

**PUBLIC MEETING
October 19, 2010
MINUTES**

Chairman Mike Murray called the meeting to order at 9 a.m. Commissioners Derek Brown and Andy Hunthausen were present. Others attending all or a portion of the meeting included K. Paul Stahl, Eric Bryson, Kelly Blake, Lindsay Morgan, Greg McNally, Dean Retz, Mark Simonich, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2010-318 Requesting Prosecutorial Assistance in the Case of State v. David L. Duncan. (Eric Bryson)
- b. Public Meeting Minutes for May 18, 20, 25, 27, June 3, June 8, and Admin. Staff Meeting Minutes for May 27, 2010. (Carole Byrnes)
- c. Subcontract #G140-11-W3300 Between Montana State University and Lewis & Clark City-County Health Department to Provide Funds to Implement Community and Workplace Interventions to Prevent Obesity in the Amount of ~~\$7,000~~ \$15,000. Contract Period: July 1, 2010 through June 30, 2011. (Dorothy Bradshaw)
- d. Amendment One to Task Order No. 11-07-3-01-009-0 Between Montana Dept. of Public Health and Human Services and Lewis & Clark City-County Health Department to Implement Montana Comprehensive Cancer Control Plan. The Contract Amount is now \$132,220 for the Period July 1, 2010 – June 30, 2011, increased from \$130,200. (Dorothy Bradshaw)

Eric Bryson reported on the consent agenda and recommended approval.

No public comments were received.

Commissioner Hunthausen moved approval of the consent action items and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

Proposed Modification of Conditions of Approval for the Preliminary Approved Lakeside Village on Hauser, Lot 2A Amended Major Subdivision with Request for Variance. (Applicant: Merrit & Marie, LLC (Conrad Hale)) Planner: Greg McNally) (Continued from 10-12-10)

Commissioner Murray has read the transcript of the October 12th meeting and intends to vote on this item.

Tyler Emmert, the applicant's representative from Stahly Engineering, could not be present at today's meeting.

Greg McNally stated he received an e-mail from Mr. Emmert with three graphics attached.

Commissioner Brown moved to re-open the hearing to include additional information received from Mr. Emmert as part of the record. Commissioner Hunthausen seconded the motion for discussion on whether this is considered new information. The motion carried 2-1. Commissioner Hunthausen voted no. There was a motion and a second to table until the legal advertising has taken place. The motion carried 3-0.

Special Zoning District No. 5-A (Treasure State Acres). (Planner: Lindsay Morgan)

The Commission will consider the proposed amendments to the Non-Conforming Lot Section 7-2 of the land use regulations for Special Zoning District No. 5-A.

Lindsay Morgan presented the staff report. The Planning and Zoning Commission recommended approval of the proposed amendments to the regulations along with draft findings and conclusions. The proposed amendments would allow for the potential of one additional lot within the district to be developed and/or sold individually. A restriction was placed on this property when it was created that prohibits any dwelling unit and/or structures that require water or sewer to be erected onsite. The proposed amendments to the regulations for the district is in compliance with the intent of the district, the County Growth Policy, and the Montana Code Annotated as long as the building restriction remains on the property.

Commissioner Hunthausen moved to incorporate the transcript from the Planning and Zoning Commission meeting into the record. Commissioner Brown seconded the motion. The motion carried 3-0.

Mark Simonich, Helena Association of Realtors. The Association submitted comments to the Planning and Zoning Commission supporting the effort to correct the language in these zoning districts.

No public comments were received.

Commissioner Brown move to approve the recommendation of the Planning and Zoning Commission along with the findings and conclusions. Commissioner Hunthausen seconded the motion. Without objection, the Simonich comment letter would be entered into the record. The motion carried 3-0.

Special Zoning District No. 19 (Lincoln Road West). (Planner: Lindsay Morgan)

The Commission will consider the proposed amendments to the Non-Conforming Lot Section of the land use regulations for Special Zoning District No. 19.

Lindsay Morgan presented the staff report. The Planning and Zoning Commission recommended approval of the proposed amendments to the regulations along with the draft findings and conclusions. This non-conforming lot is 1.71 acres in size and is currently developed. The adjacent lot under the same ownership is 3.69 acres in size and is developed. Because both of these properties are currently developed, it is considered a

violation of the regulations. If the proposed amendment is adopted, both of these properties can legally be used, and for both properties to be sold individually, and the development of both parcels will no longer be considered a violation. The proposed amendments to the regulations for the district is are in compliance with the intent of the district, the County Growth Policy, and the Montana Code Annotated.

No public comments were received.

Commissioner Brown moved to approve the recommendations along with the findings and conclusions, and to move the record from the Planning and Zoning Commission into this record. Commissioner Hunthausen seconded the motion. Without objection, the Simonich comment letter would be entered into the record. The motion carried 3-0.

Special Zoning District No. 29 (Helena Valley Estates). (Planner: Lindsay Morgan)
The Commission will consider the proposed amendments to Section 5.2 Non-Conforming Lots of Record of the land use regulations for Special Zoning District No. 29.

Lindsay Morgan presented the staff report. The Planning and Zoning Commission recommended approval of the proposed amendments to the regulations, along with the draft findings and conclusions. The non-conforming lot is 0.60 acres in size and is currently developed; however, the adjacent lot under the same ownership is not. The adjacent lot is 1.78 acres in size. The proposed amendment would allow for the undeveloped lot to be used, and for both properties to be sold individually. The proposed amendment to the regulations for the district is in compliance with the intent of the district, the County Growth Policy, and the Montana Code Annotated.

No public comments were received.

Commissioner Brown move to approve the recommendations along with the findings and conclusions, and to move the record from the Planning and Zoning Commission into this record. Commissioner Hunthausen seconded the motion. Without objection, the Simonich comment letter would be entered into the record. The motion carried 3-0.

Special Zoning District No. 41 (Lamb Ranchettes). (Planner: Lindsay Morgan). The Commission will consider the proposed amendments to the Non-Conforming Lot Section D of the land use regulations for Special Zoning District No. 41.

Lindsay Morgan presented the staff report. The Planning and Zoning Commission recommended approval of the proposed amendments to the regulations, along with the draft findings and conclusions. This non-conforming lot was created prior to the establishment of the zoning regulations. It is 1.663 acres in size and is currently developed; however, the adjacent lot under the same ownership is only developed with a barn. This lot is 25.12 acres in size. The proposed amendments would allow the developed lot with a barn to be used for single-family residential purposes, and for both properties to be sold individually. The proposed amendment to the district is in compliance with the intent of the district, the County Growth Policy, and the Montana Code Annotated.

No public comments were received.

Commissioner Hunthausen move to approve the recommendations along with the findings and conclusions, and to move the record from the Planning and Zoning Commission into this record. Commissioner Brown seconded the motion. Without objection, the Simonich comment letter would be entered into the record. The motion carried 3-0.

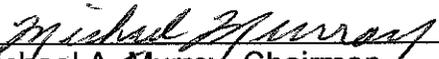
Public Hearing. Resolution 2010-319 Declaring Crestwood Lane, Rosewood Drive, Silverwood Loop, Foxwood Court and A Portion of Norris Drive as County Roads.
(Planner: Carrie Severson) Pulled.

K. Paul Stahl. The settlement entered into required certain requirements for those affected by the lawsuit and the county to be done concurrently. Until all of the requirements have been met and the necessary information has been received from the homeowners' association, the county cannot move forward on declaring the roads public.

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

There was no other business, the meeting adjourned at 9:31 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Michael A. Murray, Chairman



Derek Brown



Andy Hunthausen

ATTEST:



Paulette DeHart, Clerk of the Board