attached comment forms from Steven Rock, NorthWestern Energy (August 4, 2015), Paul Spengler, Floodplain Administrator/Disaster and Emergency Services Coordinator (July 20, 2015) and Frank Preskar, Sanitarian, City-County Health Department (Environmental Division) (July 17, 2015))*

In response to a letter from Planning Staff requesting comments on the impacts of granting the requested variances, the County Public Works Department has stated that utility upgrades and relocations could pose future problems. *(See attached comments from Doug Nisbet, Road Supervisor, County Public Works Department (July 21, 2015))*

The Fire Chief for the West Helena Valley Fire District has stated that he has no objection to the requested variances because the structures already exist. *(See attached comments from Jerry Shepherd, Fire Chief, West Helena Valley Fire District (July 28, 2015))*

If the variances are granted, the deck and detached garage will remain in their current locations, which are the same locations they have been in since their construction.

Variance Request No. 1 - Deck

- The criterion has/has not been met. The variance is/is not contrary to the public interest.

Variance Request No. 2 - Garage

- The criterion has/has not been met. The variance is/is not contrary to the public interest.

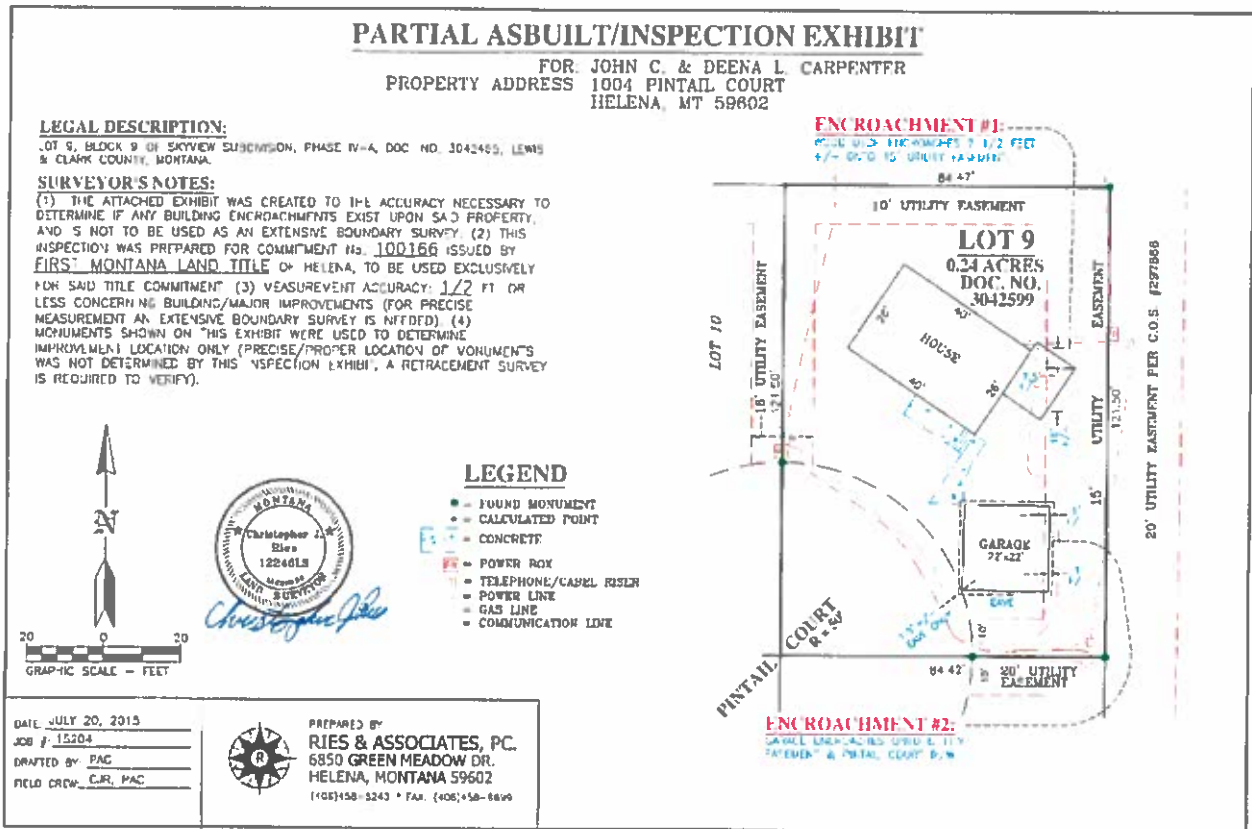


Figure No. 2  
Partial As-built/Inspection Exhibit

**LETTER FROM APPLICANT'S REPRESENTATIVE**



# Consideration of Variance

July 7, 2015

Agent: Dylan Osterhout  
406-594-2725  
1419 11<sup>th</sup> ave  
Helena, MT 59601

Owner: Nick & Anna Hill  
715-828-4887 715-828-4886  
520 Sanders Rd.  
Helena, MT 59601

To: Lewis and Clark County Planning and Development Office,  
316 North Park  
Helena, MT 59601

Re: 1004 Pintail Helena, MT 59602  
Lot 9, Block 9 of Skyview Sub. Phase IV-A, Doc. No 3042455  
Located in County Zoning

Dear County Planning and Development Office:

We are requesting a zoning variance reducing the 20 foot front yard setback to 15 feet and the 8 foot side yard setbacks to 7.5 feet. We are asking for the said variance due to the following:

- As you can see in the attached birds eye view most of the people in the neighborhood have a garage and a deck.
- Due to the size and topography of the lot it left limitations where a garage or deck could have been built.
- With the location and size of the cul-de-sac it has taken up a good percentage of the lot which further limits the enjoyment of the property.
- The previous owners had built the garage and deck. When the current owners (Nick and Anna Hill) purchased the property the encroachments existed without their knowledge, which the Hills had no control over.
- This variance will not adversely affect any of the neighboring properties due to the point that all of the structures have been in place before the people have purchased.
- Owners are asking for the minimum variance that will alleviate the hardship.
- We are unaware of others in this area that have asked for a variance and have been denied.
- I personally have talked to the surrounding owners and I have not found one person that is not in support.

I want to thank the planning and development office for the consideration of this variance.

Thank you. Sincerely,

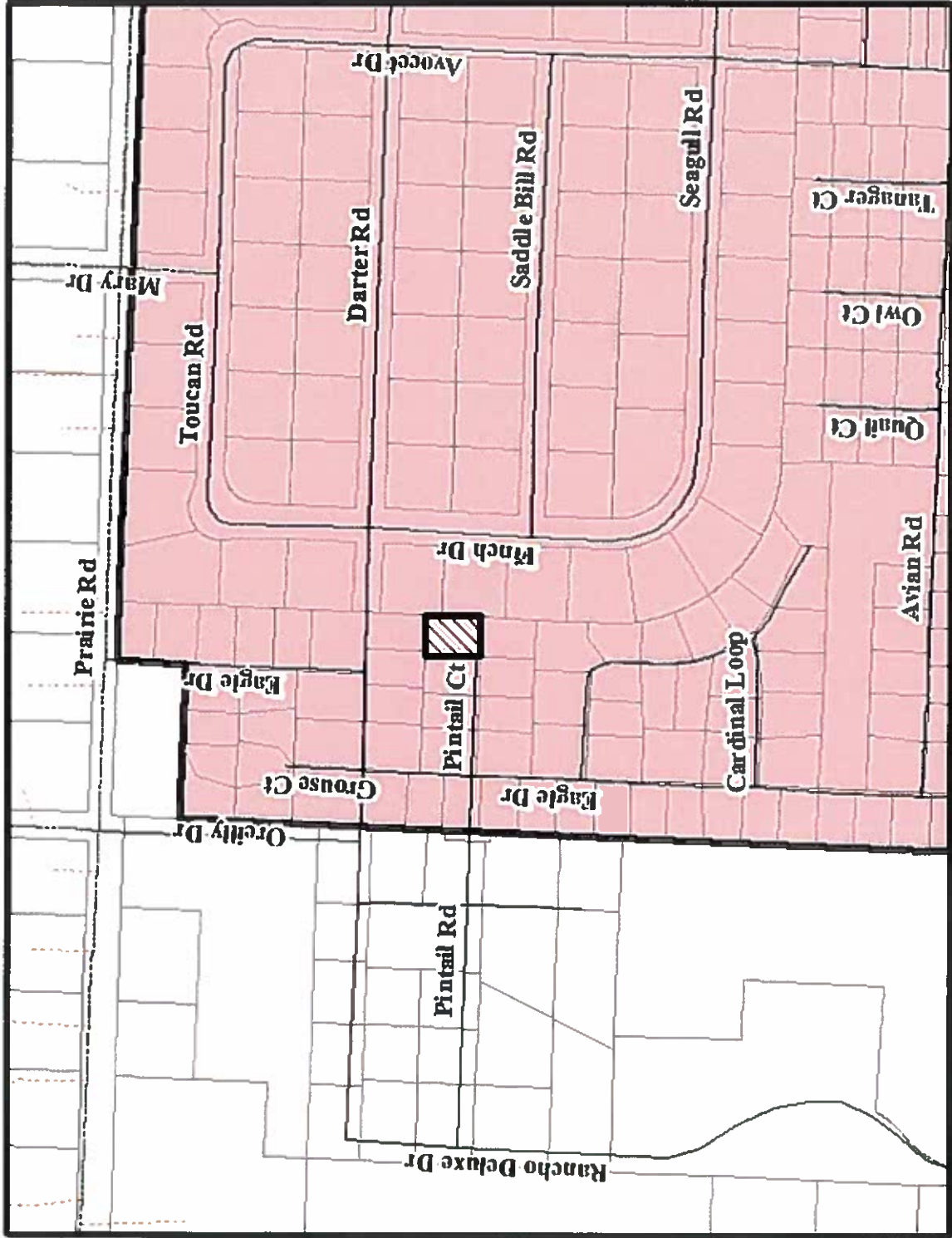


Dylan Osterhout  
Real Estate Broker, Keller Williams Capital Reality

**MAPS:**

**Vicinity Map, Partial As-built\Inspection Exhibit showing Utilities  
&  
Inspection Exhibit w/o Utilities**

# HILL VARIANCE REQUEST VICINITY MAP



**Legend**

-  Subject Property
-  Special Zoning District No. 33

# PARTIAL ASBUILT/INSPECTION EXHIBIT

FOR: JOHN C. & DEENA L. CARPENTER  
PROPERTY ADDRESS: 1004 PINTAIL COURT  
HELENA, MT 59602

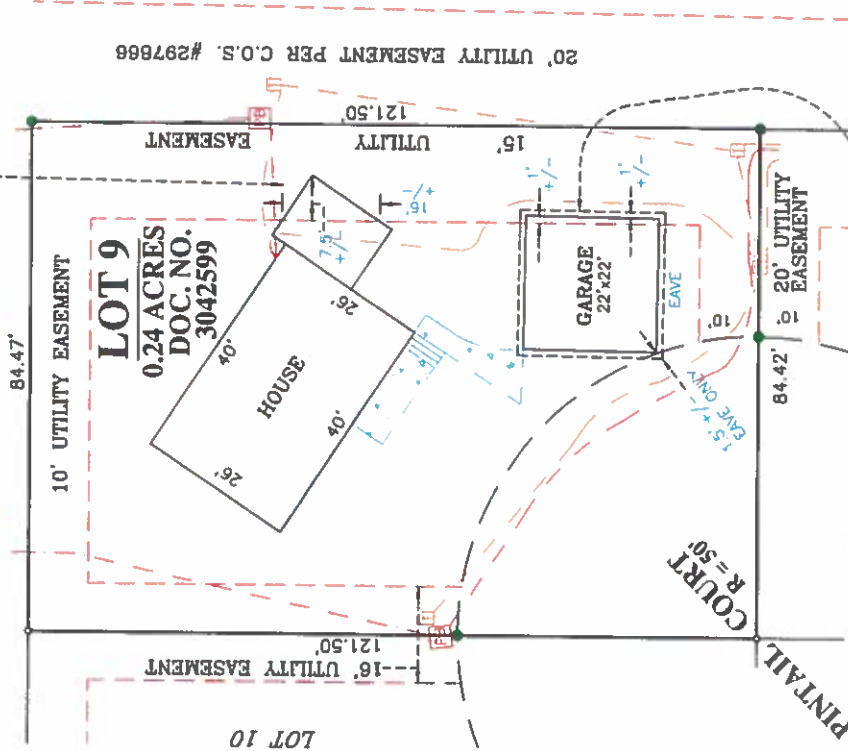
### LEGAL DESCRIPTION:

LOT 9, BLOCK 9 OF SKYVIEW SUBDIVISION, PHASE IV-A, DOC. NO. 3042455, LEWIS & CLARK COUNTY, MONTANA.

### SURVEYOR'S NOTES:

(1) THE ATTACHED EXHIBIT WAS CREATED TO THE ACCURACY NECESSARY TO DETERMINE IF ANY BUILDING ENCROACHMENTS EXIST UPON SAID PROPERTY, AND IS NOT TO BE USED AS AN EXTENSIVE BOUNDARY SURVEY. (2) THIS INSPECTION WAS PREPARED FOR COMMITMENT NO. 100166 ISSUED BY FIRST MONTANA LAND TITLE OF HELENA, TO BE USED EXCLUSIVELY FOR SAID TITLE COMMITMENT. (3) MEASUREMENT ACCURACY: 1/2 FT. OR LESS CONCERNING BUILDING/MAJOR IMPROVEMENTS (FOR PRECISE MEASUREMENT AN EXTENSIVE BOUNDARY SURVEY IS NEEDED). (4) MONUMENTS SHOWN ON THIS EXHIBIT WERE USED TO DETERMINE IMPROVEMENT LOCATION ONLY (PRECISE/PROPER LOCATION OF MONUMENTS WAS NOT DETERMINED BY THIS INSPECTION EXHIBIT, A RETRACEMENT SURVEY IS REQUIRED TO VERIFY).

**ENCROACHMENT #1:**  
WOOD DECK ENCROACHES 7 1/2 FEET  
+/- ONTO 15' UTILITY EASEMENT.



**ENCROACHMENT #2:**  
GARAGE ENCROACHES ONTO UTILITY  
EASEMENT & PINTAIL COURT R/W

### LEGEND

- = FOUND MONUMENT
- = CALCULATED POINT
- = CONCRETE
- = POWER BOX
- ⊞ = TELEPHONE/CABEL RISER
- = POWER LINE
- = GAS LINE
- = COMMUNICATION LINE



*Christopher J. Ries*



DATE: JULY 20, 2015  
JOB #: 15204  
DRAFTED BY: PAC  
FIELD CREW: CJR, PAC



PREPARED BY:  
**RIES & ASSOCIATES, PC.**  
6850 GREEN MEADOW DR.  
HELENA, MONTANA 59602  
(406)458-5243 • FAX: (406)458-8699

# INSPECTION EXHIBIT

BUYERS: JOHN C. & DEENA L. CARPENTER  
1004 PINTAIL COURT  
HELENA, MT 59602

**LEGAL DESCRIPTION:**

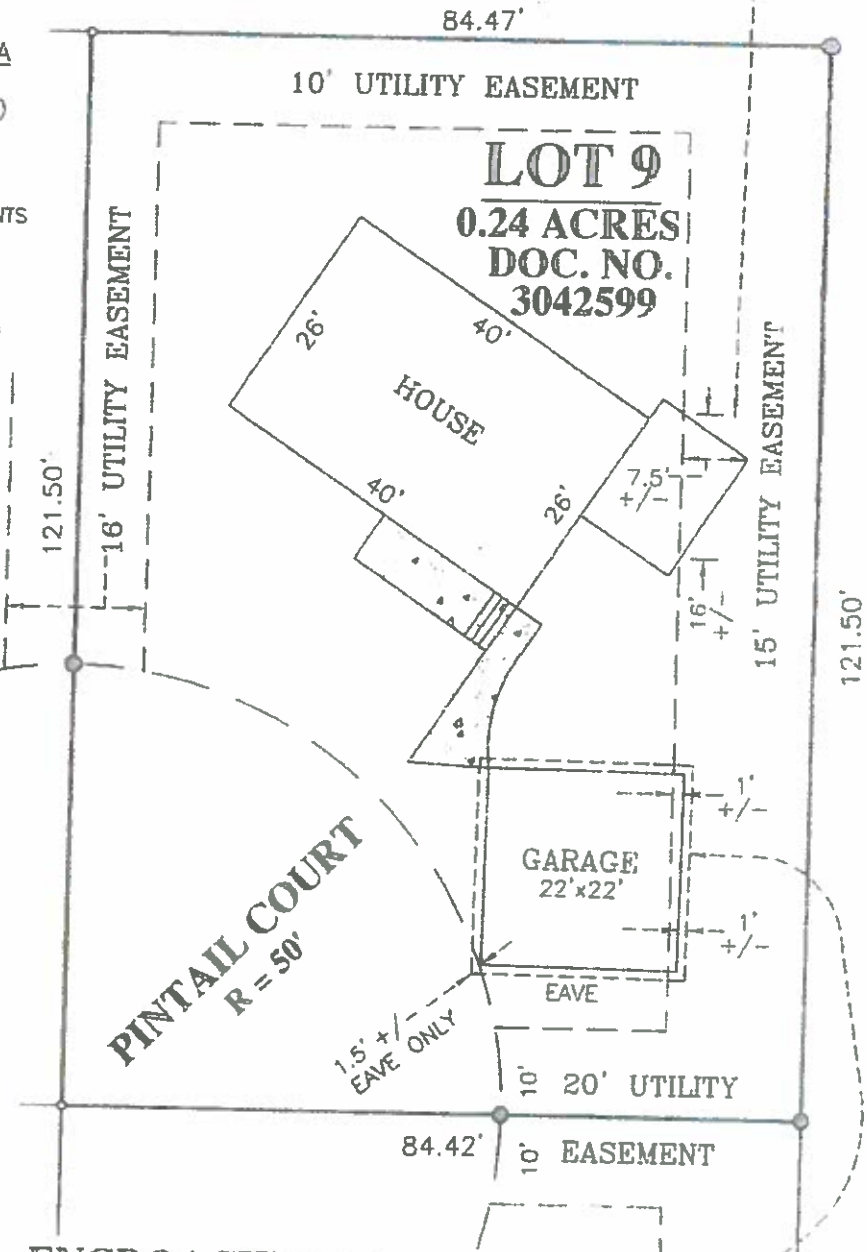
LOT 9, BLOCK 9 OF SKYVIEW SUBDIVISION, PHASE IV-A, DOC. NO. 3042455, LEWIS & CLARK COUNTY, MONTANA.

**SURVEYOR'S NOTE:**

(1) THE ATTACHED EXHIBIT WAS CREATED TO THE ACCURACY NECESSARY TO DETERMINE IF ANY BUILDING ENCROACHMENTS EXIST UPON SAID PROPERTY, AND IS NOT TO BE USED AS AN EXTENSIVE BOUNDARY SURVEY. (2) THIS INSPECTION WAS PREPARED FOR COMMITMENT No. 100166 ISSUED BY FIRST MONTANA LAND TITLE OF HELENA, TO BE USED EXCLUSIVELY FOR SAID TITLE COMMITMENT. (3) MEASUREMENT ACCURACY: 1/2 FT. OR LESS CONCERNING BUILDING/MAJOR IMPROVEMENTS (FOR PRECISE MEASUREMENT AN EXTENSIVE BOUNDARY SURVEY IS NEEDED). (4) MONUMENTS SHOWN ON THIS EXHIBIT WERE USED TO DETERMINE IMPROVEMENT LOCATION ONLY (PRECISE/PROPER LOCATION OF MONUMENTS WAS NOT DETERMINED BY THIS INSPECTION EXHIBIT, A RETRACEMENT SURVEY IS REQUIRED TO VERIFY).

**ENCROACHMENT #1:**

WOOD DECK ENCROACHES 7 1/2 FEET +/- ONTO 15' UTILITY EASEMENT.



*Christopher J. Ries*



PREPARED BY:  
RIES & ASSOCIATES, P.C.  
6850 GREEN MEADOW DR.  
HELENA, MONTANA 59602



LEGEND

- = FOUND MONUMENT
- = CALCULATED POINT
- X = FENCE - APPROXIMATE LOCATION (WIRE/WOOD/CHAIN LINK, ETC.)
- = CONCRETE

FIELD: CJR, PAC	DRAFTED BY: PAC
JOB #: PINTA1004	DATE: 08/22/2015

**ENCROACHMENT #2:**

GARAGE ENCROACHES ONTO UTILITY EASEMENT & PINTAIL COURT R/W

**COMMENTS:**

**Neighboring Property Owner  
&  
Agencies**

**From:** Matt HeimeI  
**To:** Lindsay Morgan  
**Date:** 8/3/2015 7:33 AM  
**Subject:** Fwd: RE: 1004 Pintail variance

>>> MWolny <[1mwolny@charter.net](mailto:1mwolny@charter.net)> 8/2/2015 11:20 AM >>>  
Hi Matt,

I have no problem with the variance being approved for 1004 Pintail Court.

Marie Wolny  
8260 Finch Dr  
Helena, MT 59602



**Lewis and Clark County  
Community Development and Planning**

316 N. Park Ave. Room 230  
Helena, MT 59623  
Phone: 406-447-8374  
Fax: 406-447-8398  
E-mail: [planning@lccountymt.gov](mailto:planning@lccountymt.gov)



**REQUEST FOR REVIEW AND COMMENTS**

DATE: July 14, 2015  
FILE: Comment - Hill

To: **NorthWestern Energy, Steve Rock**  
Century Link, Brent Bushnell  
Charter, Gary Flathers  
DEQ, Subdivision Review

From: Lindsay A. Morgan, Planner II

PROPOSAL: A request for a variance from the R-2A regulations of Special Zoning District No. 33 has been received. Specifically, the request is to allow for an existing, detached garage to continue encroaching 5 feet into the 20-foot, front-yard setback from the south property boundary and an existing deck to continue encroaching 1/2 of a foot into the 8-foot, side-yard setback from the east property boundary.

LOCATION: The property is located at 1004 Pintail Court and can also be described as Lot 9 in Block 9 of Phase IV-A of the Skyview Subdivision (COS #3042455) in the NE 1/4 of Section 7, T11N, R3W, P.M.M., Lewis and Clark County, Montana.

Please review this information for any potential adverse or beneficial impacts from the granting of the requested variance. **PLEASE RETURN YOUR COMMENTS BY 5:00 p.m. on Monday, August 3, 2015.** A public hearing will be held by the Planning and Zoning Commission at 5:30 p.m. on **Wednesday, August 12, 2015**, in Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana. A second public hearing will then be held by the Board of County Commissioners at 9:00 a.m. on **Thursday, August 13, 2015**, also in Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

PLEASE INDICATE COMMENTS BELOW: (attach additional correspondence or information if desired). Please circle one.

No Comment

Comment as follows:

NWE Gas and Electric has no comments.  
Steve Rock 8/4/15





**Lewis and Clark County  
Community Development and Planning**

316 N. Park Ave. Room 230

Helena, MT 59623

Phone: 406-447-8374

Fax: 406-447-8398

E-mail: [planning@lccountymt.gov](mailto:planning@lccountymt.gov)



**REQUEST FOR REVIEW AND COMMENTS**

DATE: July 14, 2015

FILE: Comment 2 - Hill

To: Road Supervisor  
West Helena Valley Fire District  
Environmental Health Department  
Historic Preservation Officer  
Paul Spengler

**RECEIVED**

JUL 20 2015

LEWIS & CLARK COUNTY  
Community Development & Planning

From: Lindsay A. Morgan, Planner II

**PROPOSAL:** A request for a variance from the R-2A regulations of Special Zoning District No. 33 has been received. Specifically, the request is to allow for an existing, detached garage to continue encroaching 5 feet into the 20-foot, front-yard setback from the south property boundary and an existing deck to continue encroaching 1/2 of a foot into the 8-foot, side-yard setback from the east property boundary.

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PLEASE INDICATE COMMENTS BELOW: (attach additional correspondence or information if desired). Please circle one.

No Comment

Comment as follows:

\_\_\_\_\_  
*Paul Spengler*  
\_\_\_\_\_



**Lewis and Clark County  
Community Development and Planning**

316 N. Park Ave. Room 230

Helena, MT 59623

Phone: 406-447-8374

Fax: 406-447-8398

E-mail: [planning@lccountymt.gov](mailto:planning@lccountymt.gov)



**REQUEST FOR REVIEW AND COMMENTS**

DATE: July 14, 2015

FILE: Comment 2 - Hill

To: Road Supervisor  
West Helena Valley Fire District  
**Environmental Health Department**  
Historic Preservation Officer  
Paul Spengler

From: Lindsay A. Morgan, Planner II

**PROPOSAL:** A request for a variance from the R-2A regulations of Special Zoning District No. 33 has been received. Specifically, the request is to allow for an existing, detached garage to continue encroaching 5 feet into the 20-foot, front-yard setback from the south property boundary and an existing deck to continue encroaching 1/2 of a foot into the 8-foot, side-yard setback from the east property boundary.

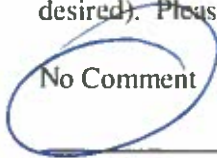
**LOCATION:** The property is located at 1004 Pintail Court and can also be described as Lot 9 in Block 9 of Phase IV-A of the Skyview Subdivision (COS #3042455) in the NE 1/4 of Section 7, T11N, R3W, P.M.M., Lewis and Clark County, Montana.

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PLEASE INDICATE COMMENTS BELOW: (attach additional correspondence or information if desired). Please circle one.

No Comment

Comment as follows:



FP 7-17-15

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Lewis and Clark County  
Community Development and Planning

316 N. Park Ave. Room 230  
Helena, MT 59623  
Phone: 406-447-8374  
Fax: 406-447-8398  
E-mail: [planning@lccountymt.gov](mailto:planning@lccountymt.gov)



REQUEST FOR REVIEW AND COMMENTS

LEWIS & CLARK COUNTY

DATE: July 14, 2015  
FILE: Comment 2 - Hill

JUL 28 2015

To: **Road Supervisor**  
West Helena Valley Fire District  
Environmental Health Department  
Historic Preservation Officer  
Paul Spengler

PERMIT OFFICE

From: Lindsay A. Morgan, Planner II

PROPOSAL: A request for a variance from the R-2A regulations of Special Zoning District No. 33 has been received. Specifically, the request is to allow for an existing, detached garage to continue encroaching 5 feet into the 20-foot, front-yard setback from the south property boundary and an existing deck to continue encroaching 1/2 of a foot into the 8-foot, side-yard setback from the east property boundary.

LOCATION: The property is located at 1004 Pintail Court and can also be described as Lot 9 in Block 9 of Phase IV-A of the Skyview Subdivision (COS #3042455) in the NE 1/4 of Section 7, T11N, R3W, P.M.M., Lewis and Clark County, Montana.

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PLEASE INDICATE COMMENTS BELOW: (attach additional correspondence or information if desired). Please circle one.

No Comment

Comment as follows:

utility upgrades & Relocations could pose future problems.

CG Probst 7/21/15

**Lindsay Morgan - Fwd: 1004 Pintail Ct**

---

**From:** Jerry Shepherd <westvalley631@gmail.com>  
**To:** <lmorgan@lccountymt.gov>  
**Date:** 7/30/2015 1:21 PM  
**Subject:** Fwd: 1004 Pintail Ct

---

----- Forwarded message -----

**From:** Jerry Shepherd <[westvalley631@gmail.com](mailto:westvalley631@gmail.com)>  
**Date:** Tue, Jul 28, 2015 at 4:03 PM  
**Subject:** RE: 1004 Pintail Ct  
**To:** Lindsay Morgan <[lmorgan@co.lewis-clark.mt.us](mailto:lmorgan@co.lewis-clark.mt.us)>

Variance request 1004 Pintail Court:

Lindsay. West Helena Valley Fire District has no objection in allowing the variance request since the structures have already been constructed. Let me know if you need more information.

--  
Jerry F. Shepherd  
Fire Chief  
West Valley VFD

--  
Jerry F. Shepherd  
Fire Chief  
West Valley VFD