



LEWIS AND CLARK COUNTY

Community Development and Planning

City-County Building

316 North Park Avenue

Helena, MT 59623

(406) 447-8374

January 3, 2006

Barbara Gallagher
Fox View Estates
Land & Homeowners' Association
PO Box 194
East Helena, MT 50635

RE: **Lighting Issue**

Hello Mrs. Gallagher,

In your December 23, 2005 e-mail (*see enclosed*) you indicated that the County Restrictive Covenants for the Fox View Estates Subdivision state the following with regards to lighting:

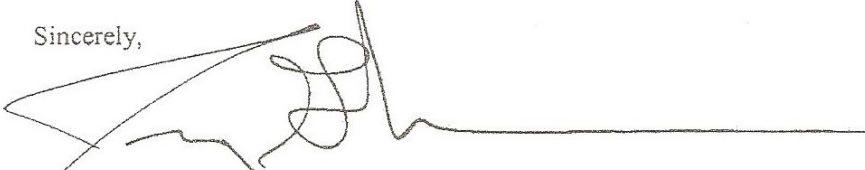
"Any exterior lighting shall be arranged and shielded so that the light source can not be seen from adjacent roads or property and so that no direct beam illuminates other private property or public roads, and shall not be visible from beyond the property lines."

In that e-mail you also requested an interpretation of what types of lighting would be in compliance with the intent of the County Restrictive Covenants for the subdivision. While I cannot identify specific types of lighting fixtures that are permissible, I can tell you that it is clear that the intent of the restrictive covenant is provide for lighting where the direct source of light and the direct beam are not visible. The installation and use of a light fixture must meet this standard. Residual light is impossible to shield without making a light fixture non-functional, but direct beams of light, such as a "spot light" shining in a window would be prohibited.

You also asked for the lighting standards required for commercial operations such as the Fox Den Storage Facility. The tract of land that the Fox Den Storage facility is located on was created through a statutory exemption from the County's subdivision review process. Since the property was not created through subdivision review and the storage facility is the only use on the property, the County has no jurisdiction over issues such as lighting at the Fox Den Storage facility.

If you have any further questions let me know. Thanks much.

Sincerely,



Jerry Grebenc, Director