

LINCOLN COUNTY PLANNING BOARD

Meeting Minutes

October 15, 2013

1. MEETING CALLED TO ORDER BY JOHN DAMON

Present: *John Rios, Bonny Peterson, Matt Bowser, John Damon, Mark Romey*

Absent: *Paul Tisher, Kirsten Holland, Josh Letcher, Jody Peterson*

Staff: *Kristin Smith*

Public: None

2. APPROVAL OF MINUTES FROM AUGUST 20TH

Mark moved to approve; John R. seconded; motion passed

3. PUBLIC COMMENT ON NON-AGENDA PLANNING BOARD ITEMS - NONE

4. AGENDA

a. Board Member Terms – Bonnie & Matt (expired June & July, respectively)

Matt was interested in serving again. No objections were raised. Bonnie was interested also. She said it was a pleasure to serve with everybody. John Damon thanked her.

b. Kallal Lakeshore Construction Permit (Sophie Lake)

Kristin presented the project on Sophie Lake. The applicant submitted several photos and examples. Kristin noted that this was a lot in the Denegal subdivision that received a dock permit last year from the developer for all the remaining lots. No other lots would have individual docks.

She wanted to draw the attention of the Board to a piece of information that was mentioned in one of the photos of the application pertaining to a rock wall. The application itself does not identify any rock work to be done. Her recommendations, subsequently, were for the dock only. Any rock work would need a separate permit. She also stated that the application included 2 slips, but that her recommendation was for only 1, which was consistent with previous interpretations of the review criteria.

John D. asked about how the applicant intended to get down to the dock since the property in that location was fairly steep. Kristin stated that area was most likely out of the Lakeshore Protection zone, but

Bonny made a motion to recommend approval with the Planning Department's recommendations. Matt seconded.

John R. asked what the regulations stated about slips. Kristin said nothing. The regulations are silent on slips, which leaves the decision up to interpreting the review criteria only. John R. asked if the level of scrutiny applying to this one is considered fair if the other regulations aren't in place yet. Kristin said that the Board's historical

review of similar projects has been to limit the number of slips to reduce the impact to navigation and the enjoyment of the lake by everyone. John R. asked if any changes to the application would affect the Board's recommendation. Kristin said if any additional work is going to be done, they must come in for another permit. She said any work outside of the Lakeshore Protection Zone could impact the zone so it might be a cautionary note.

John D. said condition #4 covered the concern.

Motion carried.

c. Conservation Easement – DeLong / Montana Land Reliance

Kristin reminded the Board about the state law which requires conservation easement holders to seek comment from Planning Boards prior to execution of the easement, whether they incorporated the comments or not. It ties back to the Growth Policy and keeps the big picture in

Bonny said she thoroughly approved of the document and is familiar with the property and the ownership.

Matt asked if anyone knew what a "conservation neighborhood" is – he said the document referenced it but did not elaborate.

There was some discussion about the general location.

John R. asked if there was any state requirement for people to be made aware of what they are getting into before they sign a conservation easement.

Kristin said she was not aware of anything.

Bonny said she liked all of the provisions in the document; that there was no further division; that they could have some commercial.

Three comments in support; no comments against.

d. Discussion/Decision – RV Park Design Standards, changes to Subdivision Regulations

Kristin presented a summary of concepts that the Board had provided for continuing the discussion, though she had not received comments from everyone.

She conveyed a comment from Josh who stated he wasn't sure he liked a minimum lot area requirement for RVs which would potentially take away opportunities from people with not as much land.

John D. said the examples that they had looked varied a lot in their standards.

Bonny had been looking into Rexford and did not realize how many RV parks were operating there now. She said it seemed as though the town was doing a pretty good job keeping everyone happy, including people who live in single-family homes.

Kristin said if the Board adopts some of the other provisions in the list, such as setbacks and buffers, there will naturally be a minimum which they will need to calculate to determine whether the venture pencils out.

Bonny said the setback should be a specific distance, such as 10 feet.

Kristin said when the Board reviewed Open Range that they had added additional setback. Bonny thought the setback was already there.

John D. said a big setback would limit the size. Mark said that's how you get to the minimum acreage. John D. asked what the concern was – for noise or visual?

Kristin said a lot of the comments seemed to be about the visual impacts. Although people have brought up noise as an issue, it's a difficult one to pinpoint or label as an issue for just a category of dwelling.

Bonny asked if the setback just meant it could not be used for RVs, but that a horseshoe pit could still be placed in it. Kristin said yes. Setbacks restrict the placement of structures.

Matt asked if that included vegetation. Kristin said it could or it could be both.

John R. asked what the timeline was for continuing this and could they vote on it tonight. Kristin said there was not set schedule – it is being directed by the Board and whenever the Board was ready she would present it to the commissioners.

She thought it would be good to not belabor it much longer since there were not that many items and could easily be incorporated.

Bonny asked if they could say no RV development of any kind between the Koochanusa Bridge and the dam except for what's already there. Mark said that is all federal. Bonny said there was a large piece near Warland that is for sale.

Kristin said that was a very ambitious idea and is essentially zoning and would require a different approach than has already been started. She relayed what the Board had suggested when it rejected the Turtle Lake zoning, which was to look at a bigger area for planning purposes.

Bonny asked if people would still need to get a permit. Kristin said yes, these changes would be added to the small set of standards that are currently in the subdivision regulations.

John R. said we should start by going through the list and vote on each item. John D. suggested the rest of the Board will be interested also. Kristin noted that the item was on the agenda and if they wait to have a full board at every meeting it could get dragged out for a lot longer.

Mark asked if there was a minimum acreage required now. Kristin said no, only what was required by DEQ. That how an applicant proposed to treat the wastewater would be a driving factor for how many RVs they could support and how much land they would need.

John R. said he could support taking out the minimum area to support the "little guy". Mark supported it also since the DEQ requirements were going to have minimum standards anyway.

Matt thought he could support that provided the setbacks were far enough. He relayed his personal experience with a neighbor. He asked for examples from other communities. Kristin reminded the Board that she had provided approximately 6 different communities' regulations.

John R. asked if 10 feet would be sufficient. Bonny said possibly if it was next to another RV Park, but like in the case of Matt's experience why should the other property owner have to plant trees? In that case 10 feet probably isn't enough.

John D. asked about how would someone be treated for just a couple rvs versus a bunch of them.

Matt said some of the examples had a requirements for park/open space the bigger the RV Park.

Kristin said that was a requirement of Montana state law for RV parks just like regular subdivisions.

There was a discussion about what constituted “parkland” and could the Board limit little useless corners? Kristin said yes.

Kristin said if the Board adds buffer requirements then there should be ample vegetation and open space.

John R. asked about possibly a sliding setback scale on a percentage. Bonny thought that might be difficult. Kristin said she liked straight number to apply to everyone and wouldn't know where to start with developing a percentage.

There was some discussion about noise and how it is enforced.

There was some discussion on the maximum number of RVs per acre: 10 vs. 15. Everyone seemed to agree that 10 was appropriate.

The discussion moved to off-street parking. Kristin stated requiring some off-street parking might be a good thing to consider since RV parks typically was designed with one-way streets. John D. suggested a minimum number of spaces.

Bonny said overflow or guest parking would be important also.

Two maximum at the RV pad plus one additional space in overflow/guest parking per pad.

Many board members cited personal observations at the numbers of additional guests that come to the RV parks near Rexford.

The next item on the list was occupancy, but Kristin stated she did not know how that could be enforced. She also suggested that as the other standards are adopted whether the RVs are there year-round becomes less of a concern.

John R. asked if there was a detriment to not having a limitation on occupancy.

Bonny thought that there could become a saturation of the market when people are occupying year-round and there are fewer spaces for recreational occupancy.

John D. said people leave their RVs in Rexford year-round and Canadians buy their RVs and never take them back.

Kristin said that could be an equal concern is the lack of occupancy during quiet months.

Everyone agreed that there did not need to be an occupancy provision.

Matt asked how wide the room was. Approximately 25 feet. Bonny suggested that width would be appropriate for a vegetated buffer.

Kristin suggested that one distance could be for RV Parks next to single-family homes and one distance for RV parks next to other RV Parks.

There was some more clarification on density and DEQ requirements. Kristin said there were going to be other factors that determined whether a “mom and pop” could open an RV park that had nothing to do with these proposed changes to the regulations.

Kristin clarified that a vegetated buffer is typically considered shrubs and trees, not flowers and a mature height of 10-15' to be an effective buffer.

There was some discussion about how to define vegetated buffer.

Bonny said people shouldn't be required to prune it to keep at a certain heights.

Kristin that was a minimum for effective screening.

John R. asked if fences would be appropriate. John D. thought that simple would be better – to leave it at natural vegetation.

Native vegetation with minimum height of 10 feet and 50% coverage along property lines adjacent to single-family residential uses.

There was some discussion about coverage and interpretation.

Matt thought it was going to be pretty obvious if people were out of compliance – they just didn't want to do it. No one is going to go around a measure the precision of coverage.

There was some discussion on Rexford, again and how that might translate to the rest of the county. Kristin suggested that was Rexford's marketing and attraction, but it might not be applicable to the rest of the county.

John R. asked about grandfathering. Kristin said it did not apply because it was a change to the subdivision regulations and only applied to new subdivisions.

Bonny relayed her experience about camping in an RV Park that had dense vegetation between RV Parks – she felt disconnected.

Matt suggested that coverage should be measured during the summer months.

Mark said it should be native buffer.

Kristin said by not having additional buffer between RV parks could promote clustering of RV Parks rather than scattered about or in the middle of a residential area.

John R. said what about the RV Park clients – shouldn't the Board be looking out for them and a sense of aesthetic? Mark said that was up to the owners.

There was some discussion about what the outcomes of the regulations might be.

There was some discussion about limiting RV Parks to rv uses and not commercial uses. Kristin was not sure the county could restrict it in that way, but it should be something addressed in the application. An approval would be for RV pads for RV use. There would be some self-policing and other requirements also, depending on what the commercial use is.

Matt asked if the RV parks had so have rules. Kristin said, yes, the applicants are required to submit their rules with their application. Matt said the market would dictate whether the RV park is successful for having non-RV park uses in it.

John R. asked if people would object to a mini-storage business that each storage unit opened up into a business. He said that is happening in Arizona.

Kristin said by adding design standards the county hopefully addresses how the RV parks should look and function in existing neighborhoods.

Kristin said the Board's discussion tonight and decisions will come back to them at the next meeting in a revised format.

John R. asked about the street-lighting for public safety. Bonny said she thought it was a good idea. Kristin agreed.

Kristin thought the idea was appropriate since RV parks are more dense than rural areas.

John R. asked how much lighting would be appropriate and how would it be enforced. Kristin said as a public improvement it would be required with final plat, but how much is required is something the Board should establish.

Mark said the applications will have to address lighting. Kristin said yes, that would be a requirement.

John D. said he did not know how the Board could establish a minimum because if its subjective without a specific number and a specific number might be arbitrary.

Kristin suggested a minimum of intersection lighting. Matt suggested leaving it up to the applicant. John D. said the RV Park owner should be responsible because they have some liability.

Bonny asked if it could be left open-ended: "street lighting for public safety"

Mark said it was certainly identified in other jurisdictions.

Bonny asked about garbage. Kristin said that was a standard already established by DEQ.

5. PLANNING DEPARTMENT REPORT

Kristin had forwarded a memo to the Board that was distributed to the commissioners from the Planning Board's recommendation. She said the commissioners will be scheduling public hearings following the solicitation of comments from other entities.

She also mentioned the Buildings for Lease or Rent law that was adopted earlier this year which requires local jurisdictions adopt regulations for a new process that was taken out of the Subdivision and Platting Act entirely and created a new section of law. It should be relatively painless and does not currently involve the Planning Board.

She said there was a major subdivision in process, but the applicant needed to address some more issues.

She also noted that there was a new representative from Troy, Jody Peterson who would be in attendance at the next meeting.

6. PLANNING BOARD COMMENTS AND QUESTIONS

Mark asked if the commissioners approved the lakeshore permit on Tetrault Lake. Kristin stated that the commissioners adopted the Planning Board's recommendations, which was for Phase I only; acknowledging that the applicant could come back with another application at a later time.

7. NEXT MEETING: **TBD** Kristin said if the RV regulations were the only item for the next discussion if the Board wanted to skip the meeting. Yes.

8. **8:00 – Meeting Adjourned**