

LINCOLN COUNTY PLANNING BOARD

Meeting Minutes

November 19, 2013

1. MEETING CALLED TO ORDER BY JOHN DAMON

Present: *Jody Peterson, John Damon, Mark Romey, Paul Tisher, Kirsten Holland, Josh Letcher*

Absent: *Bonny Peterson, John Rios, Matt Bowser*

Staff: *Kristin Smith*

Public: None

2. APPROVAL OF MINUTES FROM OCTOBER 15TH

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

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

4. AGENDA

a. Welcome to Jody Peterson

Paul welcomed Jody to the Board. She is from the Troy district. He let her know that she should ask any questions she has.

b. Buildings for Lease or Rent Regulations (new from 2013 legislature)

Kristin stated that she has mentioned this change in state law a few times over the last several months. The new law was meant to address some exemptions in the Montana Subdivision and Platting Act (MSPA) that were being interpreted differently across the state and being applied differently in cities and counties. The change came about after several attempts in previous sessions to address the idiosyncrasies.

There had been a request for an attorney general opinion from Missoula. A draft opinion was issued, but a final opinion was put on hold pending the outcome of litigation in Lewis & Clark County. The lawsuit was eventually dropped so the legislature had to address it.

The new law allows for 3 buildings for lease or rent on a property without additional review, provided it conforms to DEQ standards. However, it must be recorded at the Courthouse so that it is public knowledge.

Once someone wants to place 4 buildings for lease or rent on their property there's a little more information required, hence the application and review process. Initially, the legislative intent was for administrative review, but at the last minute there was an inadvertent change to have approval be by the governing body (so say folks in the know).

There was some discussion about the various provisions of the law and how they could be interpreted.

Kristin stated that she thought it would actually be an improvement over the process currently in place now, especially for folks that have a couple mobiles on their property and would like to place a third for extra income. Right now they are required to submit a subdivision application. The new law reduces process significantly.

There was some discussion about the potential for abuse for folks who want to individually place their RVs as a group of friends rather than for lease/rent, further exacerbating the “pop-up” RV park issue that is bothersome to some folks.

Kristin said RV Parks and Mobile Home Parks are still subject to subdivision review under the Montana Subdivision & Platting Act.

Kirsten said this is the law so the county has to adopt something.

Kristin said, yes, and the regulations provided help the county navigate the law. She said it was going to be interesting to implement.

Kirsten asked if the regulations could be made stricter. Kristin said yes, by super-majority vote of the commissioners, meaning all 3 commissioners.

Kirsten asked if it would be subject to the evasion criteria. Kristin said, no because it is no longer part of the MSPA.

Mark suggested that it only apply to private land, under the provision for applicability.

Kristin said the marinas on Forest Service property did not really concern her, but that the DNRC will be developing their property and the county might not want to give up the opportunity to review for adequate access and other important impacts.

Kirsten asked if the commissioners would look at it tomorrow. Kristin said no, it was not on the immediate schedule. Plus there is a 30-day public comment period.

Paul said there wasn't much they could do with it.

Kristin asked if they should exclude storage units.

There was some discussion about the pros and cons and how people would try to get around it and how the Planning Board should be involved in the process.

Jody asked if the Board's responsibility is to look at all development in the county? Kristin said yes that is part of their role.

Kirsten moved to have the Planning Board be part of the review process. Josh seconded. **Motion passed unanimously.**

c. RV Park regulations

Kristin had distributed a memo that summarized the changes that the Board had voted to put forward at their last meeting. The changes came about as a result of the concerns that the Board had been hearing over the past couple of years and work to address some of the deficiencies of the subdivision regulations. New provisions address density, off-street parking, setbacks, buffers, and street lighting.

There was more discussion about buffers and how transparency would be evaluated and how they might be watered.

There was discussion on lighting and the alternatives that Kristin presented. The Board chose the first bullet under “Alternatives”.

Josh asked how the vegetation was going to be measured and who was going to be the police. Kristin said there were a lot of tools available to help applicants determine the number and type of vegetation planted.

Kirsten suggested applicants submit a landscape plan as a way to make both the applicant and reviewer aware of what is to be there.

Josh suggested defining what needs to be in a landscape plan.

Mark asked if these changes will go through public review. Kristin said of course. Once the Planning Board adopts its recommendations it will be presented to the Commissioners and scheduled for a public hearing.

Kirsten suggested a minimum planting dimension so seedlings were not used, but so people did not have to plant fully mature trees.

Jody agreed.

Kristin said a landscape plan would be a really good tool.

Kristin said the challenge of writing regulations is that the more specific they are the easier it is to review all applications uniformly. The converse is that the more specific they are the harder it is to waver from.

There was more discussion on whether there should be a time limit for vegetation to reach maturity. Everyone agreed that the landscape plan should have plantings with a minimum of 1 ½ inches DBH for trees and 2 gallons for shrubs. No other changes were made.

Mark moved to recommend the changes be made to the subdivision regulations and presented to the Commissioners for a public hearing. Kirsten seconded. **Motion passed unanimously.**

5. PLANNING DEPARTMENT REPORT
6. PLANNING BOARD COMMENTS AND QUESTIONS
7. NEXT MEETING: *TBD based on applications*
8. **7:30 – Meeting Adjourned**