

From: [DW Paulson](#)
To: [Greg McNally](#)
Subject: Attention ZAP
Date: Monday, February 7, 2022 5:00:10 PM
Attachments: [ZAP February 7,2022.pdf](#)

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To: Community Development and Planning Department February 7, 2022
Attention Zoning Advisory Panel
From: Dale Paulson 2610 Three Bars Drive
East Helena Montana 59635

The Spokane Creek Neighbor's greatly appreciate the PD discussions in the last few meetings. These discussions directly correlate with the Spokane Creek Neighbor's public comments and concerns.

In the draft January 12, 2022 minutes

Secretary Lois Steinbeck referenced how PUDs and the cluster design address water. Without a comprehensive water study, it's the same issue with subdivisions. It cannot predict future water availability by only measuring well depth. The more wells that are created, it begins to affect water depth elsewhere. There is no way to enforce the 10-acre feet restriction without metering or another enforcement mechanism. It doesn't consider the cumulative impact of groundwater withdrawals.

Greg McNally responded that the Planning Staff has recognized that subdivision review is inadequate in determining water availability. He stated it is a perennial issue of determining long term water availability and how new wells impact old wells.

From the January 26, 2022 Draft Minutes

Secretary Lois Steinbeck requested the Planning Staff provide information that could be appropriate with zoning documents to help measure water in the long term. She stated that looking at the number of wells is not an accurate prediction of the carrying capacity of the aquifer prior to development, as it's monitored until it's drawn down to a point that all wells in an area may be impacted. She added that she's heard a lot of people asking what's the scientific basis for the 10-acre minimum, but it's not all about science. It's based on where people want to live, how people want to live, and what people want their neighborhoods to look like. Not everything needs to have a scientific basis.

From the January 26, 2022 video

Not word for word, but Lois Steinbeck also indicated that Some areas have limited water, we need to know water carrying capacity in the long term. Looking at well levels does not enable prediction of the carrying capacity of the aquifer for future development. It's like the canary in the coal mine, you wait for the canary to start dying. If we wait for wells to start drawing down and it's too late.

And selected comments from the Zoning Advisory Panel: Jamboard Responses Draft Rural Zoning Regulations

- It is concerning subdivision regs will be used to determine water adequacy. Well logs provide inadequate data to project future "carrying capacity" for water availability for development based. Can staff provide options to address this issue?

- Regarding water adequacy, a hydrology report and hydrologists recommendation is needed. The exempt well location standards only address legal water rights and not availability and availability varies in the planning area so will require a professional report and opinion.

WE appreciate these ZAP comments, and they encapsulate Spokane Creek Neighbor's comments to ZAP concerning the need for a professional hydraulic report and opinion concerning water availability over the long term in the Spokane creek area. The canary in the coal mine is a particularly appropriate analogy in our area. Our canary's health is deteriorating.