



## **PUBLIC MEETING**

November 1, 2022  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, November 1, 2022, at 9:00 AM in Commission Chambers, Room 330.

### **Roll Call**

Chair Jim McCormick called the meeting to order at 9 a.m.

Commissioner Tom Rolfe and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Roger Baltz, Nicho Hash, Lindsay Morgan, Dan Karlin, Angie Hubbard, Greg McNally, Curt Dallas, MaryAnn Dunwell, John Herrin, Sarah Gebhardt, Gene Walborn, Brian Coplin, and Brandi Spangler, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Consent Action Items**

There were no consent action items.

### **Resolution 2022-103. A Resolution of Intention to Adopt Amendments to the Helena Valley Zoning Regulations. (Lindsay A. Morgan, Planner III)**

Lindsay Morgan, Planner III, presented a resolution of intent to adopt amendments to the Helena Zoning regulations. The planning board was charged with meeting to consider amendments consistent with State law, Lewis and Clark County Growth Policy, and the Helena Valley Area Plan (Growth Policy).

The amendments include the following:

Section 2: General Requirements and Exceptions: adding a "Lot Requirements" subsection 209 that has standards for lot coverage, setbacks, and building heights.

Section 3: Definitions: adding definitions that may not have been defined and to change some definitions to be consistent with the City of Helena's definitions.

Section 7: Rural Residential Mixed-use Zone (RR): updating terminology to be consistent with City of Helena's definitions. Examples include changing "Bar/Lounge" to "Tavern".

Section 8: Suburban Residential Mixed-use Zone (SR): District amendments do not include density restrictions but do contain limits on number of principals to one per property and to include restrictions on use, setback, and height limitations, parking, landscape, and lighting.

Section 9: Urban Residential Mixed-use Zone (UR): amendments to the UR District to be compatible with City of Helena's zoning regulations that include connections to water and sewer system. There are eight zones within the UR. The regulations will be in place to prepare for hooking into City infrastructure in the future. Staff recommends language in this section not be considered until a later time. The County is in the process of updating the Subdivision Regulations and the Public Works Manual. Those updates should be completed before considering water and sewer zoning regulations.

A work session was held on September 13, 2022 by the Planning Board and a public meeting on September 15, 2022 to receive feedback. The Planning Board submitted a written report with recommendations.

Two notices were published in the Independent Record and three open houses were hosted for discussion and feedback. One verbal comment was received about multi-dwelling units and changes were made to the document to address that concern. Staff recommends approval of proposed amendments.

Commissioner Rolfe made a motion to continue to November 10, 2022 and seconded by Commissioner Hunthausen.

Ms. Morgan stated that in the suburban zone, a conditional use permit can be obtained to subdivide along with meeting subdivision regulations with no minimum lot size; or to have more than three dwellings on the property whether it be one structure or more than one structure. By law, the UR must be compatible with City zoning to prepare for future annex. Updating of the Growth Policy is in process to include a map and population projections to look at all six planning areas and is anticipated to be complete the Summer of 2023. Subdivision regulations are in process to be updated with a consultant currently. A survey was opened to get feedback for subdivision regulations and over 25 responses were included in the audit. The audit should be complete in the very near future.

East Helena has been continuously updated regarding zoning. Lewis and Clark County Community Planning has been looking at the City of East Helena's regulations as well to prepare for future annexation into those city limits. East Helena sewer system is currently at capacity.

The Board of Adjustment hears variances from regulations for approval, hears appeals and decides on the appeals, and reviews conditional use permits for approval.

Commissioner McCormick was excused at 10:15 a.m. Commissioner Rolfe chaired the remainder of the meeting.

#### **PUBLIC COMMENT:**

John Herrin, 2280 Sundown Road, did not know they were dealing with the suburban area. He does not believe the community has been properly notified. He is perplexed by the low turnout at the open houses. He has issues with the one use per parcel in the suburban zone. It supersedes the Buildings for Lease or Rent requirements. Buildings for Lease or Rent requirements are easier to fulfill to provide affordable housing. You should be able to have a rental and a house on your property. What do you do with three buildings if you can't rent one. People should be encouraged to stay at home to keep them from having to drive to work. That business mind should be promoted. He does not believe that Public Works is encouraging hooking up to city water and sewer. Updates need to be made to the East Helena sewer system and needs to be integrated into the zoning. Many people cannot afford to connect to the city's sewer and water system. You can't have more than 13 units on one well. That needs to be addressed. Water rights is a huge issue in bigger subdivisions. He does not believe the decision on the matter presented today should be decided on November 10, 2022, as the public was not notified that this had to do with more than the Urban zone. Suburban and Urban zones should not have been decided on without an updated growth policy. The County does not keep track of the subdivisions, road networks, or water and sewer use to the subdivisions. We are deficient 330 million dollars for road

improvements in the City and County. Birdseye Road does not meet regulations. There is no timeline on when the road issues are going to be addressed. Two entrances in to a subdivision is not desirable. Zoning, 10-acre tracts, subdivision regulations are just all more layers for new people wanting to come in. Rural development has ceased.

Curt Dallas, resident, stated that land trusts or land banking is being done in Bozeman and provides affordable housing. That may need to be looked at to be added into the document.

MaryAnn Dunwell, State Representative, stated that this is a thoughtful and inclusive process with listening sessions and public meetings. The process is proactive and creates sustainability. Planning's hard work is very valuable. She would like to see incentive for developers. She is in favor of the amendments and the citizens of Lewis and Clark County are served well.

Ms. Morgan responded to some public comment. She stated there were signs posted 45 days in advance of the public hearing with 35 signs posted. On those signs, there was a list of the areas being discussed today that includes urban and suburban. There were four notices in the Independent Record and three of those had a map included with all those areas that were listed. Three open houses were held. With a house on your property, you can have a home occupation that can have six people working on site that does not live on site. There can be 30 added trips a day to the roads. In suburban zone, if you want to have additional uses, they could go through a process for conditional use. An amendment for a caretaker's property is being considered where the business is the main use of the property, a house can be built for the caretaker. Planning understands the limitations of hooking up to city infrastructure and is being discussed. They are looking into addressing affordable housing issues including land trust/banking. Future land use boundary for the City of Helena were matched up by the County.

There is a public process when changes are being made. The notices regarding this matter went above and beyond legal requirements. The maps have been available for a long time and the new map is a breakdown of what is in the Urban area. The Planning Board meeting has different requirements for notice of their meetings.

Commissioner Hunthausen gave an overview of the extensive process of adopting the zoning. He takes offense when hearing that the process has not been followed and when he hears assumptions that there is no other alternative to these regulations. He pointed out that these restrictions are not the only option. There are options on what you want to do with your land; you must go through the process to get that done.

Commissioner Hunthausen stated there is a motion on the table to continue to November 10. 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.**

John Herrin, 2280 Sundown Road, participated on the surveying meeting for the subdivision regulations. He sent Orion, who is doing the survey, a fifty-page document. All things added by the County that are above the standard is unlawful. The ingress/egress is above County standards and he mentioned it to Orion. They told him that is a state regulation. He thinks that element needs to be changed. The cost is considerable and legally, by State standards, needs to be taken into consideration. The subdivision regulations only target new owners. New landowners are being discriminated against because they are expected to pay extra costs. He gave examples of extra costs to subdivision developers. Fire protection used to be the same as parkland dedication to use cash in lieu. The County should have been sued over every subdivision through the last 14 years over every variance. He asks that the County Attorney's Office listen to what he said and see if it has merit.

**Adjourn**

There being no further business, the meeting adjourned at 11:36 a.m.

Meeting minutes approved on Jan 12, 2023

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Tom Rolfe, Chair

  
\_\_\_\_\_  
Andy Hunthausen, Vice Chair

  
\_\_\_\_\_  
Candace Payne, Member

ATTEST:

  
\_\_\_\_\_  
Amy Reeves, Clerk of the Board