

# LINCOLN COUNTY PLANNING BOARD

## Minutes

October 5, 2010

### 1. Meeting called to order by Board President: 5:30pm

**In Attendance:** Joe Kelly (JK), Paul Tisher (PT), Ted Clark (TC), Charlie Newton (CN), and Dave Johnson (DJ), Ted Andersen (TA), Heather Carvey (HC)

**Not Attending:** and Mark Romey (MR),

**Staff:** Kristin Smith (KS)

**Public Participation:** See sign-in sheet

### 2. Public comment on Non-Agenda Planning Board Items – None

### 3. Agenda

#### a) Lakeshore Protection Regulations

*The Board moved right into making changes to the 1976 regulations, picking up at 76.10.203 – Summary Procedure.*

*The Board moved to strike 1A-D of that section and modify the paragraph that addresses when the application and staff recommendations were to go the Planning Board.*

*Stew suggested that information in subsections 4 and 5 could be found in the packet of information from the Planning Department. He referred to the Moore's application and said there were "too many words." The Board moved to strike subsections 4 and 5 and add "or identify conditions of approval" to subsection 3. In addition, they struck the word "working" in subsection 8.*

*TC moved to strike TA's suggested sentence in 76.10.204. It carried.*

*HC moved to strike TA's suggested sentence in 76.10.205. It carried.*

*TC moved to replace 76.10.207 with the recommendations from the Planning Department and it carried.*

*CN moved to accept TA's addition to 76.10.209. It carried.*

*HC moved to strike 76.10.302 since it is already stated in a prior section. It carried.*

*Discussion returned to defining the list of lakes. TA moved to have a list as part of the regulations. HC 2<sup>nd</sup> and it carried.*

*TA moved to adopt section 1.4 a) and b) from the Planning Department recommendations. TC 2<sup>nd</sup> and it carried.*

*There was some additional discussion about Glen Lake. CN stated that the lakeshore owners do not have a say in GLID, but that largely everybody seemed to be pretty happy with the way things were going around Glen Lake”*

*HC stated that it was important to recognize those who want to have the County continue to permit activity along the lakeshore.*

*TC paraphrased Mike Hensler from MT FWP that “if Glen Lake is not regulated by the County, then FWP would not have any reason to continue to stock the lake with fish.”*

*DJ stated that they could not exempt one lake if it meets the criteria.*

*TC referred to MCA 75-7-209 and stated that the County is not preventing GLID from performing their work.*

*SB stated that GLID has lakeshore regulations and will win in a legal battle.*

*TA stated that he did not understand Stew’s concern. Glen Lake meets the definition. (KS referred to the state definition)*

*TC made a motion to address non-conforming structures, adding the section from the Planning Department recommendations. TA 2<sup>nd</sup> and it carried.*

*TC asked how the County would deal with non-conformance of the 1976 regulations.*

*TA moved to recommend the Lakeshore Construction Regulations to the BCC with the changes discussed. DJ 2<sup>nd</sup> and it carried.*

**b) Ted Clarke – Re-appointment to Board**

*The Board discussed the value that TC brings to the table and unanimously gave a nod of approval for re-appointment.*

**4. Public Comment**

*JK reminded the audience that the Commissioners would be taking the recommendations of the Board and continuing the review process with a public hearing.*

*Sam Shupe (Troy) asked if the regulations have to follow the state's criteria. KS explained that state law gave local governments the authority to adopt regulations to meet the criteria.*

*Mike Cuffe (Eureka) stated he was not an expert on lakeshore, but had concerns about transparency and government intrusion. He thought a timetable should be established and suggested an open house. He stated most people don't realize what's going on or understand the process and suggested there be an editorial in the papers.*

*David Guild (Dickey Lake) offered thanks for getting notified by e-mail but wanted to know people weren't called.*

*Don Ingraham (Lick Lake) admitted to placing the ad in the paper and suggested that the County was going to be pushing for streamside setbacks.*

*Monte Burbridge (Troy) suggested looking at the forests and the trail closures that were killing the timber industry.*

*Larry Spackman (Dickey Lake) said there was an onslaught of regulations that we were being overrun by regulations and will be communists soon.*

*Doug Watson (Troy) said we have to stand up against this, that he is concerned about the future of fees.*

*Bob Ingenice (Vick's Lane) suggested writing to the commissioners.*

*Steve Curtiss (Eureka, GLID) said he was appalled by the process. He said he went around to every person on Glen Lake he could find and asked them what they wanted to do, asked if they wanted a homeowner's group. He's only seen Charlie at one of those meetings. He asked the association if they would want to have representation at the Planning Board meetings.*

*TC stated that GLID simply wants to control the lake.*

*Mr. Curtiss suggested that Glen Lake wasn't in the 1976 regulations.*

*TC asked Mr. Curtiss if GLID was a cooperating agency; he stated they were coordinating and as one government talking to another government they should not have public meetings. Mr. Curtiss continued to suggest that the regulations were a taking of private property rights and that it was "not local enough"; that he's done everything to try and get people involved; that things should remain like they have for 100 years.*

*TC and JK both stated that GLID had not demonstrated their capacity as a coordinating agency even though they had been repeatedly sought to be part of the process.*

**5. Planning Board Comments and Questions**

*Stew thanked everyone for the opportunity to work with them and wished everyone well.*

**6. Next Meeting:** *October 19<sup>th</sup> 5:30pm – Commissioners Room (Libby)*

**7. Meeting Adjourned:** *8:00pm*