



PUBLIC MEETING

October 12, 2017

MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, October 12, 2017, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Susan Good Geise called the meeting to order at 9 a.m.

Commissioner Andy Hunthausen and Commissioner Jim McCormick were present. Others attending all or a portion of the meeting included Martin Ballikas, Roger Baltz, Terri Burgess, Brian Coplin, David Gallik, Eunice Graham, Keith Hatch, Matt Heimel, Pat Helvey, Hal Jacobson, Dan Karlin, Jeff Key, Debra LaFountaine, Charles Lane, Rick Lomach, Kate McMahan, Eric Merchant, Lindsay Morgan, Jean O'Connor, Mike O'Connor, Kathy Ramirez, Harvey Youngs, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Grant Award to Lewis and Clark Public Health from the Montana Disaster and Emergency Services State Homeland Security Program. (Eric Merchant)

Eric Merchant, Disease Control & Prevention Division Administrator, presented the grant award from the Montana Disaster and Emergency Services State Homeland Security Program in the amount of \$40,000, with no match required. The funds will be used for the purchase and installation of an emergency diesel generator for the Michael A. Murray Building. The grant period is October 1, 2017 through September 30, 2018. Staff recommends approval. Commissioner Good Geise urged that a maintenance agreement be put in place as this moves forward.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Contract Between Lewis and Clark County and Great West Engineering, Inc. (Dan Karlin)

Dan Karlin, Engineer, presented the on-call contract with Great West Engineering, Inc. to provide professional engineering and grant administration services over a six year period related to bridges and culverts. Such services to include: planning, preliminary engineering, final design, surveying, construction administration, construction oversight, load ratings, grant writing and/or grant administration. Individual task orders will be negotiated on an as need basis. Staff recommends approval.

No public comment was received.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Task Order No. One Between Lewis and Clark County and Great West Engineering, Inc. (Dan Karlin)

Dan Karlin, Engineer, presented the Task Order No. 1 of the on-call contract with Great West Engineering to provide engineering services for the Elk Creek bridge replacements. Funding is through the Treasure State Endowment Program (TSEP) Bridge Replacement project #1-17277. Services provided will include design engineering, bidding assistance, construction engineering, grant administration and geotechnical investigation for the three bridge replacements. The amount is not to exceed \$109,000 with work to be completed no later than January 30, 2019. Staff recommends approval.

No public comment was received.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Task Order No. Two Between Lewis and Clark County and Great West Engineering, Inc. (Dan Karlin)

Dan Karlin, Engineer, presented the Task Order No. 2 of the on-call contract with Great West Engineering to provide engineering services for the TSEP Bridge Evaluations, Preliminary Engineering Report (PER), and grant application. The bridge being studied is the Dalton Mountain Road Bridge, located near Lincoln. The amount for time and materials is not to exceed \$30,000 with completion no later than June 30, 2018. Grant funds have not yet been released by the Department of Commerce and therefore notice to proceed with this Task Order is contingent upon the release of funds. Staff recommends approval.

Mr. Karlin stated the bridge is currently opened with one lane of traffic and a 10 ton weight restriction. After the notice from the Montana Department of Transportation was received that the bridge needed to be closed, it took about a month to get it reopened.

No public comment was received.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Contract Between Lewis and Clark County Fairgrounds and Yellow Jacket Construction. (Keith Hatch)

Keith Hatch, Fairgrounds Administrator, presented the contract with Yellow Jacket Construction, LLC for roof repairs and upgrades of the snow guards on the Exhibit Hall in the amount of \$17,000. The snow guards are for public safety to keep snow from falling onto sidewalks. The work is to be completed within 30 days of contract approval.

No public comment was received.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Contract Between Lewis and Clark County Fairgrounds and Fire Guys Leasing. (Keith Hatch)

Keith Hatch, Fairgrounds Manager, presented the contract with Fire Guys Leasing, Inc. for semi-annual services to the exhaust hood fire suppression system in accordance with manufacturers, state and insurance regulations for a cost of \$90 per service. The initial contract is for one year beginning July 1, 2017, with automatic annual renewals not to exceed five years.

No public comment was received.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Contract Between Lewis and Clark County Fairgrounds and Werner Plumbing & Heating, Inc. (Keith Hatch)

Keith Hatch, Fairgrounds Manager, presented the contract with Werner Plumbing & Heating, Inc. for on-call plumbing services. Maintenance staff is available for day-to-day issues; this contract is for larger plumbing issues that may arise. The initial contract is for one year beginning July 1, 2017, with automatic annual renewals not to exceed five years. Compensation will be according to the fee schedule listed in the contract depending upon the time of day, weekend, or holiday.

No public comment was received.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Resolution 2017-146 to Establish County Road Easements and Abandon/Vacate Those Easements in Block 11 of the Mountain Heritage Tracts Subdivision. (Applicant: Roque Wardell) (Planner: Matt Heimel)

Matt Heimel, Special Districts Planner, presented the resolution to establish County road easements and abandon/vacate those easements in Block 11 of the Mountain Heritage Tracts Subdivision. On October 25, 2016 the Commission granted preliminary approval subject to two conditions of approval listed as: the applicant shall provide a Certificate of Survey that includes abandoned/vacated County road easements, the retention of the utility easement components of the former access and utility easements; this was to be approved within one calendar year from preliminary approval. All conditions have been met.

No public comment was received.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Establishment of Military Affected Area Regulations and Zoning District. (Tabled 9/14/17)
(Staff: Laura Erikson and Lindsay A. Morgan)

Commissioner Good Geise stated this hearing will be kept open with no final date for a decision. If you have addressed the Commission prior and had questions, the staff will be answering some of those questions today.

Lindsay Morgan, Planner II, presented the adoption of regulations and establishment of zoning district for Lewis and Clark County Military Affected Area (MAA) around Fort Harrison continued from September 14, 2017. If adopted this would be under Montana Code Annotated Chapter 76 - County Zoning and Chapter 10 - Military Area Compatibility Act. The proposed MAA consists of approximately 20,722 acres or 32.32 square miles and extends approximately one mile from Fort Harrison. The purpose of these regulations is to promote public health, safety and general welfare by reducing conflicts with adjoining land uses and increasing compatibility with the military operations occurring at Fort Harrison. The proposed regulations establish boundaries for the districts, establish minimum lot sizes, list prohibited uses, and establish performance standards for communication towers, residential uses, accessory uses, arenas and outdoor lighting. They also include provisions for administration, appeals, variances and enforcement, non-conformities and exemptions. There is also a definition section and during the September 14, 2017 meeting she went over all of those details.

During the September 14, 2017 meeting there were several questions asked. For those questions that were not addressed during that meeting Ms. Morgan prepared responses. There were also several additional questions received since the conclusion of that meeting and have not yet been addressed, but will in the near future.

Ms. Morgan addressed the following questions from the September 14, 2017 meeting in length:

1) can we receive fire protection from Fort Harrison to help reduce our insurance; 2) Sarah Bower is concerned her property is being divided by the zoning and would like her property removed; 3) why are those properties who are within the flight route, but outside of proposed MAA boundaries, not having lighting or height restrictions placed upon them; 4) what does "seek damages" mean (Sections 3.1F and 3.3E(5)); 5) why was sewerage discussed in relation to the proposed MAA-RGA District; 6) what are "vested rights"; 7) shouldn't "hardship" be defined; 8) what does "greater incompatibility" mean (Section 1.9D); 9) can I have a second garage; 10) can I expand an existing structure; 11) notices for September 14th public hearing; 12) can I repair and maintain existing structures; 13) will this reduce my property values; 14) can the "home occupation" definition be expanded; 15) can a dog kennel be considered a "home occupation"; 16) is cattle grazing under an L.L.C. considered a "home occupation"; 17) why does Section 1.3 purposes include the eight criteria and guidelines listed; 18) what does the Department of Revenue do for people; 19) will an overpass be built for emergency services; 20) what does adequate light and air mean; 21) what does one principal use mean; 22) what does Section 1.10 private agreements mean; 23) what about "multi-family dwellings"; 24) why can't Fort Harrison be included under the zoning; 25) will anything be recorded on my deed pertaining to the zoning; 26) can a non-conforming use be expanded; 27) what will happen with existing, multiple uses on a piece of property; 28) what about any future funding or improvements to Country Club Avenue; 29) what about building on lots less than 10 acres in size; 30) when would solar panels be considered an "accessory use" versus a "prohibited use"; 31) when is something "allowed" versus "permitted"; 32) what is a "development permit".

Break/Reconvene

Ms. Morgan referenced her earlier statement about how all development permit requests would go to Fort Harrison for comments. That is incorrect, the only time the Fort will be requested comments is when it is related to towers or arenas in the area. No other development permits would actually go to the Fort.

Ms. Morgan clarified that Planning is looking into the specifics of non-conforming accessory structures and whether or not a development permit would be required, to include a garage or shed.

PUBLIC COMMENT -

Hal Jacobson, Former Representative, 4813 Highway 12 west, stated he would like to comment on the different parties involved in this process. During his eight years in the House of Representatives he had the honor to carry quite a bit of legislation for the Montana National Guard. He has the utmost respect for the Guard. The first issue is an issue of process, specifically referencing the inside page of the document he received from the Consolidated City/County Planning Board. If he understands correctly the Joint Land Use Study Committee is the entity that put together, based on three meetings, and in concurrence with the City/County Consolidated Planning Board, the draft document that they have. He asked if that is a correct assumption.

Ms. Morgan stated the document was drafted in advance of those meetings according to the resolution it was adopted by the Planning Board and their recommendation to the County Commission regarding the draft regulations and district. It was different draft versions where there was discussion about things.

Mr. Jacobson asked to what extent was public input delivered in the process that we have now reached. How were the boundaries for this area arrived at? It looks like to a large extent section lines. He is not sure if boundaries should not have contemplated geographic or geological lines, specifically directly to the north of them is a pronounced ridge and had it been contemplated. How were these boundary lines derived? The issue of the 10 acre minimum size lots, it seems a fair number of properties involved are technically part of the urban rural interface and as we look to try to develop higher density properties as we get closer to the City limits it seems that the 10 acre limit might contradict the idea of trying to develop denser property development.

Representative Dave Gallick, 1124 Billings Avenue, stated he is also concerned about the process. What specific individuals brought this up and the specifics of why. He guesses who ever brought this up had a specific reason in mind. Why all the other stuff. If they didn't bring up every item in the draft zoning proposal, saying this is a problem and if they only had one or two specific issues, guessing it came from the Fort, why all the remaining regulations. Were they based upon what they found as a result of the specific issues that came up or was this something that is just brought in from other zoning codes? Next concern is the 10 acre minimum. His understanding now is you can do it on 5 acres in that area, if he is incorrect, he apologizes. What is the difference in 5 acres versus 10 acres? He does not want to hear all the reasons that apply to 5 acres; he is only interested to know the reasons behind the 10 acre parcel versus the 5 acre parcel. Related to the 10 acre parcel, you have 10 acres for residential in both the RGA and the UGA, however, in the UGA there is no minimum lot size for commercial activities. Why is there not a difference between the residential lot size in the RGA and the UGA? It seems you are pressured by the commercial size being no minimum lot size and no difference between the residential 10 acres between the RGA and the UGA. Affordable housing will not be allowed in this area, was that a reason why. Was there a concern when people first brought this to your attention regarding multi-family dwellings and if so, what was it. What is the policy decision behind no affordable housing? What is allowed now and what is allowed later. They do not know when the Commission is going to act. If he represents a client that wants to do something on less than 10 acres then he

has to race to get an application in knowing that the County Commission is getting ready to pass this. If the application cannot be submitted in time his client is out and will lose money and some value. He thinks there needs to be a definitive timeline and give those who have a potential desire to do this, the potential for a longer timeframe to recognize what it is going to take to get some staff and to get the application to the Commission before the MAA goes through. His next concern had to do with the cost of implementation and Lindsay answered he believes by indicating this would be fee driven. He is assuming this is going to be net zero to the taxpayers of Lewis and Clark. That the implementation of this is not going to cost them anymore because those who want to do something here, their development permit will have to pay for the entirety of it.

Eunice Graham, 4723 West US Highway 12, stated she has lived in Helena for many years. Freedom is why she wanted to move back to Montana. This regulation is infringing upon her freedom the way she reads it. If she wants to do something on her property and it has to go through the MAA, how much will it cost to have the MAA review her plans? Will the plans have to be drawn up by an architect, will there be engineering costs involved. These are major issues when you are dealing with a retired budget. How much will her area being in the MAA affect her property value, if it goes down, will her taxes go down. If she has to address a new septic system does she have to go through the MAA as well as the current sanitation department? Why can't the current system be tweaked so that there is not another regulatory agency to go through.

Jean O'Connor, 3312 Terrace Avenue, stated a few days ago she contacted Captain Dan Bushnell, the Public Relations Officer at the Fort and asked him why we are looking at these changes. He referenced a website, which was not given as information in the letter from the County dated August 3, 2017. It helped her that this process has been going on for a long time. She is concerned we are looking at regulations that are unnecessary and potentially destructive of their property rights. Don't seem to have a demonstrated basis in need. On the website it explains that Country Club needs to be improved, which makes sense. But does that mean all this other needs to take place. What is the purpose of labeling the UGA; to her that implies a connection to the City. Currently they are not part of the City and are happy not being part of the City. They like the freedom. They are not looking forward to being annexed. The fact that they are labeled UGA is a concern to them. The solar panels have kind of been clarified, but there is language in there which states the definition of direct glare source is unclear and subjective light that originates in a direct line of sight from a light source that results in objectionable glare. How do you define objectionable glare; that needs to be clarified. You do point out that you might write-in to the language about the solar panels being possibly acceptable if it is just an addition to a current structure and that might be helpful to people if this goes through. Agricultural uses, maintaining corral structures and watering trough equipment for livestock qualifies as an exemption in the current draft. She referenced 1.9, non-conformity it states that if the use on the property is abandoned for a continuous period of 12 months or more the owner must apply for a development permit to comply with these regulations in order to re-establish the use. If the corral structure and watering trough is an exemption, but you do not happen to have any livestock there for 12 months do you have to apply for a permit to get your livestock back. A person constructing a structure built pursuant to this permit may not seek damages from a governing body, a local government, or the federal government for interference with the enjoyment of that structure caused by noise, vibrations, and fumes from normal and anticipated normal military operations. So how might the sounds they have heard for years of helicopters, gun fire, and taps change. It would appear since there is a concern that people might be seeking damages that something might change. The last question is about sewer, wells and roads. In the draft it states the purpose of the MAA UGA District is to accommodate urban levels of development that can be serviced by public infrastructure, including sewer, water, stormwater, and transportation in a manner that will facilitate compatible development in the MAA around Fort Harrison. Should we read; can be

serviced as shall and must be serviced, and will we have to give up our functioning well and septic system, which are assets to the property.

Martin Balukas, Department of Natural Resources & Conservation (DNRC), Trust Land Management Division stated as you may know manages the state school trust lands are for the benefit of the common schools the endowed institutions. Within this boundary are three state school trust sections located: on Lombardy Drive, on the very southeast corner; in the middle sort of under the Fort; and to the north of Austin Road. The DNRC has the obligation to preserve value and opportunity of making income for the school trust beneficiaries. His concern is the boundary is drawn too broadly and may impact the ability to make money for the school trust. The parcel the DNRC manages under the Fort is leased by the military so they are compensated for the inability to put up a solar farm, cell towers, or develop it commercially or residentially. However, the other two sections are both grazing sections at this time, but there is no assurance that will remain so; they are not open space. As growth occurs around them there is likelihood they will be used for other uses. The problem with this is they do not know what the uses might be. There are commercial developments on state school trust lands. There are solar farms, mineral and oil developments and all kinds of other potential developments. How are the regulations designed to address the exact problems? He would emphasize that DNRC would like to be a good neighbor, but not at the expense of the trust beneficiaries; if there is a modification of use that can occur on these lands without impacting their value that is fine. It is logical that the Department of Military Affairs has a commercial lease on that section within the Fort because for whatever reason even though it might be logical that they own it, they do not, it is a school trust section, but they commercially lease it. It is difficult to him to see how the regulations would be designed to address these exact problems. He is not quite sure how multi-family dwellings south of Lombardy Drive would affect the military. He would ask the proponents state clear reasons for the boundaries and perhaps consider constricting those boundaries to lands they actually either control or will be most impacted and also require the proponents to tie the need to the specific regulations. It is difficult to see how anything south of the ridge on the north side of Highway 12 or north of Austin Road is logically included; because the greatest density of development in this entire area is the Fort itself.

Theresa McDaniel, St. Louis Gulch, stated she agrees with a prior comment about information put on the web, to include people's concerns and the County's responses. Malmstrom Air Force Base has done a similar MAA. When they did that they put written comments in and how the agencies addressed the oral comments into the whole proposal. The boundaries, they live just north of Austin Road. It seems Austin Road would be a good boundary area because directly south of Austin Road is a mountain range, they are north of that range. In looking at the boundaries was the geographical makeup of the area looked at, as to her certain mountain ranges looked to more appropriate boundary areas than the tracts and parcels.

Patricia Helvey, Box 867 East Helena, stated the property affected is 3180 Baxendale Drive. She has over 20 acres and her biggest concern is the marketability of the land. Also concerned about when the information on the proposal first began, because they learned in August that they would be included in any needed changes. She referenced the draft of the MAA Regulations & Zoning District with the following: page 2, 1.8 she would like an example of one principal use; under appeals, how soon may an appeal for exemption be made; page 5, 3.1B regarding erecting a new non-agricultural structure, does this refer to a house being built on an undeveloped 10 acre site by a new owner; proposed application fees for development permits, do you know what we will have to pay for any of the permits needed or the variance and appeals they may make; page 6, 3.2A who will the zoning administrator be and is there one in place that they can visit with; page 7, part C1 where does an applicant obtain a variance application form and can she get one now; part C3 how will an applicant for a variance be contacted, she stated she does not have a computer; page 7, D1 physical limitations or unique circumstances, please provide an example, does this include the need for a wheelchair or ambulance service; is lack of cell phone service in some of these

areas a unique circumstance; page 8, E5 seeking damages from a governing body, will chemical agents used in military operations that can impair health be included in a list of conditions for which persons affected may not seek damages from a governing body, what are the health concerns; page 9, 3.4B how will prior approval for construction or changes to an existing building be obtained and will the zoning administrator want to expect the site or just deal with the application form; page 9, 3.5A where and how does one obtain an application form to amend the RGA Zoning Map; page 11, B1 ii will ingress and egress to properties be considered maybe under zoning or these regulations, there are a lot of places in the Helena area where ingress and egress were not considered and are now grandfathered with simply one way to get in or out of that property during the fire season; will communication to communication to the occupant in case of emergency be considered; page 11, B2 ii are motorized and non-motorized transportation systems referring to military transportation, should property owners anticipate service travel by military vehicles through their property, will there be drones overhead; page 12, 4.2B2 is a mother-in-law house called an accessory building and is it part of the dwelling itself; 4.2B5 would solar panels that are arranged in an array on a structure at a distance from a dwelling be grandfathered in if they were erected prior to the adoption of these new zoning rules and the MAA; would architectural window treatments in dwellings also constitute a hazard from glare; will uses prior to adoption on the proposed zoning regulations be grandfathered in, or do they become non-conforming, not permitted and subject to being categorized as non-compliant and unlawful.

Additional questions: should the Department of Defense choose to close Fort Harrison after the new boundary is approved and property owners are under MAA regulations, would those affected within the boundary still be under regulations that came with the new boundary approval; would a property owner be allowed to have bees and sell honey; if a person wanted to have a little nature daycare would that not be allowed because it is not under the roof; was the loss of rural quiet and privacy a consideration when these plans were put together; if this goes through, will military exercises be increased; does this proposal extend to the danger of accidents from the military that threaten homeowners; and will an environmental assessment be done.

Commissioner Good Geise stated this hearing will continue and public comment will stay open; at this time we will conduct a round-robin with answers to questions.

Ms. Morgan stated there are some people in the audience from Fort Harrison that may be more appropriate to answer some of the questions.

Questions were addressed: 1) internet access and cell towers - Kate McMahon, Consultant stated towers are permitted, the only requirement they must apply for a development permit it is forwarded to Fort Harrison for review, they can make comments within two weeks and may make suggestions such as location or lighting of the tower; there is no prohibition at all on any communication or cell towers. The zoning administrator issues the permit, they can issue it with conditions of which may be based on comments received from Fort Harrison; Ms. Morgan noted the zoning administrator is currently the Director of Community Development and Planning; she also noted if there are conditions placed on the development permit there is an appeal process. 2) Mr. Jacobson had questions about the public process and to what extent was the public input requested - Laura Erikson, Community Development Coordinator, stated the Joint Land Use Study (JLUS) began in 2014; multiple planning meetings were held; from the planning document recommendations were made to include updating the growth policy and within the policy a recommendation to move forward with the MAA regulations; the coordination committee consists of herself, the consultants, Lindsay Morgan, a city planner, Lucy Morelle, and a planner from Broadwater County; during the process for drafting the regulations they did not go forth multiple times with drafts to the public, they used the staff's ability to look for best practices, different regulations that were drafted in other places; as a coordination committee they made their best attempt to make the least onerous regulations that still met the intent of what was adopted in the

growth policy; this is the going to the public. Commissioner Good Geise stated the document put forth was the departure point, to initiate discussion, get public input, and that time is now. Commissioner Hunthausen stated prior to this document when the JLUS originated, on top of the multiple public meetings there were multiple committees as well, the purpose of this is to build compatibility, avoid conflict, preserve the existing mission in the community. Ms. Erikson stated it has nothing to do with a complaint; it is for potential development in the future to maintain the compatibility.

Commissioner Good Geise stated she understands military installations across the country are going through this exercise. Ms. Erikson stated the Fort approached the County and the City of Helena many years ago to look at a planning process to be able to work on the growth issues together. Ms. McMahon added information regarding the public process back in November of 2016 the Joint Land Use Committee held an open house, with letters mailed to all property owners within the one mile MAA, there were exhibits, a presentation and discussed the potential for regulations; following that meeting the Helena Valley Area Plan was amended to lay the foundation for the regulations requiring a public hearing before both the Planning Board and the County Commission, all of which were done prior to drafting the MAA.

Commissioner Good Geise stated the growth policy was recently adopted. It is almost like the policy statement in a statute; flowing from the growth policy is the subdivision regulations. The RGA is in the policy statement, the UGA is also delineated in the growth policy. The decision was made some time ago to move these forward in tandem, although they are being done in tandem they are not always the same process. There seems to be some confusion, it seems what has been heard today is more related to the RGA and the UGA and not so much the MAA.

Charles Lane pointed out that the MAA was enacted by the State Legislature in 2011 and this is consistent with the intent of the Legislature. He stated it is important that the connection be established and the reasons for this.

The questions continued to be addressed; 3) how are the boundaries of the district contemplated and were geologic features considered - Kate McMahon, Planning Consultant contracted by the JLUS Committee, referenced the JLUS study and the consultants at that time looked at a number of factors and mapped them according to standards such as flight safety zones, accident potential zones, noise contour, light and glare issues what distance would affect the potential to do night training. Altogether there were 23 compatibility factors. By these factors a one mile buffer area was identified around the Fort. They also relied on documents from the Department of Defense who recommend a buffer area from 1/2 mile to a 5 mile area depending on the compatibility factors, the geography and the topography of the area, from the one mile buffer a legal description was created.

Commissioner Good Geise stated discussion will end at 11:45 in order to take care of other agenda items. Questions not answered today will be answered as soon as possible and posted to the website, with the possibility of having hardcopies available.

Ms. Morgan continued addressing the questions 4) the 10 acre minimum lot sizes: the growth policy has three different types of areas within the Helena Valley Planning Area, the UGA adjacent to the City areas and would want to see future development compatible with the City of Helena when those properties are at some point annexed into the City; the RGA, largest part of the Helena Valley Planning Area, with the 10 acre minimum for all uses, whereas the UGA does not have a minimum lot size associated with it, the RGA 10 acre minimum is based on roads that do not meet County standards, issues with fire protection, water availability, flooding, wastewater treatment system; the transitional growth area (TGA) are areas that are not completely restricted as the RGA is, but are not areas looking to be annexed in the future.

Ms. Morgan at this time the County has not moved forward with any sort of Part 1 Zoning related to what the growth policy calls for in the UGAs, TGAs, and RGAs. When the proposal to have MAA-RGA and MAA-UGA areas coinciding with the UGA and RGA under the growth policy in this location; they looked at residential uses in the UGA finding it made sense for all residential areas in both zones to have a 10-acre minimum lot size, and that residential was more of an issue than commercial. But following the growth policy within the MAA-RGA there will still be 10-acre lot sizes for all uses. Currently there is no Part 2 Zoning in this area. There are some Part 1 Zoning Districts in this area. Part 1 Zoning is citizen initiated and Part 2 Zoning is county initiated. There are two Part 1 districts on the northern boundary and one the northern boundary of the Fort, with others outside of the area north of the city. The difference between what the growth policy says and the proposal under the MAA is the JLUS study found that residential uses in the UGA would need to be restricted to the 10-acre minimum.

Ms. McMahon stated one of the primary reasons for restricting residential density in the UGA was the noise compatibility issue. Residents are at home at night when night training occurs and with commercial property people are not living onsite.

Debra LaFontaine, Department of Military Affairs, Montana National Guard Programs Branch Manager, stated they have an Army Compatible Use Buffer (ACUB) program where they can apply for funding for conservation easements. They have to have a partner, of which receives the funding. Conservation easements or fee titled land of interest to their partner and themselves is purchased. Areas around the Fort have been identified, where it would be great, with willing property owners, get conservation easements on those lands so there is limited development. A few million dollars has been received from the Department of Defense and Prickly Pear has purchased an area south of Country Club Road at the eastern border of the Fort and borders a portion of Spring Meadow Park. They have also purchased above the railroad tracks on the eastside of the Fort a total of 500 acres that are fee titled, of which Prickly Pear Land Trust now owns and are developing trails. In the ACUB program larger parcels of land were identified, which makes more sense for conservation easements, but smaller parcels may be looked at. This is part of the effort to help with encroachment issues that could arise with higher density. The more complaints received then they have to begin to limit the training and essentially stop the use of the Fort.

Ms. LaFontaine explained the Base Realignment and Closure (BRAC) process as closing down any military facilities that had issues and/or were not used at full capacity; with the idea of consolidation.

Colonel James Hesterberg, Construction and Facility Manager at Fort Harrison, stated the lands purchased in the ACUB are not for the Fort's use. The Fort is not expanding the boundaries nor acquiring more property outside of their boundaries. The purpose is their activities expand outside of their boundaries, but not physically on the ground. There will not be vehicles passing through private property. This is about the Fort's impacts outside the fence on other land owners.

Commissioner Hunthausen encouraged people to read and understand the Joint Land Use Study and the portion of the growth policy that relates to the Helena Valley would be important to understand. The County has to follow the growth policy; the JLUS and policy have to go hand-in-hand.

Commissioner Good Geise requested of Mr. Jacobson that he submit his summary statement and additional idea in writing as there is other business on the agenda.

A motion was made by Commissioner Hunthausen to continue the public hearing at the regularly scheduled meeting on October 26, 2017 and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

Adjourn

There being no further business, the meeting adjourned at 12:00 pm.

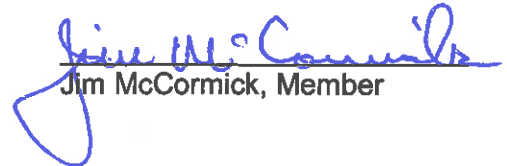
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Susan Good Geise, Chair



Andy Hunthausen, Vice Chair



Jim McCormick, Member

ATTEST:



Paulette DeHart, Clerk of the Board