

COMMISSIONERS APPROVAL

54 FOSS

CHILCOTT 

IMAN 

STOLTZ 

BURROWS-JB

Members Present.....Commissioner Suzy Foss, Commissioner Greg Chilcott, Commissioner J.R. Iman, Commissioner Ron Stoltz and Commissioner Burrows

Date.....October 15, 2012

► Minutes: Glenda Wiles

► The Board met at 9:10 a.m. to make an appointment of county officials to the Planning and Zoning Commission. Present was Planning Administrator Terry Nelson. **Commissioner Stoltz made a motion to appoint Marie Keeton as the County Surveyor and Regina Plettenberg as the other County Official. Commissioner Iman seconded the motion and all voted "aye". (4-0)** Commissioner Foss was not present for this meeting.

► The Board met at 9:30 a.m. to review and make approval of the letter to FEMA regarding the new DFIRM Maps (floodplain maps). Present was Planning Administrator Terry Nelson and Planning Staff Brian Wilkerson. Brian presented a letter with Chair signature for FEMA (see attached draft). Commissioner Chilcott noted necessary grammatical changes and expressed his concern with FEMA changes as some residents who have been paying extra for flood plain insurance are now out of the flood plain. **Commissioner Iman made a motion to approve of the letter with the changes noted. Commissioner Stoltz seconded the motion. All voted "aye". (5-0)**

► The Board met at 10:05 a.m. for the second reading for Ordinance No. 36 which repeals Ordinance No. 12 (outdoor sign ordinance). Glenda was asked how this meeting was noticed which she explained was done by regular calendar being posted at the Administrative Center, Ravalli County's web site as well as notice to the papers within the proper time frame. (The first web posting was not done until Monday morning due to an illness the previous Friday, but this meeting was posted on the web the previous Friday). She also noted the Commissioners received 94 emails previous to the weekend. Out of those, only 2 wanted the sign ordinance changed, and 92 did not want a new sign ordinance, and to not go forward with second reading. Over the weekend 83 emails were received asking that the sign ordinance be left alone and that no second reading occur. Terry noted he had placed the current and proposed ordinance on the web for the public's review. Planning also received comment on a request for full cut off lighting.

Public comment was called for.

Pam Erickson has lived in Hamilton for the last 41 years. She stated the October 1st meeting was not on the web the previous week and she is astonished the Commissioners are considering this change. She also noted at the first reading the Commissioners did not state that Highway 93 was not being considered. She stated the Commissioners do have the power to decrease what the state allows.

Alan Thompson, previous Ravalli County Commissioner, spoke in behalf of keeping the current sign ordinance. He was one of the Commissioners who signed the current ordinance. He asked that the Commissioners please listen to their constituents, not just Republicans, but Democrats and Independents as well. The vast majority of people like the current ordinance.

Judith Esler lives on West Fork Road representing 13 residents who oppose this change. They will vote against the incumbents in November if they move forward with the new ordinance.

Peggy Steffas suggested they never go into one of the businesses who have a billboard/sign. She feels beauty and tourism are linked together which brings in a lot of money to the county.

Linda Dodds moved here due because of the beauty and she feels bigger signs will have a have a negative impact, detracting potential buyers, tourism and property values. She asked the Commissioners not to pass this ordinance.

Toddy Perryman stated Ordinance #12 was written by citizens. The current Board of Commissioners have not given them any public comment from those who wanted the ordinance changed, thus this is a misuse of government and is very suspicious.

John Ormiston stated the current ordinance allows for a variance so why change the whole ordinance.

Rick Fuhman stated he is opposed to any changes noting the current ordinance has worked for the last 12 years.

Dean Jordan suggested they reduce the bill board size along Highway 93.

Jenny West sits on the Hamilton City Council and they had a good public process for their sign ordinance. She did not see the need to make any changes. Her father owns three signs and has trouble renting them. She believes big box store signs promotes business outside of the valley.

Bill LaCroix stated the good thing might be that the bigger signs will cover the ugly gravel pits. He and others have asked who brought this change forward, but the Commissioners will not tell them who or the reasons why. He noted the Commissioners have received at least 150 comments asking them not to change the ordinance, and only 2 to change.

Kathleen Meyer lives on Highway 93 north of Victor. She asked the Commissioners to leave the Ordinance as it is. When the view shed is ruined, tourism suffers.

Sharon Schrader addressed the secondary roads that are narrow with steep drop offs, lots of wildlife, school bus drops and other traffic. The increase sign size adds distraction. She noted there are empty billboards on Highway 93 now with adequate sign size on the secondary roads. Speed limit signs are small and no one has trouble reading them. These so called anonymous members of the public who asked for the larger signs are ruining our view.

Chuck Roubic stated if it is not broke don't fix it. He too noted the Commissioners have not identified anyone who wanted a change. Leave the ordinance alone and if they must change the ordinance then disallow all off premises signs.

Patrick McKerrin of Victor opposes the changes. He asked why it is necessary and where are those people who wanted this changed and why so they could address their concerns as well.

Lee Nelson of Darby asked the Commissioners not to increase the signs. He has lived in where there was a zillion billboards and the sign companies were outdoing each other which caused numerous accidents. He stated he does not shop at businesses based on their signs and bigger is not better.

Amy Sage is a Property Manager for rentals and caters to tourism. A new owner asked her about this proposed change and she felt ashamed that the Commissioners would do this. This would affect her business, thus how she supports her family.

Nancy Osaw has been a resident in the county for 20 years. She lived in Oregon with no billboards and businesses do just fine. The tourism in Oregon is booming and she is amazed how beautiful it was without the signs.

John Folz of Hamilton stated there is no reason to make a change. He also noted with all the problems we have in this county and five commissioners to do it, why fix something that is not broken.

Laura Merrill of Stevensville stated the signs diminishes our views, as well as being distractive. She stated the new bike/ped pathways are great amenities, why diminish that with larger billboards.

Ann Harding is a business owner and was involved in the City's sign ordinance process. She noted this proposed change is a large impact and she supports what the previous speakers had to say.

Skip Kowalski supports most of the comments thus far and asked for raise of hands for those opposed and support.

Kathryn Smith of Hamilton has lived here all her life. She asked how these changes had come up in the first place. She stated Commissioner Stoltz has said publically that he received "a hew and cry" from people for this change but the public is not hearing from any of these people. So she did a survey and she did not find one business owner that was in favor of this increase. As

she drives Highway 93 she sees numerous empty billboards. Most people and business owners now use other forms of advertising. Do not approve this ordinance.

John Wassem of Corvallis has lived here about 20 years. He lived in California and they have big bill boards which are atrocious. What a beautiful place this is and larger billboards will ruin the beauty here.

Jan Moatz stated he is amazed to hear all of this. He would like to see which Commissioners are in favor of this change so he will know who to vote for in November.

► Commissioner Foss called for a recess in order to move a pending meeting. **Commissioner Chilcott made a motion to continue the Duss calendared item until 2:30 p.m. today . Commissioner Burrows seconded the motion and all voted "aye" (5-0)**

► Sign Ordinance meeting then reconvened.

Chris Pease of Stevensville stated it is not only the signs but the night lighting of the signs that create night pollution as well.

Patricia Meakin stated this is a beautiful area and big signs ad to the blight. Lots of wildlife, fishing, hunting and outdoor recreation brings economy to our valley. She is in favor of getting rid of all signs.

Margaret Gorsky of Lone Rock supports what has been stated. Billboards are from the old days, now there is new technology for other advertising means. The Commissioners talk about the economy saying they want to increase it, and tourism is a way to do that. She does not want a new ordinance increasing the sign size, instead she would like the signs cleaned up even more.

Dick Girongio supports what has been said thus far and asked for a show of hands. No one raised hands in support of the change.

Sara Roubik asked the Commissioners to respect what the Commissioners and residents did in 2000 by leaving the sign ordinance as is. She sees no input on why the ordinance needs to be changed and asked the Commissioners to sign a pledge not to chang the ordinance without voter approval.

Jim Campbell stated in California they went from small to large then back to small again and it became impossible to regulate due to all the grandfathering in of the existing, new and old signs.

Glen Gilmore opposes changing the ordinance. The web is the advertisement his family uses. He feels billboards are outdated.

Susan Young advised the Commissioners not to make another study group of this issue, just let it go.

Cheryl Walrod felt the Commissioners were doing a good job and this audience was speaking to what they want.

Public Comment was then closed.

Board discussion then took place.

Commission Burrows said some small businesses who operate on the back roads felt they could not advertise with the current sign size, and some businesses were simply not following the ordinance and posting larger signs. He said what he was trying to do by changing the ordinance was allowing the small business the ability to advertize. The 32 sq. feet 100' off the road was not being seen by the drivers.

A question from the audience was asked in regard to enforcing the current ordinance. Commissioner Foss stated the county does not have a sign enforcement budget.

Commissioner Chilcott addressed the proposed ordinance noting Section 8.1.9 does address a variance. He agrees with comments in regard to distraction for safety; billboards are being outdated due to electronic age; unintended consequences of making something larger is hard to get rid of; scenic value of amenities has more economic impact of billboards - might be true overall but the person who rents their space is making money; one person came to him asking for a change in the ordinance. He further stated the Commissioners are not looking to approve any mega billboards and he does see some necessary amendments to the current ordinance.

Terry Nelson stated he spoke to the number of requests from business owners who want to place a sign on their property. They expressed concern as to the size. He addressed the sunset clause in the ordinance and that there might be an argument of taking issues that could end up in court. The existing ordinance does not apply to Highway 93, and some difficulties result from where it applies to.

Commissioner Iman noted the county needs a process of how an old sign goes away; what is fair (seasonal items); original ordinance addressed the scenic byway and some sign companies were working against a deadline as they wanted to protect their space; a third of those spaces are not being utilized; and he noted the people here today have formed a strong opinion of where we should be going.

Commissioner Burrows made a motion to delay a second reading, continue to receive public input and continue the public process for any changes. Commissioner Chilcott stated he sees strong public comment today. He does not feel it is a political issue and it is counterproductive to say the issue is. He also noted there were no advocates for change in this meeting today and that speaks loudly to him. He feels there are some structural errors in the original ordinance which need to be addressed. Commissioner Stoltz stated they started to discuss this ordinance one year ago. So far they have had seven 7 meetings and they did not hear any opposition until the first reading. He stated the Commissioners did not go out and solicit comments, they were simply trying to clean up problems within the ordinance.

Commissioner Foss stated she was in the tourism business and she has some concerns about property rights. She too has concerns with the current ordinance. She does agree that smaller is better.

Commissioner Stoltz seconded the motion.

Glenda explained how this ordinance will fail if a second reading is not done, therefore if and when the changes are made to this Ordinance, a First and Second Reading should occur again. This second reading cannot be tabled, and she cited other ordinances that failed due to the failure of the second reading to occur. She stated tabling the second reading will not pass legal review by the County Attorney's Office. Therefore the motion should be withdrawn.

Commissioner Burrows withdrew his motion. Commissioner Stoltz withdrew the second to the motion.

Public comment from the audience occurred by some people saying they were not comfortable leaving the meeting until they find out who were the people who brought the changes forward and why.

Glenda stated the Commissioners need to make a motion to approve the ordinance with no second to follow as that is how the previous ordinances failed. She can then note that on the proposed Ordinance Number and have it recorded.

Commissioner Chilcott made a motion to approve Ordinance No. 36 which repeals Ordinance #12. No second was received, so motion failed due to a lack of a second.

► Commissioner Foss asked for comments from the public that are otherwise not on the agenda. Bill LaCroix advised the Commissioners not to bring forth 'antidotal stories' of why the ordinance needed to be changed when they cannot or won't produce any members of the public who wanted it changed. He stated the Commissioners are being deceptive.

► The Board met at 11:30 a.m. to approve a letter of support for a grant application for Lakeland Feed & Supply (see attached). **Commissioner Chilcott made a motion to approve this grant application. Commissioner Iman seconded the motion. All voted "aye". (4-0)**
Commissioner Burrows was not present for this meeting.

► The Board met at 1:30 p.m. to have a discussion of the development of a Natural Resource Policy with public input.

► The Board reconvened at 2:30 p.m. for the discussion with comments on the Duus amended court ordered request. Present was Planning Administrator Terry Nelson, Lindy Wemple (Duus) and Attorney Royce McCarty. It was noted originally the lots went from six to nine, now it is six lots to seven. The difference is the two small corner lots will be attached to the larger ones.
Commissioner Chilcott made a motion to have Terry write a letter to the District Court

Judge stating their discussion of having seven lots, as well as their concern of access and ground water. Commissioner Iman seconded the motion and all voted "aye". (5-0)

To Ravalli County Commissioners

From Pam Erickson

October 15, 2012

On October 1, 2012, I attended the meeting for the first reading of the proposed changes in the county's sign ordinance. I was astonished to find that the commissioners were contemplating changing the sign ordinance as part of their process of looking at county policy and making changes where they see fit. This is an ordinance that does not need to be changed. Larger signs will not benefit our county in any way, and in fact, would be a detriment to our economy. The reasons people come to visit and move here include the beauty of our valley and the uncluttered highways and roads that allow enjoyment of the magnificent vistas.

Since we are not bound by the state regulations as regards the highway as we were led to believe at the last meeting, we can maintain our smaller sign size on both state and county roads. We have the ability to make our county unique among counties which will only further the economic interests of each and every citizen of our wonderful Bitterroot Valley.



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all ag*

October 15, 2012

FEMA
Marijo Brady
Denver Federal Center, Bldg. 710A
P.O. Box 25267
Denver, CO 80225-0267

RE: Proposed Floodplain Revisions
Questions and Concerns

Dear Marijo,

Our County has some concerns about the new Floodplain Limits that are anticipated to go into effect sometime next year, and feel these should be addressed prior to adoption.

First, we have concerns with the "freckles" (floodplain islands) that are currently shown as out of the existing Floodplain limits that are being included in the proposed floodplain. In discussions with Atkins Global, we have been told that they were directed by FEMA to remove these "freckles" and include them in the proposed floodplain. We have not been able to get a clear definition of what a freckle is other than it is a small area. There are several issues with their definition and handling of these "freckles":

- 1) We feel that a freckle needs to be defined more clearly. There is a big difference between a high spot in somebody's pasture and an elevated area with a citizen's improvements constructed on it.
- 2) If people were shown to be above the floodplain elevation prior to the adoption of the current floodplain limits (1998), they were shown to be out on the current map. Prior to adoption of that map, there was not a LOMA process available for them to record that they were out. As a result they have no LOMA on record, and therefore must take the time and expense to re-prove that they are out of the floodplain. If there is previously determined data available, it should be included. A search for the data should be done, possibly with DNRC, who determined the current floodplain limits.

Another issue is with the handling of the levee/non-levee embankments (roadbeds and railroad beds). While these are not certified levees designed to hold back major flows of water, they are probably sufficient to hold back shallow depths of slow-moving water in the flood fringe. Ignoring these embankments extends the flood fringe beyond the embankment and onto citizen's properties in an unreasonable and unlikely scenario. Also, the hydrology study that established these Base Flood Elevations (BFE's) did consider the embankments and resulted in raised BFE's. While I agree that it was correct to include these embankments in determining the BFE, I do not think it is accurate or fair to landowners to extend these "elevated" BFE's across the embankments widening the flood plain. Some backwater may travel through under-embankment culverts and bridges, but I think in many cases the BFE's should at least be

lowered on the “dry” side of an embankment.

Many questionable areas have been found on the map where the contours do not support the area being within the floodplain, as well as areas shown out of the floodplain that appear that they should be included within the delineated floodplain. I have been told that “the elevations are not that accurate”. I have an issue with the data being sufficiently accurate to include a landowner’s property within the floodplain (when they appear to be out), but not accurate enough to exclude them from the floodplain. In either case, it is the same data being used. Also, rather than defining the accuracy by a chosen contour interval, the accuracy of the data should be defined by the accuracy of the raw data collected by the LiDAR process.

The channels of the Bitterroot River have migrated in the time since the hydrologic study was performed, and the study that was used in establishing the BFE’s for the current floodplain map may not be accurate enough to justify the conditions we are imposing on our property owners.

We have seen too many inconsistencies in the data and in the application of the data to have faith that we will be treating our property owners fairly if we adopt these proposed floodplain limits the way they are currently configured.

Sincerely,

Suzy Foss
Chair, Ravalli County Commissioners
215 S. Fourth Street
Hamilton, MT 59840

cc: Correspondence File-General
File