



## **PUBLIC MEETING**

December 6, 2018  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, December 6, 2018, at 9:00 AM in Commission Chambers Room 330.

### **Roll Call**

Chairman Andy Hunthausen called the meeting to order at 9 a.m.

Commissioner Jim McCormick and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Roger Baltz, Nicho Hash, Peter Italiano, Charles Lane, Lindsay Morgan, Laura Erikson, Spencer Starke, Candace West, William West, Shaun Williams, Kaye Poston, Michael Woodel, and Nadine McCarty, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Consent Action Items**

There were no consent action items.

### **Draft Fort Harrison Compatibility Area Regulations, Fort Harrison Rural Growth Area Zone District Regulations and Fort Harrison Urban Growth Area Zone District Regulations and Maps. (Tabled 11-27-18) (Planner: Lindsay A. Morgan)**

Peter Italiano, Community Development and Planning Director, presented the requested alternatives to the prior proposed documents at the November 27, 2018 meeting. Staff has moved the requirements out of the Military Affected Area (MAA) document and into the zoning documents. He presented the map showing the current proposed boundaries.

Commissioner McCormick asked if it is a physical boundary and Mr. Italiano noted it is not so much a fixed boundary as it is to alleviate the potential impacts. In addition to noise, there is vibration, lighting issues when helicopters come in at night, and potential fumes.

Mr. Italiano gave an overview on the similarities between the processes of MAA and zoning. Both have a variance process, both allow for the continuation of non-conforming uses, both have ways to deal with damage structures, both allow for the documents to be amended, and both allow for an appellate type process.

Mr. Italiano stated the MAA requires the inclusion of a development permit process and traditional zoning does not.

After revisions the MAA document has: development permits required, litigation limitation and unique damages provision, non-conforming uses with the zoning RGA and UGA contain land use compatibility and restrictions, notice provisions, proximity of Fort/property, enjoyment impacts; and density limits. He added that subsequent to the November 27, 2018 meeting Rick Lamach from Fort Harrison informed Mr. Italiano that the Fort is comfortable with the elimination of the MAA and moving the land use requirements into the zoning.

Commissioner Good Geise asked for a plain Part 2 Zoning. She asked in zones such as District 45, if Part 1 zoning and Part 2 zoning were put in place which zoning would apply. Mr. Italiano replied it would be discussed and he noted there are discrete and unique situations in this area that they have to accept.

Mr. Italiano stated staff would like to see the commission take action on the two resolutions of intention that would open a 30-day protest period for the rural and urban zoning. He added the MAA can be tabled.

Extensive discussion was had between the Commissioners on what should be included in the proposed zoning resolutions of intention.

Mr. Italiano stated permitting is not being proposed, nor is adoption of the MAA. There is value to a permitting process. He added issues could be eliminated through permitting.

Charles Lane, Deputy County Attorney, stated the procedure for instituting the zoning had been followed up with, until when the new zoning provisions were presented this morning. He added if the Commission would like to consider the amended documents presented this morning then he would like public comment to be reopened.

Commissioner Hunthausen stated public comment has been reopened.

A motion was made by Commissioner Good Geise to revert to the original zoning plan as discussed. There would be no need to open public comments. For the purpose of discussion, Commissioner McCormick seconded the motion. Commissioner Good Geise withdrew the motion.

#### **PUBLIC COMMENT -**

William West, 805 Franklin Mine Road, stated that he would like to see what is about to be enacted.

Candace West, 805 Franklin Mine Road, stated she knows the Special Zoning District 45 is all of the area north of Seven Mile Creek and zoned for 10-acre lots. She added she is not opposed to zoning.

A motion was made by Commissioner Good Geise to table the item to December 18, 2018 and seconded by Commissioner McCormick. The motion was Passed on a 3-0 vote.

#### **Interlocal Agreement Between Lewis and Clark County and the City of Helena. (Roger Baltz)**

Roger Baltz, Chief Administrative Officer, presented the agreement with the City of Helena for the maintenance and management of the City-County Building and the Law and Justice Center. Both of the buildings are jointly owned by the City and the County. The purpose of the agreement is to outline each government's rights, duties, obligations, and responsibilities with respect to the maintenance and operation of the two buildings. He added it will also allow for a more efficient and cost effective operation of the two buildings while still providing both governments the opportunity for input about the budget, maintenance and operation of each property.

Mr. Baltz gave an overview on the history of the City-County Building ownership and how it was previously administered by the City-County Administrative Building, Inc., a 501(c)(3) nonprofit corporation, pursuant to an Interlocal Agreement entered into by the City and County in 1977. The

corporation had its own employees that maintained the building and its own accounting. Since then the operation for the building has been consolidated in the City's Facilities Department with the City's Administrative Services Department providing all of the accounting and budgeting services. The need for the corporation has been eliminated and the City and County are in the process of finishing the dissolution of the corporation to be completed by the end of the year.

The City and County are in the final stages of the joint purchase of the Law and Justice Center located at 404-406 Fuller Avenue.

Mr. Baltz stated Section 7-11-104, MCA authorizes one or more public agencies to contract with any one or more other public agencies to perform any administrative service, activity, or undertaking or to participate in the provision or maintenance of any public infrastructure facility, project, or service.

The Interlocal Agreement was passed by the City of Helena Commission with additional language added to the recitals section that addressed the allocation of space within the Law and Justice Center as evenly as practical for the efficient and economical operation of the building. Staff recommends approval of the Interlocal Agreement with the City of Helena.

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 3-0 vote.

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

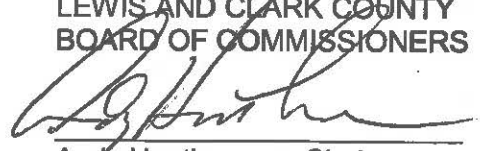
Candice West, 805 Franklin, asked when the draft of the new proposal will be available to review.

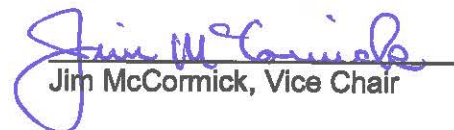
Mr. Italiano stated the information presented today has not yet been made available to the public. It is available now.

**Adjourn**

There being no further business, the meeting adjourned at 10:55 am.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Andy Hunthausen, Chair

  
Jim McCormick, Vice Chair

Susan Good Geise, Member

ATTEST:

  
Paulette DeHart, Clerk of the Board

