



316 North Park Avenue, Helena, Montana 59623

ZONING ADVISORY PANEL

FINAL Meeting Minutes

Meeting Date and Time: August 11, 2021 9:30 a.m. to 11:30 a.m.

Location: Meeting Held at Carroll College, Campus Center Building, Lower Level (All Saints Hall) and Electronically Via Zoom

Board Members Present:

Pat Keim
Jacob Kuntz
Tyler Emmert
David Brown
Lois Steinbeck
Joyce Evans
Archie Harper
Dustin Ramoie - *via Zoom*
John Rausch
Kim Smith - *via Zoom*
Mark Runkle
Shane Shaw

Board Members Absent:

County Staff Present:

Greg McNally, Planner III
Phil Gonzalez, Planner I

Moderators Present:

Dr. Eric Austin
Lucia Stewart

Members of the Public Present:

(in-person): Andrew R. Thomas, John W. Herrin, George Harris

(as noted by the Zoom screen name or phone number listed): HCTV, CDP, max milton, Steve Utick, David Knoepke, Alexa Noruk, DW, Dale's iPad, Bill Gowen

1. Call to Order

Chair Jacob Kuntz brought the session to order at 9:35 a.m.

2. Roll Call

A quorum was established with 12 members present.

3. Zoom Meeting Protocols

Greg McNally provided an opening statement regarding the hybrid setting of both Zoom and in-person meeting protocols, the process of the meeting, Covid approved safety protocols, and Zoom and in-person participation instructions. He stated for those in-person to please enunciate and speak clearly and loudly due to having only one microphone on the center table.

4. Business Item

Moderator Eric Austin stated today's agenda will be to review and discuss the Pollunit homework and discuss the results of the brainstorming activity in Jamboard on the economic category. The intent of the prioritization activity is to take the results of the brainstorming, that elicit the issues, concerns, and what things need to be taken into the consideration that are part of the charges of the Zoning Advisory Panel (ZAP). The purpose is to help refine and prioritize what will ultimately go into the proposal that will go to the County Commissioners. He stated, when looking at the results, to think about it in two ways. One, where did the array of votes land or the rank order, and which received the most and the least votes? Two, to look for a breakpoint, such as are there clusters of items that receive votes? He stated that there is nothing about this rank order that tells the ZAP members what they have to do. It's merely a place to see the collective sentiments. He asked the questions: what stands out and what are the ZAP members initial impressions?

Tyler Emmert stated that this activity seems too broad and unless the County is open to change the zoning boundaries, broad is not applicable.

Secretary Lois Steinbeck stated that one of her big issues is water availability and was surprised it was ranked third. If there is no water, and a home has already been built, then it is worthless. Water is readily available in the Helena Valley, but not in all parts of the zoning area. Using the current well logs doesn't predict how many homes can be built before depleting the water supply. Water availability will limit development in parts of the County.

Shane Shaw stated that he understood the request to make votes in light of the category that each ZAP member represents and added that his votes don't reflect anyone else's due to this understanding.

Moderator Eric Austin started a discussion on how the ZAP members allocated their votes. He stated that key characteristics of how this group was established was identification of key stakeholder categories. Yet on the other end of the continuum, is that they are all members of the community, and therefore the stakeholder perspective is not the only set of concerns.

Everything that was presented in Phase I was to create a shared background to work from to give a broader perspective than the stakeholder expertise. Therefore, create votes based on the comprehensive knowledge that each ZAP member has. He asked the questions: How is each ZAP member making sense of how to allocate their votes, and is each member comfortable with how those decisions are made?

Tyler Emmert stated that the topics are so broad when the focus is on the green and the purple area in the zoning map. Therefore, this activity doesn't narrow the group in and provide the ZAP enough details to make recommendations. He added that they are trying to create alternative options to the zoning document in order to be useful.

Jacob Kuntz stated he doesn't see this activity as being applicable. This activity seems to be describing how zoning happens. The ZAP mandate is to provide recommendations, but specifically to provide alternative options.

Moderator Eric Austin stated that the intent of this activity is to define what are the factors that will drive those alternatives. If water availability and water quality is not the same in every area of the County, then what are specifications to different areas of the County? It can assist in defining these geographic specificities.

Jacob Kuntz stated to clarify if the ZAP is providing different guidance to different areas? He's confused on how this will get us to an overall strategy that will then get the group to recommendations.

Pat Keim stated as a representative of fire and emergency services, it influenced his allocation of his votes, but he's human and has personal feelings, which also played into it. He added that he keeps hearing talk of the 10-acre minimum but would like to remind the ZAP of the three charges they were given, not just the 10-acres issue.

Moderator Eric Austin agreed that keeping three elements of the ZAP charges in mind is critical. He changed his prompting question to ask: Is there something way out of whack about these rankings? Does something merit more weight?

Tyler Emmert stated that working with the adjacent counties and city/county collaboration is not prioritized high enough.

Moderator Eric Austin inquired what the group's perspective and importance are about the intergovernmental coordination, since natural systems don't fit in boundaries?

David Brown stated he has expertise in some areas, but not all. Other groups have had staff technical support, but ZAP doesn't have that. When he looks at the process without the assistance of staff with recommendations, how realistic they are, or if they match with growth policy or with adjacent counties? He's frustrated with understanding how these regulations are going to be utilized and how useful these recommendations are.

Moderator Eric Austin responded that yes, the drafting will happen in Phase III with both the staff and with the public-at-large. There will be more interactive assistance in the last phase of the process. He added that there was staff expertise in Phase I with the presentations. The group's task is now to catalog and prioritize these concerns and proposals.

Archie Harper agreed with David Brown. When he looks at his votes, it provides a sense of balance with both his technical interpretation alongside years and decades of expertise. He expressed appreciation of public opinion that he is sure to consider when making these prioritizations and brainstorming.

Moderator Eric Austin stated that the STEEP (Social, Environmental, Economic, Political, Technical) analysis is designed to bring a breadth of perspectives to bring balance so there may be a shift in emphasis.

Shane Shaw stated based on his observations of the numbers, there is a concern about septic and wastewater. He inquired if the ZAP can really have an impact on that? There are two cities that have impact and then subdivision's mini-plants. There needs to be a bigger sewage treatment plant, which is a major governmental project. In the central Helena Valley, when the valley floods, it impacts the groundwater and wastewater. Currently there are studies on what flooding does to groundwater, and if everyone has a septic system in the Valley, what does that do to groundwater? The City and County need to work cooperatively to transport the wastewater into one location since one subdivision isn't going to pay for all of that.

Moderator Eric Austin stated that zoning regulations aren't going to include mandates for paying for wastewater infrastructure, but density will affect the scale and scope of wastewater. What comes out of this panel isn't going to be direct recommendations that have wastewater infrastructure development, but the recommendations that the ZAP makes will have an impact on that.

Pat Keim agreed and stated that this is a useful tool in identifying ZAP priorities and in sending messages to the County that this is a priority that needs to look at this.

David Brown stated that for technical support, are any of these categories not appropriate for zoning? If not, then they should be thrown out as time is being wasted.

Moderator Eric Austin stated there is no simple answer of what can be included and excluded. He asked how might these items be used to inform zoning recommendations that the ZAP will develop? The language that will go into the zoning recommendations will happen in the last phase of this yearlong panel.

David Brown stated that despite his confusion about this, there is structure and there is a need to trust the process.

Mark Runkle agreed and stated that the ZAP members are wasting the time questioning the process rather than trusting the process.

Tyler Emmert stated that through this process, there is going to be the conclusion that there needs to be a regional sewer treatment plant, but the boundaries on the map are already drawn that prevent that.

Jacob Kuntz stated that some of these are forgone conclusions about sewer and stormwater runoff, and if there is going to be density then infrastructure is needed. So the question remains, who's willing to do this?

Secretary Lois Steinbeck stated that she is going to use these broad categories as overarching goals that are desired to be accomplished, then create regulations that support those goals, and then incorporate those into drafting the recommendations. She emphasized the importance of keeping a list of things outside of the ZAP's charge that are important. These items need to be recognized for their importance to the development of the County.

Moderator Eric Austin agreed and stated the need to capture those formally and have a shared record of those on the list is important.

Secretary Lois Steinbeck added that if something can make or break a recommendation, such as city/county collaboration or a regional sewer system, the ZAP needs to be proactive in capturing and stating that.

Shane Shaw shared a personal experience of the floodwater in his basement in 1981, which was considered to be a 500-year flood. But it happened again in 2011 and in 2018. If denser areas are going to be approved in the future, zoning needs prohibit basements in certain areas so that this problem doesn't continue to happen.

Moderator Eric Austin stated that one of the other components is the line between the zoning regulations and what is in subdivision regulations to be clear about what the County has to rely on within subdivision regulations and what zoning has intention to do. It assists the County's ability to effectively manage growth.

David Brown stated that Shane Shaw made a simple recommendation statement of no basements in the flood prone areas. What about no septic in flood prone areas? Or defining a central treatment plant in flood prone areas? He added the question referencing the non-confirming areas and what are the impacts on those areas and existing homeowners?

Moderator Eric Austin stated he recognizes that the map of nonconforming parcels has come up multiple times. Greg McNally has access to the draft map and is working on this, with the understanding of its need for Phase III.

Archie Harper stated the cumulative effects from an array of impacts is what he sees as the benefit of the zoning regulations. For example, infrastructure wastewater versus septic systems in flood prone areas. This issue is an example of where an assessment and addressment is needed.

Moderator Eric Austin moved to the environmental Pollunit and asked is there anything that should be emphasized that is not and what is the ZAP's impression of the collective priorities?

Pat Keim stated that as his role representing fire and emergency, he is concerned that the Wildland Urban Interface (WUI) is the third item. Development in WUI is a critical issue and if it continues to be allowed, it's going to burn up homes and stretch resources in providing safety to those people and homes. It goes hand-in-hand with transportation infrastructure. As building occurs into the WUI, transportation infrastructure becomes more expensive and straining. He encouraged the importance of not allowing building in those areas.

Secretary Lois Steinbeck stated she's struck by how the same topics are on environmental and technical Pollunits, but it's rated high on one and low on another. Shouldn't there be continuity between our votes?

Moderator Eric Austin stated that it's worth noting what is an anomaly but would not over interpret that as being fundamental about how the group is understanding these issues.

David Brown stated an observation that wastewater phrases between the two Pollunits are worded differently.

Moderator Eric Austin agreed that yes, it is different and it was not intentional but he will pay more attention to that.

Tyler Emmert stated if single family houses are not allowed in the pink area of the zoning map, where are they going to go? What is the environmental impact of not putting them there?

David Brown stated that he doesn't think it's our goal to solve where the growth is going to go. The Valley has a lot of land that is suitable but it's the cost of it. Capitalists can solve it or the government is going to solve it. He encourages our government to tell the capitalists where it can occur and let them figure it out.

Tyler Emmert agreed that the growth will go wherever it costs the least.

Moderator Eric Austin stated that this conversation reminded him of Archie's comments of cumulative effects. Part of the purpose of the ZAP group is to use your expertise to think about what those effects are going to be.

David Brown stated that some of the pink areas in the zoning map have a shortage of water, so why can't the area be carved up to where growth can occur?

Tyler Emmert agreed and stated that changing the boundaries of the map is where this process is going to lead us.

Greg McNally stated there is a transitional growth area and the urban growth area that have unwritten regulations currently. This group is charged with helping write the regulations for both of those areas, As well as look at alternatives to the 10-acre minimum in the rural residential area. The ZAP is allowed to make sub-districts within any of those areas.

Moderator Eric Austin stated that the order seen here is not set in stone of the ZAP's order of concerns. He'll create a new version of the environmental Pollunit to include the additional votes and comments.

Greg McNally stated that this meeting is the first in-person meeting. The Pollunit is a tool that can be done from home, but if the meetings were previously done in-person, there would be whiteboards and sticky dots in a group brainstorming process and rapid fire responses. There may be additional thoughts that are going into this because this was done at home with more thought-provoking time.

Moderator Eric Austin agreed that yes, the dot voting exercise is a quick and dirty exercise, and it tends to be more intuitive than when in front of a computer.

Pat Keim stated that he likes this much better than in-person because he can be more reflective.

Moderator Eric Austin moved to the economic Pollunit and asked is there anything that particularly should be emphasized that is not and what is the ZAP's impression of the collective priorities?

David Brown stated that economics shouldn't be a driver. There is an antiquated sewage system at 10 Mile, but residents refused to pay for it, but then five years later when it was required for the health and safety, it was twice the amount. The role of government is to ensure the health and safety of residents but not shortchange the residents. The government needs to plan ahead and not provide the choice to residents sometimes.

Mark Runkle stated in response to David Brown that transfer of costs should not be overlooked as opposed to planning for the growth. The current system doesn't always allow the government to raise taxes for inflation. The city taxpayers can support their own capital improvements, such as \$400,000 to the Helena Civic Center and approximately \$4 million for streets that everyone in the area uses. But it's important to encourage these types of things rather than transfer costs to people who don't benefit from them.

Secretary Lois Steinbeck stated that the property devaluation is important, and different than shifting costs. These need to be separated in the Pollunit categories.

Moderator Eric Austin responded that he would split this out into a separate category in Pollunit.

Tyler Emmert inquired if devaluing property occurs by creating zoning?

Moderator Eric Austin stated that this is an important question. What would that look like, how does it occur, and how is it responded to?

Pat Keim stated that by not creating zoning, there is a potential to devalue property, as well.

Tyler Emmert stated that devaluing can go both ways. To keep values high, others may need to be devalued.

David Brown stated that often value is thought of as money. But there are other values that are cherished that need to be considered, such as open space, unobstructed views, clean water, etc. It's hard to value that.

Secretary Lois Steinbeck stated a request for some time to address the issue, which property values are being impacted. The ZAP can't completely ignore when someone wants to do something on their land, but if homes don't have adequate water, it's not acceptable.

Moderator Eric Austin stated the issue faced is how this value impact is addressed in regulations. The goal of this process is to get a consensus recommendation. It's a majority vote. The recommendations should include the critical elements so that each of the ZAP members can live with the recommendations.

Archie Harper stated that there are the consequences of growth economically to residents-at-large. The cost of living is going up. When growth occurs, there is a need for more infrastructure, property values go up, and taxes go up. Collectively, our heads cannot be in the dirt because growth causes increased costs of transportation. Funding and taxes are not keeping up with the growth. There needs to be innovation and creativity to seek other sources of funding.

John Rausch stated that he agrees that people are racing to the hinterlands from where they are. Montana is now the hinterland. Secondly, being a part of this endeavor will take one year and reality changes and alters within that year, but the mandate has not changed. Sometime in the next 30 minutes, a federal Infrastructure Bill of \$3.5 trillion dollars is about to be passed. If the County is prepared, the County should be able to provide guidance on how this money should be spent, such as a \$60 million wastewater treatment plant in the lowlands of the Valley.

Pat Keim stated that he agrees that this is the hinterlands but those folks are bringing with them the problems that they are racing to get away from.

Archie Harper stated that new residents are seeking refuge from what they are trying to get away from. But they are often undermining the very values they are seeking and why they are coming here for, such as wildlife habitat and open space.

Shane Shaw stated that getting back to the economic Jamboard, if he owns 20 acres, and now all of a sudden he can't carve out separate lots for his children, where does that leave him and the value of his property with rights to what he wants to provide to his family. Our justice system is only available to the wealthy, so if the zoning rules are changed, and property loses some of its value, then there needs to be a system set-up for the due process for those folks.

There needs to be a process to address private property rights that are impacted by a zoning decision.

Tyler Emmert stated that the impacts on homeownership need to be split out, specifically relating to affordability.

Archie Harper stated that education stands out, and the public needs to understand the economic impacts of their bottom lines. Homeowners need to know what the costs could be increased. He'd like to know and identify the multitude of funding sources and how they could be applied.

Jacob Kuntz stated that economics often focuses on the needs of landowners and diminishing values. Currently, housing is being built in the Valley that is on 30,000 sq ft large lots for one home, with excess land that could be used for additional housing. So there is some economic shift that is happening where there is extensive land resource out there that is rapidly dwindling. This economic straining is affecting the workforce because there is no place to live.

Pat Keim stated that how development is occurring is driving up the cost of housing. If the government provided infrastructure, then it would be cheaper to provide the house.

Tyler Emmert stated that Pat's statement is 100% correct. There are Tax Increment Funding (TIFs) and Rural Improvement Districts (RIDs), and there needs to be a way to shift those costs to development in areas that need it. There needs to be a doubling down on finding funding for infrastructure costs.

Secretary Lois Steinbeck: Motion to extend the meeting

John Rausch: 2nd the motion

Motion passed: 11-1.

Tyler Emmert opposed

5. Public Comment on Items on the Agenda

John Herrin (*in-person, transcribed from audio recording*) stated, first off process. 5 min. I could speak 15 min on each of these topics. Wastewater, water quality, fire. We need to get to the point where you guys understand what is going on. You are all going on in circles, and I believe that I can help you get to what you're trying to reach if you give me and people that know knowledge about different subjects adequate time to speak.

Chair Jacob Kuntz stopped the clock and stated that the ZAP does read the public comments, and encouraged him and the public to submit comments in writing, as the group does read those comments.

John Herrin stated I stayed up until last night writing this and I sent an email to Greg if it got to you yet. There's a water quality report from James Madison from the Montana Bureau of Mines and it basically says that there is ample water in the Valley. We have plenty of water. It is not an issue and experts agree. I am a hydrogeologist and I agree with these reports. If we look at Northstar, they drilled six wells into its bedrock, and if you look at the pump tests done back when this thing was originally done, it did not recover and so it was a confined aquifer from get go. Now there are two solutions to that problem. One would be to run a pipeline section, less than a mile up Montana Avenue, and you could do it for a bunch of other subdivisions and increase the density. Second solution is possibly happening in the alluvial aquifer for irrigation water. Because they are tapping into the bedrock which is spreading miles and miles away from there. It's because everyone is tapping into this bedrock below this tertiary alluvial system below there. The third solution could be to drill shallow wells. Helena is the fourth largest aquifers in the world. We have ample water. We could pump and supply water for 1,000 homes if we provide a 500-gallon cistern on top of the hill. There is ample water out there. 10-acre should not apply. Period. Same with Fire. Timber areas are one thing, but grasslands could be developed and are low fire risk. They are driven by fuel load. The risk to them is low. But the timber areas have a fire study done by the County in 2018. Use that as the baseline for mapping out these areas that are high risk and that need low density. That is a solution. Again, I'm trying to find solutions for you. Transportation is a non-issue in my opinion. County has a lack of funds. Then raise our taxes, but we tried to pass a \$5 million dollar bond in 2005 but it failed because the citizens were not adequately informed. There were no meetings, no outreach. There was nothing done. So they came back with a \$500,000 bandaid on a problem that is oozing everywhere. \$500,000 is not adequate. There are solutions but what is interesting is that taxes went down due to the increase of students to distribute the tax load. So growth isn't a negative thing. It can be a positive thing. So let's get away from the 10-acre thing and stop pounding on it.

George Harris (*in-person, transcribed from audio recording*) stated he is the president of the Helena Association of Realtors (HAR) and thank you very much for having your meetings in-person. And also want to inform the group that our association has completed the polling process that we mentioned last week at our last meeting. There was a question to the validity of that polling. This was completed by the National Association of Realtors and also by the American Solution Strategies, a very credible national firm that conducted that polling. We would like time to present that information at a future meeting, and work with Dr. Austin on that. Thank you for the potential opportunity for an evening public meeting. I also wanted to

inform you of an economic analysis that just received a grant from the National Association of Realtors to conduct an economic study and we will be working with the University of Montana's Bureau of Business and Economic Research. And we would like to present these finds, as well. The focus of that study is on housing affordability, creating a forecasting model to project net new housing, and estimate the price impact on lot size restrictions. We welcome further questions and information. This study will be completed by the end of September. We will also be willing to present any and all of this information.

Secretary Lois Steinbeck inquired that she'd like to know what the primary determinants of housing costs are.

David Brown inquired about a lawsuit against our deliberations by the Helena Association of Realtors.

George Harris responded that the Helena Association of Realtors Board of Directors has no interest in formulating a lawsuit on this issue. That is misinformation. John Rausch is a member and we are in no way shape or form behind and not instigating this. We are here to provide information, be non-confrontational, and have information and facts for you to consider.

Jacob Kuntz departed at 11:38 a.m.

Andrew Thomas (*in-person, transcribed from audio recording*) stated for the ZAP to speak as loudly as possible and have visual amplification. A few points to consider in regards to the voting and ranking. Voting for the importance of an item doesn't negate its applicability. Need to consider the applicability, such as water availability in certain areas. Need to consider the specific issue to the specific area. In concern for the WUI, he's submitted and reminded of the Headwaters Economics report that details mitigation strategies for the WUI. It's not an issue of lot size but building practices and managing fuel risks and other fire hazards. With regards to the discussion of economic impacts and cost of development. The law doesn't care about the potential impacts of the regulation on the value of property. The only time you can claim takings is if the regulation completely negates the use of a property. I would ask you to consider what is the cost versus benefit. In regards to the value of viewsheds as it applies to real estate. That is a potential cost. However, having larger lot sizes that interfere with the developability of that property, and the value to landowner, or more broadening to the value of the community. People are living out of their motorhomes and cars in Walmart right now. What is the value and impact on those people from being excluded from housing? Finally, about the process and right of appeal, I will submit a draft of three bills that were in front of the House of Representatives that details, in my mind, a structure for a transparent cost effect method for resolving land use issues starting at the County level and up through the judicial system. Arguably, the process by

how you evaluate and make decisions about land use is more important than factual circumstances than any situation. If a process can be developed, whereby a landowner can come into a situation and have to work together to reconcile public interests with interests of a property owner is the best process for everyone. Conclusively, process matters.

Max Milton (*via ZOOM, transcribed verbatim*) stated just a couple quick observations. I could follow most of the meeting, but there's occasional locations in the room where people cut out and it's hard to get the gist of their statements. And the other observation I would make, and it was made earlier. Since the charge the first two charges at the panel are to help write the actual language of the ordinance for the urban and suburban transition zones. I just would observe that we're spending, you know, over half the time talking about areas in the rural zone which isn't helping us get priorities for those other two zones, and I see a continuum of issues and a real potential of conflicts or right word. But juggling this discussion coming about what I can do with my land and limiting lot sizes and all that versus if we want to create you know four to 6000 residences in the Helena planning area. It's been shown that this can happen in the urban and suburban transition zones. So you know if you write codes that prioritize that, you'll hear people saying you're rewarding some landowners and hurting others. I just think that's going to be a big issue to try to work out to get the best outcome for both the livability of the Valley and the cost to the taxpayers. The last thing is and, I'll put this in a comment, is Future West just is doing a series on Managing Growth in the West and they just had the City of Billings and the Billings County planner have a discussion about coordination of the City and County. I think it's worth watching. And I also know that the City of Missoula just passed an ordinance, this form-based code for bringing in a rural part of the Missoula area into the city. And it might be worthwhile to have the planner who's in charge of implementing that ordinance come talk to the committee about just how that works and does it have any merit for our situation. Thanks for having the time to comment.

Bill Gowen (*via ZOOM, transcribed verbatim*) stated I'm the government affairs chairman for the Helena Association of Realtors. I'm also a local title agent and work with this stuff every day. I just wanted to add to George's comment that we are trying to work through this process in a positive way and provide significant funds for some studies and some things that can be very useful I think, for this panel. I do want to also thank the panel for meeting in-person. I wish I could be there today. I just wasn't able to get away from the office, so I apologize for that. I much rather be there in front of you. I think that the discussion today was good. I think there's some important things about the economic impact that have to be looked at a little closer when it comes to housing affordability and that is why we're attaining this housing affordability study, because if no one that lives here, that we're trying to protect this great community, can afford to live here, then we're not going to have the same community. And I hope that everybody understands that very clearly. You are not going to have the community you think you're going

to have by restricting things to 10-acres. The 10-acres is arbitrary and it needs to go. That has to be a recommendation. Now there are some areas that may be appropriate for that but not this large swath and not the people, like myself, that already have property under 10-acres in that area. It's inappropriate and it's unfair that needs to be changed, so that's the recommendation that we've been pushing. And we're going to back it up with as many facts as possible. I do thank you all for your time and it is important to have these discussions and so thank you. I appreciate that.

6. Public Comment on Items not on the Agenda

John Herrin (*in-person, transcribed from audio recording*) stated there are two issues. One is that a super majority needs to be made, which from what I understand means 8 out of the 12 on each of the regulations. Whether that applies to each of your motions, you might want to look back on that. That is a way to avoid an iffy resolution. Second, there is a lawsuit that the Helena Association of Realtors did not join but I did personally along with six other people. It was a County lawsuit in November. I did serve the County on June 5th on the zoning regulations as they are. Particularly problematic were three things. One as the 10-acre lot restrictions. Secondly, they were dictating that the secondary building size couldn't be bigger than the primary building, such as a wood shop or a warehouse or anything else that is larger than your house. And the other thing is basically targeting the rent-for-lease option for private property. This restricts the ability to have an extra income on your property. If you have 100-acres, you should be able to have that. That was created to help the growth in Eastern Montana, passed by the Legislature, and it circumvents the subdivision process to some degree and some of the County Commissioners had a problem with that issue and said they were going to strike that down. Please revisit those things, because it's punitive to target the rural property and not have it apply to the transitional and urban zone equally. It is discriminatory, and that's a basis for a lawsuit. Please give people more time to address these issues. I stayed up long hours. I feel stressed. We could do better as a community if you listen to the community. You are not getting the information that is needed and that is factual. Wastewater treatment systems are adequate. Subdivision regulations and the DNRC adequately protect water quality and water supply. Zoning regulations need to look at form and density such as commercial developments. Zoning should look at building design, not these side issues.

Kim Smith departed at 11:42am

7. Announcements

Moderator Eric Austin stated that the HAR has two studies and George Harris has been asked to submit those studies and those will be made available to ZAP. His aim with all material is to present it in a balanced way, and not put Greg McNally or himself into a position of vetting or

assessing the validity of this information. He will continue to request individuals or organizations with this type of information in writing to submit it, and then look to the ZAP to review the information and determine as a group, what is useful.

John Rausch departed at 12:00pm

Moderator Eric Austin stated that he will compile results into the next Pollunit and will open the last two social and political Jamboards. His sense of what is social is the identity and character about Helena Valley Planning Area that the ZAP wants to preserve. As for political, this includes the formal component of the political climate within the community.

Secretary Lois Steinbeck stated that the political should include comments about infrastructure, since it's a focus for the politicians on how to move things forward.

Shane Shaw provided a thank you for the public comments and the online public comments, as they were very useful and helpful. He encouraged comments in writing.

Tyler Emmert inquired if form-based codes and zoning were an option to consider? As an example, Helena downtown changed from zoning to form-based zoning.

Greg McNally stated that yes, form-based codes could be put on the table.

Shane Shaw: Motion to end the meeting

Joyce Evans: 2nd the motion

Motion passed unanimously: 9-0.

8. Next Scheduled Meeting

August 25, 2021 at 9:30 a.m.

Adjourned at 12:08 p.m.