

ZONING ADVISORY PANEL PUBLIC COMMENT

Received Between March 20, 2021 and April 9, 2021 (noon)

From: [Greg McNally](#)
To: [Anthony](#)
Subject: RE: Attention ZAP
Date: Friday, April 9, 2021 2:21:00 PM

Mr. Quirini,

Thank you for your inquiry and comment. Our office will be sharing your email with the Zoning Advisory Panel. The zoning regulations in the Rural Residential Mixed-Use District currently include airstrips as a use that may be approved with a conditional use permit. Furthermore, the conditional use permit section (Section 14) includes additional requirements for an airstrip which I've included below:

1406.01 Airstrip

- (a) Minimum setback for landing area: two hundred (200) feet from the sides of the landing strip, and four hundred (400) feet from the ends.*
- (b) The landing field shall be for the exclusive use of the landowner and guests.*
- (c) Any commercial use, flight training, ground school, or sales, are prohibited.*
- (d) Aircraft noise at the parcel boundaries may not exceed seventy-eight (78) db(A) for more than five (5) minutes in a one (1) hour period.*
- (e) The FAA shall be notified regarding approval of airspace.*
- (f) The landing strip shall be oriented such that aircraft landing and takeoff do not pass directly over dwellings not owned by the landowner, schools, churches, or other places of public assembly.*
- (g) Minimum setback from existing residences (except landowner's): one-half (½) mile from either end of the runway.*
- (h) A management plan shall be submitted with the application that addresses the following:*
 - (1) Type and use of aircraft for which the facility is intended;*
 - (2) Number of planes to be stationed on the site;*
 - (3) Frequency of flights and diagram of flight patterns; and*
 - (4) Hours of operation.*

A conditional use differs from a permitted use in that a conditional use may not always be permitted but could be under unique circumstances and after a public process which affords the County and the public a means to identify and satisfactorily address the impacts of the proposed use. In regard to your question about the existing airstrip activity next door I am afraid the best I can do is refer you to the Federal Aviation Administration. Locally, they can be reached at (406) 449-5270 and they *may* have standards or requirements about take-off and landing or the operation of an airstrip in general. The incompatibility of your land use with your neighbors land use speaks to the overall need for zoning; however, its only recent implementation is not a means by which we can address existing land uses that were otherwise legal prior to the adoption of the regulations. Uses that do not conform to the zoning regulations and that were legally in existence when the zoning was adopted (11-19-2020) are allowed to continue and are considered to be nonconforming. The continuation of nonconforming uses and/or structures is intended to prevent hardships and to allow the useful economic value of the land and/or use to be realized. If you have further questions, please contact me at (406) 447-8343.

Best,
Greg

Greg McNally, Planner III

Lewis and Clark County
Community Development and Planning Department
316 N. Park, Rm 230
Helena, MT 59623
(406) 447-8343 (Direct)
(406) 447-8374 (Front Office)
gmcnally@lccountymt.gov

From: Anthony <anthonyaq@hotmail.com>
Sent: Saturday, March 20, 2021 9:10 AM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Attention ZAP

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Hello,

I have a question and perhaps a suggestion for zoning in Helena north valley that is currently under evaluation for implementation.

Has the group considered air strips and planes landings and takeoffs in its regulations? My neighbor has been landing and taking off in a 20 acre parcel north of my house and acreage. The plane flies 20 feet above my house. It is extremely dangerous.

I would like to hear if airstrips and airplane use is being considered. Thanks.

Tony Quirini
Diamond springs drive
Helena

From: [Greg McNally](#)
To: [darcy DArcy](#)
Subject: RE: Attention ZAP
Date: Friday, April 9, 2021 2:22:00 PM

Ms. D'Arcy,

Thank you for your inquiry and comment. Our office will be sharing your email with the Zoning Advisory Panel. In regard to your question about covenants: Covenants are a land use tool separate and apart from zoning. Covenants are applied by individual landowner(s) over a distinct geographic area and are enforced by those landowners subject to the language indicated within. The adoption of our zoning regulations does not nullify covenants, and/or similar private agreements, but where any such covenant imposes requirements less restrictive than the zoning regulations, the requirements of the zoning regulations apply. In regard to the disarray of land use you described: I can point you to two tools the County Environmental Health Department employs: the first is an [Ordinance to Control Community Decay](#) and the second is a process to address junk vehicles which you can read about here: [Lewis and Clark County: Junk Vehicle \(lccountymt.gov\)](#). If you have a complaint or complaints regarding property and/or junk vehicles, I encourage you to contact the Environmental Health Department at (406) 447-8351. With the implementation of zoning, it is anticipated that there will be more predictability in land use and, in turn, investment in our wonderful community.

As indicated, I will share your comment on the timing of the bi-weekly meetings with the Zoning Advisory Panel (ZAP). I will add though that we are recording the ZAP meetings and that Helena Civic Television is airing these meetings and you can access them through their Website On Demand at this location: <https://www.helenacivictv.org/on-demand>

Furthermore, we have been providing direct links on our Webpage of these recordings: [Lewis and Clark County: Zoning Advisory Panel \(lccountymt.gov\)](#)

Thank you for your continued engagement.

Best,
Greg

Greg McNally, Planner III

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From: darcy DArcy <kimdarcy01@gmail.com>
Sent: Tuesday, March 23, 2021 12:40 PM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Cc: darcy DArcy <kimdarcy01@gmail.com>
Subject: Attention ZAP

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Good Afternoon ZAP-

I have a question and comment with regards to the bi-weekly ZAP meetings.

First a question: Will covenants be addressed in the new zoning proposal for new and existing properties? The current disarray of existing residential properties, excess of abandoned cars, uninhabited mobile homes, debilitated outbuildings in the North West Valley area are abundant. The supply and demand for housing is recently increasing RV and camper parking in the area. The neglect and disarray does not encourage new and existing residents to invest in new and existing homes.

The ZAP team has asked for additional public participation in the meetings. The two hour meetings during the work day are difficult to attend for most citizens. Is there an ability to record the Zoom meetings for viewing at the publics' convenience? This may drive better participation. Their questions / comments could be submitted for consideration for the next scheduled ZAP meeting.

Thank you for your time and consideration.
Kim D'Arcy

From: [County Planning Mail](#)
To: ["Thomas, Andrew"](#)
Cc: [Jennifer McBroom](#)
Subject: RE: Public Comment ZAP 3.24.2021
Date: Friday, April 9, 2021 2:23:00 PM
Attachments: [A. Thomas, ZAP Questions, 3.24.2021.docx](#)

Dr. Thomas,

Thank you for attaching your inquiries. Our office will be sharing them with the Zoning Advisory Panel. In addition, I have copied Jennifer McBroom in the Water Quality Protection District who, along with her Staff and the Community Development and Planning Staff, may be able to respond to them for you. Thank you for your continued engagement.

Best,

Greg

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From: Thomas, Andrew <arthomas@carroll.edu>
Sent: Wednesday, March 24, 2021 12:08 PM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Public Comment ZAP 3.24.2021

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See attached.

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Andrew R. Thomas

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ARThomas@Carroll.edu

ZAP Meeting, Andrew Thomas, 3.24.2021

How accurately can you predictively model draw downs, recharge and what density an area can support in terms of water?

If predictive analysis is not useful what level of testing/planning is required?

What is the cost involved in such an analysis?

What impact does mitigation have on draw-downs but also pollution? Dry scraping Limiting fertilizer applications etc.

What differences exist in subdivision and other regulations that allowed North Star and Emerald Ridge as opposed to currently.

Other than the aquifer area what areas, such as Rimini, it is it likely that due to the topography and historical development patterns is water availability etc. not an issue.

What is the feasibility of creating infrastructure pumping wat from the aquifer to the contiguous tertiary and bed rock areas?

What is the potential cost?