



316 North Park Avenue, Helena, Montana 59623

## **ZONING ADVISORY PANEL**

### **Approved Meeting Minutes**

**Meeting Date and Time:** July 14, 2021 9:30 a.m. to 11:30 a.m.

**Location:** Meeting Held Electronically Via Zoom

#### **Board Members Present:**

Pat Keim

Jacob Kuntz

Tyler Emmert - *departed at 10 a.m.*

David Brown

Lois Steinbeck

Joyce Evans

Archie Harper

Dustin Ramoie

John Rausch

Kim Smith

Mark Runkle

#### **Board Members Absent:**

Shane Shaw

#### **County Staff Present:**

Greg McNally, Planner III

#### **Moderators Present:**

Dr. Eric Austin

Lucia Stewart

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

Dayshadetienne, Andrew Thomas, Alexa Noruk, HCTV, Chris Stockwell, max milton

### **1. Call to Order**

Chair Jacob Kuntz brought the session to order at 9:30 a.m.

### **2. Roll Call**

A quorum was established with 11 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 May 26, 2021 and June 9, 2021 Meeting Minutes**

**Pat Keim: Motion to approve the May 26 and June 9 meeting minutes**

**Archie Harper: 2nd the motion**

**Motion passed unanimously: 11-0.**

#### **5. Business Items**

##### **Move to In-Person Meetings**

Moderators Eric Austin and Lucia Stewart provided an update to moving the Zoning Advisory Panel (ZAP) to in-person meetings on August 11. It was recommended to work with Carroll College since the venue can provide availability for every 2nd and 4th Wednesday of the month throughout the remainder of the ZAP duration, which provides consistency for both the panelists and the public. The venue also provides tech support for the hybrid meeting format. It was requested if any members of the panel plan to join via ZOOM instead of in-person, to please inform the moderators.

No public comment on this agenda item.

##### **Review and Discussion on the STEEP Brainstorming Topics**

Moderator Eric Austin gave a brief review of the STEEP (Social, Environmental, Economic, Political, Technical) Analysis, the process of brainstorming activities, and the subsequent prioritization of the group's brainstorming. He stated that today's focus is on environmental and technical categories. Due to the number of comments from ZAP panelists on the Jamboard, there will be an additional week to continue the brainstorming process.

Secretary Lois Steinbeck made the request to include the items that were brought up throughout all the meetings that were being compiled by the moderators, and to help the ZAP members not lose track of those items. She inquired how those things that are related but not directly related to the zoning regulations will also be addressed.

Moderator Eric Austin responded that there is no limitation or parameters to the topics raised in the STEEP, as long as they are identified as part of the brainstorming process. It is part of the process for the ZAP to decide what to move forward in the zoning regulations, and what to

move forward in some other form. The critical piece is that everything that is a concern is included in the STEEP brainstorming process.

Tyler Emmert requested the map of non-confirming parcels prior to creating the zoning recommendations.

Moderator Eric Austin inquired what stood out to the ZAP members after reviewing the topics or in the specific comments that were posted thus far?

Joyce Evan commented what stood out is that the biggest issue is not going to be well water. It's going to be floodwater and wastewater, and how to tie into the city infrastructure.

Pat Keim commented on the importance of a more close working relationship between City and County. He added the importance to develop a coordination of the City and County zoning so that they match each other instead of conflict.

David Brown commented that it seemed to be a foregone conclusion from the Jamboard post-its that it was appropriate to develop the entire valley, suck the water out of the aquifers, and to create a sewage treatment plan. There were no comments on the concepts of quality of life and open space, and little concern for the environment.

Moderator Eric Austin replied that the current list does not reflect all sentiments and there's opportunity to bring up what is missing. He added that although various comments may appear across the five categories of the STEEP analysis, there will be an opportunity to give attention to how the ZAP prioritizes each of those comments or concerns. He added to not worry about what category it's put into, and repetition across multiple categories is acceptable. The priority is to make sure it gets captured.

Secretary Lois Steinbeck commented that it's good to know that things can be added across multiple categories within the STEEP analysis.

John Rausch commented that anything can be solved with money, but the County doesn't have money. ZAP is trying to make recommendations of how to allocate resources and create funding for the infrastructure. Affordability is a major hot button issue. How can those costs be managed without shifting the costs to the new developers or taxpayers?

Moderator Eric Austin replied that the question of economics will come up in the next stage of the STEEP analysis where this concern can be raised. One way to think about politics is who gets

what, when, and how. There will be a collective prioritization when the list of the ZAP's concerns is compiled.

Pat Keim commented on the importance of keeping the County Commissioner's charge clearly before the ZAP so as to not wander. Funding of infrastructure is important but it's not in the ZAP's mission to redesign the world. He requested that the staff resend those focus items so the ZAP keeps that fresh in its mind.

Mark Runkle commented that beyond the zoning recommendations, he foresees a list of things that the County or City needs to do, such as identifying all of the areas that are prime for development based on sewer and water tie-in capabilities and possible funding mechanisms. He hopes that whatever is pitched in the Jamboard, will get pitched into a useful pile to make an array of recommendations beyond only zoning, and not discarded.

Mark Runkle commented that he did not see any comments on roads and fire. He added that there needs to be an assessment of unfunded liabilities that the County is assuming by development. He hopes the ability to accept public comment will help provide recommendations on how best to deal with these impacts and zoning, particularly the landowner's impact.

Archie Harper commented he'd like a more collective definition on what technical means to the ZAP members. He added the technical focus means to him is information, data, numbers, science available, much of which has been provided in presentations at previous meetings. What are the limiting factors that would prevent the ZAP from going forward - in terms of the technical in how to formulate regulations? These factors should be identified and those gaps filled. For example, how a development impacts a mixing zone and water quality and this lack of technical information may constitute a zoning regulation.

Pat Keim commented that transportation and the road network was not represented, particularly as it relates to the fire services. He added that access to fire department water sources and traffic flows to sources is another critical factor.

Mark Runkle inquired if the 10-acre minimum allows for clustered development within a large parcel, such as within a 100-acre parcel?

Greg McNally responded that through the clustering provision, this configuration could be allowed. It's important to communicate if it's something that should be retained. It gives the opportunity to do a lower density while limiting the amount of development that's occurring on

the 100-acre parcel. He added that if ZAP member's priorities are addressed in the zoning or not addressed in the current zoning, it's important to include those comments in the STEEP analysis and capture them on Jamboard.

Secretary Lois Steinbeck requested to expand the post-its so that the full comments are available for viewing.

Pat Keim added a comment to Mark Runkle's clustering comment and how it relates to emergency services. He noted that it also applies for areas that are zoned for 2-acre parcels, as well as larger 10-acre parcels.

Mark Runkle inquired if non-conforming parcels remain the same once a change in zoning occurs?

Greg McNally responded that non-confirming definition in the zoning regulations allows for the continuation of those parcels to remain the way they are. If they have a use or lot size that is already in legal existence, it will continue to be developed and remain in existence.

Kim Smith commented on a concern for financing for non-confirming lots, and the potential undertaking for the County to be involved in further expansion or use changes. He stated that all the current parcels should be registered as conforming. He added that it should apply to all parcels that are currently 10 acres or larger, and for future development. If this process were adopted, 90% of people's concerns about what the ZAP is doing will be erased.

David Brown agreed with Kim Smith, and that title companies will have issues with a non-conforming parcels, which should be included in the technical section of the STEEP analysis.

Greg McNally encouraged the ZAP members to review Section 18 of the zoning regulations to become familiar with the definition of non-confirming parcels and what is allowed and not allowed.

Pat Keim commented that the non-conforming map is important since it applies to both the 10-acre parcels as well as smaller, more concentrated development. This map is necessary so the ZAP members can see how big of an impact it currently is, which could influence the recommendations.

Moderator Eric Austin moved the discussion to the environmental category within STEEP.

David Brown asked to define the environmental category within STEEP. He sees this topic as a critical piece to the quality of life in Montana.

Archie Harper responded that it includes openness, rural character, open space, clean air, available groundwater. A place where Montanans can set up home.

David Brown commented that there is mixed-use in the Helena Valley, which includes residential, commercial, industrial, agricultural use, and wetlands. He added that some people appreciate mixed-use since it adds to the quality of life. He thinks that mixed use is blatantly missing.

Secretary Lois Steinbeck requested to discuss the topic's collective definition amongst the group prior to the next topic homework assignment.

Greg McNally commented that he will work to make the Jamboard post-in comments available to the public on the [ZAP website](#).

David Brown inquired about how this paperwork becomes available and organized when the ZAP meetings move to in-person.

Eric Austin responded that there will be printed copies provided, and comments will be projected on a screen as well.

## **6. Public Comment (*transcribed verbatim*)**

Andrew Thomas requested to know where the ZAP Jamboard homework documentation that is being discussed are posted.

Greg McNally responded that the ZAP Jamboard homework documentation will be posted on the [ZAP website](#) after July 21st, once they are compiled and completed.

Andrew Thomas stated that to inform the discussion, you will be receiving public comment from me, I will review your comments, conduct research or respond otherwise appropriately and write to whatever's posted there. Plus, whatever is mentioned that is particularly salient in the meeting discussions. Hopefully that will contribute to your understanding of certain issues, thank you.

Max Milton stated that I really appreciated the discussion today. It seems like the panel is trying to get a good compass on all the issues that are going to come up. Somebody mentioned the three tasks of the panel, and I went back and looked at those. They're to advise on the regulations for the urban transition zone, revise on the regulations for the suburban zone, and then maybe revisit the 10-acre minimum thing. I understand that the 10-acre minimum thing gives a lot of people heartburn. But, in my mind, the opportunity to meet a lot of the housing needs, referring to the number of units that were mentioned in the growth policy, could be put in the urban transition zone if the City and County could coordinate on how they wanted that to look, and what the standards would be for how that was built out. I don't see the panel really focusing on that much yet. I think you will, as you get through this STEEP analysis. But, it's just an observation. I know, with the land use minimums and stuff, that's where a lot of the concern is in the Valley. It's almost like that's a whole other political zone. Technically, there is a lot of history of communities doing infill type development, creating more walkable and what I would consider more desirable communities close-in which is a better use of community financial resources and scattering things. So it's an observation and I'll stop. Thanks for letting me ramble on.

No public comment on items not on the agenda.

## **7. Announcements**

Moderator Eric Austin reminded the ZAP members that they have until Wednesday, July 21st at 5pm to complete additions and changes. The Pollunit discussion and process review will be postponed until the next meeting,

Greg McNally stated the next meeting July 28th at 9:30 a.m.

Secretary Lois Steinbeck inquired if Jamboard homework assignment for the economic section of the STEEP analysis is to be filled out prior to the next meeting.

Moderator Eric Austin responded that this will be delayed until after the following meeting.

**David Brown: Motion to end the meeting**

**Archie Harper: 2nd the motion**

**Motion passed unanimously: 10-0.**

## **8. Next Scheduled Meeting**

July 28, 2021 at 9:30 a.m.

**Adjourned at 11:12 a.m.**