

LINCOLN COUNTY PLANNING BOARD

MEETING MINUTES

March 16, 2010

1. **5:34PM** - MEETING CALLED TO ORDER BY BOARD PRESIDENT

**ATTENDEES:** *Lisa Oedewaldt (LO), Kristin Smith (KS), Joe Kelly (JK), Stew Briskin (SB), Heather Carvey (HC), Paul Tisher (PT), Ted Andersen (TA), Mark Romey (MR), Charlie Newton (CN) via conference call*

**NON ATTENDEES:** *Dave Johnson (DJ) & Ted Clarke (TC)*

**PUBLIC:** *(see Sign-in Sheet)*

2. APPROVAL OF **FEBRUARY 16<sup>TH</sup> 2010** MINUTES: *Minutes stand approved*

3. PUBLIC COMMENT: NON-AGENDA PLANNING BOARD ITEMS:

4. **6:00PM** – AGENDA:

- a. **Thompson Chain of Lakes Neighborhood Plan (TCL) Public Hearing**

*JK recused himself from the discussion since he was a part of the group that developed the TCL plan. PT assumed role of chairing the meeting. PT introduced Board members to audience. KS summarized the TCL Plan and presented the planning department's recommendations. KS went over the history of the plan's creation and recommended approval and submission to the BCC for their decision. PT opened the hearing for public comment.*

*Lyle BrisT, member of the Chain of Lakes Homeowners Association (COLHA) Board and resident of the area thanks the Planning Board for reviewing the plan and hopes they will recommend it to the BCC. Lyle talks about the pending sale of the Midway Market in late 2005 and its proposed use (Chrome Plant) and the fact there was no input from community members on it. This started the discussions of finding a way guide growth, which led to a process for initiating the TCL Plan. Lyle refers to pages/sections in the TCL in regards to the process and theory of the plan.*

*David Greer with Plum Creek speaks to the board about the progress and Plum Creek's involvement and all the efforts to include all agencies and public for comments and the future opportunities of the plan. Greer goes over the implementation portion of the plan and the different options and strategies in order to keep development slow in hopes of some conservation opportunities. Greer also talks about the Plum Creek land in the area and their voluntary restriction on future land sales that the TCL Plan would guide.*

*Warren Illi of Lavon Lake and a member of the TCL COLHA talked about planning and the lack of zoning. That when the Chrome Plant was on the table, the community started to become "little planners" and had the worries about what the plant would do*

to the area. The TCL plan would help protect the land and the community. Warren talked about all the people and agencies that support the plan and hopes that it will not stall and that the PB will approve going forward to the BCC. Lyle corrected the membership numbers of the COLHA.

Paul Rumelhart asked if something else, besides the Chrome Plant, prohibits other commercial businesses. KS stated that the plan is not regulatory and that "Commercial" was a recommendation for land use. SB asked for details of the numbers of members/properties. JK answered his question. Paul asked for KS to go back to the Key Elements slide, especially the 1<sup>st</sup> one. KS stated that Mr. Greer elaborated on it earlier but reiterated the statement and clarified it in regards to conservation easements, etc.

Mike Monroe, a resident of the TCL and not a member of the COLHA stated he wasn't aware of the plan that was being created until the public hearing notice 2 weeks ago and is concerned of the property rights issue. Mike expresses his concern about some issues in the plan that, if they became regulatory, would infringe on private property rights. Mike also said that there are also several residents (13 people who weren't a part of the COLHA) out at the TCL who were unaware of the plan. He suggests that the COLHA send a notice to ALL residents letting them know about this plan and that it could become adopted. SB asked Mike where he lived in regards to the boundaries of the plan, Mike told him his location and what other land he owned. MR asked how zoning would be handled. KS said that any zoning requests would have to come from the community, a separate process involving numerous meetings, and hearings, etc...

Alan Wood with FWP handed out a letter to the Board in regards to their concerns. The letter was read on behalf of FWP supervisors who could not attend. MR asked if the 5 year review was adequate enough, Alan said that no it wasn't due the lack of funding, but periodic review could be done to see where economically the area is at that time.

TA has concerns of public involvement and comments and asked whether USFS was involved. He asked what process the COLHA did for notification. Lori Words said Malcolm Edwards of the USFS was contacted for participation but he did not. JK talked about the process of the notification of the homeowners, placing notice in Happy's Inn and the fire station. Letters were sent to everyone in the area at one point asking them to join. Periodic newsletters are sent out with updates on the plan. PT asked what the terms of the COLHA board members. Lyle said there were 11 with a 2 yr rotating term representing each lake with 4 "at-large" members.

Dolly Purdy, a member of the COLHA and resident of Middle Thompson spoke about her interest in a proposed cell tower in front of her property and asked if this plan will protect what can be put near her home. She would like to know the status of the cell tower, and whether the plan would be able to stop it. JK talked about a letter that was written to the cell company from the COLHA Board indicating that the COLHA would like to be involved in locating the tower. KS stated again that the TCL plan was not regulatory and that the letter was a good start because that is the only opportunity the community would have. KS referred to a section of the plan that identified some goals and action items related to cell towers. She stated that the plan alone could not regulate the cell tower. Dolly is upset that the plan will not protect what will or could go up next to her property. KS reiterated that she was correct and that in order to

accomplish that there would have to be a separate process initiated by the neighborhood after the plan was adopted. Dolly asked why the plan would not have “teeth”. KS said that if the BCC adopts, it would be used as a guide and considered during review of subdivisions until such time that COLHA requested the Planning Department to assist them in implementing their “actions” items.

Paul asked about the building height restriction, KS told him that there are no building height restrictions and that there is some language that offers suggestions for future regulation. TA reads the language. MR asked Greer if there were already conservation easements in place. Greer said yes and indicated which and where they were. TA asked Greer if future resource opportunities will continue and Greer agreed. PT asked for any further questions, no one spoke. JK wanted to state that all of the PB members understand property rights and that they, as a board, grapple with that aspect all the time. Dolly interjected with quoting a section of the COLHA bylaws about outside forces and what they can do within the TCL community and referenced it with the idea of a cell tower going in 150 feet from her property.

TA stated that the TCL plan is a 1<sup>st</sup> step to possibly controlling what could go in the community if future actions are taken further, a minor step, but a step. HC asked if the plan gets adopted would there be some type of notification to the non-member resident. JK said that this meeting is the public process. SB said that he was concerned about the number of non-members who weren't included in the discussions, meetings, etc. SB said that it's been going for 3 years and that it could be tabled for further notifications. Warren asked if the number 260 included the Plum Creek subdivision; Greer said no. Mike said that the tax rolls would be a great resource for who lives there. MR said he had no problem, because if anything needs regulation/zoning, it would go thru an entirely different process. PT said “zoning” is not a word that is liked and “planning” is a unique animal and it can funnel into “zoning” but Lincoln County is a long way from that and that any regulatory option, will need to go to the BCC and that any plan, policy is just a guide. HC asked about covenants and a “pot” of financial stability for any actions/goals in regards to development of Plum Creek land. Greer talks about the trails on the maps and that Plum Creek would voluntarily place easements across their land, for continued access, but without a plan they will not. JK explained that the Fisher River Volunteer Fire Dept (FRVFD) has a great ISO rating for such a rural community, but if development is too rapid, the Fire Dept could lose that rating. TA asked if there were public notices in the paper in addition to the website. KS stated that is was noticed per statute. PT asked if the implementation items need to be recommended by the Board to the BCC. KS said the implementation items are directive/explanatory effort on how the neighborhood community could to proceed, just like the County's Growth Policy.

PT asks for recommendations/changes or comments form the board – there were none.

**Motion to Approve** – Made by TA recommend the Plan to the BCC for approval; HC seconded the motion. No further discussion was done. All in favor, motion carried. DJ gave his proxy to PT in favor of the plan.

Mike Monroe asked when it would be on the agenda. KS said it hasn't been scheduled as of yet. PT asked if they or the Planning Dept would notify the

community. KS stated that all the people here, who signed in and left info, would be notified, as would it be published in paper, and added to the website.

**b. Review Growth Policy Action Items and prepare work plan for Planning Department**

*JK asked if this was based on TA comment from the past meeting. HC asked that instead of going thru the Growth Policy over and over, do revolving small portion reviews of sections. TA said he was actually referring to the action plan and goals which covers each element with expected results and timeline and that is what the board look at. MR asked for the Board to look at helping LC Rural Fire dept and appropriations of funds and who is responsible, clean up the protection boundaries. KS reviews several near term objectives that with the adoption of the new subdivision regulations have been accomplished. SB asked about the Natural Resource Plan and its status. KS said that she hasn't received an update from Chas Vincent and that she would let the Board know of any dates when she finds out, but she did not think the group was very far into the process. KS reviewed other action items that could be considered in process or having been achieved.*

*There was a lot of discussion in regards to fire protection of structures (rural) vs. wildland (state) and who is responsible for initial attack, jurisdiction, cost associated, etc. KS asked if "wild land" is defined as "state land" or how is it justified? MR said yes as the state protects everything except "Libby Rural." KS gets the board back on track in regards to action items and gives them a section to start looking at. KS talks about the current mapping process going on in the planning department for the sand and gravel section of the Growth Policy – requirement of state law. TA suggests that the items be left open for the members to review and bring up if something sparks a red flag. The Land Use Inventory Map was given as a directive to the Planning Dept. KS said she would compile a summary of action items in Growth Policy and their status.*

**5. PLANNING DEPARTMENT REPORT:**

*No subdivisions for the next meeting, but the Board will review proposed changes to the Lakeshore Construction Permit Regulations.*

**6. PLANNING BOARD COMMENTS AND QUESTIONS:**

*SB is still considering his term. JK will talk to the COLHA on how to proceed with the plan to the BCC.*

**7. NEXT MEETING: April 20<sup>th</sup> 2010 @ 5:30pm - Libby - Commissioners Room**

**8. MEETING ADJOURNED: 8:00PM,**