



316 North Park Avenue, Helena, Montana 59623

## **ZONING ADVISORY PANEL**

### **FINAL Meeting Minutes**

**Meeting Date and Time:** October 13, 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  
Tyler Emmert - on zoom  
David Brown  
Lois Steinbeck  
Joyce Evans - on zoom  
Archie Harper - on zoom  
John Rausch  
Kim Smith  
Jacob Kuntz  
Dustin Ramoie

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

Mark Runkle  
Shane Shaw

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

Greg McNally, Planner III

#### **Moderators Present:**

Dr. Eric Austin  
Lucia Stewart

#### **Members of the Public Present:**

**(in-person):** Andrew R. Thomas, John W. Herrin, Max Milton, William "Bill" Gowen, Chris Stockwell

**(as noted by the Zoom screen name or phone number listed):** Islaptop, Steven Utick, HCTV, George Harris, DW, Zoom Host, Sodexo1, Valerie Stacey, Cness

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

Chair Jacob Kuntz brought the session to order at 9:31 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 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 Items**

#### Non-Conforming Parcels and Vested Rights

Greg McNally provided a presentation on non-conforming parcels and vested parcels. This presentation can be found on the [ZAP website](#). Vested rights are referenced on Section 24 of the Growth Policy and nonconformity is referenced in Section 18 in the Growth Policy.

Greg McNally stated if a natural disaster or event were to happen and destroy a structure or use within a non-conforming lot, it can be restored but there is a two-year timeline for that restoration to start to occur.

Pat Keim stated that insurance companies can take extensive time, and if a structure is not insured, it may take even longer.

Secretary Lois Steinbeck requested that the two-year limit be added to the list of items to be addressed outside of the ZAP charge.

Kim Smith stated that he's aware of a structure that was not insured that took more than five years to rebuild the structure.

Tyler stated that there are setbacks for fences in the Growth Policy, so does the two-year limit apply and require them to meet that setback when they replace or repair those fences?

Greg MvNalley responded that if it's routine maintenance and repair then the nonconformity can continue on.

David Brown inquired about an occupancy permit based on the completion of the construction.

Greg McNally replied there are no occupancy permits because the County does not issue building permits, and therefore the County provides no oversight.

David Brown stated his concern for the lack of enforcement, and the need for formal documentation.

Secretary Lois Steinbeck requested this issue be noted in a list of topics outside the ZAP charge. She finds it an issue that citizens are self-policing their neighbors. There needs to be some ability for the County to enforce its regulations.

Greg McNally stated that with the direction of the County Commission, the County is a complaint-based enforcement action. The Commission is aware that with zoning this may change.

Pat Keim stated he's uncomfortable with complaint-based enforcement because it causes friction. Down the road, there needs to be compliance. He would be reluctant to turn his neighbor in as it fosters bad relationships.

Secretary Lois Steinbeck stated that if the government makes the rules, the government should enforce the rules.

David Brown inquired if the complaint-based reporting is confidential?

Greg McNally stated that since the County Planning Department is the public department, it is public information if someone makes a complaint.

David Brown responded that the weed district has a privacy complaint clause.

Tyler Emmert stated that if the rules want to address signage, fence, lighting, setbacks, it needs to be coupled with a permit process. But the Growth Policy suggests land use controls. Therefore, there is a need to put work into the language or remove the language.

Secretary Lois Steinbeck stated the need to make a recommendation to the County that it needs to enforce its rules.

Greg McNally returned to the powerpoint presentation and showed a map of parcels less than 10 acres that are non-conforming. He noted that the map does not include setbacks or other nonconformity that requires boots-on-the-ground observations. This map is posted on the [ZAP website](#).

Secretary Lois Steinbeck requested a printed version of the map.

David Brown asked to define the exclusion of the Part 1 zoning districts that are referenced on the map.

Greg McNally responded that there are Part 1 zoning districts, which are citizen-initiated zoning districts since 1970's, which are darker purple on the map. Those are excluded.

Secretary Lois Steinbeck inquired about Fort Harrison's Part 2 zoning whether it is included or excluded in the map.

Greg McNally responded that Fort Harrison's regulations would be treated more or less like Part 1 zoning. He added that any area with Part 1 zoning will continue as such and be subject to those regulations, which will supersede Part 2 zoning and the 10-acre minimum will not apply. This exemption will change if Part 1 zoning goes away, and Part 2 zoning will become enacted and replaced.

Kim Smith stated that 5.91% of 181,000 acres represent nonconforming parcels is a small number, especially when considering the whole acreage of Lewis & Clark County. He added that if only 5.91% of parcels are nonconforming, then why not just create an exception for those areas to become conforming.

Greg McNally responded that nonconformity is always going to exist. The nonconforming it still legal and will continue and be transferrable. So this needs to be a consideration of the ZAP discussion.

Tyler Emmert stated that nonconformity is a barrier for lower socioeconomic groups for financing. Since nonconformity will always exist, he suggests that this can be addressed in those nonconforming neighborhoods with an overlay or an exemption without a grandfathered in nonconforming overlay but something that is conforming.

Kim Smith stated that he thinks it's a non-issue.

Secretary Lois Steinbeck asked for clarification, as she thought that when the zoning regulations went into effect, that all structures and uses that were in existence were grandfathered in and considered conforming.

Greg McNally responded that it's a terminology thing. It can exist legally but its nonconforming, and any expansion of the use needs to be in compliance, but there are now provisions on how it might expand.

John Rausch stated that its basically a stigma of nonconforming terminology, but it's a legal use but it doesn't meet the standards of its adjacent parcels. There's no need to create illegal parcels but the ZAP just needs to figure out what to call it.

Vice Chair Dustin Ramoie stated that any pre-existing nonconformities are grandfathered in and if it's abandoned or the use ceases to exist, the next owner or use will need to meet those zoning standards. It's more of something to consider when a use is changing from industrial or commercial to residential. And it can easily be reconciled by a legal letter to an inquiring lending company stating that the property is fine to exist, and the ordinance is written to accommodate such uses. He added that essentially as it's a legal preexisting nonconformity, and it's verified by County or City as identified and assurance that it allows it to exist, then it is not much of an issue.

David Brown stated that title insurance will assure the buyer against cases in the future that will cause the buyer harm.

Kim Smith stated that when dealing with local banks it may work well but internet or out-of-state banks, it may not work well. If the use is going to change, then the landowner is going to have to submit an application to the County, correct?

Vice Chair Dustin Ramoie stated if it's a conforming regulation, then no permission is needed.

Kim Smith inquired that if there's a residential lot with a residence that is going to be expanded by 50% or 80%, then the owner doesn't need to go to the County to expand this use?

Greg McNally responded that as long as it's a conforming use and it is not built into the setback, then it's conforming and no permit is needed from the County.

Kim Smith stated that a permit system is needed for people to understand what is conforming and nonconforming.

David Brown stated that's where the complaint system comes into effect.

Pat Keim stated that this seems to be one of the issues that there is no enforcement mechanism. How is there enforcement if there are no covenants but there is zoning?

Greg McNally responded that there is an enforcement process but not driven by someone in the County.

Secretary Lois Steinbeck inquired to confirm that essentially there are no nonconforming parcels because everything that currently exists is grandfathered in and will be allowed to continue to exist and be an allowed use, unless it's abandoned.

Greg McNally stated that is correct. If it legally existed, then it can continue.

Pat Keim stated that this seems to be a terminology issue of "nonconfirming" and any preexisting conditions, the ZAP has no choice but to adopt. He suggests that the ZAP makes a recommendation to the County that those parcels that already exist, that those conditions and uses be grandfathered in and be considered as conforming to the zoning regulations.

Greg McNally responded that is what the regulations do today.

Kim Smith suggested that the ZAP leave these parcels as they currently are. It's a small number, so why worry about it.

Pat Keim added that covenants need to be grandfathered in, too.

David Brown stated non-confirming is going to have an overlay on top of the zoning regulations. Is there anything that this overlay can affect what's already there?

Secretary Lois Steinbeck stated that if there's a 10-acre lot, it can't be subdivided any further. Any future use or changes need to comply with the new zoning regulations.

John Rausch stated that it's more useful to talk about a nine acre parcel and what can be done with it. Nothing. Simply, leave it alone.

Vice Chair Dustin Ramoie stated that a landowner cannot expand a nonconforming item, but they are welcome to take other actions as long as they conforms. He stated that his property will become nonconfirming, but he's not worried about it since a variance can be obtained, and then work within those variances. There are hardships and options for people who have non-confirming parcels.

Pat Keim agreed, except for reducing 10 acres to 9 acres. Fire districts need 1 acre, so there needs to be an exception for emergency services.

Kim Smith inquired about the folks who bought a piece of land, but they are going to do a building for lease or rent? Or create a family transfer? Or want to build a riding arena when they retire?

Greg McNally responded that if a landowners has a parcel, development, or use that it will need to be in compliance with the zoning. If it's a family transfer, it might not be able to happen, as it takes County approval to do more than one transfer. As for buildings for lease or rent, regulations will allow for one.

Kim Smith stated that those are takings that are not being considered and are the differences between being compliant and being grandfathered. And many people in the valley have those desires previously stated.

Moderator Eric Austin stated that this is in the rural district discussion and there will be time to continue this discussion. Based on the content of this conversation, this topic could be a piece to include in the outreach and education as it could be critical if there are enough nuances and complexities that warrant this length in conversations, then there could be value in trying to articulate this issue clearly to the wider community.

David Brown requested two case study examples that would be helpful. One is an example of Part 1 zoning, how it is zoned, and specifically what Part 1 Zoning can allow. Another example is a case study of a family transfer with a parcel that is 19 acres, what can, and cannot be done with it relative to what Kim brought up.

Greg McNally stated a clarification that as long as someone qualifies for a family transfer, there is no limitation on the number of transfers that can occur. But if the qualifying landowners only have 20 acres, their only option is to subdivide it into two parcels in that transfer.

Kim Smith responded that this limits a landowner to zero transfers with 19 acres.

Moderator Eric Austin responded that while case studies are valuable, there are an infinite number of cases. The ZAP should identify what are the critical categories so that it's a valuable case study. He added that as each of the three districts is discussed, zooming into the map for details will allow ZAP to apply some specificity for those specific non-conforming parcels and the district as a whole.

### **Public Comment on This Agenda Item**

Andrew Thomas (*in-person, transcribed from Zoom transcript*) stated with regards to the issue nonconformance, I think that the critical thing to keep in mind here is the 10-acre lot minimum is an arbitrary number, and if you have numerous nonconforming lots, what it suggests is that that number is even more arbitrary that it shouldn't be. So what I want to ask Greg possibly to

do is to do an inventory with what is the average lot size of the nonconforming lots in terms of the existing building for recent building. What is a lot size and use that as a basis for developing a more appropriate number? Because if you get that number down to a point where most lots are conforming and slightly reflecting the reality of existing development. Now that doesn't mean that the County can't come in and say all right, we need 10 or 20 acres in this area that has to do with the water availability issues or other things. It just makes that arbitrariness go down to something that's a little bit more objective. The other consideration, with regards to the efficiency of regulations, you have to consider the regulatory burden versus the regulatory benefit in the earlier discussion of, for example, policing and having the county enforcer, or having neighbors turn other neighbors in. If a regulation exists that really doesn't have a huge public benefit, it simply invites either nonenforcement or other people becoming heavy about enforcing that regulation and it might be something for them to contemplate moving. Ultimately, I think with lot sizes, at least, but also the other regulations, if you get into a determination that is objective and rational and is not intended to motivate people to either move into the city or build on excessively large lot sizes, you'll get rid of a lot of the conflict that was created by nonconforming. Thank you.

Bill Gowen (*in-person, transcribed from Zoom transcript*) I'm the chairman of the Helena Area Board of Realtors Government Affairs Committee, and I'm here today as both a citizen of the County that lives in the Part 1 zoning and as that Chairman capacity. I also own a title company, so we deal with this type of thing, and when those transfers happen. So when we have an area like where I live in Townview or Skyview which are in Part 1 zoning, and we have a issue with encroachment, which is when a surveyor goes out and that survey discloses that we are in setback and in a Part 1 this would be a zoning violation, so therefore we have to go get a variance. Greg, can you remind me what the application fee for variances, about \$800 some odd dollars?

Greg McNally responded, no it's not that much.

Bill Gowen stated (*in-person, transcribed from Zoom transcript*) well I know that was what was quoted on one that I was what was working so and maybe that's because there were multiple issues. So that's one issue. So there is County enforcement. Many of the covenants that have been adopted have been to conform with subdivision regulation, and those subdivision regulations have established easement lines and setbacks in certain areas. So when they're in violation, the County has jurisdiction on that setback due to subdivision regulation. Yes, we see it all the time. We have to have easements replatted. We have to go in and get variances, and we have to get approval from the Commission, so there is County enforcement, even though maybe a covenant issue. I want you to keep that in mind. Can you please bring the map back up online, as I think this is fairly important because of an earlier question. So if we draw a big circle



around this area, you know Bob Valley Market, North Montana, this area is highly developed. How many of these parcels even larger than 10 acres are left, other than the pieces owned by the state, which is probably not going anywhere. So why don't we have this in a 10-acre minimum area when none of the lots are? This area should not be part of that area. It should be in a separate area. That could save a lot of conflict because I'm on a ½ acre lot in a 10-acre minimum area. That does not make sense. My neighbors are on ½ to ¼ acre lots in a 10-acre minimum area. It doesn't make any sense, so you have the ability in this room right now, to write these regulations and make recommendations that don't have to stick with that color on the map, then you can do what you want to. You can do what's best for the citizens of this community. And that's what we expect you to do. To have an open mind and not be predisposed and already made that decision. I do thank you for your time, because I know there's a lot of work, I work for all.

Secretary Lois Steinbeck inquired if this area was removed from the 10-acre minimum requirement, if the rest of the regulations worked for you, then tell me why the 10-acre minimum is onerous?

Bill Gowen responded (*in-person, transcribed from Zoom transcript*) because politics and trust comes into play. And I've seen too many circumstances where one person can go before the Commission or the Planning and Zoning Commission, and get a variance very easily whereas somebody else cannot because of politics, because somebody just doesn't like them. Once you have to go into the Commission, what they've done or said in front of the Commission in the past comes into play. There's Implanted bias, and I've seen it multiple times

Secretary Lois Steinbeck requested the ZAP to think about the area north of Bob's Valley Market and other areas in the HVPA that are not rural but are in the rural area, and address some of the non-conformity by creating a separate zoning area or something different, and if it did occur, what issues could arise.

Pat Keim requested that the following questions to John Herrin not be counted towards his five minutes of public comment. (*verbatim*) Mr. Herrin, at the last meeting your last comments were that you were taking this to light and we're going to sue us. In the interim, you have sent this to the planning board and posted on our website threatening the same thing. So the question is have you retained an attorney and are you suing us?

John Herrin responded (*verbatim*) I and six others have signed a December 18 lawsuit against the County on the zoning regulations last year.

Pat Keim inquired (*verbatim*) I'm not referring to past regulations, but I'm talking about this meeting and the things currently on the agenda.

John Herrin responded (*verbatim*) Don't know if I can see the progress that I need to see that if you retain the 10-acre tract restrictions then there will be some lawsuit in it, because it's basically arbitrary and capricious.

Pat Keim inquired (*verbatim*) Are you suing, and have you retained attorney on this subject?

John Herrin responded (*verbatim*) no.

John Herrin stated (*in-person, transcribed from Zoom transcript*) I've already sent in two weeks ago a request to drop the five minute restrictions and I have not heard anything back. I believe it's nonconforming to Montana rules to limit the public, and to allow new folks to have unbridled discussion. It's very frustrating for me to sit here and submit stuff to you guys or talk to you and just have one right over the top, and not even be considered. That should be a major discussion right at the beginning. What are we doing for public comment? What do we doing for outreach, and how we allowing people to allow this kind of stuff standard?

Chair Jacob Kuntz (*verbatim*) stated that this public comment is for this agenda item. There's gonna be another time for comment on things not on the agenda so you can leave some time in five minutes during the meeting to address this, but right now, you need to limit your public comment.

John Herrin stated (*in-person, transcribed from Zoom transcript*) I'm asking you why didn't I get a response from you guys telling me I have to look at that issue and resolve it, because I don't believe you should allow this, that the county does that all the time. So back to the issue that is when I believe my time should start. If you look at the map, and you circle around this and drop this area out and say no we're going to make that a special area. To my mind that's arbitrary and capricious because why is this property any different technically from the ground water standpoint or fire protection and all excuses that the County came up with to make this. My contention is that the whole 120,000 acres or whatever the number is of private property out there should not be zoned cartablank 10-acre tract restrictions. Zero evidence for that. And if somebody can come up with that, if they can say a fire district people that they can go back to the fire manual of the County which was 2017, it says we strongly, wait no. We stated lot size restrictions are not an appropriate use for fire restrictions, and it should be done on a case-by-case basis from the subdivision regulations. Okay, you're all assuming that the subdivision regulations are a failure. They are not. They're very solid. I wrote and issued 400 permits and it is not a failed system. And to say otherwise is a lot. And that's what I have

problems with. We are perpetuating a lie. The lie is that the 10-acre tract restrictions have something underneath it for science which has zero scientific basis. Where is the science? Where's the reports and you can point to that 10-acre tract restrictions should apply to all that area. You have none. And now you're going to say that these guys shouldn't be blocked out because they're ¼ acre tracts. Well then why couldn't this area or in that area? It's already been done and it's already been approved by the state. You guys are on a slippery slope. So you're violating science. You're violating the administrative rules of Montana. You're violating the property rights of citizens. And you're not listening to the public opinion, which overwhelmingly 90% said they don't want to see what you're perpetuating with the 10-acre tract restrictions. The rent-to-lease option was thrown out the window. That can keep a person on their property and from having to drive into Helena every day. Why can't you have a rental property on the back your property and in addition to a guest house or a mother-in-law's house, or a son's place to live. Why can't that happen? Can you do it technically? If you can get the water? If you're not polluting the water? If you don't have a fire problem? Okay, so there's the bottom line. You need to go back to the science, and the science says, you have no basis for pretending this. Then you're going to classify everybody as nonconforming.

Chair Jacob Kuntz stated one minute.

John Herrin responded I'll save my minute for later.

George Harris (*on Zoom, verbatim from transcript*) just a just a brief comment, this is the CEO of the Helena Area Association of Realtors. Thank you for the time on this particular issue. I concur with Bill Gowen's comments and also Andrew Thomas's comments. It's our and my input that a blanket 10-acre minimum is not palatable, and I appreciate the panel taking a look at the various options to that dilemma and I appreciate your efforts.

#### Revisit the Charge of the ZAP Panel, Growth Policy, Initiating Phase III of the ZAP Work Plan

Moderator Eric Austin requested to combine the following two agenda items as one, and seeing no objections, he will proceed that way. He encouraged the ZAP members to revisit the charge of the ZAP. He continued by reviewing the gantt chart, timeline, and process of Phase III. This chart is available on the [ZAP website](#). There will be two new documents and one revision. In regards to the process, Greg identified an additional one that is tied to the charge, which is some revisions or clarifications to the existing regulations, based on recommendations or clean up that needs to be done along the way. The final output of this process will be a set of recommendations that the County Commissioners can take for consideration.

Secretary Lois Steinbeck requested the list of items that need to be addressed outside of the ZAP charge by the next meeting.

Moderator Eric Austin stated that there will be a review of the structured outline or draft from the Planning Department to seek input from each of the ZAP stakeholders' perspectives and on their issues or concerns. He requested to bring a priorities list that the group worked on in the Phase II, or any of the technical information discussed in Phase 1 to each subsequent meeting. All of these documents are available on the [ZAP website](#). ZAP will go through two or three revisions, and redistribute the versions at each iteration. The urban will be first, rural second, and lastly the suburban district, with the same sequence to each area. Lastly, he discussed the public listening sessions sometime that last few weeks of January or early February, which will occur far enough along in the development of the drafts to get feedback from the public. The aggregation will come back to the ZAP for a final consideration prior to the final vote on what is proposed to the Commission.

David Brown inquired about the resolution 2020-98 states that the ZAP shall operate one year or 12 months unless extension is approved.

Greg McNally responded that there is a need to ask for this extension, and he can show the County Commission what has been accomplished and the remaining timeline. The Commission wants the ZAP to complete the work. He also noted that the ZAP didn't commence until the end of January 2021.

Pat Keim stated the importance of allowing for some final markup after the public comment since the ZAP could pick up some intelligent insights from the public.

Moderator Eric Austin agreed and stated there is some time for final general revisions, and this timeline can continue to be adjusted as needed.

Greg McNally stated that the ZAP panel is going to form a recommendation, then it will go to the planning board for its consideration and meetings, then it will go to the County Commissioners with public hearings. The ZAP is a primary recommending body, with many subsequent revisions and comment periods to follow.

Moderator Eric Ausin stated that the ZAP will receive the first skeleton outline of the urban district on October 27th that Greg will create and coordinate with the City of Helena.

Tyler Emmert stated that if the ZAP is going to get a document with the City of Helena in mind, there are some holes in that theory, since it is Euclidean zoning and not form based. He inquired if the ZAP could take more time if needed?

Moderator Eric Austin responded yes, and that is another reason why there hasn't been a request for more time to the Commission because this timeline is the best estimate. As the ZAP gets into it, it will be known if this is an underestimate.

Tyler Emmert stated that one of his recommendations will be form based codes in the urban zone. If ZAP needs to hire someone for consultation, this may make the timeline look different.

Moderator Eric Austin stated that this will be one of the conversations that will need to be had.

John Rausch stated that the Helena Association of Realtors has some new significant data on the housing affordability for the Helena area and this information will be useful. He hopes that there will be some opportunity to speak about it.

Moderator Eric Austin recommended the ZAP to take a look at the city zoning regulations that are available on the [ZAP website](#) prior to the next meeting.

Chair Jacob Kuntz inquired if there is a budget remaining?

Greg McNally responded yes.

Secretary Lois Steinbeck inquired where in the timeline is sending out postcards to the public?

Moderator Eric Austin responded that he's started a conversation with the County Communications Officer and what is the most effective way to do that as part of a larger communication strategy.

Moderator Eric Austin stated that the ZAP is scheduled to meet the Wednesday prior to Thanksgiving, so if the ZAP decided to not meet, there is a need to recapture that time. He added the same issue may arise near the Christmas holiday.

Chair Jacob Kuntz stated that it's preferred to do an online poll to determine meeting times around Thanksgiving.

### **Public Comment on This Agenda Item**

Chair Jacob Kuntz stated that George Harris has four minutes and 10 seconds remaining for his public comments.

George Harris (*on Zoom, verbatim from transcript*) Thank you, Mr. Chairman. Just real briefly I want to echo the comments of Mr. John Rausch and express my appreciation for him, bringing that to your attention, The University of Montana Economic and Housing Affordability Study is very significant and it's very well done. We have just received that document and will be reviewing it internally, and it's my intention to have it out to the panel after we have an opportunity to meet next week with our Government Affairs Committee. We would truly appreciate the opportunity to present that information in a reasonable fashion. Also recognize Dr. Austin's comments that yes, we will highlight the main points. And also to let you know that the economists working on this were Patrick Barkley and also Derek Shanahan from University of Montana. We'd like to request that they have an opportunity to make any comments which they may have of this study as well. We'll get that to you and encourage you to study it and formulate any questions and we'll be glad to respond to those. And again, that's finance through the association and we appreciate the efforts of the University and I think you'll be well pleased to see it. I think it's highly germane to the topics that's being discussed to help this panel to make a positive decision going forward in terms of housing affordability and economic analysis in terms of income versus housing and also in the north valley and the Lewis and Clark County area that that's being discussed. Thank you for your time and that's the comments that I have. Thank you, Mr. Chairman.

Chair Jacob Kuntz stated that John Herrin has one minute remaining for his public comments.

John Herrin (*in-person, transcribed from Zoom transcript*) first I wanted to ask for a formal response for the time extension request and justification for limiting people's testimony, which I think violates the state COVID meeting laws. Three things, first that Tyler brought up is that other cities and counties have done planning. The first thing that the ZAP should have done is to look into and bring in what other counties and cities have done. Everyone should have read the 2017 fire manual, particularly pages 30-32, that said basically this 10-acre stuff should not be considered.

Chair Jacob Kuntz stated Mr. Herrin your time has expired.

#### COVID-19 and Discussion about Temporary Meeting Electronically Only

Greg McNally stated that the County hosts a COVID-19 website hub, that includes the current cases, and these numbers are going up. He inquired how the ZAP is feeling about resurgence of COVID as there's been some feedback on moving back to online meetings.

Chair Jacob Kuntz inquired if the County is recommending that there is a move to electronic meeting?

Greg McNally responded that he can't make a recommendation, only an observation.

John Rausch stated that now that ZAP has been in-person for a number of meetings, he would find it easier to go back to virtual meetings. His recommendation is to remain in-person.

Moderator Eric Austin stated that as a facilitator, he can make live in-person process work and virtual process work. He can also make a hybrid meeting work but there's a breaking point when there are too many people online, such as more than four people, that there is a need to switch to completely online.

Greg McNally stated the benefit to online everyone can hear everyone else.

David Brown proposes to continue to meet in-person.

Kim Smith agreed.

Secretary Lois Steinbeck stated that with vulnerable family members, this will be her last in-person meeting for a while. She requested paper copies of meeting materials prior to the meeting.

Tyler Emmert stated that he prefers to be in-person.

Kim Smith suggested continuing in-person, and if it becomes problematic and a majority of ZAP are online, then switch at that time.

John Rausch stated that the nature of moving online in Phase III could be problematic. He suggested taking it one meeting at a time.

Moderator Eric Austin stated that it's best to stay in-person at this time, and will figure it out when it becomes a critical tipping point.

## **5. Public Comment on Any Matters Within the Scope of the ZAP that is not on the Agenda**

Chair Jacob Kuntz stated that due to time constraints for this current meeting, it is requested that all public comments on items not on the agenda be made in writing for the ZAP consideration.

## **6. Announcements**

Pat Keim made the request for ZAP for further discussion on the issues of dry hydrants. Dry hydrants are problematic water supplies, which are small ponds with piping so that water can be drawn out by suction. They are ineffective, inefficient, and time and personnel consuming during an emergency. There needs to be a water main with high efficiency well with a high loading capacity. Part of the preview is to develop a strategic water supply.

**Secretary Lois Steinbeck: Motion to end the meeting**

**John Rausch: 2nd the motion**

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

## **8. Next Scheduled Meeting**

October 27, 2021 at 9:30 a.m.

**Adjourned at 11:45 a.m.**