RESOLUTION 2020 - 98

A RESOLUTION TO CREATE THE BLUE-RIBBON PANEL ON ZONING FOR THE HELENA VALLEY PLANNING AREA

WHEREAS, the Lewis and Clark County Board of Commissioners (Board) adopted Part-2 Zoning for the Helena Valley Planning Area (HVPA) as set forth in Resolution 2020-97; and

WHEREAS, the Board has directed Staff to continue its work on certain elements of the HVPA Part-2 Zoning that was adopted November 19, 2020; and

WHEREAS, the Board has identified three (3) specific areas for amendments to the adopted HVPA
Part-2 Zoning; and

WHEREAS, the three (3) specific areas are the Urban, Suburban, and Rural Residential Mixed-Use Zone Districts; and

WHEREAS, the amendments to the Urban and Suburban Residential Mixed-Use Zone Districts are to focus upon drafting the written regulations for each of the aforesaid districts; and

WHEREAS, the Board has affirmed the acceptability of the existing 10-acre minimum lot size / density restrictions for the Rural Residential Mixed-Use Zone District; and

WHEREAS, the Board has acknowledged some opposition to the existing 10-acre minimum lot size / density restrictions for the Rural Residential Mixed-Use Zone District; and

WHEREAS, in response to some of the opposition to the implementation of the 10-acre minimum lot size / density restriction, the Board has delayed such implementation until June 1, 2022; and

WHEREAS, the Board has stated its willingness to entertain potential alternatives to the existing (and temporarily stayed) 10-acre minimum lot size / density restrictions; and

WHEREAS, the aforementioned amendment to the Rural Residential Mixed-Use Zone District is to focus upon drafting a more fine-grained approach to the existing regulations for the 10-acre minimum lot size / density restriction; and

WHEREAS, the finer grained look at the Rural Residential Mixed-Use Zone District could include, a range of density restrictions (higher and lower than the existing 10-acre restriction) based upon sub-area locations within the Rural Residential Mixed Use Zone District and their individual ability to satisfactorily address the pertinent Key Issues (Water, Roads, and Fire) noted within the 2015 Growth Policy update; and

WHEREAS, the Board desires to create a group of individuals interested in the HVPA Zoning to work with Staff in their efforts to bring forward certain amendments to the adopted zoning; and

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WHEREAS, the Board desires that the group be of a broad cross section of interests in the HVPA; and

WHEREAS, the Board is willing to consider funding the group with up to $100k for its work; and

WHEREAS, the Board has identified that the funding could be used for such things as a professional moderator, and for professional consultants to study water, road, and fire service issues (the three (3) Key Issues), as well as, infrastructure planning for the urban area; and

WHEREAS, the Board carefully reviewed and weighed all public comment and information provided as part of this process.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners:

1. That the Board does hereby adopt this Resolution creating the HVPA Zoning Blue-Ribbon Panel and its By-Laws (Exhibit – 1.)

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS on this 19th Day of November 2020.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

for

Susan Good Geise, Chair

Attest:

Amy Reeves, Clerk of the Board

Attachments:
Exhibit - 1 ... Blue Ribbon Panel By-Laws

Exhibit – 1

to Resolution 2020-98

HVPA Blue-Ribbon Panel - By-Laws

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ARTICLE I
NAME and LOCATION

Section 1. Name
The name of this HVPA Blue-Ribbon Panel shall hereinafter be known as the HVPA-Zoning Advisory Panel, or simply the Zoning Advisory Panel.

Section 2. Location & Mailing Address
The official location and mailing address for the HVPA Blue-Ribbon Panel shall be the offices of the Lewis and Clark County Community Development and Planning Department; which is located at the City-County Building, Ste. 230, 316 North Park Avenue, Helena, Montana, 59623. Its email address shall be: planning@lccountymt.gov

ARTICLE II
DEFINITION of TERMS

Section 1. Definitions

A. **Board:** The Lewis and Clark County Board of Commissioners; the governing body of Lewis and Clark County.

B. **City / Cities:** The City of Helena and/or the City of East Helena.

C. **County**: Lewis and Clark County.

D. **Director**: The individual serving as the Director of the Lewis and Clark County Department of Community Development and Planning.

E. **Growth Policy:** The Lewis and Clark County Growth Policy Update 2015.

F. **MCA**: Montana Code Annotated.

G. **Open-Space Land:** Defined under § 76-6-104, MCA, and including but not limited to working lands, such as working farms, ranches and forest, and land for protecting water and wildlife in the County.

H. **Panel:** The HVPA Blue-Ribbon Panel as authorized by Board Resolution 2020-98.

I. **Planning Division**: The Planning Division of the Lewis and Clark County Department of Community Development and Planning.

J. **Quorum**: A majority of the total number of voting members.

ARTICLE III
AUTHORITY, PURPOSE/MISSION, POWERS and DUTIES

Section 1. Authority

The HVPA Zoning Blue-Ribbon Panel has the authority so limited and vested by the Board as set forth in Board Resolution 2020-98 and as otherwise noted herein.

Section 2. Purpose / Mission

The purpose of the HVPA Zoning Blue-Ribbon Panel is to assist Staff with concept recommendations on crafting the regulations for the approved Urban and Suburban Residential Mixed-Use Zone Districts. Also, as a possible option to the approved 10-acre minimum lot size/density parameters for the Rural Residential Mixed-Use Zone District, the panel would seek options / alternative approaches to ameliorate the concerns noted by the 3 Key Issues attendant to the Rural Growth Area identified within the 2015 update to the County Growth Policy.

More specifically, the purpose is as follows:

A. Assist Staff with the drafting of regulations for the Urban Residential Mixed-Use Zone District (inclusive of collaboration with the City of Helena regards infrastructure planning);

B. Assist Staff with the drafting of regulations for the Suburban Residential Mixed-Use Zone District; and

C. Suggest potential options to address the 3 Key Issues (Water, Roads, and Fire) in the Rural Residential Mixed-Use District, in lieu of the approved (but with implementation deferred) 10-acre minimum lot size / density.

Section 3. Powers and Duties

A. The HVPA Blue-Ribbon Panel shall act in an advisory capacity.

B. The HVPA Blue-Ribbon Panel shall assist Staff in their work in drafting amendments to the HVPA Part-2 Zoning as specifically noted above in Article III - Section 2.

C. The HVPA Blue-Ribbon Panel may form Sub-Committees as needed to make specific recommendations to the full panel.

D. The HVPA Blue-Ribbon Panel may request funding approval by the Board for the use of professional consultants from time to time to assist with targeted studies regarding water, road, and fire service issues (the three (3) Key Issues identified in the Growth Policy), as well as, infrastructure planning for the urban area with the City of Helena.

ARTICLE IV
JURISDICTIONAL AREA

The HVPA Blue-Ribbon Panel's jurisdiction shall be limited to that portion of Lewis and Clark County noted as the HVPA, exclusive of the cities of Helena and East Helena.

ARTICLE V
COMPOSITION and DURATION

Section 1. Composition

A. The Panel shall consist of twelve (12) regular voting members as noted below. The Board may utilize its regular method for solicitation and appointment of members for boards and committees for members as further set forth below (in Article V, Sections A – D.)

- Real Estate Professionals. One professional realtor from the Helena area.
- Builders / Developers. Two representatives from the building / development trades.
- Fire Services. One person with a background in the fire services program, focused both on Wildland as well as non-wildland issues within the Helena Valley.
- Flood Committee. One member of the Valley Flood Control Committee.
- Conservation Land Trusts. One person with a background in land trusts and conservation in Lewis and Clark County.
- Citizens of HVPA. Two property owners from existing Part-1 zoned areas; and one property owner from a Part-2 zoned area.
- County Appointed Officials. One (County) member from the City-County Consolidated Planning Board.
- Affordable Housing. One member of the panel ought to be directly involved in affordable housing issues around the Helena area.
- Banker. One member of the panel, with a finance and lending background in the Helena area could be seated as well.

B. Regular Members (Non-Voting). Three professional and one administrative Staff from the Planning Division.

C. Ad-Hoc Members (Non-Voting).
- County Staff – Other Staff as needed from time to time.

- City Staff / Elected or Appointed Members – Both the cities of Helena and East Helena to be represented on an as needed basis, with up to 2 ad-hoc members per jurisdiction.

- Utilities and Infrastructure. Up to two (2) ad-hoc members of the panel, associated with the provision of local and regional infrastructure around the Helena area, on an as needed basis.

D. Moderator (Non-Voting). A professional moderator / facilitator.

Section 2. Term of Membership
All HVPA Blue-Ribbon Panel members serve at the will of the Board and may serve for the full term of the panel.

Section 3. Duration of the Panel
The Panel shall operate for approximately one year. Its work and dissolution shall be completed within 12 months of commencement, unless an extension of time was approved by the Board.

Section 4. Absences and Removal

A. Members shall inform the Director, or his designee, at least one calendar day prior to a meeting of their inability to attend the meeting.

B. Upon 3 or more absences, by a member from regularly noticed meetings, the Board may remove that member.

ARTICLE VI
OFFICERS, TERMS, and DUTIES

Section 1. Officers
The officers of the Panel shall be the Chair, Vice Chair and Secretary.

Section 2. Election of Officers
The Chair, Vice Chair and Secretary shall be elected, at the first meeting, by a 2/3 majority of the quorum.

Section 3. Terms of Office
The terms of all officers shall commence upon their election and run through the duration of the Panel.

Section 4. Chair

The Chair presides over all regular and special meetings of the Panel. The Chair signs documents and communications on behalf of the Panel. The Chair has the authority to appoint members to sub-committees. The Chair may cancel a regular or special meeting when there is a lack of quorum, or when there are no action items scheduled.

Section 5. Vice Chair

In the absence of the Chair, the Vice Chair has such responsibilities and authorities provided in Art. VI, Section 4 above.

Section 6. Secretary

In the absence of the Chair and the Vice Chair, the Secretary has such responsibilities and authorities provided in Art. VI, Section 4 and 5 above. The Secretary shall be responsible for keeping minutes at each meeting, or coordinating with Staff to keep minutes, post those minutes online, and post notice of all meetings online.

Section 7. Office Succession

If the office of the Chair becomes vacant, then the Vice Chair shall become Chair immediately and shall complete the unexpired term. The Panel shall elect a new Vice Chair at the next regular meeting following the vacancy. The new Vice Chair shall complete the unexpired term.

Section 8. Officer Absences

If the Chair, Vice Chair and Secretary are absent from any meeting, a Staff person shall call the meeting to order. A vote shall take place to elect a temporary Chair for the meeting. The nominated member who receives votes of a 2/3 majority of the quorum shall be the temporary chair.

Section 9. Removal of Officers

A motion to remove the Chair, Vice Chair or Secretary may be made at any meeting. If a 2/3 majority of the quorum concurs, the removal of the officer shall appear on the agenda of the next regularly scheduled meeting. A vote of a 2/3 majority quorum is required to remove an officer.

ARTICLE VII
MEETINGS, PUBLIC PARTICIPATION, and STAFF

Section 1. Meetings

A. **Open Meetings.** All HVPA Blue-Ribbon Panel meetings (regular, special, sub-committee and work-sessions) shall be open to the public.

B. **Agendas.** All meetings (regular, special, sub-committee and work-sessions) shall have an agenda. Panel members may provide suggested agenda items for any meeting to the Staff, or his designee, no later than Noon three business days prior to the date of the meeting. Agendas shall be electronically distributed to each member of the panel not later than two days prior to the meeting date.

C. **Notice.** All meetings shall be noticed not less than two calendar days prior to the meeting, except as follows. The notice shall include the meeting's date, time, location and agenda. Notice of a meeting is not required if the date, time, location, and purpose of the meeting has been fixed in a duly noticed regular meeting more than two days before the meeting in question. Notice of a special meeting is not required if it is a continuation of a regular meeting with no new agenda items.

D. **Order of Business.** All meetings shall be conducted in accordance with the following Order of Business unless the panel determines by a 2/3 majority of the quorum vote to follow some different procedure:

1. Roll call (determination that a quorum is present); and

2. Approval of minutes; and

3. Agenda (see Art. VII, Section1, B and E); and

4. Additional public comment (The public may address the Panel on any item not appearing on the agenda but within the jurisdiction of the Panel. The Panel shall not respond to public comment about issues not on the agenda.); and

5. Announce next meeting (date, time, and location).

E. **Agenda Item Procedure.** All agenda items shall be heard according to the following procedure unless the Panel determines by a 2/3 majority of the quorum vote to follow some different procedure:

1. The Panel shall first hear a report on an agenda item from the Planning Division Staff and/or the relevant sub-committee.

2. The Panel may move upon that agenda item.

3. Before a vote the Panel shall then hear and receive written or oral comments from the public on that agenda item.

4. Any person wishing to speak a second time may do so only with the permission of the Chair or with the approval of a 2/3 majority of the quorum.

5. The Panel members, may at any time question any Staff, or member of the public about statements or comments.

6. After hearing any and all statements and comments, the Chair may close the public comment portion of the meeting for that agenda item.

7. After closure and such discussion as may be appropriate, the Panel may vote upon that agenda item.

F. **Official Action.** The Panel shall not take action on any item not listed on the noticed agenda. Panel action is not official unless authorized by a 2/3 majority of the quorum at a properly noticed open meeting.

- **Proxy Votes.** A vote of an absent member shall be accepted by a duly signed written proxy of the absent member if provided in writing to the Chair or the Director (or his designee) prior to the start of the meeting at which the vote takes place.

G. **Public Records.** All Panel records shall be available for public inspection during normal business hours at the Community Development and Planning Department.

H. **Quorum.** A quorum is required for all regular and special meetings; but not for work sessions or sub-committee meetings.

I. **Regular Meetings.** The Panel shall hold regular meetings at least once a month. The occurrence of regular meetings shall be posted on the County's website.

- The first meeting of the Panel shall be of a date and time as set by the Director in consultation with the members. Every reasonable effort shall be made to hold the first meeting in the month of January, 2021.

- At the first meeting, the Panel will set the day and time for all future regular meetings.

K. **Special Meetings.** A special meeting is any meeting of the Panel other than a regular meeting, sub-committee meeting, or a work session. Staff may independently, or upon request of either two Panel members or the Chair, call a special meeting. A special meeting may be a continuation of a regular meeting in which time ran out to address certain agenda items. A special meeting that is a continuation of a regular meeting with no new agenda item does not require notice.

L. **Work Sessions.** A work session is a meeting when the Panel may discuss issues including, but not limited to, those related to scheduling or process, specific issues, or general

procedural items. A quorum is not necessary to conduct a work session. If the work session contains less than a quorum, no official action can be taken.

M. **Subcommittee Meetings.** Sub-committee meetings shall be conducted according to the same rules that pertain to special meetings; however, no quorum is required and if the sub-committee meeting contains less than a quorum, no official action can be taken.

Section 2. Public Participation

A. Any citizen may comment on any item on the agenda; and any item not appearing on the agenda, but within the jurisdiction of the Panel.

B. Public comment may be made in writing in addition to or in the alternative to oral comment.

C. Persons commenting shall provide their name and address.

D. Oral comment shall be limited to a maximum of five (5) minutes per speaker; however, the Panel may by a 2/3 majority vote modify such time limits.

Section 3. Role of Staff

The Planning Division Staff shall be responsible for the development and drafting of all zoning regulations for presentation to the Board. It shall coordinate with the Panel on topics relevant to the scope as noted above in Article III. Panel direction to Staff shall be based upon an affirmative vote by a 2/3 majority of the quorum.

Additional duties include:

A. In collaboration with the Secretary, record and keep minutes of all meetings and work sessions.

B. Administer the affairs of the Panel in accord with these Bylaws and policies of the County.

C. Recommend policies to accomplish the duties and objectives of the Panel.

D. Prepare correspondence, official notices, and agendas:

1. For regular meetings, each Panel member shall be notified electronically not later than two calendar days prior to the regular meeting date. Staff shall post public notice (on the County website and at the City-County Building) not less than two calendar days prior to the time of the regular meeting.

2. For any other meeting or work session, each Panel member shall be notified electronically not less than two calendar days prior to the time of the special

meeting or work session, unless notification occurred during the previous regular meeting.

3. Staff shall post public notice not less than two calendar days prior to the time of the meeting or work session, unless notice was provided during the previous regular meeting.

E. Report the progress and status of any work for which the Panel has responsibility, and any changes in local, state, or federal guidelines, rules, regulations, or laws that may affect any of the Panel's work or status.

F. Provide for Staff presentations.

ARTICLE VIII
MISCELLANEOUS

Section 1. Legal Assistance
The HVPA Blue-Ribbon Panel may seek or request legal assistance from the County Attorney's Office.

Section 2. Travel
With the exception of field trips within the HVPA, reimbursements for travel by any member to attend a conference, convention, or other meetings necessary to carry out the affairs of the Panel must be first authorized by the Board. Whenever a member seeks travel reimbursement, the member shall submit a written summary of the expenditures and activities as required by County policies.

Section 3. Adoption of Plans and Studies
The Panel may adopt plans and/or studies and such adoption shall be by 2/3 majority vote.

Section 4. Amendments to Bylaws
Amendments to these By-laws may be proposed by any member of the Panel. Such amendments must be submitted in writing at a regular meeting and recommended to the Board by a two-thirds majority vote of the quorum. Staff will schedule such Panel recommendation to the Board within 30 calendar days.