

LINCOLN COUNTY PLANNING BOARD

MINUTES

April 20, 2010

1. 5:30PM - MEETING CALLED TO ORDER BY JOE KELLY

In Attendance: *Ted Andersen (TA), Charlie Newton (CN), Paul Tisher (PT), Mark Romey (MR), Heather Carvey (HC), Kristin Smith, Planning Director (KS) & Lisa Oedewaldt, Planner (LO)*

Not In Attendance: *Dave Johnson (DJ), Stew Briskin (SB) &, Ted Clarke (TC)*

Approximately 20 members of the public (18 signed in)

2. APPROVAL OF **MARCH 16TH 2010** MINUTES

3. PUBLIC COMMENT: NON-AGENDA PLANNING BOARD ITEMS

4. 6:00PM - AGENDA

a. Revised Lakeshore Construction Permit Regulations

Kristin presented an introduction to the proposed changes; the history of the regulations; and the authority of the County. Lisa presented a summary of the major changes. The Board discussed some of the changes and had several questions for staff. Joe Kelly then opened up the meeting for public comment.

Steve Curtiss (representing himself & GLID, Glen Lake Irrigation District) – agrees with Planning Board, but there are additional remarks needed. He has other letters from Glen Lake residents – everything on Glen Lake is in violation. Costitch is a private lake; Glen Lake is a manmade lake; Tooley Lake has one owner. No discredit to the Planning Board, but there have been subdivisions approved with the Planning Board involved and not knowing all the facts, same to the lakeshore regulations. Some time back, Hensler [Mike Hensler, Fisheries Biologist with MT FWP] commented on Glen Lake. [Mr. Curtiss] is not happy with regulated oversight, that GLID is a form of local government and is going to start exercising this authority per what is said in the MCA. He believes the worst thing that can be done is to allow these regulations to go thru as a regulated oversight. They should get together as the district, FWP and PB and go through in a non-regulatory basis to better serve the residents of Lincoln County.

Chuck Schwartz – Has concerns about the 50-foot zone. What about pre-existing improvements? What will be grandfathered needs to be clarified. What can happen in the additional 30', such as maintenance (painting, etc.). Also, the 50-foot dock limitation and the explanation and what the 50 to 5 feet interpretation – is there something magical? How do we define the High Water Mark, it's a natural mark... on a lake that is regulated or has obstruction – needs clarification OHWM.

Davis Guild (Dickey Lake) – Has concerns about the provision on page 17 requiring removal of floating docks and anchoring on shoreline. This could have the effect of destroying more shoreline than protecting it – does not like the standard. Kristin noted that the PB had expressed the similar concern in earlier in the meeting and that that section could be modified or removed altogether.

Rhoda Cargill – wanted to know how much this was costing the county – this professional board and who wrote it? Kristin stated that the document was prepared internally, by the Planning Department. Heather noted that the Planning Board was an all-volunteer board. Rhoda wanted to know about how grandfathering existing structures in the lakeshore protection zone would be applied, and does it only affect new construction – if something was demolished in the LSPZ could it be repaired? Sanitation facilities within 50 feet of the lake – if it fails can they replace it – PD doesn't regulate septic systems. What has driven, or what was wrong to require the 50 feet rather than 20 feet. What role will neighbors play a part of the approval? Establishing the Mean High Water Mark is like an unfunded federal/state mandate where buyers do not know what they are getting into. Perhaps there could be a 1st warning. It looks like the County is going to make criminal any violation and fine anything that is built in the lakeshore protection zone. Doesn't believe there is a need for a document with such impact (and could be called a critical area document). There is no reason for this document to expand to what is proposed. Wants the pictures of her house and property off the presentation.

Gloria Osler – all the hottubs going in and draining into the lake are contaminating the lake (Dickey Lake). Put something into the regs that talk about foreign substance into the lake

Mark Peterson – doesn't want to see regs on Lick, Glen & Costitch. Doesn't want to see anything that hassles GLID and they can control it better.

Rhoda Cargill – asked about the process of the regs. Kristin explained. When will comment period end? Will there be an opportunity for public to sit with commissioners. Will there be public meeting to provide input. Kristin said yes to both. Where will the county put the notice? – Kristin stated in the Kootenai Valley Record & Tobacco Valley News.

Kathleen Johnson – for a professional board, please do not diminish a person's comment and call it a mischaracterization – she is concerned with the process – why haven't the people been a part to this process, since their taxes have been used. Kristin explained that this is the process. It is the first time that the Planning Board has seen the document as well and providing input at this stage is very important. [Kathleen] – If this is a public comment session how is it advertised to the public to the citizens of Lincoln County? – KS answered that the Planning Board agendas are always posted on the county's website. [Kathleen] – Pg 4 (1.3(C)) when has it been the PB job to do this? Joe answered that the PB is interested in protecting property values, but that their role is only to review the regulations – they do not review Lakeshore Construction Permit applications. Pg 6; 2.3 property rights, who holds the property rights if these regs pass and someone needed some work done – who would hold the property rights – does it remove private ownership? PG 8; 2.7 B – filling of wetlands – what is adjacent – leaves it to interpretation – KS states that this is a federal law with the corps. Kathleen thought this document would turn neighbor against neighbor in terms of handling violations and thought it was appalling. KS stated that the County has always relied on community involvement to assist in its enforcement efforts; that the County is not staffed to be out "policing" activity, nor is it interested in doing that. Most of the calls the Planning Department receives are either from citizens concerned about what their neighbors are doing or from people who want to know what the rules are before the build anything.

Marvin Bindel – how will we determine the High Water Mark? Is there a record? Lisa explained some general information, but attested that no, there was not a good record.

Carolyn Bolinder – is there a reason why a meeting with all these people that are concerned why is it not published.

Rhoda Cargill – Wanted to know where the Planning Board Agenda was published.

Steve Curtiss – when can Costitch & Glen Lake removed from the list? Don Ingram and Obermeyer (sp?) were visiting with some people in Kalispell, associating Lick Lake & Glen Lake as manmade lake – the references to Glen Lake under the supervision and control of FWP and would like to have input in determining other lakes; Dry Lake – IS DRY – Barnaby Lake is another one that is questionable to Steve. GLID has authority to do maintenance on the OHM on Glen Lake. Certain cases non-regulated oversight is going to cause more issues than regulated lakes. He would like an answer on Glen Lake and Costitch Lake and will back it up with his position in being a form of local government. Lakeshore regs is NOT mandated but a choice, and an unwise choice. So unless the people get together to throw it out, we would like to have some resolve that concern GLID.

Mike Hensler FWP – there are some definitions of High water mark, such as where the terrestrial vegetation typically meets the aquatic vegetation, stressing “typically”.

Mark Romey – who keeps the data for the Ordinary/Mean High Water Mark?

June Bindel – suggested realtors give the information to buyers, which would help newcomers into the area.

Chuck Schwartz – Dickey Lake has some gentle slopes. It is and steep slopes are easy to imagine where the OHWM is on steep slopes, but defining it in shallow areas could be a problem. OHWM is kind of the central issue that needs resolved.

Joe Kelly closed the public meeting. The Board deliberated for a few minutes and instructed planning staff to conduct more research, to answer the questions raised and bring a revised document back at a later date.

Mr. Curtiss addressed the Board asking to be on next month's agenda to talk about how GLID might be involved in the Lakeshore Protection process. Heather made a motion to invite GLID to the next Board meeting. ____ seconded. **The motion carried.**

5. PLANNING DEPARTMENT REPORT

Kristin updated the board on actions the commissioners took on Kiowa Hills Subdivision and the Thompson Chain of Lakes Neighborhood Plan.

6. PLANNING BOARD COMMENTS AND QUESTIONS

There was some brief discussion on the Board's re-appointments

7. NEXT MEETING:

May 18th 2010 @ 5:30pm - Libby - Commissioners Room

8. 8:30 – MEETING ADJOURNED