

# LINCOLN COUNTY PLANNING BOARD

## Meeting Minutes

September 18, 2012

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

Present: *Bonny Peterson, Ted Clarke, John Rios, Paul Tisher. Kirsten Holland*

Staff: *Kristin Smith*

Public: Joe Purdy, Aaron McConkey, Pam Flowers, Byron Sanderson

### 2. **Approval of Minutes from August 21<sup>st</sup> – Ted moved to approve, John Rios seconded. Motion passed.**

### 3. **Agenda**

#### **a. Preliminary Plat Review – Montana Wild Resort**

Kristin presented the project and staff report (31 recreational lots 30 miles north of Libby off Forest Development Road 228). The Board had some questions about the lot sizes. Aaron stated that the lots on west side are RV only, restricted by DEQ and lots on east side are 2-bedroom cabins, also restricted by DEQ for those purposes. Ted and Paul asked about the size of the lots. Ted stated that the slope of the lots appeared to be fairly significant and wanted to know how the RVs would fit in there.

Aaron stated that the developer wanted the RVs to have views of Koocanusa and so there would be some retaining walls on those lots.

Bonny clarified that all lots would be served by a water and sewer system with individual service connections from each lot to the central treatment. Aaron stated yes.

Bonny asked if any additional development would have to come before the Board for review and wanted to confirm that the conceptual plan was not being approved. Kristin stated yes.

Kirsten asked if the developer anticipated using the lots in the winter. Aaron stated it would most likely be summer, but the developer was working with the Forest Service to determine how

Paul thought if people expected to get to the property in winter they would be asking the Commissioners to do something. He said people would want that. Kirsten stated that people probably get to the area now on their own volition (with muscle)

Kirsten wanted to know if the developer was aware of the potential impacts to bears and other wildlife and would take necessary precautions. Aaron stated yes, there would

She stated that she liked seeing all the RVs planned in one place on central water and sewer.

John asked if it was being marketed yet.

Paul asked if the water and sewer system could be used for any future phases. Aaron said they would have to have their own systems most likely. Paul wanted to verify that the well was drilled and not spring-fed. Aaron said yes and that it would be shut down

during winter months. He stated that if there was a demand, the HOA would have to develop a plan to operate the water system year round.

Kirsten wanted to clarify access – either the dam road or down from Kootenai Bridge. Aaron said yes, and there was also another route from Turner Mountain.

Ted moved to accept the planning staff report and recommend approval with the conditions. Bonny seconded. All in favor. **Motion passed.**

#### **b. Preliminary Plat Review – Cato Subdivision**

Kristin presented a summary of the project and staff report (11 lots off of Pinkham Creek Road near Eureka) recommending approval with conditions.

Kirsten had some questions about previous divisions with road separating a lot of adjacent subdivision. Kirsten said that occurred before her tenure and that it was not allowed. Kirsten also asked what the previous ownership was in the area – Plum Creek other timberlands. No one recalled.

Kirsten commented on the appropriateness of the parkland. That she appreciated it because it lent itself to parkland as opposed to some developments that designate a little sliver to meet the requirements, but the ground is not usually suitable for it.

Byron agreed and that the boundary line relocation will serve two purposes – to clean up the adjacent lot (with the road in the middle) and dedicate a good area for parkland.

Kirsten asked about the lot size since they were so small. Byron and Pam stated that was the desired size.

Kirsten wanted clarification about the mixing zones and how they can extend across property lines with easements.

Ted asked about the cul-de-sac requirement from the Eureka Volunteer Fire Department. Bonny also asked for clarification. Kristin explained the location of the cul-de-sac which was south of the subdivision and why it wasn't in the staff report.

Paul thought it was a good idea to have it upgraded. Kristin stated that the Board could add that as a condition. Pam stated that she intended on doing it anyway.

Bonny asked about RVs and how they would be addressed in the covenants, because she didn't see anything in the draft.

Pam spoke about her desire to restrict RVs from taking over the site since it is a problem in that part of the County. She stated it was tough to correct a problem after it's happened and that she was working on developing covenants to tighten up. Byron stated that the draft submitted with the application was generic. Pam said that is the market and it was hard to go against that. She was planning on building spec houses to let people know that it was for single-family homes.

Kirsten said that in Flathead County there are items that were required to be on the face of the plat and in the covenants because covenants could be changed so easily.

Kristin stated there were some things that were being required in both places. She said without zoning it wasn't really possible to deny a project that wanted RVs on property as long as it was reviewed that way. She stated that from a planning/regulatory perspective it's a challenge of enforcement because several buyers go in on property together and bring their RVs to the site. As long as they are not all using the septic system and not permanently parked there, the County has a difficult time.

Bonny asked about the size of the lots and that it would be pretty tight if additional units were parked on there. Kristin stated that the lot size was considered dense for the area.

Kirsten asked if the intent for the adjacent properties will be the same. Pam said she wasn't sure at this point, but she lived there and wanted to make sure it stayed single-family r

Kirsten stated she thought the smaller lot size with plans to mitigate "pop up RV parks" was thoughtfully presented and appreciated it.

Ted moved to approve with the staff conditions. John stated that he wanted to add a provision addressing the cul-de-sac. Kristin said it should be a new condition. Ted accepted a friendly amendment. Kirsten seconded the motion. **Motion passed.**

#### **c. Lakeshore Permit Review – Denegal (Sophie Lake)**

Kristin presented the dock permit with 4 slips on Sophie Lake on a property that was recently created through a subdivision. She said an easement was filed with the subdivision providing access to the lake for 4 lots in the subdivision. She stated it was pretty straight forward, met all the regulations (although there are no standards for slips) and recommended approval.

Bonny asked about how this situation relates to something similar on Glen Lake. Kristin stated there were some similarities, but not enough to make it a problem. With this project it was pre-planned and every lot owner in the subdivision knows what is expected since the trail is already constructed.

Ted asked about Lot 1 and whether they would be allowed to have a dock also or use this one. Joe said they would not have access to the dock. Kristin said they would have to submit their own application. Joe said there is ample frontage for the properties with lakefront to be able to keep adequate separation between docks. Ted said there was nothing in the regulations that prohibited someone from the neighbors wanting to place their docks right next to this one. Kristin asked who would really want to and said that she and the Board would probably not recommend issuing a permit unless there was sufficient distance between them so as avoid creating a nuisance and interfering with navigation.

John asked if Lot 1 could have a slip on the dock. Joe said it wouldn't work to add a 5<sup>th</sup> slip – it would be too wide. The current configuration is nice and compact.

John asked if the neighbors had any comments on the proposal. Kristin said there wasn't a practice of notifying neighbors about lakeshore permits.

John moved to approve with the staff conditions. Bonny seconded. **Motion passed.**

Joe recommended the Board consider standards for slips in the future for proper spacing.

Bonny stated the Board was also looking at changing the requirements for dock from a minimum width and length to a square footage. Joe thought that would be a good idea because it allow for better design.

#### **4. PLANNING DEPARTMENT REPORT**

She stated that there would be a subdivision for review next month as well as some lakeshore permits.

#### **5. PLANNING BOARD COMMENTS AND QUESTIONS**

Paul said that the Board should look at the Growth Policy soon to address the RV issue. Paul said the changes that are happening are not part of the County's culture. Kirsten said she was concerned about the boom and bust potential of the RV interest. John wanted to know when the Growth Policy was up for review again. Kristin outlined the schedule and spoke about some of the challenges of a Growth Policy, that it cannot be used solely to deny a subdivision. She explained how the law outlines the ways a subdivision can be denied. She stated that the issue of RVs was one of aesthetics and only zoning can really regulate them. If people submit a subdivision application to have RVs in an area, there's little to deny it unless there are clearly identified potentially significant impacts that cannot be mitigated.

Paul mentioned that areas in North Dakota have had to adopt zoning because the growth was so rapid it was causing severe problems.

Kristin said there was a neighborhood she was working with that wanted to have zoning to prevent RVs on their property. It was on a lake that the neighbors wanted to protect.

Folks noted the predicament of the County's employment and economic situation and how the Canadian influx was helping the north part of the county in that regard.

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Paul thanked Ted for all his service. This is his last meeting.

Paul asked Kristin if the covenants that are submitted with the preliminary plat applications should be what is going to be filed with the plat. Kristin said yes, she was surprised to hear Byron say the ones he submitted for Cato were generic. She said she would have to be a better gatekeeper during preliminary review to make sure what is being submitted is what is actually going to be filed.

There was a bit more discussion about the Montana Wild project and the potential for more development and implications for that area. Kirsten asked how it could even be approved without utilities. Kristin explained the subdivision regulation revision process and what the County requires now.

Paul asked if we had ever placed the notifications on a project before (like what was recommended to release the County of liability). He said he probably could have denied that project. He raised concerns about the additional boats using the Barron Creek access and how the Forest Service would respond to that. He said the Board should have spent a little more time on this project.

Kirsten said she was bothered by the fact that the developer did not show up for such a big project. She didn't think Canadians would want to be that isolated since there weren't any services nearby.

There was more discussion about the slopes and potential for more development and pros and cons of small lots vs. large lots (and more roads).

**6. Next Meeting** - The next meeting would be October 16<sup>th</sup>, but the November meeting may have to be re-scheduled due to it falling in Thanksgiving week.

**7. 7:30 Meeting Adjourned**