Sixth Addendum to the Consolidated City and County Planning Board Packet
Regarding Regulations and Map for the Helena Valley Planning Area.

This Addendum includes the following:

- Summary of verbal public comments provided at June 25, 2020 meeting.
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Staff Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abigail St. Lawrence</td>
<td>Helena Building Industries Assoc.</td>
<td>The Planned Unit Development (PUD) process has not been defined under the DRAFT Zoning Regulations at this point in time. When it is defined, there will be a public process before any regulations are adopted for this section. With regard to home occupations, there are criteria that need to be satisfied, which are similar to other zone districts in Lewis and Clark County and to other counties around the State. A home occupation is supposed to be secondary or incidental to the main use of the property, which is residential. These criteria create a situation where the home occupation will be secondary or incidental in the residential use.</td>
</tr>
<tr>
<td>Jerry Hamlin</td>
<td>3625 University St</td>
<td>Thank the board. Discussion of PUD, Appeals and timelines set for the processes. Timelines are important in development. Once the timeline goes away, PUD process needs to be more defined, it is troubling that it is not. There needs to be public involvement, as it's the public is at stake. Planning Board is not the deciding party but can make recommendations based on public concerns. Home-based businesses, a large number of clients are home-based business owners. The regulations need to be better clarified.</td>
</tr>
</tbody>
</table>

DISCLAIMER: These comments were taken by the CD&P department for the convenience and benefit in better understanding the participants’ concerns. However, these comments are not to be considered the official comments/minutes of the Planning Board meeting. Said official minutes are available through the Lewis and Clark County Community Planning & Development Office by emailing planning@lccountymt.gov.
Sixth Addendum to the Planning Board Packet  
Re: Zoning Regulations and Map for the Helena Valley Planning Area, Page 4 of 5  

Clint Pullman  

Re: Zoning Regulations and Map for the Helena Valley Planning Area, Page 4 of 5  

on the locations of the Urban, Transitional, and Rural Growth Areas as laid out in the Lewis and Clark County Growth Policy, Helena Valley Area Plan Update (2015). What are the problems in Rimini and the Hauser Lake Area? If a property has a grandfathered use, so long as the next property owner continues that grandfathered use in the same manner it was used before, it will remain a grandfathered use. There is a limit on how long a grandfathered use can remain if not used as a grandfathered use for a specified number of days. The Growth Policy was updated in 2015 in a very public process. Areas that are not zoned are only covered by other regulations to a certain extent. The density provisions alone in the Rural Residential Mixed-use District address a majority of the five key issues. Not all five issues are present in a single area. Future regulations in the other two Districts will address the key issues as well when those issues are present. When noticing proposed zoning regulations, the County follows the provisions laid out in State law. Any notices that have been provided to the public to date, with the exception of the 48-hour Planning Board meeting notice, have been above and beyond the process and notice requirements under State law. The actual public hearing process has not even started yet. The Growth Policy for the Helena Valley Planning Area was updated in 2015, not 2004. 

The 10-acre density is only proposed under the Rural Residential Mixed-use District. This density is based on three of the five key issues laid out in the Lewis and Clark County Growth Policy, Helena Valley Area Plan Update (2015): water availability, rural roads, and rural fire protection. A 10-acre density minimum is not being proposed under the Urban or Suburban Residential Mixed-use Districts. These Districts will allow for higher densities. 

While it is true that there is no longer a protest provision under State law for Part 2 zoning, the Board of County Commissioners will still be accepting public testimony. The enforcement process will be handled by the Community Development and Planning Department and the County Attorney's Office. The DRAFT Regulations have a process already established for processing variance requests and the non-conforming use provisions are laid out in these Regulations as well. Setback provisions from waterbodies can help minimize flood risks to structures and/or help protect water quality, etc. The statutory public hearing process for the zoning has not yet started. All notices regarding meetings to date, with the exception of the 48-hour Planning Board meeting notice, have been provided above and beyond what State law requires.

Re: MT law protest to regulations. Refers to Williams v Missoula, referring to section 6 regarding the Supreme Court decision. Feels like the community is at the mercy of the Commission. Feels like they could have achieved successful protest without the Supreme court decision. Previous comments resonate what he is feeling tonight. The bureaucracy this will create. It will take months to hire and develop the process to enforce zoning. Property owners will have to wait for any variance or non-conforming uses to be approved, as a process will not be established. Removal of water setbacks would be helpful. Would like to see the 25' setback reg addressed to allow for neighbors to have encroachment agreements. Notice needs to be sent out, too many people don't know about this process. Try to slow down the process. Do not force this on the citizens.

Bill Gowen Govt Affairs HAR  

Attorney's Office. The DRAFT Regulations have a process together and an area on-site is dedicated as permanent open space or agriculture) and in the future, there will PD for new lots, and the Suburban Residential Mixed-use District will be 1/4-acre lots and smaller. The 10-acre density is only proposed under the Rural Residential Mixed-use District. This density is based mainly on three of the five key issues laid out in the Lewis and Clark County Growth Policy, Helena Valley Area Plan Update (2015): water availability, rural roads, and rural fire protection. A 10-acre density minimum is not being proposed under the Urban or Suburban Residential Mixed-use Districts. These Districts will allow for higher densities. 

While it is true that there is no longer a protest provision under State law for Part 2 zoning, the Board of County Commissioners will still be accepting public testimony. The enforcement process will be handled by the Community Development and Planning Department and the County Attorney's Office. The DRAFT Regulations have a process already established for processing variance requests and the non-conforming use provisions are laid out in these Regulations as well. Setback provisions from waterbodies can help minimize flood risks to structures and/or help protect water quality, etc. The statutory public hearing process for the zoning has not yet started. All notices regarding meetings to date, with the exception of the 48-hour Planning Board meeting notice, have been provided above and beyond what State law requires.

Re: MT law protest to regulations. Refers to Williams v Missoula, referring to section 6 regarding the Supreme Court decision. Feels like the community is at the mercy of the Commission. Feels like they could have achieved successful protest without the Supreme court decision. Previous comments resonate what he is feeling tonight. The bureaucracy this will create. It will take months to hire and develop the process to enforce zoning. Property owners will have to wait for any variance or non-conforming uses to be approved, as a process will not be established. Removal of water setbacks would be helpful. Would like to see the 25' setback reg addressed to allow for neighbors to have encroachment agreements. Notice needs to be sent out, too many people don't know about this process. Try to slow down the process. Do not force this on the citizens.
Facts are facts, truths are truths, laws are laws. We're going through a lot of social changes in our world right now. Permitted 400 subdivision working for the state. Written 80 pages and have not received any answers to his questions. Does not feel that there is a water crisis. Admits that there is a problem on N. Montana and that wells are declining. Where is the crisis, believes there needs to be a crisis for the county to initiate zoning. Feels that this is a massive taking with out just cause. Advocating that the 10 acres be removed, it is not needed.

The 10-acre density is only proposed under the Rural Residential Mixed-use District. This is based mainly on three of the five key issues laid out in the County Growth Policy, Helena Valley Area Plan Update (2015): water availability, rural roads, and rural fire protection. A 30-acre density minimum is not being proposed under the Urban or Suburban Residential Mixed-use Districts. These Districts will allow for higher densities.