



316 North Park Avenue, Helena, Montana 59623

ZONING ADVISORY PANEL

FINAL Meeting Minutes

Meeting Date and Time: May 26, 2021 9:30 a.m. to 11:30 a.m.

Location: Meeting Held Electronically Via Zoom

Board Members Present:

Pat Keim

Jacob Kuntz

Tyler Emmert - *joined at 11:00 a.m.*

David Brown

Lois Steinbeck

Joyce Evans

Archie Harper

Dustin Ramoie

John Rausch

Board Members Absent:

One Vacant Position

Kim Smith

Mark Runkle

County Staff Present:

Peter Italiano, Director

Greg McNally, Planner III

Moderators Present:

Dr. Eric Austin

Lucia Stewart

Lewis & Clark County Representatives Present:

- Worby McNamee, Senior Planner and Floodplain Administrator

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

Alexa Noruk, David Knoepke, HCTV, Max Milton, Peter Schade, Steve Utick, Ryan Leland, A Thomas, Chris Stockwell, Gharris@helenahar.com, Alexa Noruk (DES), William Gowen

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 8 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. Board Discussion on Public Comment

There was a discussion about how to best structure public comment within the ZAP meetings. Public comment is an important part of the ZAP and the panel wants to hear from everyone, but time management needs to be considered. The ZAP members stressed the value of written comment for the more detailed agenda items.

David Brown: Motion to specify a time period that the public can depend on and modify the time allocation to three minutes.

Archie Harper: 2nd the motion

Board Discussion

There was discussion on the ZAP's ability to adjust the procedural flow of the meeting agenda and ability to receive public comment but so that it doesn't interrupt or consume the ZAP working and group discussion time. In order to change public comment from 5 minutes to 3 minutes, there needs to be an agenda item to amend the bylaws.

David Brown: Amended motion to limit public comment to three-minute time allocation for items on the agenda and not on the agenda per person.

Pat Keim: 2nd the motion

Board Discussion

There was discussion on how to appropriately manage both the meeting and receive public comment to set forth reasonable expectations. There was discussion about preparing and formulating an amendment to the bylaws and bringing this item forth at the next meeting.

Pat Keim: Motion to table the current motion and place an agenda item to make a motion at the next meeting.

John Rausch: 2nd the motion

Motion passed: 7-1.

5. Public Comment on Items not on the Agenda

There was no public comment.

6. Approval of April 28, 2021 Meeting Minutes

Pat Keim: Motion to approve minutes.

Archie Harper and Secretary Lois Steinbeck: 2nd the motion

Board Discussion

John Rausch requested a correction on page 4 from 750,000 to 1,000 gmp (gallons per minute) of water pressure for fire trucks.

Motion passed unanimously: 8-0.

7. Business Items: Flooding in the Helena Valley

Worby McNamee presented a powerpoint on the Helena Valley Floodplain and reviewed the floodplain map that is within the Lewis & Clark County Growth Policy. He highlighted the floodplain classifications in the urban, suburban, and rural areas, and the permitted development in each of those zones. The presentation is available on the [ZAP website](#).

Board Discussion

Secretary Lois Steinbeck inquired if there is more flooding that is occurring in the Sierra Road area, and if so what is causing it?

Worby McNamee responded that it could be a mix of things. There is the factor of climate change that comes into play. There's weather patterns that are associated with runoff and how much rain and precipitation the Rocky Mountain Front gets in relation to what gets fed down into the Helena Valley tributaries. There are some mitigation efforts that have taken place in and around the Sierra Road area that will mitigate a lot of that serious flooding that occurred in 2017 and 2018, and more dollars for mitigation to avoid this type of flooding in the future. In terms of the overall flooding forecast, he works with the National Weather Service in Great Falls with its advanced forecasting and hypothesizing but there are many annual factors that come into play in terms of flooding the Helena Valley and Lewis & Clark County. Montana is seeing a lot more flooding in general across the state as conditions change, water tables change, and the hydrology and the hydraulics of different areas get changed by development. In the last couple years, there's been an increase in the number of times that flooding occurs but that's not indicative of what's to come.

Joyce Evans inquired if the maps previously shown of the floodways displayed surface flooding or does it include groundwater that comes up in basements?

Worby McNamee responded that the maps don't reflect groundwater seepage. The map depicts riverine or sheet flooding only. In general, FEMA does recognize a rise of groundwater and groundwater spreading, and it has to meet certain criteria in order for it to be considered flooding. Lewis & Clark County does not have a map that takes into consideration the rise in groundwater into properties through basements or crawl spaces.

Pat Keim inquired what mechanism exists and how can the County prevent somebody from building in one of these floodplain areas and if denied, what prevents the ability to simply change the type of structures, such as mobile homes instead of a home with a foundation?

Worby McNamee responded that according to Lewis & Clark County regulations, the only thing that would prevent a property owner from building in the floodplain is if the proposal is to build in the floodway where new structures aren't allowed. The only thing that would prevent building in the floodplain is not completing the necessary technical requirements associated with the floodplain permitting process. If the appropriate associated technical information is submitted then in theory, there would be nothing that would prevent the County from permitting development. He added that it is the responsibility of the Lewis & Clark Planning Department to take tours of the floodplain and discover illegal building activity. Many times it is County residents calling the Planning office and complaining about adjacent development.

Greg McNally responded that when the County Planning Department does a subdivision review when subdividing and creating new pieces of property, the Planning Department makes sure that those parcels have a place to build that is outside of both the floodway and the hundred-year floodplain. A lot of development takes place on land that has not been subdivided or has been created via the use of an exemption or was already created years ago before the floodplain maps existed. Therefore, development can proceed on those properties where proper permits are in place and have gone through a technical review. There is a lot of development that occurred in the valley in areas that have experienced flooding. But this occurred years ago prior to having a better understanding of what the floodplain was, where the floodplain is, and how it affects other development down the channel of the flooding. He added that homes that are currently being impacted by flooding and repetitively impacted by flooding are homes that have existed for many, many years prior to the flood mitigation program.

Archie Harper explained why the Helena Valley is prone to flooding, stating he has conducted many presentations to the Helena Valley Flood Committee and the Helena Valley Flood Group. He stated that the Helena Valley is on a landform that geomorphologists referred to as an alluvial fan. This landform is created when flowing water interacts with mountains, hills, and

canyons that carry alluvium, which is a watershed product that consists of sands, silt, and rocks. The rushing waters then carry this alluvium into a flat plane and, in this case, that's the Helena Valley. He explained the deposition reach within the valley and the process that is perpetual and historical. What concerns him is a catastrophic wildfire event in the 10 Mile and 7 Mile drainages, combined with a flood event on a landscape that has been torched that causes massive erosion that can create a surge of debris in the valley. This is what shapes an alluvial fan, which can form episodically. There's been suggestions of damming, which is cost prohibitive. There's been discussion of dredging but channels are self-maintaining and will fill back up. The current solution is the Flood Mitigation Master Plan, which was recently upgraded by the Hydrological and Hydraulic Study (H & H Study) in 2017, which is an engineering analysis that incorporates the sciences of hydrology and geomorphology. He concluded that it all boils down to the fact that Helena Valley is naturally prone to frequent flooding and as it floods, the groundwater surges which is why it ends up in basements.

Pat Keim inquired if he was correct in that the ZAP should be taking into account overlaying the zoning map over the flood map and in which in some cases, not allow development within that part of the zone because of the flood map?

Greg McNally responded that yes, it's one of the things that the ZAP will need to consider where flooding exists and how to zone in those areas to make sure that development in the floodplain is not permitted and, in fact, encouraging development just outside of it.

Peter Italiano responded that the Lewis & Clark zoning maps do take into account the flood maps and was done cognitively within the growth policy update process. There's a lot of questions about how to deal with development within and around the floodplain and the ZAP will need to take into account floodplain when drafting the regulations. There's thought to reduce density to minimize the potential loss. There's other thought to increase density in smaller portions of the land area that are outside of the high-risk flood hazard areas. He added that the ZAP dialogue around floodplain areas and writing those regulations is going to be important and interesting.

8. Public Comment: Flooding in the Helena Valley (*transcribed verbatim*)

Chair Jacob Kuntz called for public comment.
No public comment.

9. Business Items: EngagementHQ

Moderator Eric Austin presented that as the ZAP moves into the next phase, there could be an opportunity to move into an in-person format. He explained and provided a short presentation on EngagementHQ, an online digital workshop and public comment tool that could be utilized in place or in conjunction with the in-person meetings. He stressed the challenges of hybrid meetings. He added that there are pros and cons to both options.

Tyler Emmert joined the meeting at 11:00 a.m.

Board Discussion

Vice Chair Dustin Ramoie stated he likes the idea of returning to in-person meetings, but he prefers the Zoom option so that he doesn't have to take time off work to participate since he can't take vacation hours to participate in ZAP. He also expressed concerns about getting inundated with large crowds with in-person meetings.

John Rausch stated his concern with limited Internet capacities and new software.

Pat Keim stated the recent HB 702 that prohibits the ability to ask if people have been vaccinated.

Chair Jacob Kuntz stated his concern with the technology if the facilitator is concerned with its use.

Peter Italiano stated that there is no intention to use EngagementHQ to reduce or minimize public input. He added that the point of EngagementHQ is to provide a robust platform that gives the ability for more collaboration than Zoom. He stated that Pat Keim is correct with the recent bill and it will be a difficult position to determine who's vaccinated and who is not.

Secretary Lois Steinbeck stated her preference to have in-person meetings.

Moderator Eric Austin stated that the microphone logistics could be an issue with in-person meetings with the need to effectively record and broadcast the meetings.

John Rausch stated his preference to have in-person meetings.

10. Public Comment: EngagementHQ (*transcribed verbatim*)

Chair Jacob Kuntz called for public comment.

William Gowen stated that I serve as the Government Affairs Chairman for the Helena Association of Realtors and an affiliate member. I'm also a valley resident. I just want to make a couple comments. I think that some of them have been echoed a little bit by members of this

discussion. The time it's taken is ridiculous. This is a procedural issue, not something that should be dealt with on this forum that's trying to deal with what we have in front of us is a very huge task. So I would ask that this stuff gets cleared up before these meetings and get these things dealt with. I encourage you to meet in-person. If you want public participation, you have an evening meeting and you meet in-person. We did it all through COVID. We did all the zoning meetings, and it was successful and it can't cost nearly as much money on software. So it's time to stop wasting the people's that have to be on these things time, and the time of those of us that are trying to listen in the middle of our day with a lot of work to do. So I would encourage the committee to do this, and I wouldn't encourage the facilitators to get this stuff taken care of because it is getting a little trying. Thank you for your time.

George Harrison stated that I'm the CEO to the Helena Association of Realtors and I echo Bill's comments. Just a follow-up comment is that I do feel that public comments are very much desirable and needed on a sensitive issue and an important issue. Also I feel like these meetings, the time that we're having, the morning time, it's very difficult for the public to participate. They have full time jobs and it really has a negative connotation to the public and the feedback that we're receiving. I would encourage in-person meetings, evening meetings, and I encourage public comment and the limitation of three minutes of public comment, whatever sideboards you put on that, but allow enough time for public comment. And then, as an association, we will work with our members and our Government Affairs Committee members, but we would like the opportunity to be heard and to participate. And we highly recommend in-person meetings and at a different time than these morning sessions. Thank you, Mr. Chairman.

11. Announcements

Greg McNally stated the next meeting June 9th at 9:30 a.m. and it will be focused on wastewater in the Helena Valley and a discussion on water quality in relation to wastewater.

Chair Jacob Kuntz stated that the ZAP encourages and values public comment and reminded the public that written comments are also available and encouraged.

Secretary Lois Steinbeck stated that she'd like to add an agenda item to the next meeting to discuss moving some meetings to evening time, particularly as the ZAP moves into the phase of recommendations.

John Rausch: Motion to end the meeting.

Pat Keim: 2nd the motion

Motion passed unanimously: 9-0.

8. Next Scheduled Meeting

June 9, 2021 at 9:30 a.m.

Adjourned at 11:42 a.m.