

Exhibit "D"

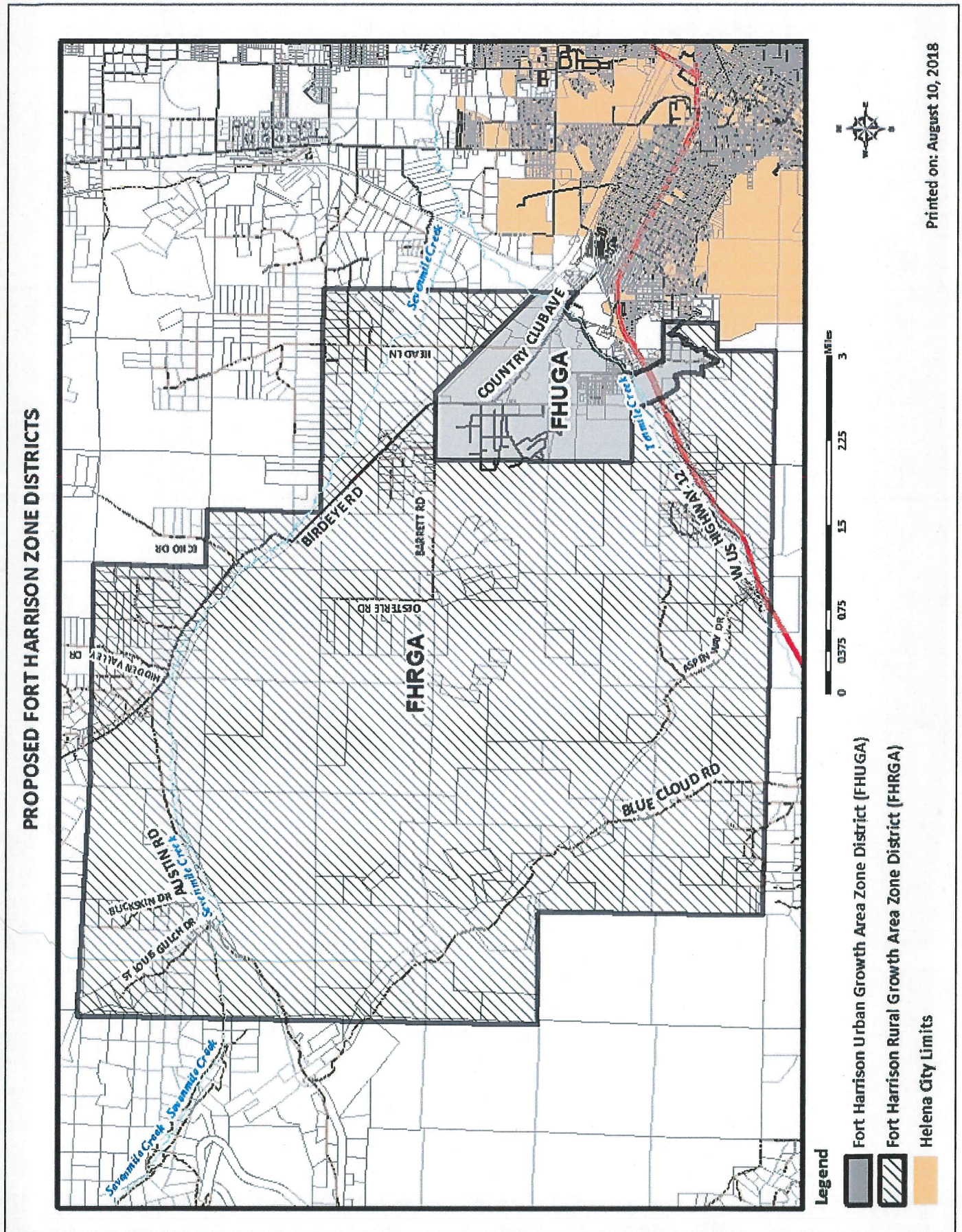
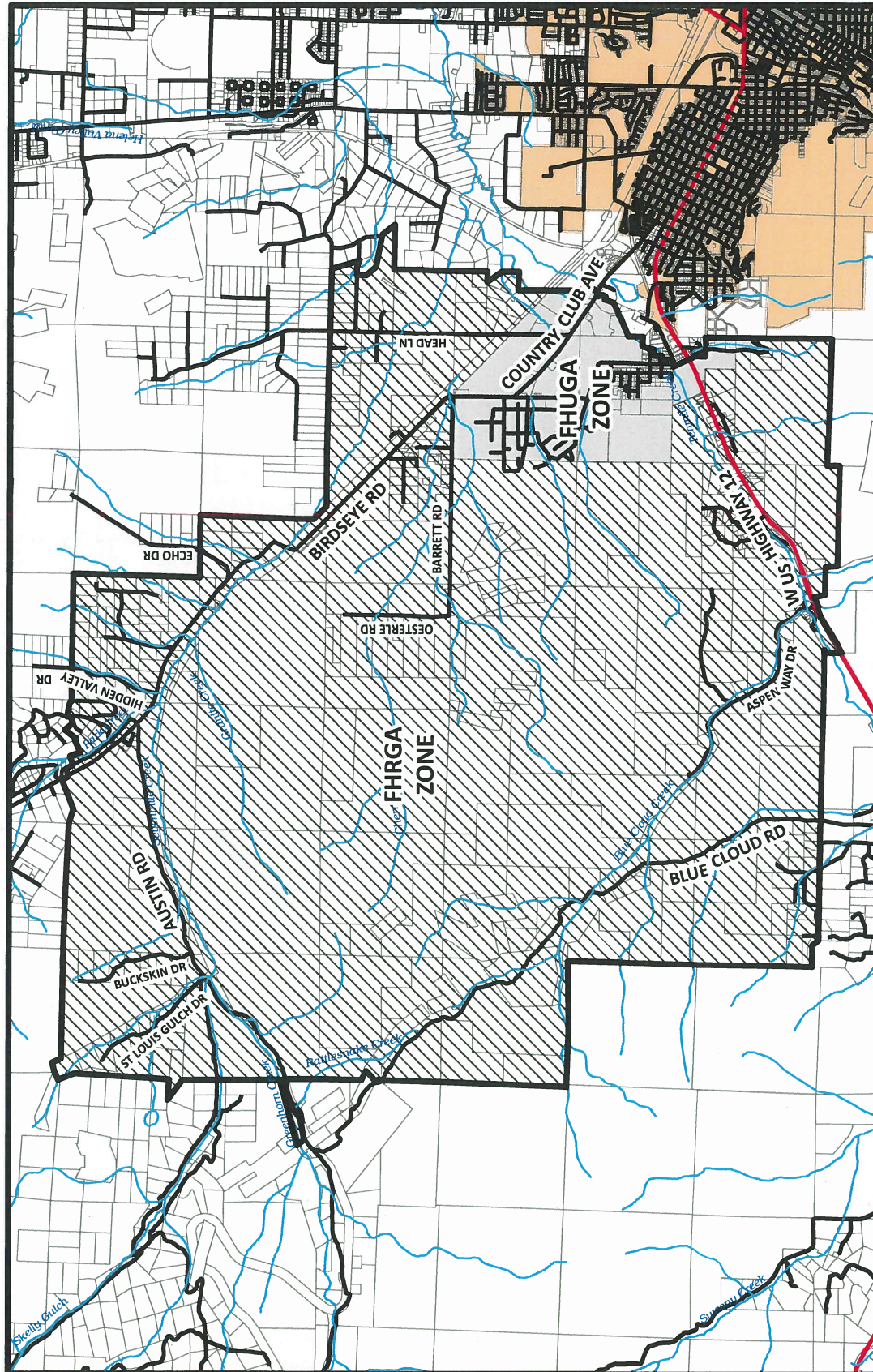


Exhibit "E"

PROPOSED MILITARY AFFECTED AREA BOUNDARY AND ZONE DISTRICT BOUNDARIES



Legend

-  MAA (Fort Harrison Compatibility Area)
-  Fort Harrison Rural Growth Area Zone District
-  Fort Harrison Urban Growth Area Zone District



Exhibit "F"

Lindsay Morgan

From: County_Planning_Mail
Sent: Wednesday, October 10, 2018 8:40 AM
To: Lindsay Morgan
Subject: FW: attached are our written comments to the draft MMA for October 18 County Commission meeting
Attachments: reply to mma 10-9-18.docx

From: Tim JeanAnn Scheuer [<mailto:scheuertj@earthlink.net>]
Sent: Tuesday, October 09, 2018 10:54 AM
To: County_Planning_Mail
Subject: attached are our written comments to the draft MMA for October 18 County Commission meeting

Please accept these written comments regarding the draft MMA to be discussed at the October 18, 2018 County Commission meeting. We are unable to attend the meeting but would like our comments to be part of the record. Thank you.

Tim Scheuer
3916 Barrett Rd
449-8771

October 9, 2018

TO: Lewis and Clark County Board of Commissioners

RE: Draft Military Affected Area (MMA) Regulations and Zoning Regulations

As taxpayers and residents of Lewis and Clark County we have many significant concerns about these proposals. Our property is on 3916 Barrett Road, directly across from the Fort Harrison (Fort) complex and training area. Our concerns are outlined below and we ask that you consider these issues in making your decision.

- These regulations will not solve any issues because it exempts the National Guard from all responsibility while suppressing taxpaying residents' property rights. The regulations are one-sided in the military's favor and not "compatible" to all. It allows the Fort to continue their activities unchecked.
- The regulations do not promote health, safety, and welfare. Suppressing property rights has nothing to do with preventing fire and other damages. The residents in this area are not the ones who create the fire and other dangers. We've watched on numerous occasions military vehicles driving in knee-high dry grassland and firing tracer ammunition in very dry conditions.
- Fort Harrison has opened up to regional and national training. It is our opinion that in order to facilitate this additional use the Fort wants these regulations in order to expand even more. It is their expansion that is causing issues and concerns for the residents – not the other way around.
- The noise level has gone up dramatically since 1987 when we built on our property. The helicopters fly directly over our house at low levels – this is not safe. They have plenty of room to fly over the Fort. At times, the helicopter noise is so loud we can't talk to each other. The house shakes, items move in cupboards, and the chandelier sways. They fly after 10:30 pm when we were told they can't fly after 10:00 pm. This isn't good for anyone's safety, health, or welfare. The firing range noise has also intensified. The PA system plays music at 7:00 am, 5:00 pm; and 10:00 pm. It is so loud we can hear it in the house.
- We understand the need to limit the density of development. But this should only be for new developments that would create density issues like subdivisions; not individual residences. It is a concern that there would be no minimum lot size for non-residential uses but residents will have restrictions on their properties and what can be done on them. Again, this is one-side in the Fort's favor since everything they do is non-residential.
- We agree with the idea of no new subdivisions, but this proposal affects current landowners who may want to build on their property -- not subdivide. Why is it only

what's compatible for the Fort and not how the Fort can be compatible with the taxpayers/residents. We were here before they began expanding and have tried to be good neighbors but these proposed regulations unfortunately pit us against each other. It will create more conflicts than it solves.

- Our son is currently purchasing land from his grandmother. He is living in the old homestead house and intends to build a new home. These proposed regulations significantly hinder, if not completely quashes, his ability to do that.
- We are not in the city limits and do not have public infrastructure such as sewer, water, storm water. The Fort is the biggest builder around here. They keep building; adding noise, lights, and more people. We understand the need to train and have lived with the traffic, noise, and light for years. They want more and more so we have to say enough is enough. What about our rights to not have significant noise, bright lights, etc. in our backyard? This proposal does not "accommodate" nor is it "compatible" for anybody but the military.
- These proposed regulations do not "conserve the value" of all the taxpayers' property within the boundaries. Property values go down as the Fort continues to expand and the noise, lights, etc. continue to grow. These regulations will worsen that problem.
- These regulations as proposed don't encourage appropriate use – it dictates to taxpayers/residents what they can build or do with their own property. It restricts everyone but the military so it doesn't really facilitate anything.
- The water issue has been exacerbated by the Fort itself. They drilled numerous wells and combined them together for their own use. This significantly reduced the available water. In addition, they are not good water stewards because the system that was supposed to water only at appropriate times doesn't work. We see the sprinklers going in strong wind, on hot days, and rainy days.
- The military are co-users of the transportation system which is outdated to say the least. As the Fort has grown, they are contributing to the congestion and degradation of the roads, especially with the heavy equipment. We encourage county officials to come out during peak traffic times to see the number of vehicles traveling on the 60+ year old Country Club Avenue. It is not all residents, it includes people coming out to Fort Harrison for work or training.
- A few years ago, BLM land within the proposed zoning area was closed resulting in loss of public land. Land above Granite Creek was included in the Scratchgravel restrictions even though it is not within the Scratchgravel area. It appears to be no coincidence that it was closed to ALL motorized vehicles but the military has been using it for training and driving all over it. Not a compatible use. If these regulations are approved taxpayers will lose even more access to our public lands.

- The Fort is the fastest growing night light pollution in the area. Most houses that have been built don't have yard lights. You are encouraged to come out at dark to observe this. As the Fort adds more lights on the complex, it's disruptive to residents. These proposed regulations don't encourage practices and systems – it dictates to taxpayers what the Fort wants, not what is compatible for all.
- As far as adequate air, there should be no need to fly so low that a house would interfere. There only large structures in the area are the VA and Fort Harrison.
- We are very concerned about the intent of the Fort Harrison Aircraft Imaginary Surface areas language. The draft regulations state: "... no use may be made of lands within the FHCA in such manner that may result in glare in the eyes of operators of aircraft, or otherwise endanger the landing, taking off, maneuvering, or operating of aircraft". We cannot tell by the map where the Imaginary Surface is. There is currently an airstrip within the Fort Harrison complex where the helicopters take-off, land, and maneuver. This language is concerning because no private person can build on the Fort property so if it's in the proposal it must have some bearing on the residents on Barrett road and surrounding area. It appears the intent may be to extend this airstrip area closer to the Barrett Road boundary and residents along or near this road may be denied any right to build or rebuild due to these regulations.
- The Fort should not be exempted from the restrictions that they intend to place on the taxpayers/residents affected by this proposal. They should be held to the same standards. If the intent is for all of us to be "compatible" and "promote health, safety, and welfare" then that should include them also.

I am a retired Montana National Guard soldier and worked full-time as a technician at the UTE Shop at the Fort. Other family members are also retired from the Montana National Guard. We understand the needs of the military at Fort Harrison. However, as taxpaying residents within the proposed regulation boundaries, we have many objections. Just because they are a government entity doesn't mean the military has more rights than individual citizens. These dictatorial proposals are very concerning. What's next – Eminent Domain?

Thank you in advance for taking the time and effort to listen and consider all the issues and concerns of individual taxpayers and residents related to these proposed regulations. We invite you to visit our property and would be happy to discuss our concerns further.

Sincerely,

Tim and JeanAnn Scheuer
3916 Barrett Rd
449-8771

Lindsay Morgan

From: County_Planning_Mail
Sent: Monday, September 17, 2018 9:29 AM
To: Lindsay Morgan
Subject: FW: MAA comments

From: almostamish@bresnan.net [mailto:almostamish@bresnan.net]
Sent: Friday, September 14, 2018 5:30 PM
To: County_Planning_Mail; 'almostamish@bresnan.net'
Subject: MAA comments

I attended the 1st and 3rd hearings on the proposal. First, thank you for the language you've added in section 1.7, which addresses most of my concerns. About all that remains is the "takings" issue for owners of larger properties. The county attorney stated at the 1st meeting that he would prepare a written opinion--is that available? Assuming that he acknowledged that the MAA would lower values for currently undeveloped properties, my testimony which I would still ask to be carried forward is, if the Federal government is liable for those damages, no problem. But if L&C County is, I'd strongly urge that every taxpayer in the county be notified and offered the opportunity to weigh in on how their tax dollars are spent. Further, I recognize that Ft. Harrison is a valuable component of the county, but I'm not so sure their presence is as negative a problem as they perceive--most of my neighbors recognize they were here first and do not find their exercises particularly impactful. Thank you again. Gerald P. Meyer, 1216 Greene St.

Lindsay Morgan

From: Shelton, Nancy <Nancy.Shelton@jacobs.com>
Sent: Wednesday, September 12, 2018 1:29 PM
To: Lindsay Morgan
Subject: RE: request for information

Thank you!

Thanks,
Nancy Shelton
Jacobs
602.530.1612
602.253.1202 fax
www.jacobs.com

From: Lindsay Morgan [<mailto:LMorgan@lccountymt.gov>]
Sent: Wednesday, September 12, 2018 10:19 AM
To: Shelton, Nancy <Nancy.Shelton@jacobs.com>
Subject: [EXTERNAL] RE: request for information

Nancy,

Attached are copies of the DRAFT regulations (Military Affected Area Regulations (Fort Harrison Compatibility Area Regulations), Fort Harrison Rural Growth Area Regulations, and Fort Harrison Urban Growth Area Regulations), and the proposed zone districts map. These documents are also available at: <https://www.lccountymt.gov/home.html> under "What's New".

Please feel free to contact me with any questions.

Lindsay

Lindsay A. Morgan
Planner III
Lewis and Clark County
1 (406) 447-8376

From: Shelton, Nancy [<mailto:Nancy.Shelton@jacobs.com>]
Sent: Thursday, August 30, 2018 2:20 PM
To: County_Planning_Mail
Subject: request for information

Good day,

I am working on a National Environmental Policy Act Environmental Assessment for a master plan at Fort Harrison. In order to complete the cumulative impacts portion of the document, I need to understand any reasonably foreseeable development or growth that may occur near the installation. Do you have any information on projects or plans that may be in the approval process or filed? I appreciate any assistance you can offer. If it is easiest to call, please feel free to reach me at the number below. Thank you for your assistance and have a great holiday weekend.

Thanks,
Nancy Shelton

Jacobs
Senior Environmental Planner
101 North First Avenue, Suite 2600
Phoenix, Arizona 85003
602.530.1612
602.253.1202 fax
Nancy.Shelton@jacobs.com

www.jacobs.com

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Lindsay Morgan

From: County_Planning_Mail
Sent: Wednesday, September 12, 2018 9:55 AM
To: Lindsay Morgan
Subject: FW: Laura Tinsley

I don't know if this is an address from the MAA list or if it was from a subdivision

-----Original Message-----

From: jacobson [mailto:jacobson@blackfoot.net]
Sent: Monday, September 10, 2018 9:36 PM
To: County_Planning_Mail
Subject: Laura Tinsley

Karen Rutherford,

My mom is Laura Tinsley, old address of 3115 Terrace. She sold that house last July so does not need any notices from the planning board.

She also has alzheimers. Would you please take her off your mailing list?

My name is Anne Jacobson, address P O Box 122 Elliston MT. 492-6636 if you wish to contact me. I am her power of attorney.

thank you,

Anne

Lindsay Morgan

From: Austin WAgner <accwagner@yahoo.com>
Sent: Tuesday, August 28, 2018 7:13 PM
To: Lindsay Morgan
Subject: Re: RE: Military affected Area Regulations and Zoning

Hey Lindsay,

Thank you so much for getting these to me! Very appreciated!!!

Best,

Austin

On Tuesday, August 28, 2018, 3:05:55 PM MDT, Lindsay Morgan <L.Morgan@lccountymt.gov> wrote:

Austin,

Attached are copies of the DRAFT regulations and the proposed zone districts map. These documents are also available at: <https://www.lccountymt.gov/home.html> under "What's New".

Please feel free to contact me with any questions. Also, letters will be sent out in the next few days to residents within the proposed boundaries noticing them of a public hearing before the County Commission. The meeting will likely be mid to late October.

Lindsay

Lindsay A. Morgan

Planner III

Lewis and Clark County

1 (406) 447-8376

From: Austin WAgner [<mailto:accwagner@yahoo.com>]
Sent: Tuesday, August 28, 2018 10:15 AM

To: County_Planning_Mail

Subject: Military affected Area Regulations and Zoning

Hello Karin Rutherford or Lewis and Clark County Community Development and Planning Department,

I received a letter in the mail regarding a meeting that took place on August 21, 2018. The meeting was to "consider proposed military affected area regulations and zoning regulations" which "include Chapter 7 Fort Harrison Joint Land Use Study."

I am requesting a copy of the proposed regulations and maps as I am currently not in Helena. I have a newborn and a 2 year old and will not be able to make the 10 hour drive anytime soon while I am in school. Could you email the documents to me at this address (accwagner@yahoo.com) or send them to me at 7835 Hwy 59, Gillette, WY 82718 as soon as possible as the letter also notes that the "consideration of these items is second the planning board's meeting agenda?"

Thank you,

Austin Rusher

(Previously Austin Wagner)

Lindsay Morgan

From: jcidwi@aol.com
Sent: Tuesday, August 28, 2018 12:16 PM
To: Lindsay Morgan
Subject: MAA Properties being dissected by Boundaries

Lindsay, here are my two properties involved I wish removed by the Planning Board:

1. 05-1993-35-2-01-50-0000
2. 05-1993-35-2-01-60-0000

Thank you.

Dave Wood

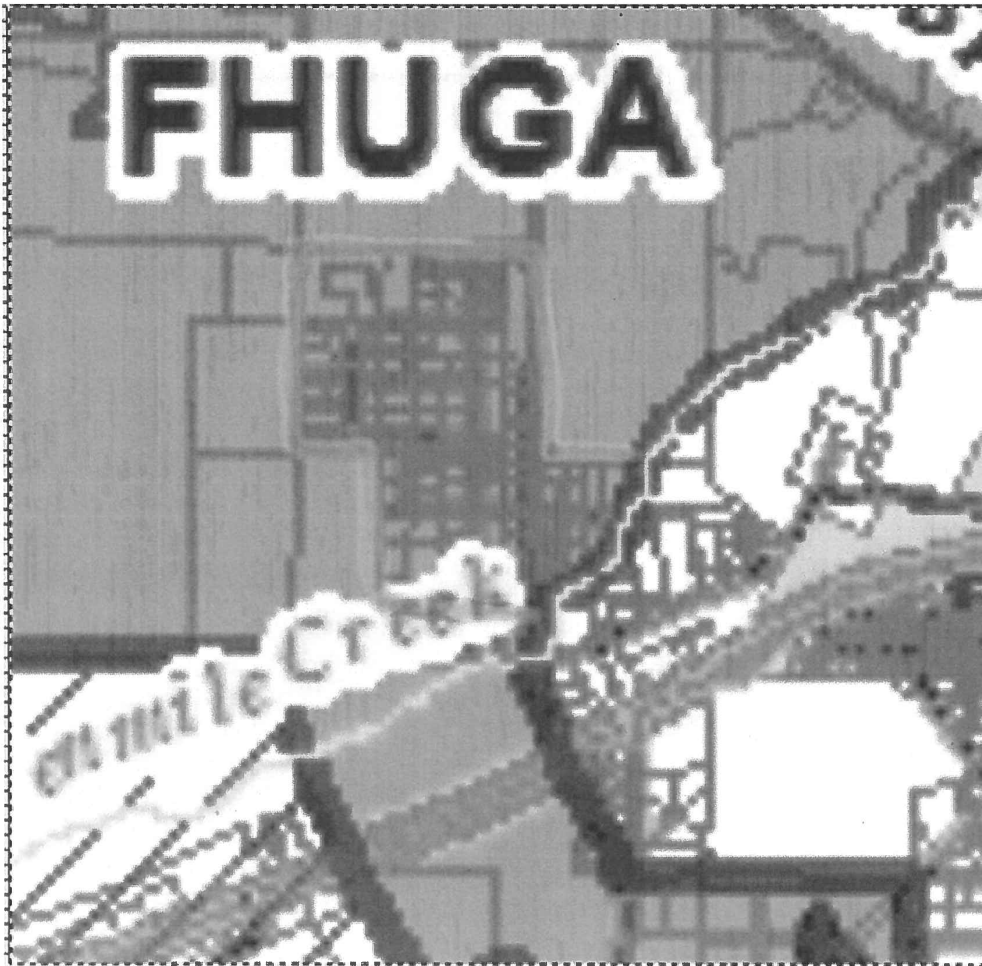
Lindsay Morgan

From: County_Planning_Mail
Sent: Monday, August 27, 2018 9:00 AM
To: Lindsay Morgan
Subject: FW: MAA suggestion

From: Joshua Austill [<mailto:jaustill@sofi.org>]
Sent: Friday, August 24, 2018 12:06 PM
To: County_Planning_Mail
Subject: MAA suggestion

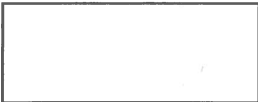
In this attached picture of the proposed border, you are skirting a VERY well established neighborhood of plots already smaller than 10 acres. The vast majority of the people showing up to say they don't support this thing live in that small neighborhood. If you simply move that line to exclude the neighborhood I outlined in red, you won't change the size of the area much at all, but you would instantly get my support, and I'm guessing the support of MOST people that live on those small .25 acre plots that are afraid of 80 acre zoning rules and live behind a hill from the base. Please let me know if you believe this is unreasonable, otherwise, I'll be taking this issue to the editor and protesting very loudly.

Thanks for your consideration.



Joshua Austill

Staff Engineer, Front-End
920 Front Street, STE 201
Helena, MT 59601
M: 406-850-1180



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Lindsay Morgan

From: County_Planning_Mail
Sent: Monday, August 27, 2018 8:59 AM
To: Lindsay Morgan
Subject: FW: Proposed MAA Lands Takings Regs

From: gmriv@yahoo.com [mailto:gmriv@yahoo.com]
Sent: Saturday, August 25, 2018 1:39 AM
To: County_Planning_Mail
Subject: Proposed MAA Lands Takings Regs

Hello Karin,

I am sorry I was not able to drive over from Idaho to attend the proposed MAA land takings hearing last Tuesday night. I was in the area on business the week before, but your letter was not sent until after that trip.

I looked through your online documents. The FHRGA zone regulations seem tame but then the FHCA regs, affecting everyone living inside the dark black line that includes the FHRGA and all other zones are just as bad as the previous attempt, if not worse.

I have to give your County people credit - it is pretty clever for them to try this again under a double-barrel shotgun approach of multiple zones but then one over laying zone that supersedes the other more workable zoning regulations. So it looks like when the County and Fort Harrison pushes this through, we will actually have two zoning regulations we will have to live under: FHRGA and FHCA?

It is very sad the County people did not listen to anything that was said at the earlier public hearings. All of us have spent a lot time on this thing and I spent a lot of money in taking off work to travel to Montana for an earlier hearing and the County has spent/wasted a lot of our tax dollars on this - holding meetings and then ignoring everything everybody commented on. And now we are all right back to where we were before - Nothing has changed. How much more of our taxpayer money is the County going to waste trying to take our land for Fort Harrison? If the Fort wants it that bad, tell them to just buy us out and we will all go away - then you and Fort Harrison will be happy!

It is clear in the FHCA that the county is trying to not too miss a great self-created opportunity to collect/extort more bribe-fees (taxes) from individuals by making up/implementing yet another required permit called a "Development permit" to do ANYTHING on an individual's private property. Which then takes away my human right to enjoy and use my property for my happiness and the benefit and enjoyment of others.

I have several comments to submit, but ALL can be taken care if the county adjusts their proposed "Taking's Boundary" (FHCA/FHRGA) to the centerline of Birdseye Road and Austin Road (per proposed zoning reg 2.2).

Why does the County insist on extending the boundary so far away from Fort Harrison and its influence?

Why are the County people working on Fort Harrison's behalf to take our property and not on their taxpayer's behalf to protect them from unnecessary and unreasonable regulations and fees? The website says this is all necessary (though NO examples are given why it is needed and HAS to be done) to promote public health, safety and general welfare.... Please show me how your proposed takings regulations will achieve such a lofty goal.

I will await your reply before submitting specific additional comments since most will be resolved once the County adjusts the PROPOSED boundary to the centerline of Birdseye Rd and Austin Rd.

Thank you for your time and I await your reply.

Sincerely,

Alan & Malinda Gilda
Divide View Drive
Helena, Mt.



Virus-free. www.avg.com

Lindsay Morgan

From: Laura Erikson
Sent: Monday, August 27, 2018 9:36 AM
To: Lindsay Morgan
Subject: FW: Maa expansion of Fort Harrison

Laura Erikson
Community Development Coordinator
406.447.8383
lerikson@lccountymt.gov

-----Original Message-----

From: Andy Hunthausen
Sent: Friday, August 24, 2018 10:51 AM
To: Laura Erikson
Subject: FW: Maa expansion of Fort Harrison

-----Original Message-----

From: Joel Irby [<mailto:joel.irby86@icloud.com>]
Sent: Thursday, August 23, 2018 6:38 PM
To: Andy Hunthausen
Subject: Maa expansion of Fort Harrison

Mr. Hunthausen, I have seen this proposal being pushed through by the commission despite the public being absolutely against this. How can you call yourself a public service worker and yet completely disregard the public simply because the Fort brings in money? I know you guys don't care what we think and you will push it through anyways because you only care about money. How dare you steal my property value and my private property rights. This is disgusting and I hope you can rethink this.

Sent from my iPhone

Lindsay Morgan

From: Lindsay Morgan
Sent: Wednesday, August 22, 2018 12:31 PM
To: 'Harvel, Mark'
Subject: RE: State Land Possibly Split by the Proposed FHRGA & FHUGA Zones, Geo: 05-1887-27-3-01-01-0000

Mark,

Thank you for bringing this to my attention. The County will be working on cleaning up the boundaries of split parcels either prior to sending out notice of the Commission hearing or concurrently with that process.

Please feel free to contact me with any questions.

Lindsay

Lindsay A. Morgan
Planner III
Lewis and Clark County
1 (406) 447-8376

From: Harvel, Mark [<mailto:MHarvel@mt.gov>]
Sent: Wednesday, August 22, 2018 12:23 PM
To: Lindsay Morgan
Subject: State Land Possibly Split by the Proposed FHRGA & FHUGA Zones, Geo: 05-1887-27-3-01-01-0000

Good afternoon Lindsay,

You indicated in last night's Planning & Zoning meeting that your department would be cleaning up any parcels split by the two proposed zones currently shown on Fort Harrison Zone Districts map. I just wanted to draw your attention to what appears to be a split (FHRGA & FHUGA zones) in the NE corner of Sate Land in section 27, T10N, R04W. Please see the area indicated in green on the attached Proposed Fort Harrison Zone Districts.

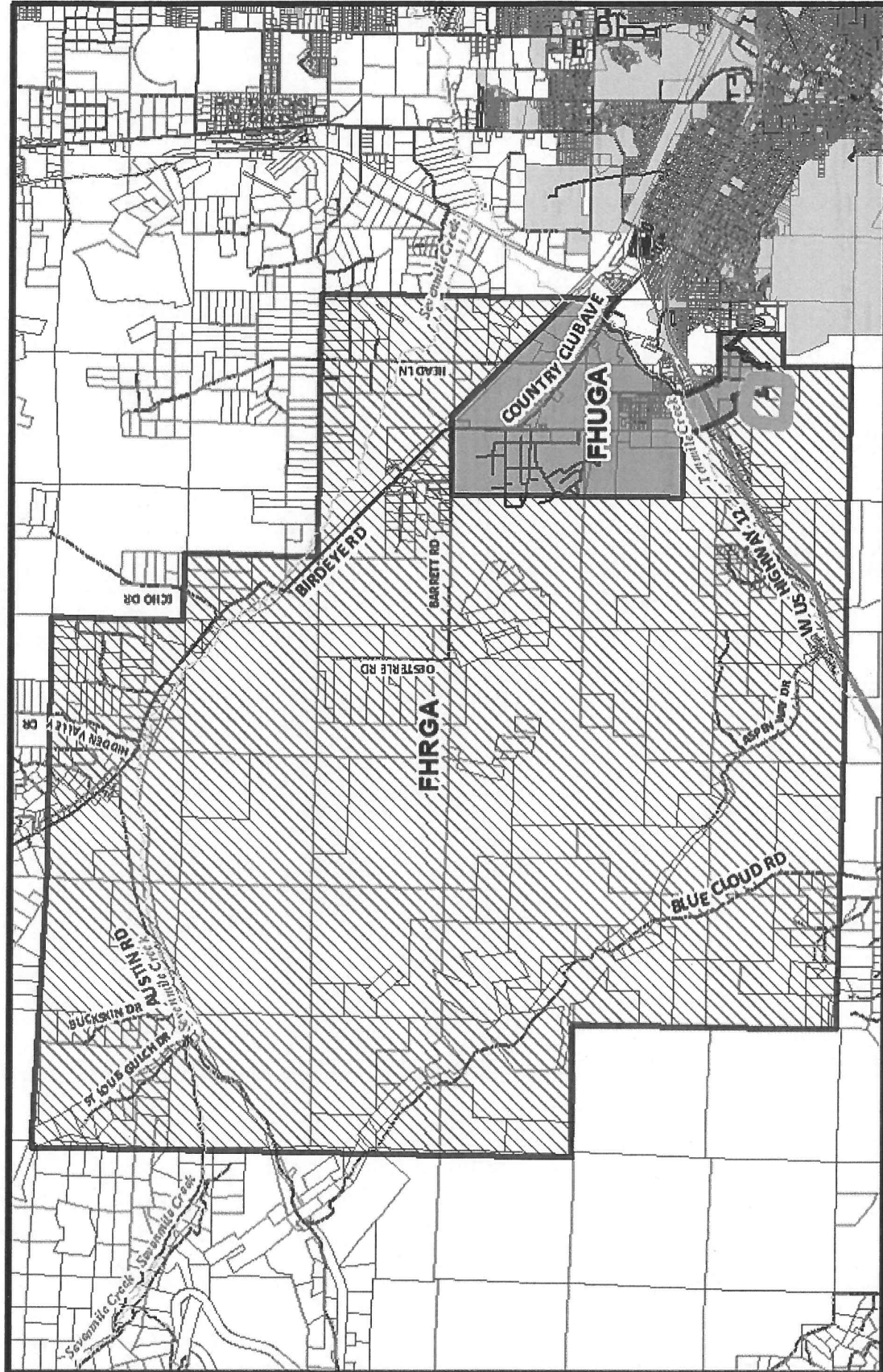
If you have any questions regarding this location please give me a call.

Thank you.




Mark Harvel
Real Estate Specialist
Trust Land Mangement Division
mharvel@mt.gov
(406)444-1445



PROPOSED FORT HARRISON ZONE DISTRICTS



Legend

-  Fort Harrison Urban Growth Area Zone District (FHUGA)
-  Fort Harrison Rural Growth Area Zone District (FHRGA)
-  Helena City Limits

Lindsay Morgan

From: Dan Simonton <dansimontonkw@gmail.com>
Sent: Tuesday, August 21, 2018 4:54 PM
To: County_Planning_Mail
Cc: Lindsay Morgan; County_Planning_Mail
Subject: Fort Harrison Zoning - Public Comment
Attachments: Maps.pdf

Hello - I am submitting this to be read as part of public comment at the meeting tonight.
Thanks

Dear Commissioners and County Planners -

I would like to voice my opinion against the proposed zoning and land use restrictions around Fort Harrison regarding the Military Affected Area Regulations.

Numerous factors are considered when voicing my dissension, and these include:

1. First and foremost, I purchased my 10-acre lot with the intention of completing a family transfer for my parents so that they can live next to us when they retire. Covenants allow for this to be completed, however, I did not know that the land was within an area that would be proposed for an MAA. And should this proposed zoning occur, that would remove the possibility of a family transfer as lots are proposed to be no less than 10 acres. I am disinclined to have restrictions placed upon my land due to an overall unsupported conclusion that the restrictions are necessary for "public health, safety, morals, and general welfare."
2. There is insufficient data to support the conclusion that zoning regulations are needed. The information offered within the JLUS is largely conjecture, as evidenced by the unsupported commentary and hedging language. Statements of fact are lacking, whereas generalizations are widely used. Examples are as follows with emphasis added to illustrate conjecture and generalizations:

Page 7.3, Bullet Point 1: Future development under helicopter flight corridors between Fort Harrison and Helena Regional Airport could limit future mission capabilities due to safety conflicts and complaints about noise. Additionally, new development over time will result in an increase in the number of households residing in close vicinity to the Fort. Consequently, it is likely that there will be more frequent incidents of trespassing on military installations with accompanying safety concerns related to unauthorized recreational activity in and around the Fort.

The above suggests that development **COULD** limit future mission capabilities - not that it will or that it does. Similarly, if development occurs near the Fort, it is **LIKELY** that increases in trespassing occurs. These comments are conjecture as they are not supported by facts or other compelling data points. Simply because development occurs does not correlate that trespassing will increase. Further, I ask, how many instances does the Fort encounter each year regarding trespassing? Is this an epidemic that really needs to be addressed via zoning regulations? Perhaps some additional fencing and signage can accomplish the goal?

More conjecture and generalizations that are overall unsupported are observed in the JLUS document:

Page 7.3, Bullet Point 1: Convoy traffic may cause roadway congestion. County roads adjacent to Fort Harrison lack structural design and appropriate geometrics to adequately handle current and increased future demand associated with the Fort. Controlled access onto Fort Harrison causes traffic congestion on roads leading to the main gate in the morning including Country Club Avenue, Williams Street, and Birdseye Road.

Where is the data to support that convoys cause road congestion? And as for inadequate county roads, those are all over Lewis and Clark County. I personally have traveled along Birdseye Road when ranchers are moving cattle. Congestion is a relative concept.

Page 7.3 Bullets 2, 3, and 5: The City of Helena supports a regional airport with an airport noise area that encompasses nearly half the city. An active railline runs through Helena. We have highways and interstates. There is a gun range west of the Fort. Bullet Points 2, 3, and 5 seem to attempt to suggest that somehow the Fort is creating all the noise in the area and are trying to protect nearby owners from the noise pollution created from aircraft and firearms. This is a non-starter, Helena and the immediate area already has noise issues as I've just illustrated. This appears to be an attempt to increase the Fort's MAA boundary by claiming a noise issue exists. Certainly noise is part and parcel of the Fort's operations, and this can be disclosed to new property owners as I address below.

Page 7.3 Bullet 8: This one is just funny, I mean, have you been outside in the summer? It's called fire season. And as discussed, there are plenty of county roads that are unpaved and dusty. Welcome to L&C County and Montana. We've got smoke and dust - it's everywhere, not just near the Fort and proposed MAA.

The JLUS document seems to have an agenda that the Fort is to blame for all issues, both real and imagined, and the only solution is to restrict land owner's rights and uses. That somehow by prohibiting development, all the problems are solved, however, even a cursory reading of the JLUS document shows that the comparability issues are under-supported and exaggerated, and the proposed zoning restrictions and proposed boundaries are overall unnecessary.

3. I've attached images showing that the proposed zoning is an overreach based upon the Joint Land Use Study. Page 7.4 of the JLUS, Bullet Point 1. states, "**The Land MAA adjacent to Fort Harrison includes all land within one-mile of the boundary of Fort Harrison.** The purpose of the Land MAA is to increase awareness and keep landowners informed of the Fort Harrison operations that may impact their quality of life. Most of the Land MAA is designated as RGA in the Helena Valley Area Plan Future Land Use Map and is proposed to have low density residential development. There is land to the east of Fort Harrison that is designated as UGA and would allow higher density development."

The study indicates a one-mile buffer is suggested, however, based upon the proposed final area and as shown on the DRAFT FHCA Regulations - August 10, 2018, the area is increased to over a mile - and this overreach affects my property. My property, while in Township 10 North, Range 5 West, Section 25 - my land is over one mile from the Fort Harrison boundary.

Truly, if the concern is for nearby landowners and the overall public good, the simplest and most reasonable solution is simply to require any new development to provide property disclosures to new buyers. Even existing property owners can be required to provide disclosures to new buyers. These disclosures would spell out explicitly the potential effects of living in an area near an active military fort, including: Noise, flights, training exercises, traffic, etc. Then the information is disclosed, the buyer is fully informed, and the Fort can go on training, and our county can continue to grow.

Arbitrarily stopping or otherwise hindering development of privately owned land within the county is to sellout our county citizens in favor of the government. The proposed boundaries consist of 32.38 square miles, of

which no compensation is offered to any landowner, rather it is proposed that restrictions are simply put in place that reduce land utility to the owner.

This is akin to buying a 4-passenger car, only to have the county afterwards tell you, "Oh, but you can only drive around with 1 passenger. You can't use the backseat."

"But I bought it to drive my family around. It's a 4-passenger car!"

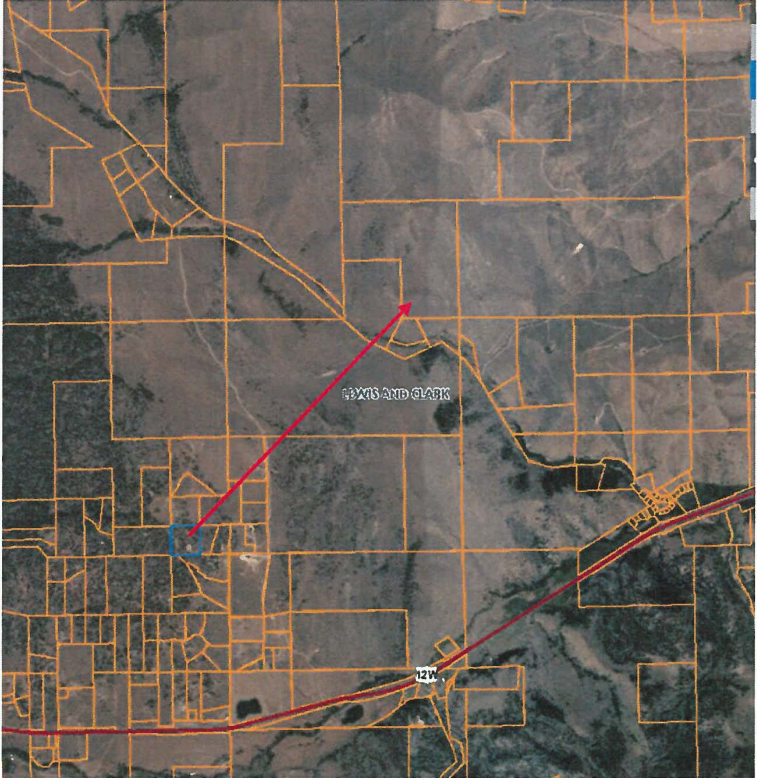
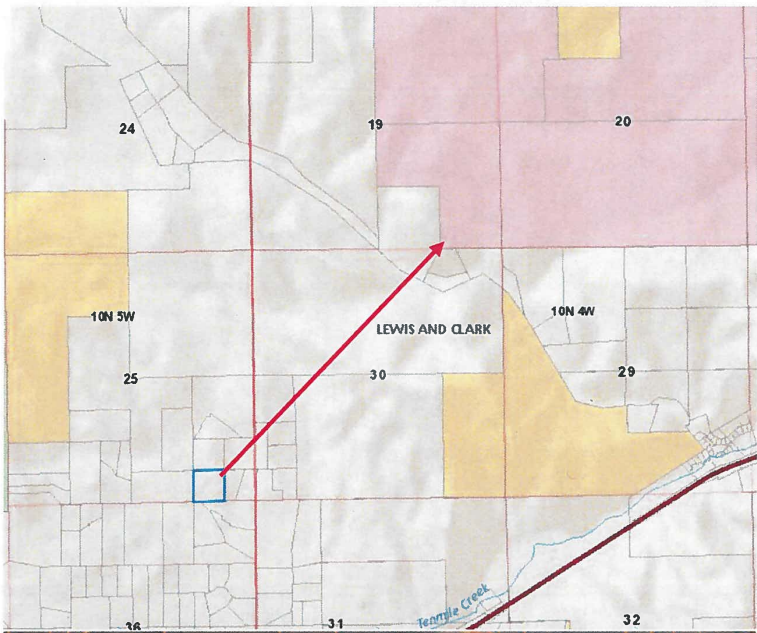
"Too bad, we changed the zoning on your car."

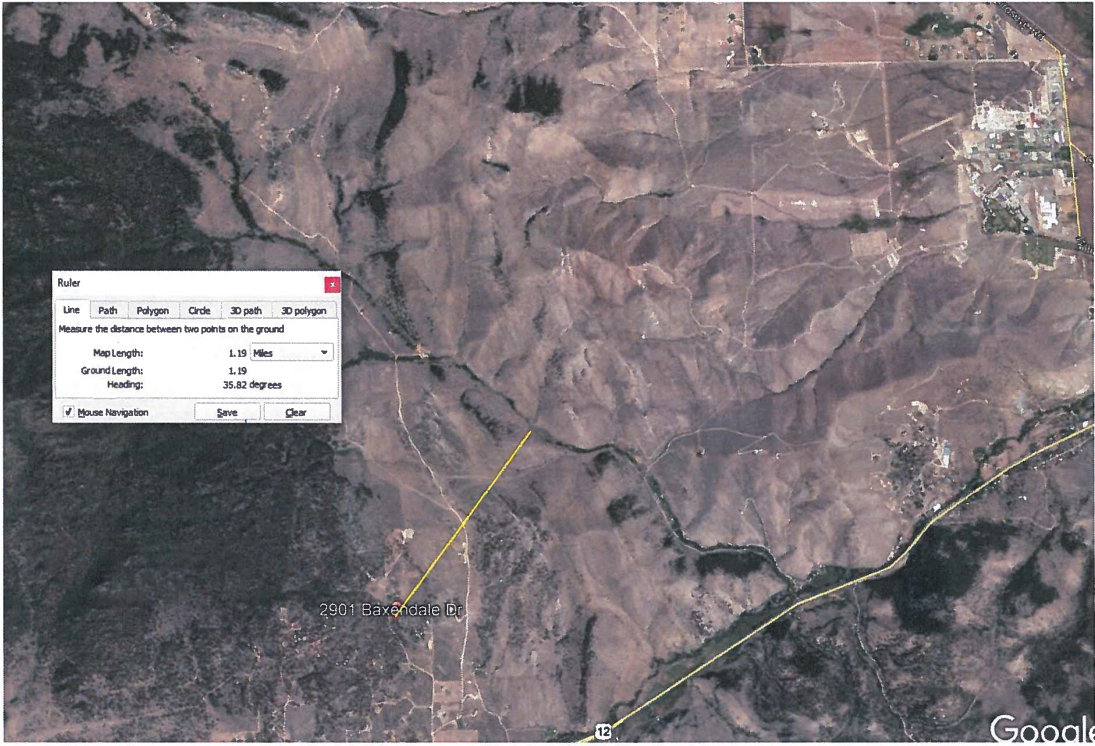
Thank you for your consideration,
Dan

--

Regards,

Dan Simonton
406.459.4666





Lindsay Morgan

From: County_Planning_Mail
Sent: Tuesday, August 21, 2018 3:33 PM
To: Lindsay Morgan
Subject: FW: Draft military affected area regulations and zoning regulations - your notice of August 10th

From: William West [<mailto:bwest45@gmail.com>]
Sent: Tuesday, August 21, 2018 3:22 PM
To: County_Planning_Mail
Subject: Draft military affected area regulations and zoning regulations - your notice of August 10th

To: The Helena-Lewis and Clark Consolidated Planning Board

I received the August 10th 2018 notice of the public meeting at 6:00p.m. regarding the proposed military affected are (MAA) regulations and zoning regulations and I intended to be there, however I am not able to attend so I am submitting this e-mail to be included in the record.

I have three main areas of concern regarding the zoning proposal:

- 1) Zoning area boundaries
- 2) Tower height restrictions, and
- 3) Roof-top solar panel installations

As I understand the proposed zoning boundary map, it will not be contiguous with the Special Zoning District No. 45 adopted by the county in 2009, but in some areas it will overlap. If the line was redrawn to abut SZD No.45 on the northeast to align with the creek, Birdseye road, and/or the railroad, this potential conflict would be avoided as the homeowners situated to the northeast (including me) would not be affected. It looks like that would only affect to size of the proposed area by about 10%. It is immeasurably easier to comply with one set of zoning restrictions than with two overlapping ones and I would think it would make the potential sale of the property better. My property boundary is located on the extreme northeast edge of the proposed area and to exclude me would affect the size by less than 1%. This idea would reduce the number of conflicts and surely reduce any litigation due to the overlapping nature of the zoning regs..

The ground is not at only one elevation so having a tower height restriction of 10 feet means that if I were to put a 20 ft amateur radio antenna in my backyard (walkout basement) that did not even extend to the top of my house, it would not be permitted without a variance. I suggest changing the tower restriction to "no more that 10 feet above the height of the highest structure" in order to allow amateur radio operations and amateur radio telescope operations.

After reading the proposed regulations several times, I am still unclear if I can get of the grid by installing a roof-top solar array without a lengthy/expensive variance procedure. At a minimum, I suggest clarifying the proposal to include solar panels as a permitted use.

Of course, I see the solution to my concerns is to exclude my property from the proposed overlapping zoning or a further explanation as to why my property must be included. I think the more homeowners that are excluded, the less diminution of their property values and accordingly causing fewer cases of heartburn.

I thank you for your consideration.

Sincerely,
William D. West
805 Franklin Mine Road
Helena, Montana

Lindsay Morgan

From: Marcia <mireala@aol.com>
Sent: Tuesday, August 21, 2018 8:21 AM
To: Roger Baltz; Lindsay Morgan
Cc: rhino221@juno.com; terkatz@yahoo.com
Subject: Proposed Fort Harrison Rural Growth Area Zone Regulations

Dear Commissioners:

Please accept these comments in regards to the proposed Fort Harrison Rural Growth Area (FHRGA) Zone regulations. If the proposed minimum size of 10 acres for newly created parcels of land in the FHRGA Zone District is to limit the density of development of areas as described in Sections 1.3c, 1.3g, and 1.3h, we wish to express our opposition to the concept of cluster development which in fact could lead to further development as described in Section 2.5e1. If, however, the Lewis and Clark County Board of Commissioners allows alternative layouts for cluster development, the land preserved in open space and /or resource use should be maintained on a long-term basis only through a irrevocable covenant or park land prohibiting further subdivision or development. To do otherwise, will only invite future conflicts with the surrounding community as well as development of these open spaces.

Thank you for your consideration.

Sincerely,
Marcia and Roger Ala
4025 Chapparal Dr.
Helena, MT 59602
406-442-0494

Exhibit "G"



**Lewis and Clark County
Community Development and Planning**

316 N. Park Ave. Room 230

Helena, MT 59623

Phone: 406-447-8374

Fax: 406-447-8398

E-mail: planning@lccountymt.gov



STAFF REPORT

DATE: September 11, 2017

TO: Lewis and Clark County Commission

FROM: Laura Erikson and Lindsay Morgan

SUBJECT: Adoption of regulations and establishment of zoning district for Lewis and Clark County Military Affected Area (MAA) around Fort Harrison

COUNTY COMMISSION HEARING: September 14, 2017

APPLICANT: Lewis and Clark County

GENERAL LOCATION: The proposed MAA consists of approximately 20,722 acres or 32.38 square miles located around Fort Harrison. The boundary extends approximately one-mile from the Fort Harrison boundaries. (See attached map of MAA and legal description.)

PROJECT DESCRIPTION: The purpose of these regulations is to promote public health, safety and general welfare by reducing conflicts with adjoining land uses and increasing compatibility with the military operations occurring at Fort Harrison. The proposed MAA is being adopted under the authority of Montana Code Annotated, Chapter 76 - County Zoning and Chapter 10 - Military Area Compatibility Act. The MAA regulations establish boundaries for the district, establish minimum lot sizes, list permitted uses, list prohibited land uses and establish performance standards for communication towers, residential uses, accessory uses, arenas and outdoor lighting. The MAA also includes provisions for administration, appeals, variances and enforcement of the regulations.

EXISTING LAND USE:

Fort Harrison – Fort Harrison is comprised of land that is owned by the Department of Defense, State of Montana, and Veterans Hospital. Large tracts of land within the Fort Harrison boundary are also leased from the Bureau of Land Management and private land owners.

Adjacent to Fort Harrison, the US Department of Veterans Affairs operates a hospital located as an enclave on the south portion of the Fort Harrison site. The VA complex includes the hospital, administrative buildings and future housing for homeless Veterans. There is a separate entrance (Honor Drive) from the Fort that is located approximately one-half mile south of the main gate

for Fort Harrison. The State of Montana Veteran's cemetery is also accessed by the Honor Drive entrance.

North – Directly adjacent to the northern boundary of Fort Harrison, between Barrett Road and Birdseye Road, are large rural residential lots. West of Chaparral Drive are agricultural tracts. North of Birdseye Road are rural residential lots. Between Birdseye Road and Austin Road is a mix of State Trust land, agricultural land and rural residential uses. Residential and agricultural lands are under private land ownership.

East – Immediately east of the main gate along Williams Street is agricultural land that is privately owned. Prickly Pear Land Trust (PPLT) acquired 558 acres in this area in partnership with Fort Harrison with funding from the Army Compatible Use Buffer (ACUB) program. The land is designated for open space and habitat with a trail system recently built that connects to other regional trails. North of the PPLT parcel is 155 acres of agricultural land. West of Williams Street, between U. S. Highway 12 and Honor Drive, is a rural - suburban residential subdivision with ½ acre lots.

South – The area between U. S. Highway 12 and Fort Harrison is a mix of rural residential uses and agricultural parcels. Montana State Trust Lands and U. S. Forest Service Lands exist south of Highway 12. Private land south of U. S. Highway 12 is primarily agricultural land.

West – Lands immediately west of Fort Harrison are primarily agricultural lands. Further west of the agricultural tracts is U. S. Forest Service land.

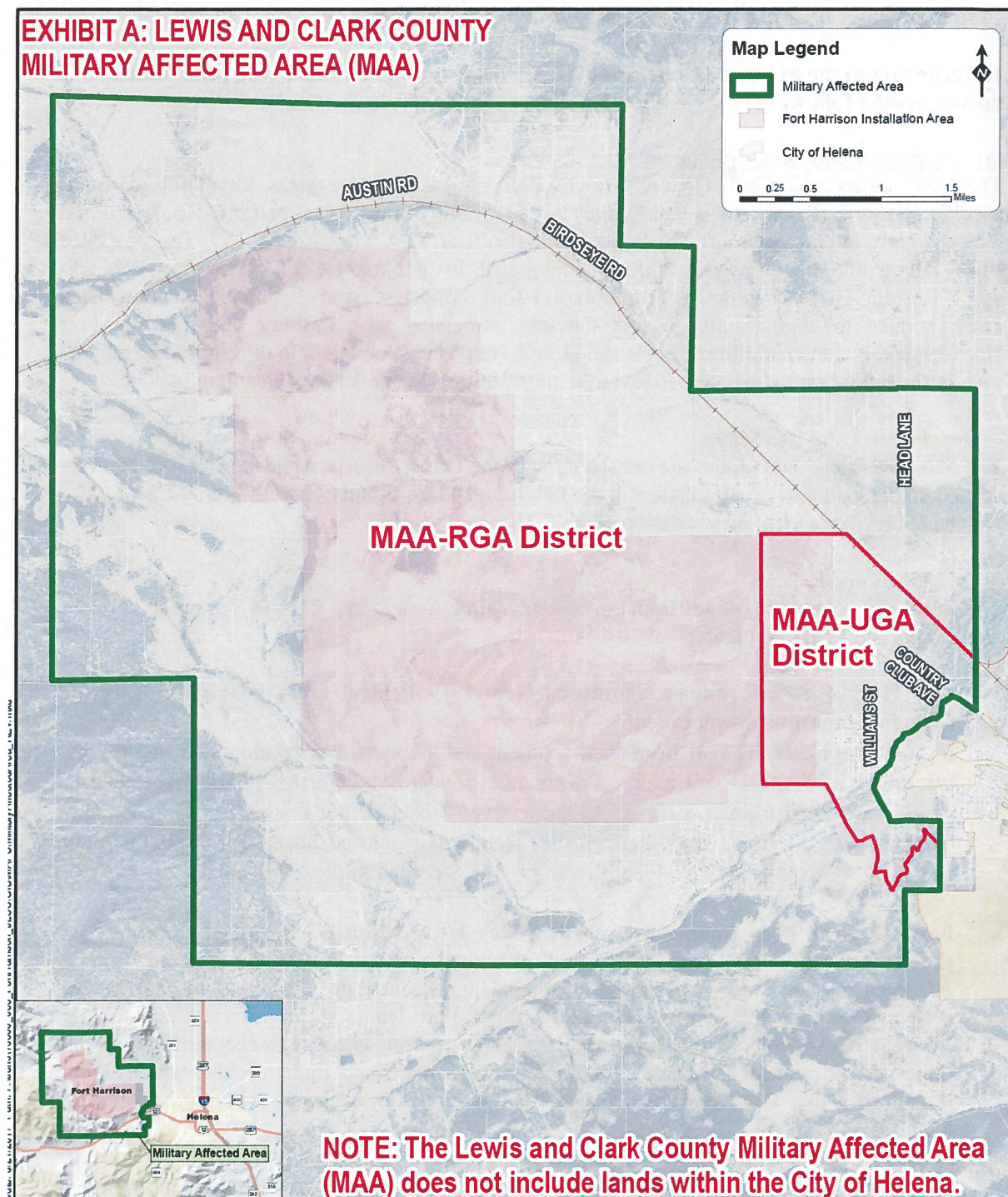
PRESENT AND ADJACENT ZONING: The area in the proposed MAA boundaries is located outside of City limits and is not currently zoned.

PROPOSED ZONING: The MAA regulations create two districts (See Map):

“MAA-Rural Growth Area District” (MAA-RGA District). The purpose of this District is to facility rural-low density residential subdivisions that are compatible with operations at the Fort.

“MAA-Urban Growth Area District” (MAA-UGA District). The purpose of this District is to accommodate urban levels of development that are compatible with development around Fort Harrison. ”

**EXHIBIT A: LEWIS AND CLARK COUNTY
MILITARY AFFECTED AREA (MAA)**



CRITERIA FOR ESTABLISHING ZONING REGULATIONS:

1. According to the Montana Code Annotated, Section 76-2-203, (1) zoning regulations must meet the following criteria and guidelines:

(a) made in accordance with the growth policy:

The 2004 Lewis and Clark County Growth Policy identified five areas for additional area-specific planning efforts. The Helena Valley Area was one of these areas and in 2015, Lewis and Clark County updated the Growth Policy with the "Helena Valley Area Plan". The proposed MAA falls within the boundaries of this planning area. In 2016, the Helena Valley Area Plan was updated to include, "Chapter 7 – Fort Harrison Joint Land Use Study". This chapter identified issues related to compatibility factors that are associated with military operations at Fort Harrison and included additional goals and policies to promote compatible development and land uses in the military affected area. Relevant sections of the Helena Valley Area Plan include:

- Future Land Use Map

The MAA Districts' boundaries are consistent with the Urban Growth Area and Rural Growth Area boundaries that were established in the Lewis and Clark County Growth Policy Update – Helena Valley Area Plan that was adopted in 2015.

- Goals and Policies

The following goals and policies from the Helena Valley Area Plan – Chapter 7, support adoption of the MAA regulations

Fort Harrison Performance Standards Goal 1.0 - Protect areas near Fort Harrison from incompatible development.

In order to protect the Fort from encroachment and incompatible development, the County can create a MAAOD and adopt performance standards within this district. This district would include performance standards and a development permit system for the purpose of administering the regulations. Performance standards would be linked to the public health and safety concerns that were identified in the JLUS compatibility assessment.

Fort Harrison Performance Standards Policy 1.1 – Adopt Dark Skies regulations for the Military Affected Area.

As noted previously, it is desirable to control significant light sources, glare and general increases in ambient light in the area around Fort Harrison in order to maintain an environment suitable for training with night vision equipment use. Unnecessarily bright and improperly designed or installed luminaires cause glare and light trespass which would inhibit such use. Performance standards for lighting fixtures can be incorporated into the MAAOD.

Fort Harrison Performance Standards Policy 1.2 – Institute provisions regarding noise impacts for residences located within the Noise MAA.

The JLUS compatibility assessment mapped the Small Arms Noise Zone II which includes land that is most likely to be impacted by weapons firing noise. According to the JLUS,

“Noise Zone II includes areas where the PK15 (met) Decibels are between 87 and 104, the A-weighted day-night sound level (ADNL) is between 65 and 75, and/or the C-weighted day-night sound level (CDNL) is between 62 and 70. Land uses for this zone should typically be limited to activities such as manufacturing, warehousing, transportation, and resource protection.” The area that falls within the Noise MAA is primarily designated as RGA on the future land use map. Proposed zoning would limit new development in this area to one dwelling per 10 acres. For those residential units that may still be located within the Noise MAA, residents can be required to obtain a development permit which would require them to record a disclosure statement (or similar instrument) on the deed in order to notify future owners of the potential noise impacts from small arms firing and helicopter overflights.

Fort Harrison Density Controls Goal 1.0 – Minimize encroachment from new development within the Fort Harrison MAA.

Limiting development density in the MAA will address concerns over incompatible development and encroachment. It will minimize the potential impacts on Fort Harrison related to noise and safety and reduce development pressures that may limit the future mission capabilities.

Fort Harrison Density Controls Policy 1.1 – Adopt density controls within the Fort Harrison Land MAA.

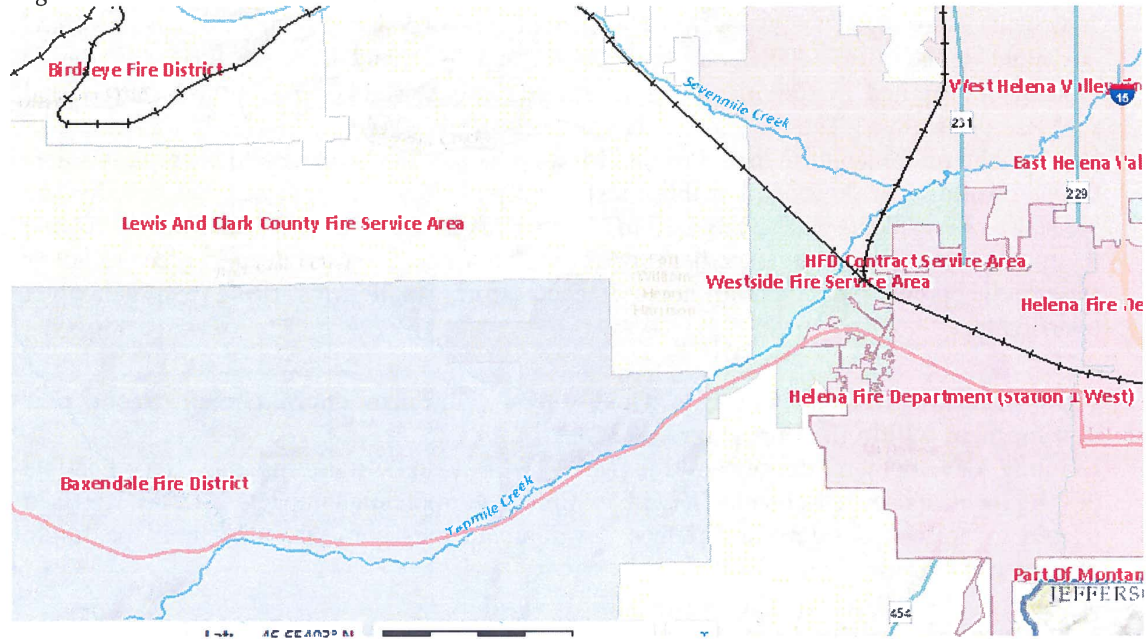
The Helena Valley Area Plan already recommends adopting a minimum lot size of 10 acres in the RGA. Adopting the same standard for residential uses in the parts of the UGA that fall within the Land MAA would address concerns regarding encroachment and incompatible development. Smaller lots may be appropriate in the UGA for compatible commercial/industrial developments that are located within the Land MAA.

(b) (i) secure safety from fire and other dangers:

The area within the proposed MAA-RGA and MAA-UGA Districts are served by the following fire departments. (See map)

- Helena Fire Department
- Lewis and Clark County Fire Service Area
- Birdseye Fire District
- Baxendale Fire District
- West Helena Valley Fire District
- West Side Fire Service Area

Figure 2: Fire Districts



The proposed MAA-RGA District would maintain low-density rural development in the area served by the volunteer fire department and should not increase service calls beyond the capacity of the fire districts. Properties located within the MAA-UGA District are located in areas that are planned for urban development and fire districts are equipped to handle this type of development.

Additionally, wildland fires are a risk to Fort Harrison and surrounding land. There are current agreements in place between the Bureau of Land Management (BLM), Montana Army Reserve National Guard (MTARNG), Montana DNRC and U. S. Forest Service for wildland firefighting.

(b) (ii) promote public health, public safety, and general welfare; and

The Fort Harrison and Limestone Hills Training Area – Joint Land Use Study (JLUS) identified the following areas in and around Fort Harrison regarding safety, noise and public health factors.

1. **Fort Harrison Noise Military Affected Area (Noise MAA)** - The Noise MAA includes lands most likely impacted by weapons firing noise. This MAA includes land located outside the boundary of Fort Harrison that is within the small arms noise zone II contour. The majority of this land is to the south and west of Fort Harrison, but there is some land to the north as well. Most of the land located outside the boundary of the Fort is within the MAA-RGA District and is proposed for low-density residential development and prohibits multi-family and congregate living facilities thereby minimizing the number of residences that would be affected by noise. The regulations also include a limit of one principal use per property. The proposed regulations include a development permit for new construction. The permit will include a disclosure of potential noise impacts.

2. **Fort Harrison Safety Military Affected Area (Safety MAA)** – The Safety MAA includes areas within the aviation clear zone and accident potential zone. It is designated to prevent the development of incompatible land uses in the areas with the greatest potential for an accident. The JLUS recommends that no development be allowed within the clear zone and that only low-density land uses are allowed within the accident protection zone. Only a small amount of land area for both the clear zone and accident potential zone extend beyond the boundary of Fort Harrison. Although this area is designated as UGA on the Helena Valley Area Plan Future Land Use Map, it is currently on land managed by the Prickly Pear Land Trust (PPLT). Under a cooperative agreement with the National Guard Bureau on behalf of Fort Harrison, no development is allowed in this area. Additionally, landfills are prohibited in the entire MAA in order to reduce the potential for bird strikes with aircraft.
3. **Fort Harrison Imaginary Surface Affected Area (Imaginary Surfaces MAA)** – The imaginary surfaces are a 3-D geographic area comprising approach and departure airspace corridors and safety buffers. Vertical obstruction heights are a major concern for flight operations and training due to the potential for a structure to extend into navigable airspace. Vertical obstructions that can affect flight safety include, but are not limited to, cell towers, power lines, wind turbines, buildings, and trees. The flight operations approach and departure areas are regulated by stringent height restrictions defined by Federal Aviation Administration (FAA) and military regulations. This Imaginary Surfaces MAA includes the portions of the transitional surface and approach-departure clearance surface for the helipad that are outside the boundaries of Fort Harrison. The proposed regulations prohibit all structures within the Fort Harrison Aircraft Imaginary Surface area.
4. **Fort Harrison Land Military Affected Area (Land MAA)** – The Land MAA adjacent to Fort Harrison includes all land within one mile of the boundary of Fort Harrison. The purpose of the Land MAA is to increase awareness and keep landowners informed of the Fort Harrison operations that may impact their quality of life and to minimize conflicts of development with the Fort. Most of the Land MAA is within the MAA-RGA District and is proposed to have low-density residential development and would prohibit congregate living facilities and multi-family uses thereby minimizing the number of residences that would be affected by military operations or that may pose conflicts with the Fort. The regulations also include a limit of one principal use per property. There is land to the east of Fort Harrison that is designated as UGA and would allow higher density development for commercial uses. The development permit required for all properties in the MAA will include a disclosure of potential noise impacts, dust and other impacts.
5. **Fort Harrison Military Overflight Awareness Area (MOAA)** - The MOAA overlays the typical flight routes for the helicopters that fly from Helena Regional Airport to Fort Harrison. The intent is to minimize incompatible development under helicopter flight routes that may include tall structures that could jeopardize pilot safety. The proposed

regulations include regulations for communication towers, antennas, wind turbines and other similar structures that require a review of the proposed structure by the State of Montana Department of Military Affairs under a development permit. Conditions may be attached to the development permit to mitigate potential hazards to safe flying operations. Additionally, the regulations include performance standards for outdoor lighting to prevent glare that may interfere with pilot vision.

(b) iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

In 2009, the City of Helena and Lewis and Clark County adopted a memorandum of understanding (MOU) for extending infrastructure for development. The MOU noted that urban density development with City services is the most efficient use of land and provides essential services most effectively and at the lowest cost. Following adoption of the MOU, the City updated the Growth Policy and established an Urban Standards Areas boundary on the future land use map. Properties within the boundary were identified as suitable for future connection to City services and potential annexation into the City. According to the MOU, properties within the area would be developed with City standards for water, wastewater, storm water and transportation. The Helena Valley Area Plan established an urban growth area that reflects the boundaries of the City's urban standards area. The proposed MAA-UGA District coincides with the urban growth area boundaries and would be developed with urban services. Properties within the MAA-RGA District have a minimum lot size of 10 acres and would be served by individual wells and septic systems.

2. According to the Montana Code Annotated, Section 76-2-203, (2) In the adoption of zoning regulations, the board of county commissioners shall consider:

(a) reasonable provision of adequate light and air;

According to the JLUS, man-made lighting may intrude upon nighttime training activities at the Fort where darkness is needed. Light sources from commercial, industrial, recreational, and residential uses at night can cause excessive illumination impacting the use of military night vision devices and air operations. Controlling significant light sources, glare and general increases in ambient light in the surrounding area is essential to maintaining an environment suitable for night vision equipment use. The MAA regulations include performance standards for outdoor lighting to encourage lighting practices that will minimize light pollutions, glare and light trespass.

The JLUS also identified compatibility issues with dust and smoke created by fire from controlled burns, agricultural burning, artillery exercise, ground disturbance from agricultural/military operations, industrial activities, road grading and similar processes. Dust and smoke can reduce visibility, cause equipment damage and affect quality of life. Dust generation is more likely to occur during periods of heavy military training and during civilian agricultural activity and is more prevalent during dry periods. Tank training, vehicles on unpaved roads and helicopter operations can all generate dust. Additionally, dust can also be created by vehicle traffic on unpaved gravel roads in the County. This dust can interfere with military operations. Most of the land located outside the boundary of the Fort is within the MAA-RGA

District and is proposed for low-density residential development and would prohibit multi-family development and congregate living facilities thereby minimizing the number of residences that would be affected by dust and minimizing traffic on gravel roads. The proposed regulations include a development permit for new construction. The regulations also include a limit of one principal use per property. The permit will include a disclosure of potential dust impacts.

(b) the effect on motorized and non-motorized transportation systems;

Transportation facilities adjacent to Fort Harrison have been in varying states of disrepair over the last decade. The roadways, especially Country Club Avenue, are narrow rural roadways with no shoulders, poor surfacing, and drainage concerns. The high traffic volumes associated with Fort Harrison activities have contributed to the degradation of the roadway. These traffic volumes include both commuter vehicles and the impacts of heavy military vehicles using the route, the latter of which may have expedited the degradation of the roadway. In addition to roadway degradation, the impact of heavy military vehicles may also influence the lifestyle, health and safety of its users and adjacent property owners.

As part of the JLUS implementation project, a Transportation Needs Report was completed in April 2017. This report provides a summary of the existing and projected transportation and environmental conditions and identifies improvement options for the study corridor. The study corridor for this report includes Country Club Avenue, portions of Williams Street, and additional areas where potential routing options for the roadway or adjoining roadways might occur. Country Club Avenue and Williams Street are the main vehicular routes used to access Fort Harrison. The roadways include a mixture of urban and rural lands.

Traffic volumes within the study area are collected annually and are included as part of MDT's traffic data collection program. The counts are adjusted to represent average annual daily traffic (AADT). The AADT represents the average number of vehicles that might pass a given point on a typical day of the year. Dependent on location, traffic volumes range from 3,105 to 5,574 vehicles per day (vpd) along Country Club Avenue. On Williams Street, traffic volumes range from 1,938 to 1,275 vpd. Based on historic growth trends in traffic volumes, projected growth rate for traffic is 2.3 percent for the surrounding areas and 2.7 percent for Club Avenue over the next 20 years. The development that would occur under the proposed Districts is reflective of existing land uses and should not alter these projected trends.

In order to address issues of congestion, safety and maintenance, the report identified options for reconstruction of the Country Club Avenue and Williams Street corridors as well as for the intersection of Country Club Avenue and Williams Street. Timing for these improvements will be dependent on funding.

(c) compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

The City of Helena Growth Policy was adopted in 2011. The document acknowledges the potential for incompatible development near Fort Harrison.

“As urban growth and development takes place near military installations, land use conflicts may occur, and potentially compromise the utility and effectiveness of the installation and its

mission. Some land use activities can be incompatible with the functions of a large military facility, and are a potential factor in curtailing operations, or can influence decisions to transfer activities to other installations. In extreme cases conflicts between urban growth and military operations can influence base closure decisions.”

The Helena Growth Policy includes a future land use map that encompasses land within the City limits and surrounding planning area – including a portion of the area that comprises the MAA. In the portion of the Helena Valley Planning Area that overlaps with the MAA boundaries, there are the following future land use designations:

Mixed Use: Places where people can work, live, and play. These areas include a variety of complementary and integrated uses, such as, but not limited to, all forms of residential, office, light industrial/manufacturing, retail, public, or entertainment. Development is usually in a denser comprehensive pattern to achieve a unified, functional, efficient, and aesthetically appealing physical setting; provides opportunities for connectivity, public transportation, and walkability; these areas do not use the traditional segregation of uses.

Open Space: Lands that are parks; recreational areas such as golf courses and ball fields; large undeveloped areas maintained in natural vegetation; stream corridors and significant wetland areas (may include regional stormwater detention ponds); and cemeteries. Some open space areas may be incorporated into other land use categories.

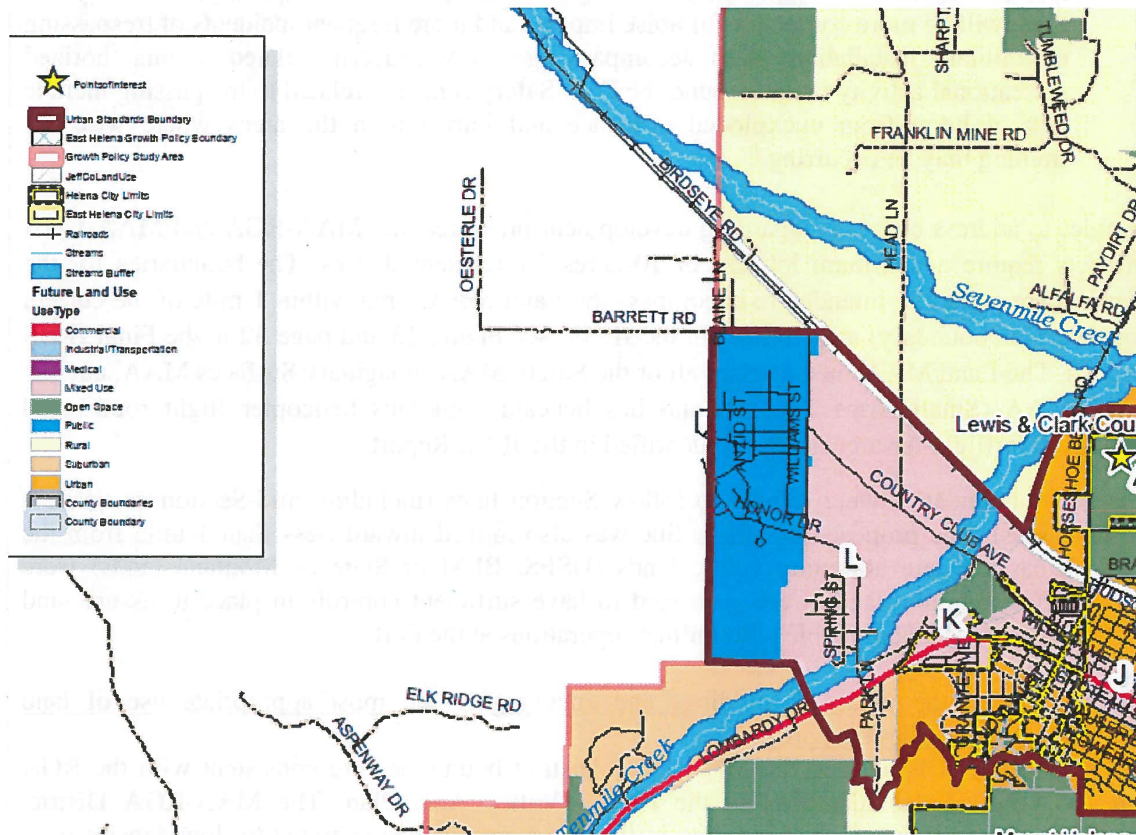
Public: Land that is in government or quasi-government use; some public uses may be incorporated into other land use categories.

Rural: Includes agricultural uses; residential uses are composed mainly of a single dwelling unit on tracts over five acres; may include non-residential uses on large tracts of land over five acres; and may include areas with significant development constraints, such as steep slopes, flood plain, high ground water, large wetlands, forested areas, etc.

Suburban: Includes low-density residential uses (generally one dwelling unit on one to five acres); commercial uses that serve the nearby areas; areas located farther from Helena than the urban category; may provide a transitional area between urbanized denser development and rural areas; areas that may have some development constraints such as 500-year flood plain, high ground water or close proximity to water bodies, limited access to transportation network, etc.; and may include industrial uses.

As indicated below, the future land use designations within the area that is proposed for the MAA-RGA District includes land designated as Rural, Public, and a small portion designated as suburban. The rural and public land use designations are consistent with the MAA-RGA density requirements. The area designated as suburban constitutes a small area, and existing uses and lots would be considered legal non-conforming uses. The area within the proposed MAA-UGA District is designated as “Mixed-Use Development”. The proposed zoning permits low-density residential, as well as commercial uses on smaller lots, and is consistent with the proposed future land uses in the Helena Growth Policy.

Figure 3: City of Helena Growth Policy – Future Land Use Map



(d) the character of the district and its peculiar suitability for particular uses; and
As stated in the Department of Defense, Office of Economic Adjustment, The Practical Guide to Compatible Civilian Development Near Military Installations (2005).

“This construct is based on a community designating overlapping geographic planning and/or regulatory districts; referred to as transitional area(s) **in which land use densities and concentrations of human activity are maintained at the lowest levels to protect the public health and safety while protecting individual property rights.**” (Chapter V. pg. V-43)

Relevant compatibility factors that have implications for public health and safety were described in the Fort Harrison/Limestone Hills Training Area Joint Land Use Study (JLUS - 2014) and the Lewis and Clark County Growth Policy/ Helena Valley Area Plan (Chapter 7 – 2016). In addition to impacts from noise, dust, and/or light/glare, the JLUS also identified development pressures as a compatibility issue in the MAA.

“Development Pressures - New development over time will result in an increase in the number of households and residents living close to the Fort. Consequently, it is likely that there will be more complaints of noise impacts and more frequent incidents of trespassing on military installations with accompanying safety concerns related to unauthorized recreational activity in and around the Fort. Safety concerns related to trespassing include risk of harm from unexploded ordnance and intrusion in the areas where weapons training may be occurring.”

In order to address concerns regarding development pressures, the MAA-RGA and MAA-UGA Districts require a minimum lot size of 10 acres for residential uses. The boundaries for the Districts are generally intended to encompass the Land MAA (area within 1 mile of the current Fort Harrison boundary) as identified in the JLUS (see Figure 13 and page 39 in the Final JLUS Report). The Land MAA encompasses all of the Safety MAA, Imaginary Surfaces MAA, and the Noise MAA (Small Arms Zone II) and lies beneath numerous helicopter flight routes and Military Overflight Awareness Areas identified in the JLUS Report.

The MAA boundaries were refined to follow Section lines (including mid-Section or quarter-Section lines). The proposed boundary line was also moved inward (less than 1 mile from the Fort) in cases where adjoining public lands (USFS, BLM or State of Montana lands) were crossed. These public lands were presumed to have sufficient controls in place to assure land uses would not be incompatible with military operations at the Fort.

(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The MAA-RGA District and the MAA-UGA District boundaries are consistent with the RGA and UGA boundaries identified in the Helena Valley Area Plan. The MAA-RGA District comprises the majority of the land area in the MAA and is characterized by low-density rural residential development, public lands and agriculture. The 10-acre minimum lot size is compatible with this land use pattern. The Helena Valley Area Plan identifies the following development constraints that support the low-density development in the RGA.

- If the current planning and growth management system remains in place, rural parts of the Helena Valley will continue to develop at densities that will transform those areas into suburban and urban communities that lack the infrastructure to support them.
- Modeling has indicated that groundwater levels would also be dropping in some parts of the West Valley if not for the low-density of development (10-acre lots) happening there.
- We eventually drink what we put down the drain. Thousands of existing homes in Helena Valley, and those added, will discharge their treated wastewater into the same aquifers they get drinking water from.
- There are indications that population growth in the area has increased loading of wastewater to the aquifers, stressing the capacity of the natural system to mitigate water quality impacts.
- Much of the road network of the Helena Valley Planning Area was not designed to accommodate hundreds of new subdivisions with thousands of homes, and there are no resources to rebuild them.

- The current rural fire protection system relies on convoys of volunteer-driven tank trucks with 1500 gallons of water and 10 minutes of firefighting capacity rather than a piped water system with unlimited amounts as is available in the City.
- Areas of high and high-to-extreme fuel hazards represent a constraint to development in the wildland urban interface.

The MAA-UGA District is characterized by a mix of residential and commercial uses. The Helena Valley Area Plan describes the MAA-UGA District as follows:

“The unincorporated neighborhoods of Helena’s west side provide a focus for annexation efforts. The west side is located adjacent to the City and is partially developed with residences, commercial uses along Highway 12 West, public and private parklands in the vicinity of Spring Meadow Lake. ”

In order to accommodate the mix of uses in this area, the MAA-UGA District does not have a minimum lot size for non-residential uses. In anticipation that this area will eventually be annexed, the MAA regulations exempt properties that are annexed into the City limits which lie within an MAAOD adopted by the City of Helena.

(3) Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

The MAA boundaries are generally intended to encompass the Land MAA (area within 1-mile of the current Fort Harrison boundary) as identified in the Joint Land Use Study (see Figure 13 and page 39 in the Final JLUS Report).

There are several areas west of the current City limits that have rezoning agreements already with the City of Helena. Section 11-1-4 of the City’s Zoning Regulations states “all territory to be annexed into the city must first be rezoned, and the zoning must be consistent with the designated land uses for such territory as set forth in the growth policy.” The City has established a process by which landowners can apply to have lands “rezoned” prior to annexation. The process allows the City to analyze and assign an appropriate zoning designation for property annexing into the City. The City Commission must pass an ordinance establishing the zoning, which becomes effective upon the date of annexation.

Some of the rezoning agreements may allow for residential development at densities above that specified in the MAA regulations. Additionally, other lands west of the City are well suited for development at densities higher than 1 residence per 10 acres called for in the MAA regulations given their proximity to City water and wastewater services. Staff from the City of Helena indicated the Growth Policy generally encourages higher density developments in the Lower Westside area of Helena which is not consistent with the intent of the MAA regulations for the area.

Further, the County cannot generally enforce regulations on lands within the City. This poses a concern for areas at the west edge of Helena that may be annexed by the City prior to the time the City’s zoning ordinance is amended to include an MAAOD. The MAA regulations imposed

by the County may not be enforceable on newly annexed lands within the established MAA boundary.

Therefore, to minimize or avoid future conflicts over residential development densities and future MAA enforcement conflicts, the MAA boundary was revised to exclude the prezoned areas and other lands near the west edge of the City where future annexations are most likely to occur. Country Club Avenue, Tenmile Creek, Williams Street, and LeGrande Cannon Boulevard were suggested as features that could be used to establish the revised MAA boundary.

PUBLIC COMMENT

As of September 11, 2017, eight written public comments have been received.

FINDINGS

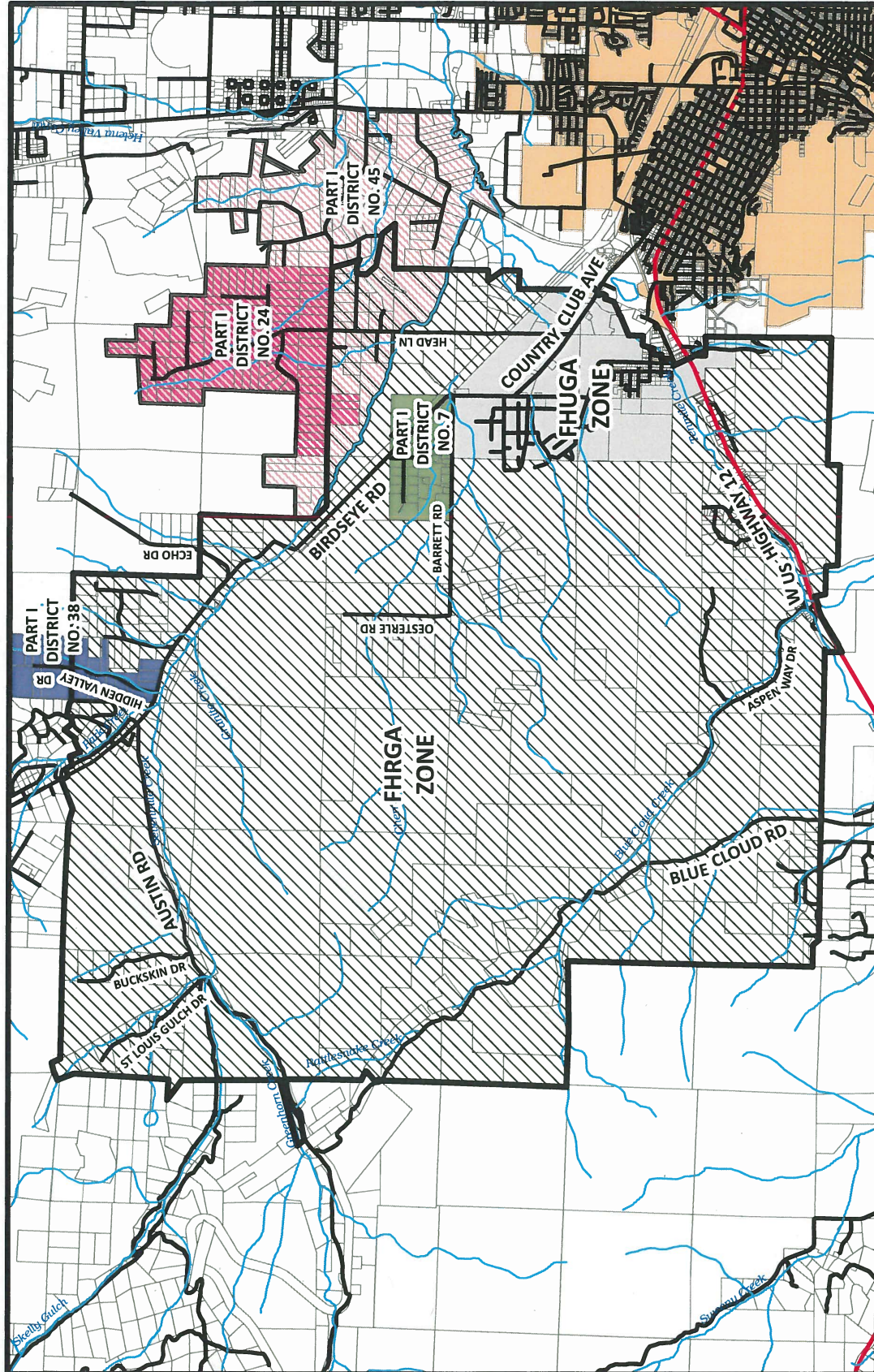
1. The proposed MAA regulations are made in accordance with the Growth Policy because the boundaries are consistent with the Urban Growth Area and Rural Growth Area boundaries that were established in the Lewis and Clark County Growth Policy Update – Helena Valley Area Plan.
2. The proposed MAA regulations are made in accordance with the goals and policies from the Lewis and Clark County Growth Policy Update- – Helena Valley Area Plan.
3. The proposed MAA zoning regulations secure safety from fire and other dangers because the entire MAA is within a service area of existing city or rural volunteer fire departments that have capacity to serve the type of development allowed within the MAA.
4. The MAA regulations promote public health, public safety and general welfare because the land located within the noise military affected areas is restricted to low-density residential and will limit the number of properties affected by noise.
5. The MAA regulations promote public health, public safety and general welfare because a development permit for new construction will provide disclosure regarding potential noise from aircraft overflights and small arms training.
6. The MAA regulations promote public health, public safety and general welfare because only a small amount of land is located within the aviation clear zone and accident potential zone related to aircraft operations. This land is owned by Prickly Pear Land Trust with a conservation easement that prohibits development.
7. The MAA regulations promote public health, public safety and general welfare because the proposed regulations eliminate risk from vertical obstruction into airspace by prohibiting all structures within the Fort Harrison Aircraft Imaginary Surface Area.

8. The MAA regulations promote public health, public safety and general welfare because land located within the noise military affected areas is restricted to low-density residential and will minimize conflicts from development with the Fort.
9. The MAA regulations facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements because the proposed MAA-UGA District coincides with the urban growth area boundaries that have been identified in the Growth Policy as an area suitable for future connection to City water and sewer and that will be required to develop to urban standards and properties within the MAA-RGA District have a minimum lot size of 10 acres and would be served by individual wells and septic systems.
10. The MAA regulations have reasonable provision for adequate light and air because they include performance standards for outdoor lighting to minimize light pollution, glare and light trespass that may interfere with military operations.
11. The MAA regulations have reasonable provision for adequate light and air because the development permit will disclose potential impacts from dust due to military training operations.
12. The MAA regulations have reasonable provision for adequate light and air because land located within the MAA is restricted to low-density residential and will limit the traffic that can create dust that may interfere with military operations.
13. Although transportation facilities adjacent to Fort Harrison are in varying states of disrepair and traffic volumes are projected to increase on these roads over the next 20-years, the development that would occur under the proposed District is reflective of existing land uses and will not alter projected growth on motorized and non-motorized transportation systems. Transportation Needs Report was completed in 2017 to identify improvement to these roadways. Timing for these improvements will depend on funding,
14. The proposed zoning Districts are consistent with the future land use designations in the City of Helena Growth Policy and represent compatible growth in the vicinity of the City of Helena
15. The MAA boundaries are consistent with the character of the District and its peculiar suitability for particular uses because it encompasses the various MAAs that were identified in the Fort Harrison Joint Land Use Study. The proposed Districts are consistent with the JLUS recommendation that appropriate density controls be adopted in this MAA to prevent incompatible development with the Fort.
16. The MAA District is the most appropriate use of land because the Helena Valley Area Plan identifies a number of development constraints that support low-density development.

17. The MAA District is the most appropriate use of land because the Urban Growth Area allows for a mix of uses that are characteristic of the existing land use pattern.
18. The zoning regulations are compatible with the zoning ordinances of nearby municipalities because the boundaries exclude areas that have been rezoned by the City of Helena and the requirements for the UGA are similar to the zoning requirements for the City of Helena.

Exhibit "H"

PROPOSED MILITARY AFFECTED AREA BOUNDARY AND ZONE DISTRICT BOUNDARIES (INCLUDES EXISTING PART I ZONE DISTRICTS)



Legend

- MAA (Fort Harrison Compatibility Area)
- Fort Harrison Rural Growth Area Zone District
- Fort Harrison Urban Growth Area Zone District

