

# LINCOLN COUNTY PLANNING BOARD

## Meeting Minutes

June 19, 2012

### 1. 5:35 – Meeting Called to Order by Board Chair,

Present: *Bonny Peterson, Ted Clarke, John Damon, Mark Romey, Dave Johnson, Paul Tisher, Matt Bowser, Frank Dierman, John Rios*

Staff: *Kristin Smith*

Public Byron Sanderson, KSI

### 2. Approval of Minutes from May 15<sup>th</sup> – *Dave moved, Ted seconded with amendment regarding Steve Curtiss' refusal to want to make Glen Lake a "no-wake" lake.*

### 3. Agenda

a. **Welcome New Member – John Rios** The Board made introductions.

b. **Elect a new Chair** – Dave moved to nominate Paul Tisher as the new chair. Mark seconded. Paul accepted. Ted nominated John Damon as Vice Chair. Mark seconded. Motions passed.

#### c. Preliminary Plat Review – Awesome Pine Subdivision

Kristin summarized the subdivision application and presented the staff report with recommendations. She discussed the extreme remoteness of the subdivision along Island Lake, and the very long, poor road that accesses the property from Lincoln County, but noted that there was an alternate access from Flathead County via Lost Prairie Road.

She noted that there were 2 comments from FWP which shaped the recommendations relative to setbacks and building envelopes.

Paul asked about the history of the property and the subdivision to the north. Byron explained that the Yarger's subdivided the property to the north, but that this property was not part of that subdivision, rather it was part of a court-ordered division and had previously been owned by Plum Creek.

Kristin summarized the statutory criteria to review impacts created by a subdivision and noted that because of comments received by FWP particular attention was paid to the impacts to Wildlife and Wildlife Habitat. She reminded the Board about the review process that includes soliciting agency comments on proposed subdivisions and that any science-based evidentiary information helps the planner to evaluate impacts to specific criterion.

She summarized the conditions that address mitigating impacts to wildlife: a building envelope set back 250' from the lake; a "no-build, no-alteration" zone within 50' of the lakeshore; re-designing the number of lake-fronting lots so that only 5 had lake frontage; and language in the covenants about where landowners can find information about federal regulations on bald eagles, due to the location of a nest on the property. She noted that the developer was amenable to the conditions acknowledging the unique qualities of the lake and its pristine nature. She brought

the Board's attention to the sanitation layout and that the wells and septic systems were already located near the road so the recommendations were not inconsistent with anticipated development on each lot because of the broken topography of the area. She showed an exhibit of the subdivision and how the conditions would impact it, noting that FWP's original comments recommended much greater setbacks and Kristin felt that some compromise was necessary so as not to make the lots undevelopable.

She also noted that the fire risk assessment identified the property as moderate fire risk and there were some recommendations to address that.

She recommended approval of the subdivision with 12 conditions.

The Board discussed FWP's comments and the loons and eagle [the Board did not receive the FWP detailed comments – Kristin made copies during the meeting]. Matt and Ted wanted to be clear about what the concerns were.

Byron talked about how there was pretty limited access to the lake from the property already because it was either marshy or too steep.

Kristin talked about how she had to assimilate all the recommendations from FWP and make a recommendation that reduces the impacts to wildlife in the area while allowing for some development.

Mark expressed discontent with the recommendation to reduce the number of lakefront lots. Kristin explained it went to reducing overall impacts and noted that it was not a recommendation to eliminate a lot, but to re-design the whole subdivision to re-coup the lot in another location. She also stated that another FWP comment was to cluster the building sites to allow for big game movement. Her opinion was that since the road was already built and there was a subdivision to the north and the topography was so broken, clustering would not result in less impact.

Bonny asked about whether the County would be seeing a lot of RV-ers setting up camp on these lots since they were going to be recreational lots. Byron thought the Canadian influence would be discouraged if they tried to come over Wolf Creek – he really did not foresee that as an issue. He then circulated a draft of how the project would look with the recommended conditions, stating that the developer would just eliminate a lot because he has an interested buyer for that much lakefront.

Kristin commented that because there were still large parcels around the lake, what happens with the subdivision will set the tone for future development, that it marks an important opportunity to establish some protection for the lake. She stated that there would not be a unilateral recommendation for each subdivision, rather each subdivision that is proposed has to be evaluated on its own merits. Kristin also commented that if a subdivision came forward on Glen Lake, that these kinds of recommendations would not be presented because the lake is entirely developed and the impacts have already occurred.

Bonny asked how big the lake was. Byron and Kristin suggested about 350 acres. Bonny noted that was approximately the size of Glen Lake. She commented she did not want to see Island Lake turn into Glen Lake with all its problems. Bonny asked about fire protection and Kristin stated she recommends a condition that the applicant provide documentation from Fisher River Fire Department as to their requirements since they did not comment when requested by the Planning Department. She stated that if the property is not in a district (and it is far from one) then the new lots would not have structural fire protection and would need to take personal precautions around their properties. She suggested the Board may want to

consider adding a provision that a notice be filed with the deed letting property owners know that they may not be protected in case of a fire.

Frank wanted to know if the lots could be re-divided again. Byron and Kristin stated that there was nothing prohibiting that. Byron noted that with all the restrictions, further subdivision would not be feasible, especially from a sanitation standpoint.

Matt thought it did not matter how far the building setback was or whether a lot was removed. He thought the most important measure of protection was the lakeshore and that FWP's comments were based on science. Byron stated that he thought the loons were located on the island.

Ted stated that he did not want to see these recommendations become a mandate for the future. He wanted to make sure the developer was okay with the recommendations.

Kristin reminded the Board that although this is private property, the lake is public and belongs to everybody. Without comments like the ones from FWP, the lakeshore of Island Lake could quickly become like some of the other highly developed lakes: Bull, Glen, Middle Thompson and the public's enjoyment of the lake could be impacted, which violates the Lakeshore Protection Act.

Paul asked about the lakeshore restricted area and whether it would preclude someone from requesting a permit. Kristin stated yes.

Mark moved to recommend approval based on the findings in the staff report and conditions of approval. Frank seconded. All in favor. Motion passed.

#### **d. Stimson Conservation Easement Review**

Kristin refreshed the Board that state law requires that any potential conservation easement holder (i.e., land trust, etc.) has to solicit Planning Board comments prior to recording the easement even though it is not binding. She noted that the Board was familiar with the project, but that this document was now the draft that was moving forward for finalizing.

She stated that FWP wanted to hold their final public meeting with the Planning Board on the Environmental Assessment of the project in August. She drew the Board's attention to the provision that allows for annual review of access and management between FWP and Stimson.

Bonny and John D. noticed the provision allowing for 8 divisions and gravel pits. Kristin noted that residential development was prohibited. She commented that possibly those divisions could be for trade with state agencies or sale to other timber harvesters.

Ted stated that since this was a private easement the Planning Board really had no say in it. Kristin stated that yes, it was a private agreement, but that since public funds were being used to purchase the easement there was more scrutiny and therefore greater public involvement.

#### *– THE CONVERSATION SEQUED TO THE KOOTENAI FOREST PLAN –*

Ted wanted to express his displeasure at the Commissioners' conversations with the Forest Service without involving the Planning Board on the travel management plan. He thought that Noel Williams was supposed to be coordinating with the Planning Board as a liaison. [Kristin then gave a history of the Natural Resource Planning process that was supposed to be happening for the new Board members.] Ted

thought the Planning Board should have really been more involved in the process. He said the Commissioners have met with the Forest Service several times since the beginning year. Kristin asked what the Commissioners were supporting. Matt said the County supported "Option D" – the alternative with more timber harvesting. The preferred alternative was "B" by the Forest Service.

Paul asked about the study that is going on to determine the true number of grizzlies. He said he would talk to the Commissioners about future actions and setting up a meeting with the Planning Board.

There was a lot more discussion about the Planning Board's role in Forest planning in relation to the Growth Policy. Kristin read sections of their Bylaws that outlined the Board's roles/responsibilities.

Paul asked the Board if they had any comments on the easement. John D. said he needed more time to absorb it. Kristin opined that she thought it would be good if the Board provided comment on the easement at the meeting in August.

**4. PLANNING DEPARTMENT REPORT**

Kristin summarized the decisions by the commissioners on projects reviewed by the board at the last meeting. She also stated that there were a couple subdivisions on the docket for review and the lakeshore permits that were pulled by the applicant last time.

**5. PLANNING BOARD COMMENTS AND QUESTIONS**

Frank announced his resignation to many groans. Paul thanked him for serving.

Kristin asked the Board if they were still interested in meeting on Glen Lake next month. She stated the FWP has volunteered to take County officials out on lakes at any time. The Board was in agreement to meet at Glen Lake next month.

Bonny reminded Kristin to look at the Spier dock. She also asked if we were still going to send out letters to Lakeshore owners. Kristin said yes, "we" are.

**6. Next Meeting:** *July 17<sup>th</sup> at Glen Lake for a tour (meet at 3:00pm at Annex). Meeting to follow at Eureka Annex or Glacier Bank meeting room (TBA).*

**7. 7:30 Meeting Adjourned**