



316 North Park Avenue, Helena, Montana 59623

ZONING ADVISORY PANEL

Approved Meeting Minutes

Meeting Date and Time: May 12, 2021 9:30 a.m. to 12:28 p.m.

Location: Meeting Held Electronically Via Zoom

Board Members Present:

Mark Runkle

Pat Keim

Jacob Kuntz

Tyler Emmert - *joined at 9:52 a.m.*

David Brown

Lois Steinbeck

Joyce Evans

Archie Harper

Dustin Ramoie

Kim Smith

John Rausch

Board Members Absent:

One Vacant Position

County Staff Present:

Peter Italiano, Director

Greg McNally, Planner III

Moderators Present:

Dr. Eric Austin

Lucia Stewart

Lewis & Clark County Public Works Representatives Present:

- Eric Griffin, Director of Lewis & Clark County Public Works Department
- Calob Marquis, Rural Improvement District (RID) Construction Coordinator
- Jessica Makus, Special Districts Program Coordinator
- Dan Karlin, County Engineer
- Kevin Horne, Road and Bridge Operations Superintendent

Members of the Public Present (as noted by the Zoom screen name or phone number listed):

Andrew Thomas, Alexa Noruk, Chris Stockwell, David Knoepke, Gharris@helenaar.com, HCTV, John W. Herrin, Kacie, Maxwell Milton, Nicole Giacomini, Ryan Leland, William Gowen

1. Call to Order

Chair Jacob Kuntz brought the session to order at 9:32 a.m.

2. Roll Call

A quorum was established with 10 members present.

3. Zoom Meeting Protocols

Greg McNally provided an opening statement regarding the ZOOM Meeting Protocols, the process of the meeting, Covid approved safety protocols, and Zoom participation instructions.

4. Approval of April 14, 2021 Meeting Minutes

Secretary Lois Steinbeck: Motion to approve minutes

John Rausch: 2nd the motion

Motion passed unanimously: 10-0.

5. Business Items

Roads in the Helena Valley Planning Area:

Dan Karlin provided a Lewis & Clark County Public Works Department presentation (which can be found on the [ZAP website](#)), where he reviewed the County's hard surface roads, gravel roads and bridges, alongside their extensive maintenance. He also reviewed the department's operations structure, administration, special districts, and rural special districts.

Eric Griffin stated that the Department of Public Works hard surface roads and gravel roads program is strictly a maintenance program, and is 100% underfunded. The current Capital Improvement Plan is close to \$50 million in need, and has no funds for capital replacement.

Secretary Lois Steinbeck inquired about funding streams, and requested a percentage synopsis of a typical budget year that comes from standard mill levy, standard gas tax, grant funding, and other sources. She asked about the impact of the additional gas tax for the County?

Eric Griffin replied that this summary document will need to be created, and will be provided to Lewis & Clark Planning Department staff. The main sources of funding are the road mill levy, and the regular mill levy. Road construction is now averaging \$1 million per mile.

Dan Karlin added insight into the grant funding source, with the example of the North Hills Project, which is a \$680,000 grant for 3 miles of rebuilt road and contains \$400,000 of gravel

surfacing alone. He recently submitted for a Federal Lands Access Program (FLAP) grant, which is a \$4 million grant for 8.67 miles of Dearborn Road. He added that it used to be \$1 million per mile to rebuild gravel to paved roads, but the cost is currently increasing.

Kim Smith inquired of the proportion of funding coming from gas tax versus mill levy, and how much does the road department's funding increase in response to the tax base that increases with development?

Eric Griffin responded that with the County being the tax collector for the state, school districts and more, the Public Works Department only receives 2-3% of the mill levy, and that goes directly to the road maintenance operation. He added that the increased revenue that comes in with a big development is not significant enough to cover what needs to be covered across the County. The Public Works Department sees less than \$100 in revenue per property that is why, then it has to turn to the rural improvement district (RID) programs because the service cannot be provided to the level that people want from the operational funds. In turn, the public forms a RID district in order to improve their level of service. He added that with all the subdivisions that are being created now, there's no way that the Public Works Department will be able to keep up the maintenance.

Kim Smith asked to describe how the pro rata shares from a subdivision are attached to a particular road, and if any of that money is used for maintenance or road improvements?

Eric Griffin responded with an example of pro rata shares for North Montana Rd, north of Bob's Valley Market and Lincoln Road. The pro rata shares can only be used on specific sections of a specific road. Therefore, when North Montana was chip-sealed and paved, there were various sources of funding collected from the numerous subdivisions in the area. But overall, there aren't enough dollars to do what needs to be done on these roads.

Dan Karlin added that typically, the pro rata share ends up being 12% - 15% of the cost, and the Public Works Department doesn't have the other 85% to complete the project. He added that as long as it's a safety improvement or getting closer to the county standards, the funding may be acquired through grants or other means, but there are many accounts that are just sitting because they don't have the matching funds to complete the project.

David Brown asked how the traffic impacts pro rata and how this is determined during the approval process of a new subdivision, both with upgrading roads and then maintaining roads?

Greg McNally responded that Lewis & Clark County doesn't require 100% improvements to off site roads in the subdivision review process. Lewis & Clark County does require proportional share contribution from the impacts on roads that provide direct access to a federal highway. The developer has to contribute to the percentage of impacts for that set of roads when the impact is going to be greater than 10%, equal to the percentage of impact. The pro rata share is based on a traffic analysis submitted with the subdivision application. That traffic impact analysis calculates how much traffic the subdivision is going to generate and where that traffic is going to be distributed on the road network. It's based on the projected traffic, divided by the existing traffic plus projected traffic from other subdivisions to calculate a percentage of impact, and established through the preliminary plat subdivision approval process. It's a condition that the developers are responsible to provide the costs that are going to bring that road up to standard, often also providing a preliminary engineering report in the final plat subdivision approval process. In some cases, Lewis & Clark County might have an existing preliminary engineering report that the developer can rely on, but in all cases, the developer will have to make sure those costs that are associated with that preliminary engineering support today's costs. Those costs are then calculated with the developer impact percentage and created a dollar value. That money goes into a specific account for those impacted roads, which can only be used for improvement and not maintenance.

Eric Griffin responded by wanting to clarify road maintenance versus standards versus the actual roads. The County is building roads to the ever-changing upgrades to standards. Helena was such a small community back in the 1950s that all of the roads were gravel. And when the valley started to expand a little bit back in the 1970s, surfacing dust became a major issue. Back then, oil was very cheap, so the County went out and basically peeled back the topsoil and chip sealed it with the free oil and whatever gravel could be found. He added that the majority of the County roads are not built to standard because they were built back in the 1970s. He added that the reconstruction of all these roads is something that's really going to affect the County in the future.

David Brown stated that there seems to be a fine line in a debate between the developer and county on who pays for what. He added that the County cannot demand that developers bring it up to standards and in fact, the development takes it further out of standards. So it's kind of a catch 22, and it's a dilemma and one of the reasons for the ZAP panel.

David Brown inquired about the process of creating a new RID, and asked to explain more about how the subdivisions tax themselves at a higher rate than the mill levy to create a RID account to have higher standards of maintenance.

Jessica Makus responded that in 2005, a RID became a required condition of subdivision approval which is a mechanism for maintenance moving forward. She noted that's not the case with some of the older subdivisions. If an RID has not been created as part of the subdivision process, they are on their own for maintenance or it becomes a citizen-initiated RID by request, and the County will move through that process with them.

Eric Griffin responded that if a developer doesn't do what needs to be done and the development gets through the process, the cost of the road maintenance always falls back on the residents who buy the lot. The County Public Works Department deals a lot with residents who come in and say they didn't know that the road wasn't getting plowed or there isn't an RID, and the County Public Works Department ends up being the ones who are facing the wrath of the residents. He added that the districts are being formed for fire maintenance and fire protection, that would shift responsibility to the Public Works Department for maintenance of the water pumps is not advisable since it's out of the scope of the Public Works Department.

Pat Keim inquired what role does the Public Works Department play in the approval of the design of the road within the subdivision, and what role do they play with the approval of the location of the subdivision relative to road access?

Dan Karlin responded that it wasn't until 2005 that the Public Works Department became involved in the subdivision approval or review process. The current iteration is an internal joint review of the preliminary subdivision plans between the special districts, road maintenance, County Engineer, and the weed district. Additionally, there is a request for geotechnical information, which is a critical element of a road design. This information helps assess the California Bearing Ratio (CBR), so the developer can move ahead with the prescriptive road design set-up or they have the option to bring in their own engineer and design based on anticipated traffic. Therefore, the Public Works Department is heavily involved in the engineering and the maintenance. They also assess where developers are placing utilities and how water flows. The potential zoning may allow the Public Works Department to assess stormwater in the review process because these infrastructure failures can be keyed into, noticed, and corrected prior to it becoming a problem and a maintenance nightmare. He added that it's one thing he's excited about potential regulatory zoning since previously it was only the DEQ to assess stormwater.

Dan Karlin responded that they do look at road access, but prior to any zoning, they can't direct or suggest where the Public Works Department would ideally place those accesses. The developer is able to create their plan and the Public Works Department can approve or not approve it. He hopes that through this zoning that the Public Works Department can have more

influential suggestions on where access points would be best for road maintenance, flow of the subdivision, and how it impacts other subdivisions by looking at adjacent or potential subdivisions during this process instead of as an isolated plan, which is the current scope of their review abilities.

Tyler Emmert stated two items that could help with funding: sales tax, which he doesn't see happening. The second is valuable buildings on existing streets. He stated that allowing building heights to be taller, more valuable buildings on streets is our best option for funding Or is he looking at this wrong? He added maybe this can increase revenue without increasing the cost of road maintenance.

Dan Karlin responded that tax increases and road maintenance only get 2-3% so it would need to be a significant increase to have much of an impact.

Eric Griffin responded that there needs to be a greater percentage of what the Public Works Department is getting, closer to the 5-6%. The road maintenance service is important and how the department is able to provide these services directly relates to our funding package. The Montana Legislature never seems to prioritize infrastructure.

Tyler Emmert stated that there needs to be a change to how budgets are allocated for roads or a sales tax.

Eric Griffin responded that there needs to be a mill levy and take it to the voters. In 1996, the voters said no they didn't want to pay for roads. So the levy was redrafted to \$500,000 and that grows a little every year but it's not enough.

Tyler Emmert inquired if subdivisions outside this zoning boundary start to compound the current issue?

Eric Griffin stated that he has not seen much development outside the boundary. Maybe one a year in the Lincoln area or Augusta area. He can only recall two outside of the new zoning boundary and otherwise, there isn't a lot happening.

Tyler Emmert stated that if the zoning boundary stays how it's currently written, the options will be to develop in the City, which is the hoped outcome. Or development will occur outside the boundary, which is the possible unintended consequence with setting the boundary where it is rather than flipping zoning. But that seems like it could have the potential to be a bad deal for road maintenance.

Dan Karlin agreed and stated he considered isolated developments that are a great distance away from the core to be like a tennis ball on a string. The string is the problem. It's 12 miles away from the city that has to be maintained now. It's not the subdivision itself that's a problem because that's going to be maintained by an RID, but it's the stretch in between that now has increased traffic that the Public Works Department has to focus greater time on that it previously didn't. He stated that if something goes outside the zoning boundary, it could potentially cause unintended consequences.

John Rausch inquired about the RID maintenance with its roughly 300 miles that it's responsible for with an \$800,000 budget. Is it working? Is it sufficient?

Jessica Makus stated that the two County RID staff are new positions within the last two years because it was recognized that RID was growing exponentially with development, and needed more staff to help with this program. She provided correction that \$800,000 is the annual average that is spent each year, but the RIDs bring in what they need for maintenance, including amortization of large dollar bigger projects over a series of years. She added that each RID is responsible for its own budget and has its own account. The current budget issues are with the older RIDs from the late 1970's. Through citizen protest, those assessment rates have not been increased since that time, therefore a \$75 assessment doesn't equate to today's dollars. Older RIDs are not collecting enough for that level of maintenance that they were initially designed to receive. There are several RIDs that have been identified that do need a rate increase to stay consistent with the maintenance items that they elected to have.

Eric Griffin added that previous to hiring Jessica Makus and Calob Marquis, the County was not doing a great job. The Public Works Department was spread too thin to manage the increased RIDs and maintenance schedules with the current public works budgets.

John Rausch asked Eric Griffin what he would recommend the ZAP to do moving forward?

Eric Griffin responded that he hadn't considered this. He stated that the Public Works Department works well with the County. He added that his team and himself will adjust to what is needed and that the closer they are to their shop headquarters, the more efficient they can be and provide a higher level of service. It's a big County and there's a lot going on.

John Rausch inquired on the comments of Peter Italiano, who in the past stated that the goal is to encourage more development closer to the city. Fundamentally, John Rausch stated he understood how that thought process happens. He inquired that from the Public Works

Department's point of view, is that an answer? Tyler Emmett talks about the danger of unintended consequences but if development is driven closer to the city, does it make it better? Or do those who are located further away end up being more negatively impacted?

Eric Griffin responded that with infrastructure costs, it only makes sense to place people close to infrastructure.

Dan Karlin discussed the nuisance flooding that occurs in Helena Valley. His concern from engineering and the flood mitigation that the County is doing, is development that occurs in flood prone areas with basements. This issue is one area he sees that zoning could address. Basements tend to be the biggest issue, with water that goes into basement windows or groundwater coming up through the basement floor. That's one recommendation he'd suggest.

Secretary Lois Steinbeck asked about the narrower subdivision roads standards than the County and City road standards, particularly when it comes to fire truck access and how can this be addressed through ZAP?

Dan Karlin responded that the standard subdivision road is 10 feet per lane with 2 feet shoulder on either side, which then equals 24 feet top width. When a 6-foot-wide vehicle is parked on either side, this leaves only 12 feet of drivable area, particularly when there is curb and gutter. A standard fire truck is 8 foot, 6 inches wide, so if there is one vehicle and a fire truck parked on either side, there is a roadblock. Ideally, he would like to see curb and gutter in every subdivision to manage water and make the maintenance of those areas more efficient with a 28-foot top width of the road. But the standard city and county road width is 24 foot, unless its new road development.

Mark Runkle referenced Tyler Emmert's comment about unintended consequences, and stated that what is occurring within ZAP is a good start, but a lot more needs to be done. He inquired about the current \$50 million of unfunded road liabilities currently combined with the state law that states taxes can only increase by half of inflation combined with the increased development. He asked how does that all add up with the underfunded liability situation that exists now?

Eric Griffin responded with a confirming yes, that the revenue is not keeping pace with the expenditures, and with a \$4 million annual budget to run the whole program.

Kevin Horne responded and agreed with Eric Griffin on how severely underfunded the program is. Development is a good thing, but, for example, Bird's Eye area is seeing increased

development, but the roads were constructed in the 1970's, and can't handle the increased traffic. It would cost \$15 million to redo Bird's Eye Road and there's no way the County can come up with that money without a federal partner, while still having to find 13% cash on hand. So his department becomes a maintenance department trying to patch potholes. Roads that were built in the 1970s in the County are failing all over the place, which is why the presentation covered the prioritization plan with all of the miles of roads in the County. He emphasized that it's important for ZAP to understand that under statute, over the course of time, as the County roads start to deteriorate more, the department is not going to be able to maintain them anymore. Mill levy money is strictly for materials, and not to be used for operations. There needs to be additional funding sources figured out if the County is going to continue to grow. There are developments and some family transfers that are building very nice roads but they're entering a lot of county roads that require a lot of maintenance. There are only 82 miles of hard surfaced roads in the County, all other roads are dirt and gravel. Having subdivisions closer is going to be beneficial but the real question is what does our maintenance programs look like going forward? The cost of materials is on the rise and are not going to get any cheaper. The Public Works Department's priorities are the main routes with heavy traffic or high average daily traffic (ADT) routes. The bus routes and mail routes are the routes carrying the traffic and those receive the priority. All others are secondary roads, and often don't get any maintenance in the course of one year. And it's off those secondary roads where a lot of that development is happening. He commended the ZAP for what it will be trying to accomplish in finding common ground for the best interest of everybody.

Mark Runkle commented that the city standards for curb and gutter create extra costs. Is there a benefit to county developers having these standards as well that include curb and gutter and complete drainage systems, and can that be accomplished without a major process such as zoning?

Eric Griffin replied that the current subdivision standards are a one size fits all, and it's known that one size doesn't fit all. He agrees with the denser, smaller lot subdivisions, curb and gutter is critical. Some have big dirt moats for stormwater drainage, but the standards need to be curb and gutter. He added that the Public Works Department is in need of updating and changing some of its standards.

Dan Karlin shared his screen and provided a road engineering image, and provided discussion on what is the minimum and the ideal road width, and the challenges of encouraging developers to go beyond the minimum standard. He is also working on updating the public works manual, particularly in the road design section.

Tyler Emmert emphasized the importance of sidewalks with curb and gutter, since it's asking for liability. Standard curb and gutter that feed into mismanaged stormwater catchments is expensive and hard to maintain. Sidewalks are important for community building, but they don't need to follow the same traditional standards, and there are many examples from around the United States.

EngagementHQ Demonstration and Discussion:

Moderator Eric Austin provided an introduction of the EngagementHQ technology and explained its uses for the second phase of ZAP work plan. He inquired on the comfort level with the panel on using this technology and is making the recommendation to purchase the license, which needs to be voted on and then forwarded to the County Commission to be approved.

Kim Smith commented that he would rather focus on meeting in-person moving forward.

John Rausch agreed that he would rather focus on meeting in-person, and to clarify how it will be used for workshops amongst the ZAP members and how the software influences public participation.

Peter Italiano stated that hybrid meetings provide technology issues, and there are limited venue spaces available for the size of the ZAP group to do it in the manner that the County Commissioners want to occur, which is to make sure it's transparent and open to as many people in the public as possible. But he will speak to the County Health Department on the parameters of the moving target of how to safely gather.

Pat Keim commented that he supports in-person meetings, as communication is more achievable as there is verbal and nonverbal that is important.

Chair Jacob Kuntz commented that in-person meetings where the ZAP is sitting in a room together and having both verbal and nonverbal communication is valuable.

Mark Runkle commented that the ZAP opinions and what each member wants to express about all these topics, it seems that the Zoom platform has been about as efficient as it would be in person.

Moderator Eric Austin stated that Peter Italiano and Greg McNally will do some follow-up on conversations with the County Health Department, and will continue this discussion at subsequent meetings.

Chair Jacob Kuntz left the meeting.

6. Public Comment (*transcribed verbatim*)

Vice Chair Dustin Ramoie called for public comment.

Nicole Giacomini stated Thank you for, thank you for taking my comment. I'm an affected landowner and obviously we've spoken on here before, I had a couple of questions and then a comment. My first question is these meetings for the ZAP committee were set up by the Commission, correct?

Greg McNally responded that's correct.

Nicole Giacomini stated okay, so if the ZAP meetings were set up by the Commission, it should be transparent and open to as much of the public as possible, instead of Peter Italiano saying, these are internal meetings that should be enclosed in a closed environment. Is that correct?

Peter Italiano responded that's incorrect and apologized if his comments left that impression on her. He clarified that if the ZAP were to meet inside of the Civic Center or inside of the hotel, it's a different environment. It had nothing to do with restriction on public comment, just the opposite in fact.

Nicole Giacomini stated so I'm just listening to you guys weighing in on digital versus in-person and three Commissioners who took the vote on November 19 to pass the ZAP zoning regulations had restricted, a lot of the public being able to be seen not just to see and hear, but to be seen and be heard due to code restrictions. And it was passed right before Thanksgiving at that time, now they've set up a committee with representatives from different industries that have been selected to represent their industry, but not represent the people in terms of you refining the details of this only that has been passed and it's very important to me as a property owner that's affected to be able to have access, as well as 99% of the people that disagree with what you're doing that would like to be present to see what you guys are hashing out. So I think in my personal opinion, I would really request that you open it up to an in-person meeting and allow more of the public in a venue to be there that don't necessarily have access to Zoom. A lot of residents that live out here in the Valley are more elderly or are busy with branch work and other things and don't sit there on their phones or digital devices and might like to be there in person. That's just one comment I had on that. The other comment that I'd like to make is about how I haven't heard anything in today's discussion as lengthy as it's been to justify a blanket regulation over the Helena Valley Planning Area (HVPA). And it seems a lot of the discussions on

roads today, which I believe was supposed to be the topic, was surrounding subdivisions, and it sounded like maybe I'm wrong that it was more dense development subdivisions, in terms of commercial builders. Many of us out here, I own 10 acres. I know a lot of my neighbors own 25 acres here in the Northwest Valley and the size of our acreage in itself is a block to density. Because it seems like a lot of people might have forgotten where Montanans and we live in a state that's big sky and people like their elbow room, their property rights, their liberty. Their ability to use their land to the highest and best use for small business for letting my homeschool kids run feral and free. I don't need sidewalks. I've got a field we enjoy. And so it seems to me that the problems that you seem to be discussing and discussing in terms of width of the roads, maintenance of roads, access for fire and responders on those roads is surrounding these dense subdivision builders it me putting a granny pod or being happy with 10 foot setbacks versus your new 25 and being able to have a shop on my property that is larger than my home shouldn't affect anything and regard to roads and fire. Water quality and quantity and those five issues that you guys are using as premise for this blanket of discrimination and HVPA. So I just don't understand, and maybe someone can clarify here, what justifies blanketing a zoning burden? Some regulatory swath across thousands of property owners that have nothing to do with anything you've spoken up today. And being allowed to use our property freely and how we want to use it, I mean, especially for you know business use or adding one or two airbnb is to provide housing in a very short inventory season, where people just can't find a roof. Why can't you just regulate the subdivisions specifically and increase those regulations versus discriminating against all of us that don't seem to be contributing to the problem.

Tyler Emmert stated that it's a good point.

Nicole Giacomini stated I just don't see any answers on it and that's fine. I just feel like it kind of makes me sad to sit here and listen to some of the comments or Peter Italiano has said prior that the purpose of the zoning regulations and the ZAP is to drive people into the cities. I've heard repetitive comments on that as well today, that is to discourage people from living out here in the rural areas. Again, we're Montana's, we'd love that. All my friends in the city say, Nicole, you're so blessed to have these 10 acres and your animals and your kids out there and we wish we could afford to live there and find property out there. You know that's what people love, that they love this liberty and freedom. I'm grateful for that and I feel like we're being punished and discriminated against intact with regulations and fines if you don't comply and all of these things.

Secretary Lois Steinbeck commented that if the public is asking questions, she is recording them and would like the ZAP to address these questions in further deliberations.

John W. Herrin stated I think the format needs to change here. We need to make this a little bit fair. I think you guys need to break off your procedural stuff. You've wasted a lot of people's public time going through all this procedural stuff. You need to have side meetings where you guys talk about what you're going to do that doesn't affect the factual process. Please, it's gone on and on and on and on and it's wasted my time, wasted a lot of people.

Onto the real subject of the road. First off, let me go with the issue of DMS and emergency services. As far as these rural properties is not an issue, especially if you're in the grassland areas. If you have half acre tracks, or whatever, the chances of burning the new house is almost zero. And so you don't have this stacking up of how fire emergency services on county roads or internal roads, especially in the grassland area, is no fire in a wooded area is different so please stop with the ideas that we've got a picture in your mind that real property is somehow a huge risk for all these peoples. Yes, they do cluster on major roads, when you have an issue doing one. And I've seen it myself. Okay, and then second of all. These roads don't have to be designed like they are with a ditch in a moat on it. I've done 400 subdivision reviews on stormwater. I've done major stormwater assessments. I've done highway assessments in 17 years worked. Restating my expertise is runoff water quality and all those things. Roads as Eric Griffin kind of alluded to I've raised the subject of having no ditches on real property. There is no need to have these big huge moats around every darn piece of property, where kids can walk off the road profile and there's lots of existing older roads that don't have ditches. Grass comes right up to the edge of the austell. I heard Dan Carlin, unfortunately the way this whole thing was set up. I think those guys have probably all left. This should be set up, where we have an open discussion where we can actually talk with those experts and be able to have a real conversation about facts. So ditches are not required in the end they don't. I'm working on a silver city, for instance. I don't plan. I'm looking for a variance to not do ditches for that very reason. If a person loses their attention and rolls off the road, they can get back on without having to deal with these stupid ditches. It does fill up with weeds to fill up with snow and actually that pushes moisture into the road profile. So to say that it is needed to get the water away is a fallacy. Anybody that's thinking that we need to look at culverts, and I mean curbing gutters and sidewalks on all rural property, I don't know. It doesn't fit. It just doesn't fit with rural properties so maybe when you're looking at these urban transition layers that are going to be city, yes, that makes all the sense in the world. But don't use one cookie cutter size all fix it just doesn't make sense for rural property in particular. The problem with roads, subdivisions are carrying their fair share and way more new subdivisions of the ones that are addressing internal rose built county standards and forced to maintain those, so there is no residual cost to the County. Also, they have to contribute their pro rata share to offsite roads and interstate highways, so to say that count, that that 10 acre tract size is needed to fix the only people that are fixing roads are these new subdivisions, and we should all be thankful that they are contributing because it's a huge cost now instead instance determine gutter is \$10,000 extra cost. The existing fire protection

requirement onsite class \$5,000 in external records can cost as much as five or \$10,000 per month when you add all those up you're making costly decisions for the future of all people in the County because it drives every property all property based on what new lights are selling for, and then you have to try and build a house when lumber went up eight times of what it used to be so it's really a hard market and you guys really need to work on not making things more expensive, but more practical and solving problems. In the end, the subdivider has to pay for engineering class where everybody benefits from those engineering. I will go into some of the other comments later about the overall subdivision issue but I want to show how big the County had in their fail, is that this one here is the fire protection you look at all the grass is pink, light pink if you can see that light pink area is low fire hazard.

Andrew Thomas stated to brief comments one regarding the format of the proceedings, along with other structural aspects of the procedures that are utilized in this meeting. I will remind the committee that this is a public meeting and the reason why it's public is to have the public involved. Either as witnesses to the deliberations, or to contribute. And with regards to contributing to the deliberations, most of the people that are involved here are vested stakeholders. They do have something of value to add and my personal sentiment is that, by having in-person meetings out of an already highly inconvenient time because most people have these things called jobs will only limit the amount of public input and understanding in the proceedings. and I would also remind the committee that the reason why this group was in paneled was to add transparency and understanding to a highly politicized and highly contentious process. Again, it's my personal belief that if you have in-person meetings and not allow people to remotely access the meeting or otherwise, you interfere with the process and it will ultimately act to the detriment of the outcome. With regards to the topics covered today, my only real comment here is that you know we can get an abstract discussion of what's ideal in terms of infrastructure. It's, you know, sort of like kids. I think pinning, for you know what Santa Claus is going to bring them but realistically I think what should be considered here is one creating a realistic model of where infrastructure is needed. The most either in terms of existing density of development but also in terms of likely future patterns of development based upon one, the cost of development, but also individual preferences. For example, the North Hills come into mind and down in the Valley, realistically, when we look at the need for probably major infrastructure investment it's down in the Valley and it's that area. It's not an entire area the size of Rhode Island or Delaware, even though I think that those outlying areas also have development considerations. And to that add what I would suggest you consider in terms of basically modeling, realistically what can be done to improve infrastructure in those areas is figure out one what is required to improve current infrastructure incrementally not idealistically but get it better, but also consider the impact of future development. And again get in a realistic discussion of what will be needed in terms of tax revenue or impact fees or regulations to

facilitate that occurring. It doesn't need to be ideal, but it just needs to improve the current situation. I think if you take that orientation what you will find based upon my conversations with real estate professionals but also developers is that they would be more than willing to compromise in terms of creating realistic standards to help improve infrastructure, rather than have burdensome regulations. I will be submitting a written public comment and questions, along with further analysis on this topic, thank you.

William Gowen stated he is a representative of Helena Association of Realtors Government Affairs Committee. I also live in the North Valley and I live in an area with part one zoning. So there's a couple of things that I wanted to comment on, especially on the roads issue that is brought up today. We have a very large area that we're talking about in this particular area of zoning and it has really been what we've said from the very beginning, from the first planning and zoning meeting all along, is that using a paint by numbers in a large swath of this Valley is inappropriate. It's ineffective and it's an inappropriate driver of costs that we brought into the discussion today. The cost of adding certain types of regulation. These are permanent drivers of cost and I think it's very important for everybody involved in this to understand what temporary drivers are and what permanent drivers are. Permanent drivers or regulation, these are rules. These are added costs and requirements that are not looked at on each individual basis, but across the board. They have to be figured in on all the costs. Temporary drivers of costs are commodities prices. These types of things that we're seeing drive our costs now. Be very cautious about putting permanent drivers of cost on housing, because we have a major shortage and we have a real problem erupting in our Valley that the people that live here can't afford to live here, and if that isn't your number one driver in this conversation, then you're missing the boat folks. That needs to be corrected, and this is the wrong way to do it. You got to meet in-person. You got to get everybody's comments and you got to change the way this was going because we out here in the public are not impressed. Thank you for your time.

George Harris stated the comments about whether in-person or not I, and I think the question was asked if anything new has occurred, and I just like to point out that the House Bill 257 passed the legislature and on Friday was signed into law by the Governor. This bill kind of mitigates the authority of the County Board of Health to require the mask or to require the six foot social distancing. Here at the Association of Realtors, we are, I am in the process today of announcing that we will be starting in-person meetings again in our conference room and in our association. So we are in support of the in-person meetings. If at all possible, we would truly appreciate that. Also, do feel that we may have in the future occasion to request that we have an item on the agenda or a spot on the agenda where we may be offering presentations which are beyond the five minute public comment period. But having said that, I appreciate the

discussion today. I appreciate those participating and we look forward to continuing to meet with you and your service. Thank you very much, Mr Chairman.

Vice Chair Dustin Ramoie called public comment items not on the agenda.

John W. Herrin stated that 10 acre size lot restrictions existing on the rural property for 150,000 acres of rural property is unscientific. It's not supported by factual information. For instance, let's look at the wildland fire issue. As I showed you the map, most of the area in the rural area is grassland when you put half acre tracks out there. The chance of burning house to house is almost zero. In fact, I'd say it's zero. The proof is that most of the emergency services now are medical and so we need to look at this. The ZAP committee needs to address that disparity. And I believe the solution is that the County look at an increase in the funding somehow for making emergency services available in a wider area and get that load off the real fire districts. Most of the world, fire people do not want to keep Responding from their job to go deal with a wreck. If it's a fire, they're more than willing and that's what they're kind of drawn to and a lot of people are retiring and new people, younger people are not voluntary. So we're getting a huge gap in the ability to be able to handle the stress on our EMS folks. I believe that that would be an appropriate manner for the mill levy request. A mill level request would be written. We failed our whole County by not following up with a \$5 million bond levy. And Eric said that it was 1998 but I was thinking it was in the 2000 it really doesn't matter. It was a \$5 million bond levy and the citizens voted down, because there was no effort by the builders and the realtors. The Community nor the County did any education and one of the biggest things in the growth plan. That, I agree with, is that we should be educating. If we had forums and went out and educated, commanding the Community on the need, just like we've done for schools, just like we did for the jails, that we can maybe get some money for roads, because roads are like your arteries to your whole body. If you don't have good arteries you cannot live and that's where we're at. And the County lacks the funds, hasn't had funds so a half a million dollar bond levy. Instead, what we do, we got a slick out of state environmental group come in and convinces to buy a \$10 million open space bond level which is just a huge waste of money give Gary Ranch \$1 million to keep it in raising buffalo and not be a subdivision, which means it just pushes the development further. Second thing that I want to bring up is that Tyler brought up several times. The fact that with zoning 10 acre restrictions is going to push development into Jefferson and Broadwater County, which is already over to the tax with development themselves. And now we're pushing people out because they can buy a one acre tract. Broadwater County, they don't need 10 acres. It actually is crazy. It doesn't help the environment. I have a subdivision and silver city and guess what. It's going to be worth more money and I've actually been fighting the County on all this stuff for the last year and a half, not having a foot in the door, but I believe that this is not appropriate for the County to be restricting development in this way. it has no

scientific basis. It cost me \$1,000 and we're going to end up with more lawsuits so I'm sorry. It's just going to cost the County more money, unless you send it, and get us nowhere. Let's get to solved solutions. So the ZAP community, in my mind, is missing the boat. They should set these up so that our answers when they get done, um you guys should come with a preset of questions that video testimony people coming up with any testimony doesn't matter who they are, and get to solutions, I don't see where you guys have gotten anywhere, as far as answering what are you going to write down as far as. The urban, the transitional and the rural areas as far as fixing roads and fire, you know those issues. It's like we're kind of wandering around getting these people coming in and you're really not focused on getting answers that you need to have. The worst players are in the City of Helena and I went out and took a bunch of pictures and I'm going to be submitting a bunch of pictures for you, if you want to look at fire hazard. The Upper West Side, in the Upper East Side, has trees wrapped around. Well guess what's going to happen that is going to burn. You've got the grasslands in the Valley they won't burn. It's just that there's no fuel, which is the main driver. So that's pretty much my take on it all. By the way, the growth policies are so really biased and that's where that 10 acre came from, and it was inappropriate and actually it's been withdrawn within the fire plan, if you look at the actual 2017 County fire deal.

Public comment closed.

7. Announcements

Greg McNally stated the next meeting is May 26th where there will be a presentation on Floodplains in the Helena Valley. In June, a meeting will focus on wastewater.

Kim Smith commented on the potential ZAP confusion about roads and subdivisions. Subdivisions require all the roads to be up to county standards. Also, in regards to where subdivisions are placed. Most subdividers try to get close to a major artery where there's already infrastructure, if for nothing else to reduce the pro rata share that they have to pay. The third thing is there's two kinds of people that live in Lewis & Clark County. There's many that live at the end of a 200 foot gravel driveway on a little piece of ground and then there's a lot of people that live on a paved street. There are 600 miles of road more or less in the County, and that 300 of them are on RIDs. So people living on streets in a subdivision is a good thing, because they are now paying their own way. The last thing is that the State Law still allows the County Commissioners to make the decision whether we can have an in-person meeting or not but takes that decision away from the County Health Department.

Mark Runkle: Motion to end the meeting

Archie Harper: 2nd the motion

Motion passed: 10-0

8. Next Scheduled Meeting

May 26, 2021 at 9:30 a.m.

Adjourned at 12:28 p.m.