

# CITY OF EAST HELENA EXTENSION OF SERVICES PLAN

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## INTRODUCTION

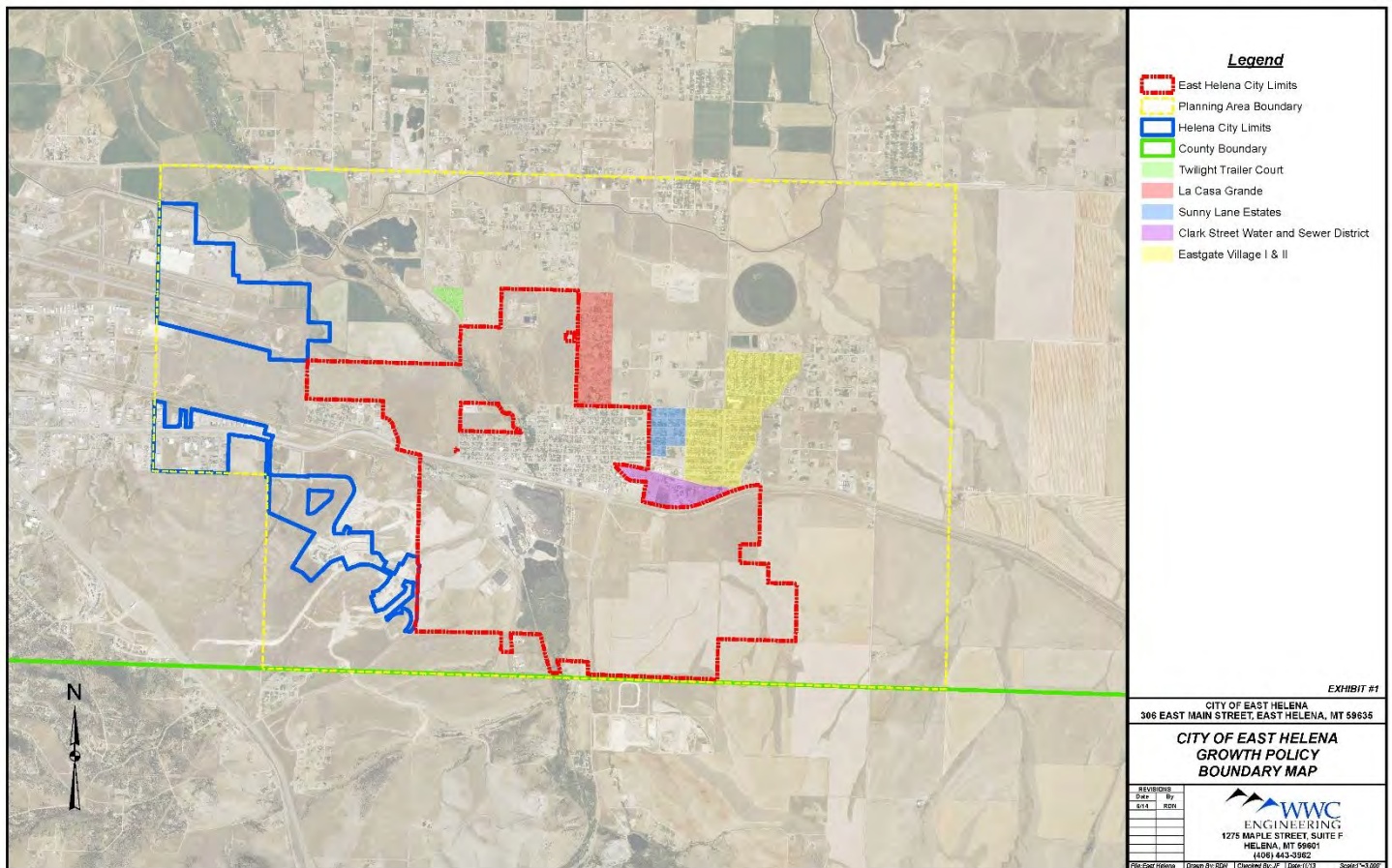
The City of East Helena Extension of Services Plan is a policy document that outlines the requirements for the extension and provision of City services and utilities to areas proposed for annexation or potential developable areas within the City limits and Planning Area. This plan will serve the following objectives:

- 1) To meet the statutory requirements of the State of Montana for the annexation of properties and provision of services. Primarily, in order to satisfy statutes 7-2-4731, M.C.A., “Plans and Report on Extension of Services Required,” and 7-2-4732, M.C.A., “Contents of Plan for Extension of Services.”
- 2) To establish a Potential Utility Service Boundary and associated policies that clearly outline the terms for the extension of services into new services areas, identify methods of financing when extending municipal services and the party or parties responsible for installation and service costs.
- 3) To provide a framework for implementation of existing policy documents that may include the City of East Helena Growth Policy and the City of East Helena Capital Improvements Plan.

The City of East Helena adopted the current Growth Policy on October 7, 2014. As part of the Growth Policy the City analyzed potential growth areas within the planning area and identified potential areas for annexation into the City. Under Land Use and Community Growth Goals, Goal #1 – Provide for the Orderly Development of the City of East Helena and the Planning Area, this policy addresses the fifth strategy which is to develop an annexation policy to plan for the logical direction of future growth and to guide decision making about future annexations and provide municipal services. This policy also addresses the Growth Policy Land Use and Community Growth Goal #2 to provide for the extension of services to undeveloped areas within the City of East Helena and the Planning Area. The East Helena Planning Area map from the Growth Policy is provided as Figure 1 and the full map is provided in Appendix A.

## RELATIONSHIP TO GROWTH POLICY

This Extension of Services Plan, by reference, hereby incorporates the City of East Helena Growth Policy adopted on October 7, 2014. The Growth Policy has been used as a source of technical information and guidance for the development of this plan. The adoption and implementation of this plan will assist the City in achieving the goals and objectives of the Growth Policy.



**Figure 1. Planning Area Boundary & City Limits**

## URBAN GROWTH AREA

The urban growth area is the projected service area in which municipal services can or may be extended over a period of 5-10 years, depending upon needs and demand. Boundaries of the urban growth area are established based on prevailing and anticipated growth trends, with consideration given to growth stimulants as well as growth deterrents or impediments. Population and economic trends that affect community growth or decline are also critical factors which should be analyzed in order to accurately establish urban growth area boundaries.

## ECONOMIC CONDITIONS AND POPULATION TRENDS

For many decades East Helena was a major player in Montana's mining industry with the location of the lead smelter that operated until 2001. With the closure of the smelter in 2001 came the loss of 250 jobs and a significant reduction in taxable property value. East Helena is evolving from a distinct industrial community to a "bedroom community" that is largely residential and whose labor force serves an external job market. It is estimated that up to 93 percent (93%) of the local labor force is employed outside the City, mainly in Helena. This has resulted in primarily service oriented jobs within the City of East Helena. The challenge to City leaders will be maintaining East Helena's distinct, small-town identity in the face of accelerated growth with no distinguishing economic

base. It is the goal of the City to grow a commercial and industrial base in order to provide increased tax base and local jobs.

East Helena was a typical “company town” for a century. Secure jobs at the ASARCO smelter triggered the migration of people to the City and kept them there. When plant operations were suspended in April, 2001, a drastic out-migration of people seemed imminent as was the case with other “company towns” in the United States. Instead, the population of East Helena grew at an accelerated rate. The U.S. Census Bureau estimates that the population in 2008 was 2,114. This represents a 28.75 percent increase over the 2000 population - an increase that occurred after suspension of smelter activities. The City’s close proximity to Helena, which provides a stable supply of jobs in government and other sectors, has enabled working age people to remain in East Helena. Since 2010, there has been a steady increase (1.5%) of population, from 1,984 people in 2010 to an estimated 2,043 in 2012. At the current and recent 1.5 percent annual increase in population rate, the estimated population in 2026 will be 2,442.

In 2009, former lands of ASARCO were annexed into the City of East Helena increasing the size of East Helena by more than 2,000 acres of undeveloped land that is now managed by the Montana Environmental Trust Group (METG), the EPA, and the State of Montana. The City of East Helena would like to see these lands developed and has prepared a Growth Policy, Subdivision Regulations, and Zoning Regulations to assist in regulating development on these lands and annexed land in the future. Additional analysis on economic and population trends for the City of East Helena can be found in the City of East Helena Growth Policy.

## PHYSICAL GROWTH TRENDS

Growth within the planning area seems to be isolated to the north and east of the City of East Helena, just outside the City limits. This has resulted in several large developments at or near the City limits that currently have their own utility services but more than likely are utilizing other City services such as parks and emergency services. With the annexation of the ASARCO property in 2009, the City of East Helena more than doubled in area. This land is currently within the City of East Helena and the majority of the land is not directly adjacent to or easily accessible to City services. The METG would like to sell this property for development. The land lies south, west, and north of the historic area of East Helena and City utilities and roads will need to be extended into these areas by others in order to develop these areas. Other than the ASARCO annexation in 2009, the City has not annexed other property or developments in years.

The City of East Helena does currently provide City sewer service to Pele Park Mobile Home Park north of the City on Wylie Drive and is currently in negotiations with the East Clark Street Water and Sewer District to provide sewer service east of the City on Clark Street. Further, several developments within the Planning Area north of the City have proposed to connect to the City's sewer system. At this time the City of East Helena does not wish to annex these lands into the City. Future requests for City services may require annexation as a condition of service if the development is contiguous to the current City boundary.

## PREVAILING GROWTH PATTERNS

The prevailing growth patterns in the East Helena area and the possible impediments to growth associated with these areas are presented below.

### North

The areas north of the City are a mix of development including large residential tract development, small residential tract development, a gravel pit, and agricultural land. There are areas north of the City that could be developed and annexed. The wastewater treatment plant is located in this area and it would not be difficult to access the wastewater treatment plant with the installation of gravity and pressure sewer mains. The City water wells are located along Wylie Drive in this area and there is an existing transportation network that is accessible. Water mains would need to be installed to provide water service to this area. Roads in this area do not currently meet City of East Helena standards and would need to be upgraded. It is more likely that areas that are currently developed would be annexed into the City due to failing septic systems including areas such as the La Casa Grande Subdivision. La Casa Grande is currently operating its own public water supply system and each lot is provided with its own wastewater treatment system. These systems are aging and are starting to fail. The wastewater treatment system is located less than 0.5 mile from La Casa Grande. It would be costly for the homeowners within the subdivision to construct new sewer mains within the roadways to convey wastewater to the City. Further, the roads do not currently meet City standards. The water system would need to be accepted by the City and it is unclear at this time if the system would meet the City's standards.

### East

The majority of land east of the City is currently developed with the exception of agricultural land south of U.S. Highway 12. Development in this area consists of large tract residential, small tract residential, and commercial uses. With the exception of the agricultural land to the south of Highway 12, there is not a lot of potential for additional development east of the City. Eastgate Subdivision 1 & 2 are located in this area and currently have existing infrastructure that services these developments. Eastgate Water



and Sewer District just recently completed a wastewater treatment system upgrade to increase capacity and fix deficiencies. They are also currently working on water system upgrades. It is not likely in the near future that the Eastgate developments would be annexed in to the City of East Helena or require utility services. The most likely area that would require City utility services in the future would be the Sunny Lane Estates development located directly east of and adjacent to the City limits. This area consists of larger residential lots with individual wells and wastewater treatment located on each lot. This area may see failing septic systems in the future and would be a candidate for annexation and extending City services. No water or sewer mains currently exist within this development and the roads do not meet City standards. Installation of water and sewer mains throughout this development would be costly for the residents. Finally, Clark Street Water and Sewer District is located east of and adjacent to the current City limits. The district has requested the City provide sewer service and the district is in the process of installing sewer mains to convey wastewater from the existing lots to the existing City wastewater treatment facility. This area is currently served by individual water systems on each lot and the roads do not meet City standards. At this time the City has decided not to annex in the area due to lack of water system and street infrastructure and the City is working on an agreement with the district to provide sewer service. The district would own and maintain the new sewer mains.

### South

Land south of the City is primarily vacant industrial or agricultural lands, with the exception of some industrial development and a small area of residential development identified as the Manlove Addition. The majority of this area is currently within the City limits of East Helena and is managed by the METG. The largest barrier to growth in this area is Highway 12 and the railroad that parallels the highway. There is some water infrastructure located south of Highway 12 and minimal sewer infrastructure that serves the Manlove Addition. Further, access is mainly provided to the area via two state highways. The development of this area would require extensive investments in water, sewer, and street infrastructure to accommodate development.

### West

This area is primarily undeveloped and can be characterized as the area west of Wylie Drive and north of Highway 12. The majority of this area is managed by the METG and is currently within the City limits. This area has the most potential for new development when looking at development potential around East Helena. Access to the area can be accommodated by the existing Highway 12 and Wylie Drive. Sewer and water infrastructure is available along or near Wylie Drive. This area consists of several large tracts of land that would likely require a subdivision in order to develop. This would require installation of water, sewer, and streets to City of East Helena standards with a



proposed development and may require some upgrades to existing infrastructure depending on the size of the development and capacity of the existing systems.

### ANNEXATION CONSIDERATIONS FOR THE CITY OF EAST HELENA

The Extension of Services Plan for the City of East Helena provides guidance to decision-makers and staff about the goals and policies that annexation is intended to advance. The primary intent of the plan is to permit the annexation of land to provide for orderly growth, adequate provision of municipal services, and equal benefits to both the annexed territory and the existing City properties.

Annexation goals for the City of East Helena are listed below:

- Seek to annex lands contiguous to the City of East Helena.
- Seek to annex areas that are totally surrounded by the City of East Helena.
- Seek to annex properties currently contracting with the City of East Helena for services such as water, sanitary sewer, and/or fire protection, if determined to be in the best interest of the City.
- Seek to annex other lands within the Planning Area examined in this Growth Policy as appropriate and as opportunities arise.
- The City of East Helena may consider the extension of partial municipal services into existing subdivisions or areas not adjacent to the corporate limits without annexation, subject to a waiver of protest to future annexation action by the City.

This plan identifies the conditions necessary to support a decision to annex land into the City. This plan also lays out specific requirements of those seeking to annex into the City.

### AREAS OF INTEREST FOR ANNEXATION

As part of the Growth Policy the City has identified lands that may be desirable for future annexation. The map contained in Appendix A identifies multiple developed areas around the City of East Helena in the planning area. The areas identified below are areas of possible annexation into the City of East Helena in the future.

- 1) **Pele Park Mobile Home Park** – Pele Park Mobile Home Park is currently connected to the City of East Helena's wastewater system.
- 2) **La Casa Grande** – This development has been identified due to failing septic systems throughout the development. The wastewater treatment plant is located

directly west of this development and the City could easily service this area. La Casa Grande operates its own central water system. This development will more than likely request sewer service in the near future and it would be recommended that the City annex the subdivision as part of providing service.

- 3) **Sunny Lane Estates** – In recent years’ residents of Sunny Lane Estates have been having trouble with their septic systems. Due to this development being located adjacent to the City of East Helena, it is likely in the future residents will request sewer and water service from the City and it would be recommended that the City annex the subdivision as part of providing service.
- 4) **East Clark Street Water and Sewer District** – The East Clark Street Water and Sewer District was created in 2013 to address failing septic systems in the area around East Clark Street. The District has prepared a Preliminary Engineering Report to address the construction of a sewer main to serve all the lots within the District and connect to the City of East Helena’s wastewater system. Further, the District has hired a consultant to prepare plans and specifications to construct the sewer main. The District has requested to connect a proposed sewer main within Clark Street to the City of East Helena sewer system. The connection agreement is currently under consideration by the City Council.

If areas outside the city limits approach the City regarding the extension of municipal services, the City should require that they petition to annex the area into the City of East Helena or require a waiver of protest to future annexation action.

## **EXTENSION OF CITY SERVICES**

A number of studies have been done to determine the effects of various types of development on a municipality's cost outlays. These studies have consistently shown the net public costs resulting from low-density sprawl development are higher than those resulting from higher density developments of the same number of homes. In simple terms, it costs more to extend sewer and water service, to provide police and fire protection, to fund road repair, to send out school buses, and to provide refuse collection service when homes are spread out than when they are more densely situated and in close proximity to existing services and facilities.

In order to achieve compact, orderly and efficient urban growth, plans for the extension of municipal services into growth areas must be developed and implemented. In addition to identifying the services available and a plan to physically provide those services within a defined service area, it is also essential to both identify the party responsible for service extension and a method of financing the extension.

The services which are considered for extension into the future growth areas of the City are streets, sanitary sewer, storm sewer, water, police protection, fire protection and solid waste collection.

## RELATIONSHIP TO CAPITAL IMPROVEMENTS PLAN

This Extension of Services Plan, by reference, hereby incorporates the City of East Helena's Capital Improvements Plan adopted on April 18, 2017. The Capital Improvements Plan discusses and analyzes existing infrastructure and infrastructure needs into the future for the City of East Helena. This analysis is imperative to implementation of an Extension of Services Plan, which seeks to determine how and where services can and will be extended to accommodate future development.

## STREETS

Upon annexation of land development, the City will assess ownership and maintenance responsibility of all public roads within the annexed area. The transportation network within and around a community plays a significant role in its physical development and growth. This network of streets, roads and highways should be coordinated to form a system that not only provides efficient internal circulation, but one that also facilitates through traffic. Since streets serve two basic functions, moving traffic and providing access to abutting lands, each street should be classified and designed for the specific function or combination of functions that it is to serve. This functional classification system forms the basis for planning, designing, construction, maintaining and operating the street system. Street classification can also be used as an equitable and practical method of allocating responsibility for street and road construction expenditures. For these reasons urban streets are generally designed and developed in a hierarchy comprised of the following types:

### Principal Arterials

The greatest portion of through travel occurs on principal arterial roadways. Principal arterials are high-volume travel corridors that connect major generators of traffic (e.g., community and employment centers), and are usually constructed with partial limitations on direct access to abutting land uses. Interstate Routes and major U.S Highways and State Routes are typical types of principal arterials. Principal arterials may be multi-lane, high-speed, high-capacity roadways intended exclusively for motorized traffic with all access controlled by interchanges and road crossings separated by bridges. However, such facilities may include two-lane or multi-lane roadways based on the travel demands they serve and have less restrictive access provisions than Interstate routes.

### **Minor Arterials**

Minor arterials are streets that connect both major arterials and collectors that extend into the urban area, while providing greater access to abutting properties. Direct access is limited to maintain efficient traffic flow. Minor arterials serve less concentrated traffic-generating areas, such as neighborhood shopping centers and schools. Minor arterials often serve as boundaries to neighborhoods and provide linkage to collector roads. Although the predominant function of minor arterials is the movement of through traffic, they also provide for considerable local traffic that originates from, or is destined to, points along the corridor.

### **Major and Minor Collectors**

Collectors provide direct services to residential or commercial areas, local parks, and schools while also providing a high degree of property access within a localized area. In densely populated areas, they are usually spaced at half-mile intervals to collect traffic from local-access streets, and convey it to the major and minor arterials and highways. Urban collectors are typically one to two-miles in length, while rural collectors may be longer (either could be a major or minor). Access may be limited to roadway approaches and major facilities, but some direct access to abutting land may be permitted.

### **Local Access Streets**

Streets not selected for inclusion in the arterial or collector classes are categorized as local or residential streets. They allow access to individual homes, businesses, and similar traffic destinations. Direct access to abutting land is essential, for all traffic originates from, or is destined, to abutting land. Major through traffic should be discouraged.

The City of East Helena has identified and developed priority projects for the existing street system as part of the Capital Improvements Plan. The majority of the City transportation projects are focused on maintenance of existing City streets to improve surfacing conditions and storm water drainage. The majority of METG lands will access State owned highways and the development of those lands will require coordination of the transportation network with the Montana Department of Transportation. Some areas will also access either Wylie Drive or Valley Drive and any development will need to coordinate with the City on access to those streets. All new development which further impacts the existing or proposed street network, will be subject to conditions intended to mitigate said impacts. It will be the responsibility of the developer of a new subdivision to provide streets built to City standards, including curbs, gutters, sidewalks, boulevards street signs, street lights and street trees. Standards for such improvements are contained in the City of East Helena Subdivision Regulations. The policy section of this

plan supports these requirements. A street map for the City of East Helena is provided in Appendix B. Principal arterials, major collectors and minor collectors are shown on the map all other roads as classified as local access streets.

## STREET MAINTENANCE

The City of East Helena maintains, sweeps and plows most dedicated streets within the City limits, while the Montana Department of Transportation maintains and plows Main Street and Highway 12 through the City, as well as Highway 518 and Lane Avenue. The City's equipment is generally adequate for the present snow plowing needs. The need for additional equipment and personnel should be determined and coordinated as the City grows.

## SANITARY SEWER SYSTEM

A sanitary sewer system is a network of sewers used to collect the liquid wastes of a city for subsequent treatment. The location and capacity of main sewer lines and treatment plants are a factor in determining both the density and location of development within a community. Generally, the design of main sewer lines and plant capacity is reflective of anticipated land uses and population projections of a predetermined "service" area.

Sewage is generally collected by a gravity flow system, wherein sewer lines are laid out in a manner as to flow continually downhill. Where grades are insufficient to provide gravity flow, pressurized sewer collection systems or pumping of the sewage becomes necessary. Adding pump stations to the system, correspondingly, adds expense, maintenance and replacement needs and is generally discouraged. Pressurized sewer collection systems with privately maintained grinder pumps are becoming more common where gravity sewer systems are not feasible. The sanitary sewer system map is included in Appendix B. This map reflects general locations of sewer mains within the City of East Helena. The City of East Helena does not have an extensive survey of all sewer main infrastructure. Developments requesting connection to the existing system will be required to evaluate existing mains for actual location and size and determine if the existing system has adequate capacity to accommodate the proposed development at the expense of the developer or property owner.

The City's wastewater treatment system consists of a mechanical treatment system that was completed in 2003. The treatment system was upgraded to install a metals removal plant to remove excess copper from wastewater before it is discharged. Once the wastewater is treated it is discharged to Prickly Pear Creek. The current wastewater treatment system has a capacity of 435,000 gallons per day and is currently treating an average of 200,000 gallons per day. Capacity is available in the City's wastewater treatment system for additional development.

Outside the City limits, East Helena is ringed by areas of suburban residential development with on-site sewage disposal systems. During the next five years, and beyond, the influences of continued property development, failing on-site sewage disposal systems, and the State's Water Quality and Non-degradation Rules may combine to bring many of these areas into the City's sewer system.

The design of new sewage collection systems for new development and annexed areas must meet the current requirements of the Montana Department Environmental Quality, Montana Public Works Standard Specifications, and the policies for extending services described in this plan. Any properties proposed for development or annexation will require a detailed engineering study to determine the appropriate size, location and type of collection system based on the long-range needs of the development and area(s) surrounding the development site.

## STORM WATER MANAGEMENT

Storm water runoff is the water flowing over the surface of the ground as a result of a rainfall or snow melt. The primary goal in the management of the storm water runoff is to minimize hazards to life and property. This is accomplished by using storm sewers, ditches and swales to collect and carry surface water to a natural course of body of water in such a way as to prevent flooding and the resultant damage.

Currently, the City lacks a comprehensive storm water collection system to convey storm water through the City and discharge storm water to available locations. Currently, the City streets primarily carry storm water through the City and eventually to Prickly Pear Creek or other areas adjacent to the City. There are a few small storm drain systems throughout the City including a storm drain system for Main Street.

As new city streets are constructed, and as existing streets are improved, storm drainage infrastructure will be installed or improved. Individuals developing property have the responsibility to convey storm water from their property to an appropriate point of disposal. The quantity and rate of runoff from a developed piece of property should not exceed that which would occur had the property remained undeveloped. In instances where developing property cannot be drained appropriately, storm water must be detained and handled onsite.

## WATER

The City of East Helena owns and operates the water treatment system that provides drinking water to residents of the City. The East Helena water system is supplied by two general sources, the McClellan source and the Wylie Drive source. The McClellan source is an infiltration gallery with two radial wells, and the Wylie Drive source is a system of three deep groundwater wells north of the City.

The two sources service a network of transmission and distribution pipes that range in size from two- to twelve-inches. The mains within the City are primarily six- and eight-inches, while the mains connecting the sources of the distribution system range from eight- to twelve inches.

The existing water system has excess capacity and the ability to accommodate future growth. Based on historical usage records, in conjunction with Montana Department of Environmental Quality (MDEQ) requirements for water supply and storage capacity, it is estimated that the existing water system could serve an additional 300-500 residential connections, or an equivalent combination of residential and commercial. The number of additional water system connections would be largely dependent on the location of future annexations and the fire flow requirements needed for any larger structures within those annexations. The water system map is included in Appendix B. This map reflects general locations of water mains within the City of East Helena. The City of East Helena does not have an extensive survey of all water main infrastructure. Developments requesting connection to the existing system will be required to evaluate existing mains for actual location and size and determine if the existing system has adequate capacity to accommodate the proposed development at the expense of the developer or property owner.

Any properties proposed for development or annexation will require a detailed engineering study to guide the extension of water mains into areas of growth, as and when development occurs. The plan is based on the objective of providing adequate water flow to meet household, commercial, industrial and irrigation demands, while meeting fire protection needs as well. The distribution system must be able to deliver water in sufficient quantity to all residents at all times. Ideally, a water distribution system is of a grid layout with supply and storage facilities strategically located to equalize pressure during periods of heavy usage. Dead-end lines should be avoided to eliminate stagnant water and to reduce the number of customers who would be out of water during periods of line repair. The design of new water systems for new development and annexed areas must meet the current requirements of the Montana Department Environmental Quality, Montana Public Works Standard Specifications, and the policies for extending services described in this plan. The provision of water for firefighting purposes is as important as, and as consumptive as, that required for domestic and commercial uses, and must be considered when evaluating transmission, storage and distribution facilities.

## SOLID WASTE

The City of East Helena is the sole provider of solid waste collection and disposal services for residents and businesses within the City limits. Within East Helena City limits, each residence has a 96-gallon container that is provided by the City. Garbage



trucks must use a side loader to load the contents of these containers. These containers are emptied once per week. Multi-family residences and businesses use 300-gallon containers that are emptied twice per week.

The City of East Helena has an agreement with Tri-County Disposal to dispose of collected garbage at the Valley View Landfill. The landfill is located on Highway 518 south of East Helena and is a privately owned and operated facility licensed by the State of Montana.

The City solid waste services are available to all properties in the area to be annexed in accordance with MCA §7-3-4736. The extension of this service to newly annexed areas is subject to the provisions and limitations of MCA §7-2-4736. In accordance with the provisions of this section, solid waste service may be provided after a minimum of five years based on a petition by property owners.

## FIRE PROTECTION

The East Helena Volunteer Fire Department (EHVFD) provides fire protection, emergency medical service, confined space rescue, wildland fire response, vehicle extrication, and responds to hazardous materials events within the City of East Helena.

The EHVFD also provides first response emergency medical services (EMS), but is not authorized to transport victims. The EHVFD has Enhanced 911 (E-911) service through the Lewis and Clark County dispatcher. Ambulance service in the City of East Helena and outlying planning area is provided by St. Peter's Hospital and Ambulance Service, located on Helena's southeast side.

Fire protection is dependent upon the size and type of fire protection workforce, availability of adequate water, type of equipment and the response time involved. As the area of urban growth expands, increased funding may be necessary to maintain current levels of quality emergency services. The tax burden of these services shall be shared by all City taxpayers.

## LAW ENFORCEMENT

The East Helena Police Department has primary responsibility of law enforcement within the City of East Helena while the Lewis and Clark County Sheriff's Department has primary responsibility over lands outside the City of East Helena. Pursuant to a mutual services agreement, the Police Department provides services in the areas outside the city limits when personnel from the County Sheriff's office are not available.

Police protection is one of the essential services that should be adequately and efficiently available to every citizen. Additional impact to the department may accrue as

a result of the additional development within the City limits as well as annexation into the City. As the City grows both physically and in terms of population, it may be necessary to increase the police force and staff and equip the police department accordingly. The tax burden of these services shall be shared by all City taxpayers.

## **PARKS AND RECREATION**

Parks, recreational areas and open space are important components of a community and contribute notably to the physical, mental and emotional health of the population. The residents of East Helena have access to developed park and recreation facilities within the City of East Helena and area subdivisions. There are many open space areas and other recreational opportunities on publicly owned lands along the Missouri River and on National Forest lands that are relatively close to the community.

All existing park facilities may be utilized by new development within the City limits as well as any areas annexed into the City. All new subdivision developments will be required to comply with parkland dedication requirements as outlined in the East Helena Subdivision Regulations. This may include dedication of new parkland or a cash-in-lieu payment to the City for maintenance and improvements to existing parks and recreation facilities.

## **RECOMMENDED POLICIES FOR EXTENSION OF SERVICES**

### **GENERAL POLICIES**

The following general policies shall be pursued for all properties proposed to be developed with or without annexation into the City of East Helena ("City"):

1. It is the responsibility of the developer or property owner to construct all water lines, reservoirs, pump stations, culverts, drainage systems, sewer systems, roadways, sidewalks, curbs, gutters, street lighting, and rights-of-way in accordance to the Extension of Services Plans contained herein as well as the Subdivision Requirements of the City of East Helena, Montana Department of Environmental Quality requirements, and Montana Public Works Standard Specifications most current edition. The infrastructure improvements shall be of adequate size and design to accommodate the needs of the proposed development. In the event that a development creates impacts requiring off-site improvements, the developer shall bear the costs of such improvements.
2. The developer or property owner shall be responsible for providing fire protection appurtenances and required water flow pressures, meeting

current fire code, based on the use of land and the type of construction employed.

3. Water systems and sewer systems shall be designed in such a manner as to avoid the provision of booster pumps or lift stations, if feasible. All proposed booster pump stations and lift stations shall receive the approval of the City Engineer.
4. Before a development beyond city limits is allowed to connect to City-owned utilities, an agreement to waive protest of future annexation shall be properly filed with the City Attorney.
5. Prior to receiving services, the developer or property owner annexing must initiate and secure a re-zone to appropriate City of East Helena zoning when necessary. If the City initiates an annexation, it will assume responsibility for needed zoning map amendments.

#### **POLICIES FOR EXTENSION OF SERVICES TO UNDEVELOPED AREAS**

Each development should be considered an integral part of the City. Therefore, the following general policies for extension of services to undeveloped areas should be observed:

1. Any subdivision or development of property within the identified growth area should be designed in accordance with the City of East Helena Subdivision Regulations, Montana Department of Environmental Quality requirements, and Montana Public Works Standard Specifications, most current edition.
2. Any subdivision or development of land beyond the East Helena city limits, but within the planning area boundary, should be reviewed and commented upon by the City of East Helena Planning Board.
3. Where construction of a sewerage system is being considered, the future drainage basin of the system should be identified and lines sized accordingly. The cost and construction of all sewerage systems are the responsibility of the developer or property owner. Under certain circumstances, the City Council will determine whether the City will participate in financing the oversizing of infrastructure.
4. It is the responsibility of the developer or property owner to have designed and constructed water mains and lines of adequate size to provide the required flows for the intended land use and fire protection.

5. As new City streets are constructed, and as existing streets are improved, storm drainage infrastructure shall be installed or improved to City, State Department of Environmental Quality (DEQ), and Environmental Protection Agency (EPA) standards. It is the responsibility of the developer(s) or property owner(s) to convey storm water from their property to an appropriate point of disposal as approved by the City Engineer and/or Public Works. If there is no storm sewer conveyance system available to the site, storm water generated as a result of the development shall be retained on-site in accordance with applicable DEQ and EPA regulations. Generally, the quantity and rate of runoff from a developed parcel cannot exceed that which would occur had the property remained undeveloped.
6. It is the responsibility of the developer or property owner to provide all required infrastructure improvements, as well as rights-of-way and easements.

#### POLICIES FOR SERVICES IN EXISTING DEVELOPED AREAS

As a general policy, properties within the service area with existing utilities and facilities shall be required to upgrade those services to City standards and specifications as a prerequisite to receiving additional City services or additional City utility services. In such situations, the following policies shall apply:

1. Prior to making the municipal service(s) available to an existing developed area within the planning area, the City may require a report describing the following:
  - a. The approximate year or period in which the existing area was developed.
  - b. The location, size and condition of existing water lines or systems.
  - c. The location and condition of the existing sewer system, including the size, material and grades of all pipe.
  - d. The size, location and legal purpose of all existing rights-of-way and easements.
  - e. The surface type, condition and width of all roadways.
  - f. The existing storm drainage into and out of the area.

The report shall also include the estimated costs associated with correcting the deficiencies and bringing the utility or improvement to City standards. The City shall require the report to be prepared by a professional engineer, with the cost of the report borne by the developer or property owner.

- 2. If the property is to be annexed, the City's annexation resolution for the property, shall specifically state the method and time frame for bringing the existing conditions into compliance with City standards, and shall identify the parties responsible for the improvements.
  
- 3. If City services are to be extended without concurrent annexation, the property owner shall sign an agreement that includes a waiver of right to protest annexation. The agreement shall be recorded with the County Clerk and Recorder's Office. The property owner shall also sign, and the City shall record, a waiver of the right to protest participation in and the formation of any special improvement district that may be formed to improve the existing services, utilities, streets or other improvements.

**POLICIES FOR MEETING THE COST OF SERVICES**

For the purpose of setting aside adequate funds to replace infrastructure components, the following shall be considered as the estimated life of each of the components:

a. Structures	30 Years
b. Pipelines	50-100 Years
c. Stationary Equipment	10 Years
(motors, pump, conveyors, etc.)	
d. Asphalt Surfaces:	
Local Streets	20 Years
Collector Streets	15 Years
Arterial Streets	10 Years

The amount to be set aside each year for the replacement of municipal infrastructure components shall be the cost of construction, if new, or the total estimated replacement cost divided by the remaining number of years of the life of the component.

1. It shall be the responsibility of the developer or property owner to extend all roadways and utilities from the existing City facilities to the site of development in accordance with all City standards and specifications or provide appropriate easements. It shall further be the responsibility of the developer or property owner to construct all streets and utilities to the furthest boundary of the property to be developed in order to facilitate future development.
2. The ability of the City to increase existing utility line capacities to meet the demands of growth is dependent upon the availability of funding. If the City's ability to finance the necessary enlargement cannot keep pace with development, or if the improvements schedule does not mesh with that of the developer, it shall be the responsibility of the developer to finance and construct City-approved alterations to the existing infrastructure sufficient to accommodate the development. In the event of this occurrence, the developer may be reimbursed by the City through utility service connection fees for said development. Said reimbursement shall not exceed the cost, including interest, of the improvements to the existing City system, nor shall the reimbursement exceed the value of the connection fees collected from the specific development.
3. If the developer bears the costs of extending services and/or utilities, a Developer's Extension Agreement may be entered into between the developer and the City. This agreement, with a term not to exceed twenty (20) years, allows the developer to recoup costs associated with the extension of services or utilities by charging future entities wishing to connect to or use the extended service or utility a "Latecomer's Fee". The Developer's Extension Agreement shall set forth the specific parcels which could benefit from the extension (those within a described "design area") and specify the amount to be assessed to each parcel. The specific parcels and assessments to be included in the Developer's Extension Agreement are subject to approval by the City Council.
4. The late-coming customer shall pay the extender a pro-rata shares of the extension costs, including design and inspection fees. The pro-rata share may be based on lot area, front footage, or other means agreeable to both the City Council and the developer which is equitable to both parties as well as future customers.
5. If the City requires the customer or developer extending a sewer or water line to install a larger size than that required by City standards for a

particular project, the City Council will determine whether the City will participate in financing the oversizing of infrastructure.

6. The City reserves the right to further extend sewer or water mains installed by the preceding developer or property owner without paying compensation. The City also reserves the right to charge future sewer or water utility users beyond those areas identified in the Developer's Extension Agreement, if applicable, for their pro-rated share of the City's cost for the oversizing of the line. This in no way shall diminish the preceding developer's right to collect service line connection fees within the limits of a Developer's Extension Agreement. In the case of water lines, the pro-rata cost shall be based on the domestic capacity plus fire flow capacity existing at the point of extension as opposed to the domestic plus fire flow capacities required by the development.
7. Financing the construction of new streets in a proposed development, or the upgrading of streets in an existing developed area, shall be accomplished in one, or a combination of, the following methods:
  - a. In an undeveloped area, the developer shall provide all necessary right-of-way or additional right-of-way if less than adequate right-of-way exists.
  - b. The developer shall bear the cost of constructing all improvements within the right-of-way in accordance with this Plan and the City of East Helena Subdivision Regulations.
  - c. Through the formation of a Special Improvement District (S.I.D.).
  - d. Federal or State grant funds.
  - e. State Fuel Tax monies.
8. Connection and user fees for properties located outside the City limits for sewer and water services shall be charged in accordance with rates, charges and tariffs adopted by ordinance or resolution by the City Council.
9. As new City streets are constructed, and as existing streets are improved, storm drainage infrastructure shall be installed or improved to City standards. It is the responsibility of the developer to convey storm water from their property to an appropriate point of disposal. The quantity and



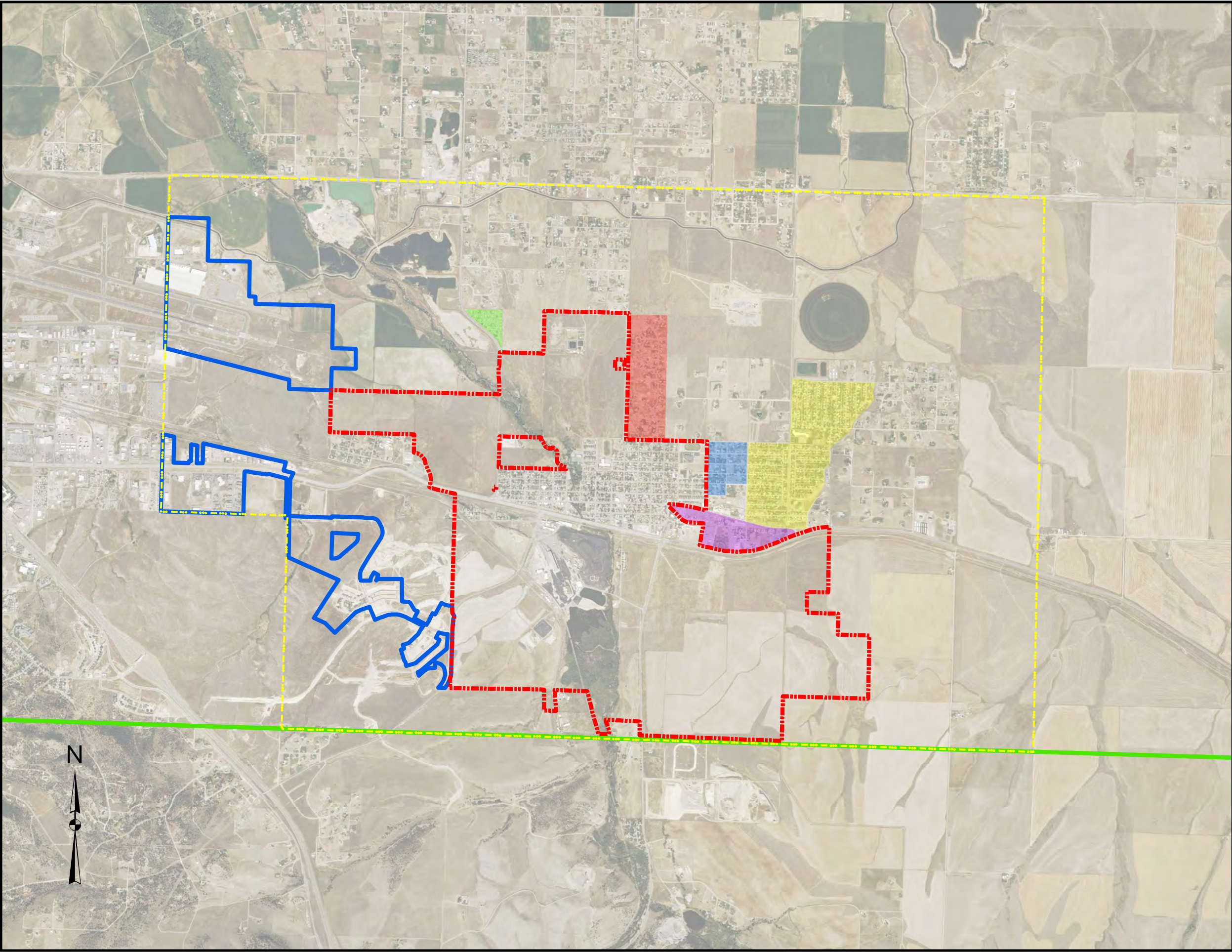
rate of runoff from a developed parcel cannot exceed that which would occur had the property remained undeveloped.

10. For the purposes of fire, police, and all general government services, the tax burden for these services shall be shared by all City taxpayers.

# **APPENDIX A**

## **EAST HELENA BOUNDARY MAP**





**Legend**

-  East Helena City Limits
-  Planning Area Boundary
-  Helena City Limits
-  County Boundary
-  Twilight Trailer Court
-  La Casa Grande
-  Sunny Lane Estates
-  Clark Street Water and Sewer District
-  Eastgate Village I & II

CITY OF EAST HELENA  
306 EAST MAIN STREET, EAST HELENA, MT 59635

**CITY OF EAST HELENA  
GROWTH POLICY  
BOUNDARY MAP**

REVISIONS	
Date	By
6/14	RDN



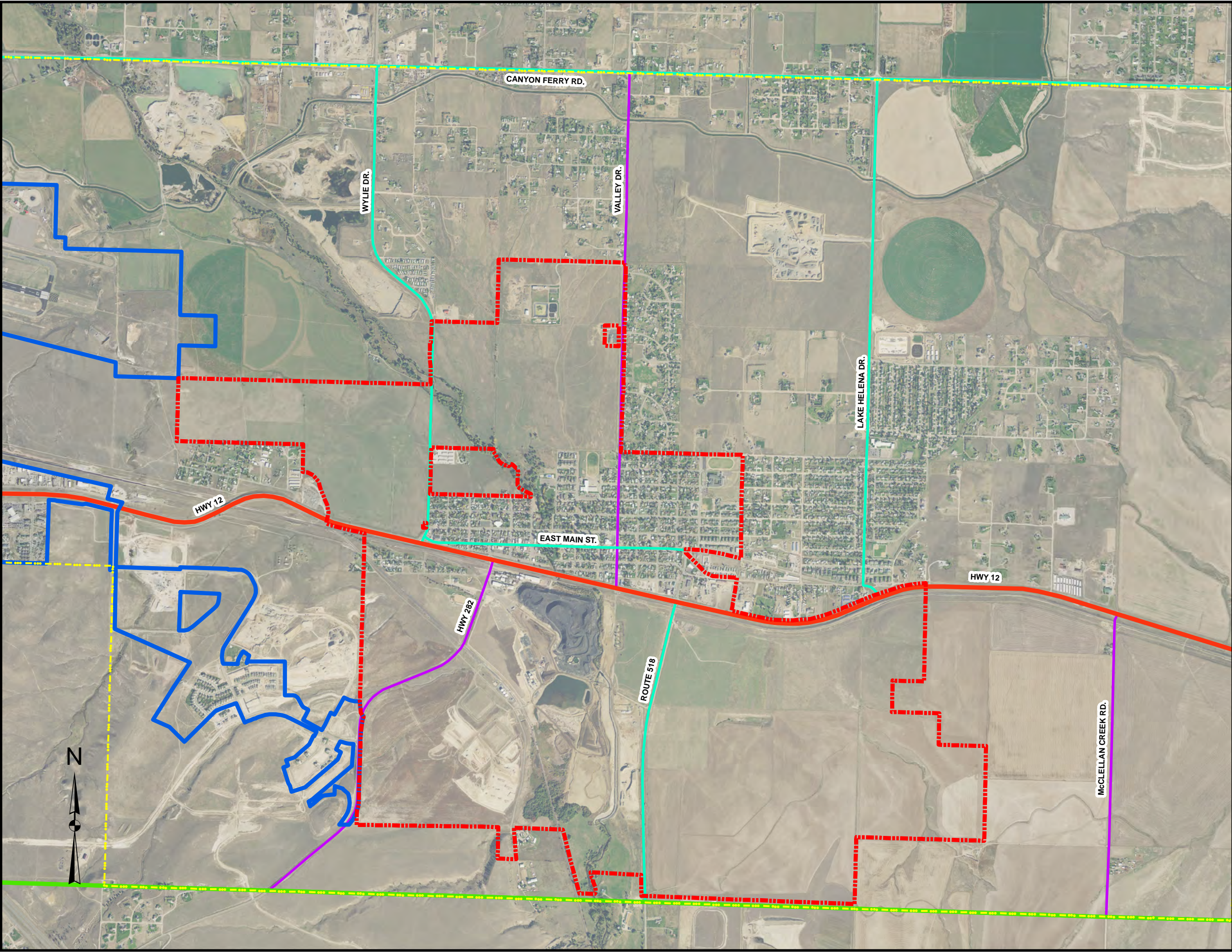
1275 MAPLE STREET, SUITE F  
HELENA, MT 59601  
(406) 443-3962



## **APPENDIX B**

### **EAST HELENA ROAD, SEWER, AND WATER MAPS**





**Legend**

- East Helena City Limits
- Planning Area Boundary
- Helena City Limits
- County Boundary
- Principal Arterials
- Major Collectors
- Minor Collectors

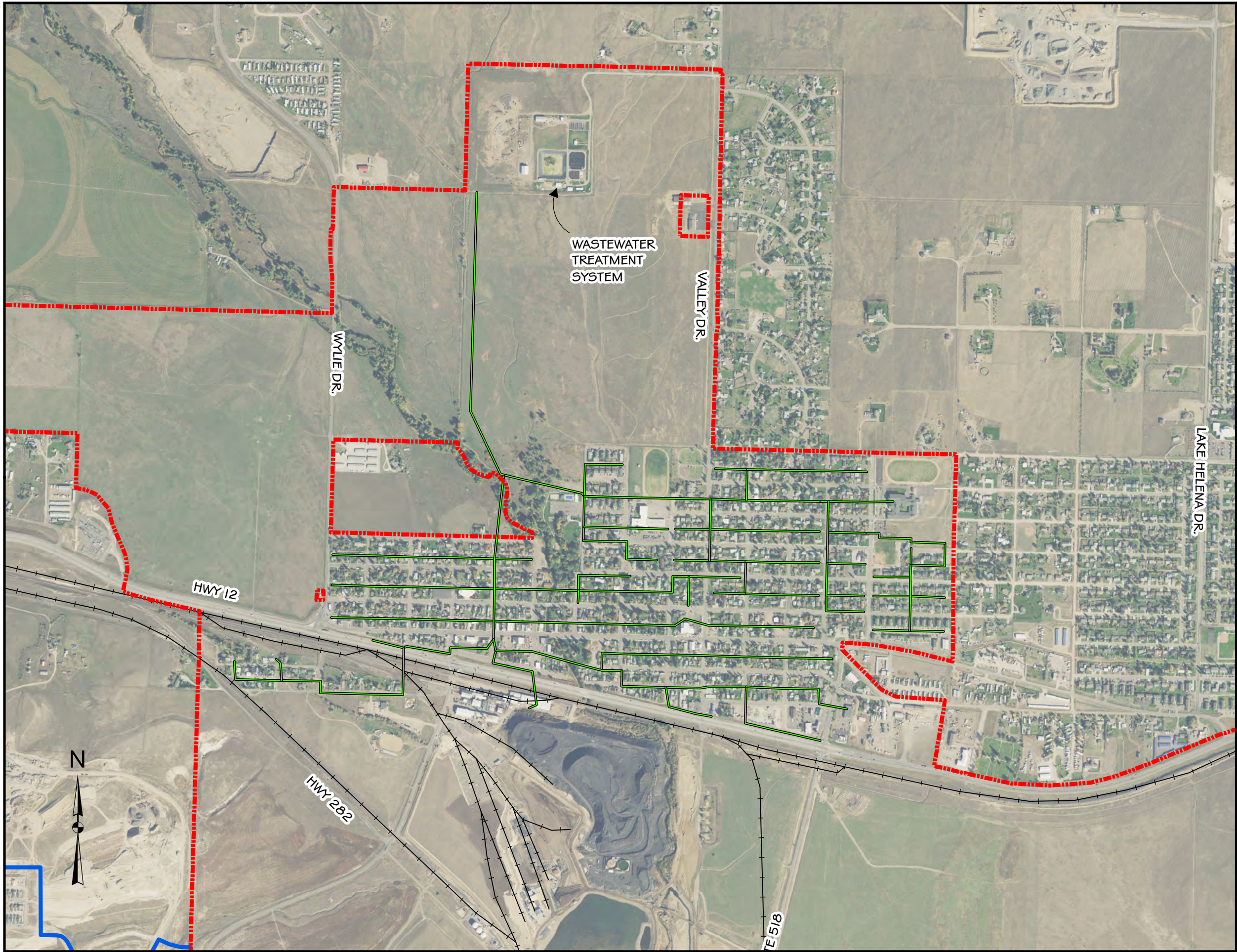
CITY OF EAST HELENA  
306 EAST MAIN STREET, EAST HELENA, MT 59635

**CITY OF EAST HELENA  
ROAD MAP**

REVISIONS	
Date	By

  
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HELENA, MT 59601  
(406) 443-3962





**Legend**

-  East Helena City Limits
-  Planning Area Boundary
-  Helena City Limits
-  County Boundary
-  Existing Sewer Main

CITY OF EAST HELENA  
306 EAST MAIN STREET, EAST HELENA, MT 59635

**CITY OF EAST HELENA  
SANITARY SEWER  
COLLECTION MAP**

REVISIONS	
Date	By

  
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HELENA, MT 59601  
(406) 443-3962






HWY 12

RTE 518

***Legend***

-  East Helena City Limits
-  Planning Area Boundary
-  Helena City Limits
-  County Boundary
-  Existing Water Main

CITY OF EAST HELENA  
306 EAST MAIN STREET, EAST HELENA, MT 59635

**CITY OF EAST HELENA  
WATER DISTRIBUTION MAP**

REVISIONS	
Date	By

  
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HELENA, MT 59601  
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## **APPENDIX C**

### **ANNEXATION APPLICATION**



**CITY OF EAST HELENA**  
**ANNEXATION BY PETITION**  
APPLICATION FEE: \$500 (non-refundable)  
DATE RECEIVED: \_\_\_\_\_

The undersigned, being all the Property Owner(s) or as legally authorized by all the Property Owner(s), of the property herein described, petition the City of East Helena to annex the same under the provisions of Title 7, chapter 2, part 46, MCA.

In support of this Petition, the undersigned provides the following information:

**1. PROPERTY OWNER(S): (use extra pages if necessary)**

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_  
\_\_\_\_\_

Work Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

**2. SURVEYOR/ARCHITECT/ENGINEER:**

Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

**3. LEGAL DESCRIPTION (include copy of deed conveying property to owners):**

Subdivision/Addition with blocks & lots or other legal description, including metes and bounds, section, township and range: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**4. PROPERTY ADDRESS: \_\_\_\_\_**

**5. IS THE PROPERTY CONTIGUOUS TO EXISTING CITY LIMITS?** Yes\_\_\_\_\_ No\_\_\_\_\_

**6. HAS THE PROPERTY BEEN PREZONED?** Yes\_\_\_\_\_ No\_\_\_\_\_

If so, what is the zoning? \_\_\_\_\_

**7. IF NOT PREZONED, WHAT ZONING IS PROPOSED?** \_\_\_\_\_

**8. PRESENT AND PROPOSED USE: (attach additional information if necessary):**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. DESCRIBE LEGAL AND PHYSICAL ACCESS TO PROPERTY: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. DESCRIBE TYPE OF EXISTING WATER AND SEWER SERVICE TO THE PROPERTY:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
11. IS THE PROPERTY CURRENTLY WITHIN A FIRE DISTRICT? Yes\_\_\_\_\_ No \_\_\_\_\_
12. HOW IS GARBAGE CURRENTLY HANDLED ON THE SITE? \_\_\_\_\_  
\_\_\_\_\_

I HEREBY CERTIFY THE ABOVE STATEMENTS AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT.

\_\_\_\_\_  
Property Owner (Print Name) Date: \_\_\_\_\_

\_\_\_\_\_  
Property Owner (Print Name) Date: \_\_\_\_\_

## ANNEXATION BY PETITION

### Application Instructions

**INTENT:** Application to the City Council for annexation into the City of East Helena as described in §7-2-46, MCA.

#### **GENERAL:**

1. **Application must be COMPLETED and SIGNED by the applicant and property owner.** An incomplete application may delay review of your request. Attach additional information if needed.
2. Provide a plat of the subject property or a description of the boundaries of the area to be annexed.
3. Provide a description of the proposed use, including the following (attach additional information to the application, if needed):
  - a. Type of proposed use/business activity;
  - b. Anticipated traffic volumes;
  - c. Any use or storage of hazardous materials;
  - d. Proposed signs and where they will be located; and
  - e. Any planned modifications to existing structure.
4. Submit a storm water drainage plan, or reason why a storm water drainage plan is not applicable.
5. Submit a plan for existing and proposed water and sanitary sewer utilities.
6. Submit a garbage plan.
7. Submit a weed management plan for the site.
8. Submit an access plan, including existing and proposed access points to public roads and existing and proposed internal access roads.
5. Submit a paid tax receipt for the subject property.
6. Submit a vicinity map of the area with the application form. This map must show the location of the property in relation to surrounding land and zoning in the immediate area; location of City water and sewer mains and other utilities; and City streets.
7. **IT IS THE POLICY OF THE CITY COUNCIL NOT TO ACT ON A PROPOSAL IF THE APPLICANT/APPLICANT'S REPRESENTATIVE IS NOT PRESENT AT THE COUNCIL MEETING. City Planning Staff represents the City; staff cannot answer questions for the applicant.**

### **REQUIREMENTS FOR SUBMITTING SITE PLAN:**

1. Three (3) 11" x 17" copies of the site plan are required.
2. All lines must be drawn legibly. (Black or blue line prints from an original are acceptable.)
3. Drawn to one of the following scales: 1"=10'; 1"=20'; 1"=50'.
4. Your site plan must have the following information (check each item prior to submitting application):
  - a. \_\_\_ complete legal description of property - name of addition/subdivision with block and lot number(s);
  - b. \_\_\_ lot dimensions and square footage;
  - c. \_\_\_ location, names, and widths of boundary streets, alleys and existing sidewalks;
  - d. \_\_\_ location and size of existing and proposed utilities such as sewer, water lines, fire hydrants phone, gas, power, etc.;
  - e. \_\_\_ locations, dimensions, and square footage of all structures and uses on the property;
  - f. \_\_\_ distance of all structures from property lines (front/side/rear yard setbacks);
  - g. \_\_\_ dimensions of any signs and their locations in relation to all property lines; and
  - h. \_\_\_ north arrow and scale.

### **NEW CONSTRUCTION MUST COMPLY WITH THE FOLLOWING:**

1. Building and fire codes; including required building and occupancy permits; and
2. Zoning Ordinance requirements including, but not limited to, minimum lot size; minimum lot width; front, side, and rear yard setbacks; maximum lot coverage, minimum floor area (where applicable), building height, landscaping; parking; screening; and signage (unless a variance has been obtained from any of said requirements).

**NOTE: ANNEXATION IS EFFECTIVE ONLY AFTER THE CONDITIONS OF ANNEXATION HAVE BEEN MET AND THE CITY COUNCIL HAS PASSED THE RESOLUTION OF ANNEXATION.**

**NOTE: INSTALLATION OF CITY WATER AND SEWER MAINS, FIRE HYDRANTS, STREETS, SIDEWALKS, CURBS AND GUTTERS MAY BE REQUIRED PRIOR TO ANNEXATION.**