

**PUBLIC MEETING
DECEMBER 19, 2013
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, December 19, 2013, at 10 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Commissioner Mike Murray called the meeting to order at 10 a.m. Commissioner Andy Hunthausen and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Eric Bryson, K. Paul Stahl, Greg McNally, Lindsay Morgan, Cheryl Green, Marilyn Bracken, Paulette DeHart, Debbie Havens, Sharon Haugen, Christal Ness, Marsh Davis, Marni Bentley, Mark Simonich, Kari DesRosier, Heather Rankin, Fred Rice, Nancy Sweeney, Art Pembroke, Rodger Nordahl, Amy Reeves, Joyce Evans, Thea Sperline, Viki Garman, Marc Bracken, CeCe Parker, Kathy Skinner, Brenda Hasselbacher, Monta Niles, Tamrah Chatriand, Steve Tennant and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Retirement Recognition – Marilyn Bracken. (Paulette DeHart)

Commissioner Murray recognized Marilyn Bracken, Elections Supervisor, for her 34 years of service to Lewis and Clark County, presented with a vase and bouquet of flowers, and wished her the best in her retirement. Commissioner Hunthausen and Commissioner Good Geise also expressed their appreciation to Marilyn Bracken for her guidance, friendship and dedication.

Marilyn Bracken thanked the Commission and received a round of applause.

Consent Action Items. (Eric Bryson)

a. Vendor Claims Report for the Week of December 16, 2013. (Marni Bentley)

Eric Bryson reported on the Consent Action Item and recommended approval.

No public comment was received.

Commissioner Good Geise moved adoption of Consent Action Item 3.a. as recommended by Staff.

Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Proposed Special Zoning District No. 49 (Valley View Heights Planning and Zoning District). (Planner: Lindsay A. Morgan) Lewis and Clark County received a petition to create boundaries for a proposed zoning district to be located north of Fantasy Road, east of Collins Drive, south of Snowdrift Road, and west of Ferry Drive in the NE Helena Valley. (Cont'd from 12/17/13) Decision.

Lindsay Morgan, Planner, reported that on Tuesday, December 17, the Commission held a public meeting on the proposed boundaries for a citizen-initiated or Part I Zoning District No. 49, also known as Valley View Heights Planning and Zoning District. The item was tabled to today for a decision. Three options were presented for Commission action.

Commissioner Hunthausen moved to create the boundaries of Special Zoning District No. 49 (Valley View Heights Planning and Zoning District), as presented.

Commissioner Good Geise seconded the motion.

Discussion –

Commissioner Hunthausen supported the motion because over 60 percent of the landowners in the proposed district signed the petition in pursuit of a zoning district in this area. Today's action only established the boundaries; future discussion was welcome and expected regarding what would be included within the district.

The motion carried 3-0.

Contract and Encroachment Agreement Between Lewis & Clark County and Logan Krause, Owner. (Christal Ness) A proposed deck, attached to the existing structure and encroaching 10 feet into the 20-foot utility easement on the north side of Lot 1 of Overlook Acres Subdivision, a.k.a. 8430 Mary Drive, in the SE ¼ of Sec. 6, T11N, R3W, E. Helena, L&C Co., Montana.

Christal Ness, Permit Coordinator, reported that Logan Krause had made application for a Contract and Encroachment Agreement with the County to allow for construction of a deck on his property in Overlook Acres. The subdivision is located north of Lincoln Road, north of Prairie Road, east of North Montana. A vicinity map was viewed and the Final Plat was provided in the meeting packets. The proposed deck would encroach approx. 10 feet into a 20-foot utility easement for a distance of 16 feet. Staff provided notice to the utility companies; no utilities or facilities were located in the easement; they all terminate at the cul-de-sac.

No public comment was received.

Commissioner Good Geise moved approval of the Contract and Encroachment Agreement between Lewis & Clark County and Logan Krause, as presented by Staff.

Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Contract and Encroachment Agreement Between Lewis & Clark County and Joshua Salaiz and Kasondra Smith, Owners. (Christal Ness) Eaves on north and south side of house encroaching approx. 1 foot into the utility easements on the north and south side of Lot 39 of Glacier Point Subdivision, also known as 5442 Glacier Point Loop, in the NE ¼, SW ¼ of Sec. 5, T10N, R3 W, Helena, Lewis & Clark Co., Montana.

Christal Ness, Permit Coordinator, presented the Contract and Encroachment Agreement between Lewis & Clark County and Joshua Salaiz and Kasondra Smith, purchasers of property and a home in Glacier Point Subdivision. The vicinity map was viewed. The subdivision lies between N. Montana Avenue and I-15, just south of Forestvale Road. The eaves of the house at 5442 Glacier Point Loop encroach about one foot on the northern utility easement for approximately 14 feet. The eaves of the house also encroach about one foot on the southern utility easement for a distance of approximately 16 feet. Utilities occupy the northern most 20 feet of the utility easement; however the utility companies had no issues with access.

No public comment was received.

Commissioner Hunthausen moved approval of the Contract and Encroachment Agreement between Lewis & Clark County and Joshua Salaiz and Kasondra Smith, as presented.

Commissioner Good Geise seconded the motion. The motion carried 3-0.

Public Meeting. Amendments to the Lewis & Clark County Subdivision Regulations. (Greg McNally) The Commissioners will consider rendering a decision on the recommended amendments to the Subdivision Regulations.

Greg McNally, Planner, reviewed the contents of the packet containing Amendments to the Lewis & Clark County Subdivision Regulations: a memo from Staff dated November 27, 2013, regarding the Planning Board Recommendation on the Subdivision Regulation Amendments; the draft Resolution to Amend the Subdivision Regulations for Lewis & Clark County; a memo from Staff Dated November 5, 2013, responding to public comments received on October 15, 2013; a memo from Staff dated October 15, 2013, stating that Amendment 89 was no longer recommended by Staff; and a memo from Staff dated Sept. 27, 2013, that includes the actual amendments under Exhibit A, and a summary of the proposed amendments under Exhibit B.

Amendments were being addressed on four steps: 1) Addressing through today's process the legislative changes and current practices of the County; 2) Proceeding with additional amendments specifically addressing road issues, and moving those road regulations out of the Subdivision Regulations and into a Public Works Manual that was currently under development; 3) Reformatting the Subdivision Regulations to provide the document with a consistent outline format; and 4) Allowing for discussion on some major policy issues that Staff routinely runs into, done concurrently with work on the Growth Policy Update for the Helena Valley Planning Area.

Prior to today, workshops were held with the Commission, the City-County Consolidated Planning Board, the Helena Association of Realtors, and the Helena Building Association. Based on input from the workshops, changes were made to the proposed Amendments. A joint public meeting with the Commission and City-County Consolidated Planning Board was held on Oct. 15, 2013. The planning board made a recommendation based on that public hearing on Nov. 7, 2013. That recommendation was addressed in the Nov. 5, 2013, Staff memo. Amendments were also presented in Lincoln on Dec. 6 and in Augusta on Dec. 13, 2013. Options were presented to the Commission.

Commissioner Murray asked Paul Stahl for his blessing on the process; Mr. Stahl concurred.

Public comment –

Mark Simonich, Helena Association of Realtors, offered sincere thanks to Mr. McNally and the Planning Board for the consideration extended to suggestions made by members of the Association, and expressed support for the document and proposed changes.

Commissioner Hunthausen moved approval of the Resolution to Amend the Subdivision Regulations for Lewis and Clark County, as recommended by the City-County Consolidated Planning Board.

Commissioner Good Geise seconded the motion.

Discussion –

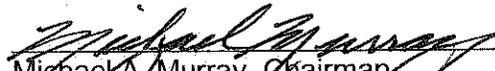
Commissioner Hunthausen noted for the record, that he was late for the October 15, 2013, hearing on the Subdivision Regulations, but had reviewed the record and was prepared to move forward with participating in the decision.

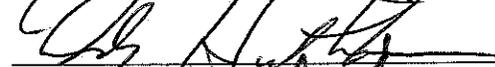
The motion carried 3-0.

Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business and the meeting adjourned at 10:30 a.m.

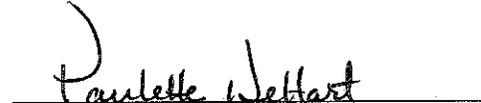
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Andy Hunthausen


Susan Good Geise

ATTEST:


Paulette DeHart, Clerk of the Board