



316 North Park Avenue, Helena, Montana 59623

ZONING ADVISORY PANEL

DRAFT Meeting Minutes

Meeting Date and Time: April 28, 2021 9:30 a.m. to 12:34 p.m.

Location: Meeting Held Electronically Via Zoom

Board Members Present:

Mark Runkle
Pat Keim
Jacob Kuntz
Tyler Emmert
David Brown
Lois Steinbeck
Joyce Evans
Archie Harper
Dustin Ramoie
Kim Smith
John Rausch

Board Members Absent:

One Vacant Position

County Staff Present:

Greg McNally, Planner III

Moderators Present:

Dr. Eric Austin
Lucia Stewart

Fire District Representatives Present:

- Dave Sammons, President of the Lewis and Clark County Fire Council and Fire Chief for the East Helena Valley Fire District
- Rocky Infanger, Fire Chief for Wolf Creek-Craig Fire Service Area
- Ray Prill, Executive Director of Tri-County FireSafe Working Group
- Jerry Shepherd, Fire Chief for the West Helena Valley Fire District
- Doug Dodge, Emergency Services Coordinator for Jefferson County

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

406-459-5160, David Knoepke, East Valley, HCTV, Jessica Markus, John W. Herrin, Maxwell Milton, PGONZALEZ, Steve Utick, Chris Stockwell, Andrew Thomas

1. Call to Order

Chair Jacob Kuntz brought the session to order at 9:33 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. Business Items

Greg McNally introduced the Fire Protection and Emergency Services presenters, who represent districts within Lewis & Clark County and adjacent counties. He shared a map of the fire districts and water sources for fire protection in the Helena Valley, which comes from the Lewis & Clark County Growth Policy, and available on the [ZAP website](#).

Presentation

Dave Sammons stated there are 13 participating rural fire departments in the [Lewis & Clark Rural Fire Council](#), consisting of both fee service areas and districts. Outside of the City of Helena, West Valley has the highest call volume in the County, followed by East Valley and then Tri-Lakes District. They work together in creating mutual run cards in the case of an emergency event. A mutual aid run card is an agreement that if a fire department receives a call for a fire that taps the department of resources and there is a need for additional personnel, water, or equipment, then each fire department sends equipment and personnel on the run card to support the event. There is a rural fire coordinator that facilitates the needs of the event, meanwhile preparing for the next event, as there could be an emergency call in more than one location. The fire coordinator is the hinge for the entire system to work. All participating fire departments meet annually to review the run cards for accuracy. There are also statewide mutual agreement run cards.

Rocky Infanger stated that the fire council has mutual aid agreements for structure fires, medical calls, mass casualties, and wildland fires. Each fire department has an understanding and mutual agreements with each department for what they could potentially need depending on the emergency call. Due to many of the fire department's volunteer personnel who all have day jobs, attendance at night fires is better than during the day due to the available personnel resources.

Dave Sammons confirmed that it's typical to have multiple departments respond to an event call. The fire departments are all volunteers with family, day jobs and other priorities, not all of the personnel are available when an event occurs. Medical calls take a majority of the call volumes for each fire department, since there is no tax base fee for medical calls, only for fire protection.

Dave Sammons explained the Lewis & Clark Rural Fire Council. It meets the first Monday of every month to discuss overall agency and individual department reports, which include budgets, upcoming weather events, drought status, potential fire activity, and individual department equipment needs. The council consists of all of the rural fire departments, the cities' fire departments, Jefferson County, Roads and Bridges, County Commissioners, Lewis & Clark County Planning Department, US Forest Service, Montana Department of Natural Resources and Conservation (DNRC), Montana Disaster and Emergency Services Division (DES), the Sheriff's Department, and Search & Rescue. The Fire Council monthly meeting is more of a reporting and informational meeting, but not necessarily for general public question & answers or a public comment meeting, although anyone is welcome to attend.

Jerry Shepherd and Rocky Infanger walked through what happens when a wildfire event call occurs, and through the steps of the dispatched chain of equipment and personnel calls that spread throughout the various rural departments in the Lewis & Clark Rural Fire Council run cards.

Board Discussion

Pat Keim asked how fire districts are influenced by planning, such as what does the fire department need and how does lot sizes and density impact the department's operations.

Jerry Shepherd stated that the 10-acre rural zoning minimum is challenging for creating future rural fire stations or a substation for the police, so obtaining 1 to 2 acre slots would be helpful. He also stated that road sizes and road construction in big subdivisions is what causes the most problems for the fire departments. Often there are no hydrants, and therefore the departments have to bring the water, so if the roads aren't up to snuff, if they contain dips, if they are not big enough, if they have parking allowed on the side, or if they can't handle the weight. These all cause problems. As for the water access, the bare minimum requirement is a 30,000 gallon tank with no pump, which means the fire department often needs to put a fire truck at the water source to pump and pull the water out since few rural water sources have adequate water pressure per minute. This limitation puts an additional strain on resources. In the high-density

areas, there needs to be a system that will provide water fairly fast. The best thing would be hydrants every 1,000 feet, but that would be too expensive to build and maintain. The next best thing would be a fire truck tender fill site with 750,000 gallons a minute placed every 2 to 3 miles based within a regional water system. But due to the expense of installation of this pump, he recommended raised water towers that also provide the pressure and gallons per minute flow that is adequate.

Rocky Infanger stated that it reduces the safety hazards of these large trucks traveling longer distances by having water sources closer and more readily available.

Dave Sammons stated that as population growth happens, individual fire departments need to prepare for that growth. He added that if it means adding another substation or three base stations to hold up brush truck engines and tender, they need the ability to find a piece of land. He added that each district does have a water supply set-up, but they are not consistent in operations, flow, and fill recovery.

Greg McNally stated that the situation in the Helena Valley is that the only way to acquire a new fire station is through the districts working together, getting a benefactor, and somebody wanting to donate land and equipment. The other way is through subdivision regulations that require a water supply and flow rate based on the density of that subdivision. Depending on the density, the volume of water might be on the lower side of 250 gallons per minute for two hours.

Jerry Shepherd replied that while this is what is provided per the subdivision regulations, it makes more sense to have medium or larger water supplies in the Helena Valley instead of having 2 or 3 little ones right next to each other. It would be helpful to be able to have a plan of where to put them and make them bigger.

Greg McNally replied that right now under the current paradigm without zoning, subdivisions happen with no predictability of where. Zoning is a tool that can be used to start to provide some predictability about where those regional systems could go and can start being a little more proactive in location, what type of facility, and what type of service. He also wanted to reiterate what the Fire Council communicated to the Lewis & Clark Planning Department that if the current 10-acre density zoning were in effect, somebody would need to provide land for a new fire station or tank, the lot would need to meet that minimum lot size. It was expressed that there needs to be some flexibility so a lot for emergency services can fit the fire service needs.

Dave Sammons stated that it's not only the fire departments that would love to see the ability to locate on a lot smaller than 10 acres, but also the ambulance service and the sheriff's department. There needs to be substations so that the emergency service workers don't have to travel long distances to get pre-positioned. He reiterated that Lewis & Clark County needs to get a handle on the water supply issue in the rural parts of the Valley, especially with the current growth patterns. Fires are always going to happen and individual rural fire departments and the Fire Council need to figure out a way to work through the issue.

Tyler Emmert stated his observations that there's four key items being discussed. The existing higher density areas need public infrastructure with gravity support water supplies. The City of Helena's fire hydrants are 1,500 gallons a minute, so this gravity fed public infrastructure is dramatically better than the 250 gallon per minute rate. Another point he made is when assessing where the Valley's development is, there is a need for increased forest management in a very dramatic reduction in fire fuels. The Valley needs to take steps now in order to prevent what can happen. He added another key thing to remember is that higher property value supports higher property taxes in Montana, particularly without Montana sales tax. There needs to be higher property values to support this public infrastructure. His last point he stated is the need to create a vehicle to obtain the needed property lots for emergency services in the Helena Valley. He asked the question, what happens when the growth bounces outside the boundary of our zoning? The unintended consequence of the narrow scope of the current zoning has the potential to make the situation worse rather than better. He stated the need to contemplate how this can be approached from the outside in. How important is the reduction in fire fuels for the areas adjacent to our built environment and how do we get the funding for that? What scale of funding is that?

Ray Prill replied that the Tri-County FireSafe Working Group represents three counties: Jefferson County, Broadwater County, and Lewis & Clark County, with most of the efforts concentrated around the Helena Valley. It's been in existence for 38 years, and a nonprofit for four years, with \$1 million in mitigation work in the previous four years. There are more grants coming but they have slowed down due to COVID19. Tri-County FireSafe Working Group focuses its efforts on outreach education, because that's the first form of getting people to learn to live with wildland fire. It also obtains grants to help private landowners with mitigation, therefore working closely with the Forest Service, DNRC, and the Natural Resources Conservation Service (NRCS). Yet funding is getting harder and harder to obtain since there's competition on a national basis. The Helena Valley is kind of a perfect storm, with respect to the increased growth in the Wildland Urban Interface (WUI). Most of the building permits are in the WUI, with warming temperatures, and 160 years of taking fire out of the equation, the building is encroaching where it was not before, especially Ponderosa forest which is

predominantly around the Helena Valley. Most people don't understand that they live in the WUI. When the fire hits the Helena Valley, it's not going to be a ground fire. It will be the ember zone similar to the dry conditions in California or Oregon where embers start the entire community on fire. It's not the fire, it's the urban concentration in the WUI that is the problem. The number one project is to thin the fuels in the areas outside of the valley and it is happening slowly, but funding is a problem.

Archie Harper asked to clarify what factors represent the biggest obstacles to complete the emergency services work besides water supply?

Dave Sammons responded that getting the personnel to the event is the biggest challenge since all of the rural fire districts are volunteers. Employees need to be given the ability to leave. A volunteer needs to take personal leave from his job. There are 35 members within the fire districts that have similar challenges. In a big event, they have to take personal leave to do that. In the event of a large fire, state employees were provided the ability to evacuate their homes without taking personal leave, but state employee volunteer fire department personnel needed to take personal leave to fight the fire.

Rocky Infanger responded that the majority of the Wolf Creek Craig fire personnel are retired folks, not the young ones. A compound problem is the summer influx of population that really overwhelms the departments. He has 95 homes in his district that can only be accessed by boat. Debris burning is the #1 cause of fires in the spring, but the personnel is needed in July and August when it's a huge fire season when they've used their personal work leave already. Activity in the volunteer fire department is declining, and many are struggling to have interest in volunteering. It's a full-time job between event calls and training hours. Volunteer personnel are one of the huge struggles, not only with the local Helena Valley fire departments, but in the nation and in Montana.

Archie Harper responded that water supply is a struggle, but volunteerism with the Tri-County is more of the challenge.

Dave Sammons stated that it is time consuming for volunteers in each district to take the time to test the water supply and equipment every year. Also, West Helena Valley Fire District crushes everyone when it comes to call volume, but a majority of the calls are medical. He runs on 500 calls a year, which three-quarters are medical calls that tie up the resources for minor incidents and become taxing. Also, training events are after work hours which can be taxing on volunteers since the paid and volunteer departments are held to the same standards.

Rocky Infanger stated that the issue is the increase of road traffic, the population density, the width of roads, and water supply, which are all integral with one another.

David Brown asked are the current zoning and subdivision regulations keeping up with the needs and concerns of the fire personnel?

Greg McNally responded that the Fire Council was involved in creating the 2005 Subdivision Regulation fire appendix, which includes the requirement to create a water supply point for subdivisions based on density, with a range from 250 -1,500 gallons per minute. There used to be two additional provisions in the appendix. One option was to provide sprinklers in homes. And option was subdivisions that were 19 or less lots could pay \$1,000 per lot to offset the cost of a water supply point. Those two provisions were removed from the appendix by the Montana District Courts. Therefore, the growth policy is left with remaining 250 - 1,500 water supply points required to be included in the subdivision, based on density. Subdivision review is the only way Lewis & Clark County is obtaining additional water supply protection points. The Planning Department is assessing a regional system and alternatives to the 250 gallon per minute for the smaller water supply points.

David Brown stated that he would like the cost of developing a lot to include the cost of developing for the fire service load being put on the system to be part of the ZAP recommendations. He continued by asking about the growing problem of recruitment. When living in the City of Helena, the taxes reflect the mill levy to fund the fire department. Why is the fire department the default for responding to the medical emergencies instead of the area's medical providers?

Dave Sammons responded that the St Peters Hospital has exponentially grown, as well. They are feeling the same personnel crutch as far as EMT and paramedics to operate their ambulance fleet. As the population grows, the services grow with it, but it's impossible to keep up with it. They have built a tiered response between the ambulances and fire departments that works well, but the entire system is overtaxed. The system works because all of the rural fire districts make it work, but how to properly fund it is a complex problem.

Rocky Infanger stated that after 20 years of service, a \$150 per month retirement is provided, but that doesn't assist in recruitment. A tax break was attempted to get people interested in being a volunteer fire department, but that did not get approval. There may need to be a raise in taxes to increase fire department personnel to hire people to be on call.

David Brown stated that there needs to be ways with zoning and subdivision regulations to think through the impact of development of who needs to pay for what and how so Lewis & Clark County can have health and safety taken care of.

Mark Runkle stated that there is a significant difference between a county development versus a city development. Within the city, fire hydrants are required to be paid for by the developer with a minimum 1,750 gallons per minute, which is a large expense. He stated that the infrastructure inconsistency creates a huge unfunded liability and an uneven playing field of development in the County versus the City. Also, the underfunded personnel of the fire departments could end with taxing both the city and county residents to reduce the underfunded liability. He added that is why the ZAP is talking about zoning, and to make a paradigm shift about the way things are in the Helena Valley.

Greg McNally asked to explain the difference between the funding mechanisms for a fire service area versus a fire district?

Rocky Infanger responded the fire service area funding is structure-based, whereas fire districts funding is mill levy based. Wolf Creek Craig Fire service area covers roughly 320 square miles, but they only collect fees based on structures. The fee structure is currently based on a sliding scale that is on the taxable value of the home. On the other hand, districts are mill levy based and it's based more on the land value. He added that another challenge is in some of the outlying areas where there is a huge increase of calls and responses to the increased tourism population. None of those people pay for the service but the fire department responds, but this can be heavily taxing to the department. He added that it is in their best interest to respond to everyone.

Dave Sammons stated that the district gets funding based on a tax based from the mill levy that is collected annually. It's a minimal amount that needs to be distributed amongst equipment, repairs, dispatch, and more. The only way to increase that is to increase the mill levy, which can be like pulling teeth. This in turn, makes the departments be fiscally responsible with what they have.

Secretary Lois Steinbeck stated that the state legislature limits the amount that a county can increase property tax revenue by the average of one half the rate of inflation over the three previous three years, not including the value of new construction in a year. She asked about on the difficulties in the evacuation of 28 people per square mile, which was referenced on page 49 in the Tri-County Fire Planning document.

Rocky Infanger responded that there is a minimum time allocation that is needed for an evaluation based on a sequence of actions that take place. He stated that a few years ago, they did a real-time evacuation scenario of a fire threading the Little Wolf Creek drainage. It was a six-hour evacuation process, and that was without fighting fires. There are 125 homes on the difficult road system, which is 8-to-9 miles long and three miles wide. The difficulty is it takes driving a mile and a half up a road to find out there isn't anybody home, but it's important to go there and check. People are the number one priority. The emergency services are all struggling with trying to make sure the job is done properly. But Mother Nature will predict what happens and the one thing that can be done is for homeowners and landowners to take the necessary steps to mitigate and prepare.

Ray Prill responded to Lois Steinbeck that the 28 people per square mile is a roll over number from the Healthy Forest Restoration Act evacuation standards. This states that if there were 28 or more people living in a community, the fire service area needs to respond with a plan for preparing for fire evacuation. The current Community Wildfire Protection Plans (CWPP) does not include this. The latest CWPP relates to one person now. That 28 relates to an old plan, and is no longer relevant.

Tyler Emmert stated that the public doesn't understand the amplitude of the issues since the emergency services have done such an incredible job in the past. He added that he wants ZAP to fully contemplate the zoning documents as they are currently written. He added that if the city is not on board with incentives for growth that matches the growth policy, he believes it is going to make the situation worse for the kids with how it is currently written. He suggested flipping what is current in the zoning documents by zoning the open space outside the boundary and encouraging development that matches the growth policy inside the boundary. But that ship has already sailed, so the only hope he sees is to figure out incentives to develop inside the boundary. He added the importance of fuels mitigation and tree thinning that are surrounding the Valley, and it cannot be placed on the landowners to understand this importance. He suggested a regional open space boundary where bonds can be passed is critical if fuel reduction is going to happen in a meaningful manner. He reiterated the importance for drafting incentives to encourage growth within the boundary.

Joyce asked if the Wolf Creek Craig fire district obtains resort tax from businesses in Craig and Wolf Creek?

Rocky Infanger responded that a small percentage of the resort tax in both Wolf Creek and Craig goes to the locally-based fire company that is encompassed by the fire service area. Fire

companies can collect donations and the collected resort tax goes to help maintain their buildings. But there's not enough funding in the pot to funnel that to the fire service area.

Ray Prill responded to Tyler Emmert's comments that the County planning department could focus on a fuels mitigation study. He brought up the example of Stallion Ridge as a bomb and a disaster waiting to happen. He added that it could be critical to assist developers with fuel mitigation in the planning phase. Trees don't stop growing because they are cut once, so it's a maintenance problem that goes into the future.

Greg McNally stated that a subdivision is a moment in time, and it creates property lots, and once those lots are created, the County is not involved anymore. The vegetation management may be completed in the initial development phase, but once it's completed, continuous management is left to the property owners.

Rocky Infanger stated that alongside fuels mitigation, the type of construction materials is important. [FireSafe Montana](#) has a booklet that discusses the differences of metal roofs versus cedar shakes for example, and multiple other fire safe materials that can be helpful in mitigating fuels.

Ray Prill stated that this relates to the building codes which is not part of the zoning codes. They are different, but this is the importance of education.

Business Item

Moderator Eric Austin stated if there are any ZAP members that have any additional questions, please send them to Greg, Peter and himself, and they will continue to be captured as the process of the ZAP panel moves forward.

Tyler Emmett left the meeting.

Moderator Eric Austin stated that the ZAP could be remaining in a virtual format for the foreseeable future, and likely through the entire year-long process. Therefore, he's been assessing digital tools that can be included in the planning process with whiteboards for brainstorming that is user-friendly, relatively robust, and will be accessible and transparent to the public. He added that this platform also provides an additional avenue of public engagement through information documents, surveys, mapping, and commenting capacities. He provided a brief presentation of the developer Bang the Table, that utilizes a platform EngagementHQ that provides a one stop shop technology that includes mapping, polling, public

engagement, and whiteboarding. He added that there needs to be a ZAP discussion of this and ultimately a vote in order to bring this to the County Commissioners to approve the funding.

5. Public Comment (*transcribed verbatim*)

Andrew Thomas stated: Hello everyone. So a few comments regarding today's discussion that segue into some other topics that have been generally addressed in your discussions. Something that I see as a persistent theme in the discussion of wildfires and emergency responses, is the need for requirements for defensible space, but also construction requirements. I don't know how much that's within the jurisdiction of a comprehensive plan, but I think in terms of what would be an extremely cost effective mitigation. That's really what you should focus on. For example, in other jurisdictions, it is part of their comprehensive plan that they require defensible space and that they have individuals who enforce that and penalize individuals who are not compliant. Same thing with building material requirements. Additionally, you could adapt the defensible space requirements to be built into covenants that apply either to subdivisions, or to transfer as a property. For example, in my written comments, you will see a link to the loss ratios which is down an edge with New Mexico. They actually require active mitigation practices for their hundred unit subdivision. Most of the lots range between two to seven acres and they enforce efforts at wildfire mitigation, as well as efforts at managing wild lands that are adjacent to the subdivision. Some other things to consider based upon the comments that you heard from the fire emergency response people. The issue of emergency fire response is inextricably tied to issues of roads and it may be worth exploring somehow mandating road improvement districts very similar to the one that I live on, to have standards to gradually improve the roads over time, so that they will be compliant with the needs of first responders. Given the fact that, in my instance, I live on Red Ring Road, and it was less than a quarter of a mile from the recent fire that we had up on Birdseye. The idea of long term planning to build up infrastructure to a level that's sufficient to respond to fire threats is particularly important. Another comment, when I was listening to the first responders talk about the 10-acre lot size requirement, I think it's very critical that you recognize and subsequently analyze what is an optimal density to bring in a certain amount of services. I think that the comprehensive plan as Greg McNally alluded to really is a good instrument to do this where you might not be able to bring in urban level services to an area. I think it's critical to recognize across the board, but you want to be able to improve services enough so that the individuals in that area are properly protected and that may require having more people than one house pretend acres it may be one house per five acres four acres two acres whatever but there's obviously a relationship between the property tax revenue generated by having more people and their ability to fund better infrastructure and as Tyler had, I think, very cogently noted, one the cat's already out of the bag with us and we already have issues with services,

but again, anticipating future growth. And the ability to fund services either for those that already exist because we already have any of these problems. As well as more people should be built in some modeling as to what type of density is practicable or feasible in a certain area. I think that you also need to consider the cost of regulation in terms of lost property tax revenue relative to emergency responses, but, as well as other issues. And then weigh that against the cost of new development, which I think most people would support for mitigation either for wildfire risk or emergency services in areas and on incorporated areas. You know, two other general comments here that applied to this discussion. I think that when you look at funding emergency services, the issue is far more extensive than simple matters of land use and any discussions that are had here must engage broader discussions of what is adequately funding. Or what is adequate funding for emergency services and other avenues that should be explored to fund those services? This isn't simply a land use issue, it's far more extensive. And I do think validly invites much broader discussions. One final comment, and it applies to this topic, as well as others. I included it in the last comment that I submitted in writing. It is that the critical issue to keep in mind here is that there is no division between urban development and rural development here. There are grades of progressivity in terms of needs for services, density of development, and other issues that need to be explicitly considered here in these deliberations to come up with a realistic model to address these issues. In response to what Mr. Italiano said during the last meeting, although in the abstract, we could rely upon the idea that efficient development could magically occur in urban areas, the reality here is that we need a realistic model to deal with the reality. One of the developments that has occurred, but also the likely pattern of development that's going to occur in the future, is either due to various economic forces but also individual preferences, so I will submit my written comments. Feel free to inquire if you have any questions, thank you.

John W. Herrin stated: First off, great presentation. The only problem with both this one, and the last one, in particular water one, is that you're getting a lot of information, but you're getting no real clear picture of what and how that really fits into what you guys are charged to do. And, in particular, this one here is that I see we've got some issues to deal with and really what I hear from too many of the discussions is that the rural properties, there's justification for this 10 acre takings of property values. One thing, it's illegal. The County has been sued in District Court over these zoning regulations and a bunch of property owners have sued the County. And, basically, you cannot target. We're discriminated against. One segment of the population and get over the other people benefiting from it. In particular, the fire on site storage issues we talked about, that's discriminatory. It's built into the subdivision regs but the regional centers and solving each taxpayer paying their fair share and not targeting a new person for all the costs of these roads that means fire that means water. And those things are all being covered under the subdivision regs. I keep hearing this inferences that there's huge

gaps and there's holes. Yes, there's been some promises to blur supply. In particularly North star, in the end up on the hills, but back to fire we're saying that rural property needs to be 10 acres because of fire as well, quite frankly, the prickly pear fire or the birds, I have fire September last year is an example of uncontrolled parcel of land owned by the Prickly Pear Land Trust add two three foot tall grass it burn through really quickly and it got into 10 acre tracts and it burned up right up to the side of the House, luckily that house has steel siding and it stopped it didn't burn the house down. Well, quite frankly, that 10 acre tract didn't mow the grass, you get to one to two acre tracks and I've got ample pictures. I've taken hundreds and hundreds of pictures. The upper West side of Helena and the upper East side of Helen is extreme fire danger. And yet that's okay, but then you look at a grassland area and one acre tract out in the valley and if they mow their land. They will not burn down house to house, and so you can't have a risk from house-to-house. A perfect example is a County made to a four acre tract of land, called the miles subdivision just north of thousand lake on Hart lane. It was a two four acre tract or trying to split into, and they were forcing them to do a \$35,000 to \$50,000 on site storage system, because of the rules setting. The County realizes now, and I heard Peter Italiano last week say that they're going to get away from that because it is targeting the new guy. Tri-counties said I can adequately respond to the neighbor just like I can respond to this one new. I killed it for nine months with a staff saying no, deny it because they said the variances can't consider costs. Well that's a lie that the state regulations actually save money that the County must consider costs the regulations. So what I see is that for the last 16 years since 2004 I have been fighting constantly and others in lawsuits over zoning, over subdivision regulations that the County targeted rural property and I can give you example after example of how that happened. But I won't bore you with it, but the problem is, is that it isn't just the new guy that's the problem, we need to have solutions that it's fair and that's the laws require that and that's the reason the County keeps getting sued because they keep saying the new guy has to pay for all the costs and the existing people don't have to address the problems. Well that's unfair. Let's just get it right from the get go so back to the funding sources for the fire is it. Yes, we need to address funding, and I think the only way and are hearing this and also researching is that they need. We need to increase the funding for the rural fire departments. In particular, we need to fund full time emergency services. It's not fire. You're burning out the fire guys, the fire guys want to respond to fire they don't necessarily....

Chair Jacob Kuntz requested to start to wrap up the comments based on designated public comment time limits.

John W. Herrin stated: the ZAP needs to change that, by the way. It is a problem with this whole format and I'm going to be submitting a bunch of paperwork. I can see the lawsuit that would be good. But the problem is you, like last week, you heard a big muddled water about what to

do with water and did you guys come up with anything? Does a 10 acre tract get there? No, you didn't even address it, because you can't. You can't address it the same with fire.

Chair Jacob Kuntz called public comment items not on the agenda.

John W. Herrin stated: This format needs to change, because what you're getting is not what you need to hear. Okay, and if you're not going to listen to me I guess I've put 16 years of research into this. I've been in seven lawsuits and six losses with the County and I've been trying to get them to listen to the reason. They had 1,800 and 22 pages of written comments and 400 people testifying against the zoning regulations and they adopted it anyway. The problem is that the zoning regulations have several parts that are very harsh. One is a primary use while the secondary use has to be ancillary and smaller. That means a person can't build a shop. That means the person can't have a rental on that property that let's say they have 1000 acres and you're not into agriculture. Then they're basically limiting you and can't do it it's discrimination and it basically it's a major part of this lawsuit. Second part of it is transportation, the people that are fixing the roads are the subdividers. They have to build their roads to the stringent County standards. Nine inches of gravel existing roads, a lot of them, including 548 miles of county roads don't meet the County standards. And yet the new guy has to build it not only that they have to pay for their proportionate share to the next highway off site, which is a huge deal killer and for instance Birdseye Road. Birdseye Road will never see a large subdivision because that's the county road. It's a \$30 million price tag. Stallion Ridge will not happen again because you can't afford to build a subdivision and pay your proportionate share for off site roads. So, to say that the transportation issue is a new guy problem is a lie, and to say that the fire issue is a new guy and they have to pay for onsite storage when it's a regional center problem is a lie. When you come to the water protection, yes, there are problem areas and the County is actually involved in this problem. County Commissioner Derek Brown proposed to build a strong line with a police academy on Sarah Road. Commissioners Murray intensely voted it down. Also the Department of Transportation came to the County and said we're rebuilding Montana Avenue. We can build the trunk line for a sewer system. Both those guys voted it down, so the County is blocked from developing a centralized sewer and I heard Tyler say that that's the solution. The County's been the major roadblock for not getting that done. You have characterized individual septic systems as being a life deal trust. I've worked for five years and subdivision review permitted for 400 subdivisions on site storage if done correctly in the County forces you to do this, their permitting program does it. It isn't a problem, the problem is failing older systems and there's an inspection plan for that so again, the new guy isn't the problem and, in fact, regional septic system systems are a solution that is reasonable, because you can't afford the County to stop the regional centers. Plus, the way that this is all set up is that you're saying that people need to build down near the city. You know

where the best agricultural land is? It's in the Valley, where all that water is. And if you talk about, we can put water and there's actually been plans sorted by the County again to put water up on the North Hills and then you have plenty of water. So the new guy is not the problem. It's the way it is, our own way to see your landscaping or something where nobody does not have green lawns everywhere. 10 acre track restrictions are not appropriate and trust me the County has been sued on and they will absolutely lose, just like they've lost the other 14 to 15 times that I know, so that's my comment.

Chair Jacob Kuntz called public comment items not on the agenda.

No additional public comment.

Public comment closed.

6. Announcements

Greg McNally stated the next meeting on May 12th will be with the Lewis & Clark Public Works Department to discuss roads. He added that a wastewater discussion is also on a future agenda.

Mark Runkle: Motion to end the meeting

Secretary Lois Steinbek: 2nd the motion

Motion was not voted on.

7. Next Scheduled Meeting

May 12, 2021 at 9:30 a.m.

Adjourned at 12:34 p.m.