

**November 2, 2022**

The Lincoln County Board of Commissioners met for a regular session on November 2, 2022 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Teske, Commissioner Letcher, Commissioner Bennett, County Administrator Jim Hammons, and Clerk and Recorder Robin Benson.

Meeting allows for teleconferencing and VisionNet availability.

Commissioner Bennett opened the meeting with the **Pledge of Allegiance and Prayer**.

**9:45 AM Riverside Drive Yaak:** Present were Land Specialist Noah Pyle, Rebecca Nelson, Ray Stout, Scott Shindledecker, Billy Day, and Veronica Bovee-Anderson.

Noah provided a map of the area showing Riverside Drive within the subdivision of Yaak River Tracts in the Yaak and gave a brief history and intended use. Noah said he is here to discuss possibly abandonment and/or discuss other options and explained this was initially brought up because an owner requested ownership. After conducting research Noah stated he believed the Riverside Drive was a county right-of-way because of the rules when the subdivision was platted in 1972.

Noah and Commissioner Teske completed a site visit, and it is apparent that the portion of the road in question was either never developed or never maintained as a road. Commissioner Teske commented the portion in question is mostly wild with hills, trees, brush; never developed.

Noah asked about potentially a road abandonment to the owners. One option would be a resolution to accept abandonment requests of Riverside Drive with the owners responsible for new surveys, pins, and deeds, with the county maintaining easement or access for unforeseen future situations. Noah expressed his only concern is access to lot 7 as it could be cut off if the road was abandoned without an easement.

Another option is to explain to homeowners they may improve the right-of-way for use as enjoyment to their lots, although it would remain county owned. Commissioner Bennett noted that we would need to have a stipulation of no permanent structures within the easement.

Commissioner Teske noted the problem is that owners are doing maintenance although they do not own the property.

Commissioner Bennett commented that he understands it would be advantageous if owners could own that property if there is no plan for road use in the future.

Commissioner Letcher commented he feels it would be best if owners use it, but not abandon it, expressing concern about future use and possible future property splits.

Options and solutions were discussed, including right-of-way's, future development, and potential for land-locking a lot.

Commissioner Bennett suggested a resolution that property owners could use the land without permanent structures, with the county retaining the easement.

The commissioners requested Noah to draft a resolution with language that addresses use and access for review.

**10:00 AM USFS:** Present were Nate Gassman, Billy Day, Veronica Bovee-Anderson, Ray Stout, Rebecca Nelson, and Scott Shindledecker.

Nate talked about funding and lack of money, but still accomplishing projects, just not to the degree forest service was hoping for. The infrastructure funding has allowed attaining some contracts, including the Pinkham Meadow project in Eureka, allowing for 1500 acres of work.

There are now more personnel in place, more support for projects, good to have enough people.

Dealing with litigation, being responsive, trying to educate people. Ripley Project has no final ruling yet.

Sales and projects are progressing countywide, in Libby, Troy and Eureka districts.

Campgrounds are mostly closed now, water systems down to ensure no freezing occurs.

Commissioner Teske asked about the Snowshoe Mine Trail, if there has been any activity or plans. Nate commented there are plans on the agenda next year. It will be improved but it is a bad spot for a trail and location will not be moved, but there are opportunities for progression.

RAC was awarded and getting some projects out of that funding.

Commissioner Bennett commented that hopefully we get Flower Creek paved. Nate said that project got funded, but there is still logging in that area at this time.

**10:30 AM Administrative Issues-Old Business / Lions Club Playground MOU:** Present were Veronica Bovee-Anderson, Ray Stout, Rebecca Nelson, Solomon Alcain, and Scott Shindledecker.

- Robin submitted the minutes for October 26, 2022 regular meeting for approval. **Motion** by Commissioner Letcher to approve minutes as submitted. Second by Commissioner Teske, motion carried unanimously. Commissioner Bennett clarified that the cash match discussed in the ARPA portion of the minutes is for the Port Authority.
- Commissioner Letcher submitted an agreement between the Lions Club of Eureka, the Kiwanis Club of Eureka, and Lincoln County. The intent of the agreement is to locate a playground at the fairgrounds, near the pavilion off of Osloski Road in Eureka. **Motion** by Commissioner Letcher to approve the Agreement to Provide a Playground as submitted. Second by Commissioner Teske, motion carried unanimously.
- Library Director Alyssa Peck submitted an agreement between Lincoln County and Mosaic Architecture, P.C. for the Troy Library and Opportunity Center in Troy. The focus of the work is to provide a preliminary architectural report that includes conceptual level design and fund-raising graphics for the Troy Library and Opportunity Center facility. The project is anticipated to involve expanding the existing library facility into the adjacent building currently occupied by the Volunteer Ambulance service. The facility will house library operations with a focus on

accommodating community groups for programs, special events, and resource areas. Alyssa said the agreement is \$44,000 total and a \$50,000 grant has been awarded from Dept of Commerce to cover costs (CDBG Grant).

**Motion** by Commissioner Teske to approve Agreement between Owner and Architect as submitted. Second by Commissioner Letcher, motion carried unanimously.

- Commissioner Bennett said he is talking to BNSF about putting a gate below the parking lot at Kootenai Falls to assist with emergency services when needed instead of cutting the fence.

10:45 AM AM **Public Comment Time:** Present were Veronica Bovee-Anderson, Scott Shindledecker, Ray Stout, and Rebecca Nelson. There were no public comments.

12:00 PM **Break**

1:30 PM **Public Hearing, Pine Creek Meadows Subdivision:** Present were Planning Consultant Kristin Smith, Nathan Locke, Kenny Rayome Jr., Byron Sanderson, Calen Williamson, John Damon, Andy Evensen, Scott Shindledecker, Maggie Leysens, Chrissy Griffin, Ray Stout and Rebecca Nelson.

Kristin gave a brief overview of the Pine Creek Meadows Subdivision Findings of Fact (impacts) and explained the 17 Conditions as provided in the Subdivision Report. The subdivision is located in the Yaak up Pine Creek Road wholly surrounded by USFS land (approximately 2 miles from Yaak River Road). The proposal creates seven 20+ acre parcels. Kristin explained the applicant is requesting a variance from Section VI-G-3 Table 4 of the Subdivision Regulations for 60-foot right of way and 24-foot driving surfaces. The project is accessed by Pine Creek Road, which is an existing county road with a 40' right-of-way and 22' paved driving surface, which is the typical width for county roads. Kristin talked about the planning staff review criteria for granting variances. Planning staff recommends commissioners to grant the variance request and preliminary approval to Pine Creek Meadow Subdivision subject to conditions and based on finding in the staff report and amended by the Planning Board.

*Public Comments are not verbatim:*

Andy Evensen commented the biggest issue was high ground water for approximately 3 weeks. There were areas around Pine Creek Road that became surface water but was back down by June. Did extensive ground monitoring to determine where to place septic systems. Andy explained one of the conditions that addresses this.

John Damon commented that although well engineered, he hopes the county is not setting a precedence where you can't have basements or septic systems. In the future we will see problems with it.

Kristin added that it is probably marginal.

Commissioner Bennett commented that flooded basements are no fun.

Commissioner Bennett asked if there were any further comments; there were none.

**Motion** by Commissioner Letcher to approve preliminary plat and the variance subject to 17 conditions and based on planning staff recommendation. Second by Commissioner Teske, motion carried unanimously.

1:45 PM **Planning / Cannon Preliminary Plat Review / Decision, Tobacco Flats North and South:** Present were Planning Consultant Kristin Smith, Nathan Locke, Kenny Rayome Jr., Byron Sanderson, Calen Williamson, John Damon, Scott Shindledecker, Maggie Leysens, Chrissy Griffin, Ray Stout and Rebecca Nelson.

Cannon Subdivision is a 10-acre property located on Airport Road (a county collector road) and also borders Hunter's Lane, also a county road. Proposal is for 2 single family lots. Lot 2 has an existing home, drain field and well. Planning staff recommends preliminary approval to Cannon Subdivision subject to 8 conditions and based on the findings in the staff report. **Motion** by Commissioner Letcher to approve preliminary plat to Cannon Subdivision subject to 8 conditions and based on planning staff recommendation. Second by Commissioner Teske, motion carried unanimously.

Decision on Tobacco Flats North and South: Public hearing was held on November 19. Planning staff recommends approval. Kristin gave a review of added conditions or language changes due to concerns that were brought up at the public hearing for commissioner consideration.

Commissioner Letcher requested added changes/language regarding the animal shelter and shooting range.

Commissioner Bennett said the commissioners did a site visit and the subdivision is well laid out.

Commissioner Teske commented there is no legal reason to deny approval.

**Motion** by Commissioner Letcher to approve Tobacco Flats South with 20 conditions as amended and adding animal shelter language to Condition 14. Second by Commissioner Teske, motion carried unanimously.

There was a brief discussion regarding access to Independence Lane.

**Motion** by Commissioner Teske to approve Tobacco Flats North including the variance and adding animal shelter and shooting range language as a new condition. Second by Commissioner Letcher, motion carried unanimously.

2:10 PM **Adjourned**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Jerry Bennett, Chairman

**ATTEST:** \_\_\_\_\_  
Robin Benson, Clerk of the Board