



PUBLIC MEETING

October 31, 2017

MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, October 31, 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 Jim McCormick was present. Commissioner Andy Hunthausen was out of the office. Others attending all or a portion of the meeting included Andy Adamek, Mark Bennett, Roger Baltz, Kyndra Cozzie, Nicho Hash, Peter Italiano, Gary Leikness, Lindsay Morgan, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Formal Rescission of Road Agreement to Improve Magpie Gulch Road. (Property Owner: Canyon Ferry Crossing, Inc.) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented the agreement regarding the formal rescission of the road agreement with Canyon Ferry Crossing, Inc., which required improvements to a section of Magpie Gulch Road. The Commission rescinded this road agreement on June 30, 2015. This agreement will formalize the rescission and give the property owner a way to uncloud the title.

Andy Adamek, 800 N Last Chance Gulch, stated he has nothing to add. The agreement is premised on similar agreements the County has entered into in these rescissions and it is pretty straightforward.

No public comment was received.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Good Geise. The motion Passed on a 2-0 vote.

Proposed Text Amendments to Special Zoning District No. 48. (Applicant: Frontier Builders, Inc.) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented the proposed text amendments to the Residential (R-1/R-2) of Special Zoning District No. 48 to allow for mini-storage units and parking storage as permitted use on Lots 86-88 of Timberworks Estates Subdivision, Phase IV located along Kingpost Loop. Included in the staff report are the identified issues in the Lewis and Clark County Growth Policy and covenants that are relevant to the proposed changes as well as a discussion about the existing land uses and development in and around the area.

When Special Zoning District No. 48 was originally adopted in 2012 the entire R-1/R-2 Zone was located in an area classified as rural under the County Growth Policy. Since that time the Growth Policy has been amended and this zone does still lie within a rural growth area. The lot sizes in this area of the Subdivision are not in compliance with the provisions called out for in the Growth Policy update. The lots were already in existence at the time the updates were adopted. It was found that the proposed amendments are in compliance with the covenants placed on the property.

Comments from different agencies were received, with no comments from: NorthWestern Energy; the Flood Plain Administrator, Disaster and Emergency Services Coordinator; and the road supervisor. Comments were received from the Helena Valley Irrigation District; their concerns should not have any impact as long as the three lots still comply with all provisions already in place. Thirteen comment letters and a petition with twenty-five signatures have been received, all of which are in opposition.

The Planning and Zoning Commission held a public hearing on October 18, 2017, at which time they recommended denial of the proposal in a vote of 4-0. Because of this denial there were no changes made to the plan for this zone to allow for the mini-storage units and parking storage.

PUBLIC COMMENT –

Kyndra Cozzie, 7670 Kingpost Loop, stated she lives in the lot directly across the street from these. They have been in their house for about a month. They did not know of these changes before purchasing the lot and building the house. Had they known he wanted to put storage units in they would have reconsidered building where they did. The concern is security, having the public coming in and out 24 hours a day with kids in the neighborhood. She stated she created the petition that was presented to the Commission. She strongly recommends a no to this proposal.

For the public record, Commissioner McCormick stated he was present at the Planning and Zoning Commission meeting heard all the testimony, read all of the emails, and is fully aware of the issues and the request.

Ms. Morgan stated the applicant did not realize that residents in the area would be in opposition to the location. He stated they would be adjacent to existing storage units that are located in the Northeastern corner of the Subdivision. The applicant did decide if residents are against the storage units, they would not put them at that location. Initially, they hoped this provided storage would be beneficial to the residents within Timberworks to assist with cleanup of the Subdivision. On two occasions the applicant stated they would withdraw their application, but Planning has not received a formal withdrawal.

A motion was made by Commissioner McCormick to deny the proposed text amendments to Special Zoning District No. 48 as presented and seconded by Commissioner Good Geise. The motion Passed on a 2-0 vote.

A motion was made by Commissioner McCormick to amend prior motion to include the testimony and record from the Planning and Zoning Commission meeting forward to this motion. The motion was seconded by Commissioner Good Geise. The motion Passed on a 2-0 vote.

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

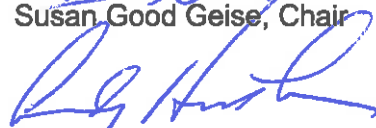
Adjourn

There being no further business, the meeting adjourned at 9:17 am.

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