

**LAKE COUNTY PLANNING BOARD**  
**June 1, 2005**  
**Public Hearing concerning the Density Map & Regulations**  
**Meeting Minutes**

**MEMBERS PRESENT:** Steve Hughes, Lisa Dumontier, Fred Mueller, Bob Kormann, John Fleming, Jerry Winkley, Jack Meuli, Clarence Brazil, Ken Miller

**STAFF PRESENT:** Sue Shannon

John Fleming began the meeting by testing the microphone capabilities and introducing the agenda.

Sue Shannon gave a brief synopsis on the history of the proposed density map and regulations. She delineated the changes proposed by the Steering Committee for the Board's consideration, and stated that this proposal is not intended to prescribe land use. She discussed the changes in the density proposal. Additional public comments received included: Should not change area east of Fulkerson's to 20 acre density, should leave at 5 acre density; concern regarding the removal of the Transfer of Development Rights (TDR); the null & void language should be changed because it's too broad; proponents say this is a good foundation for future growth.

Jack Meuli expressed surprise that the comments from the public indicated a desire for more density, but the map & regulations indicate a decrease in density.

Steve Hughes wanted to know why the TDR language was struck as it's an excellent tool to help agricultural landowners. He questioned the objection. Sue Shannon said that the comments differentiated the 'haves' from the 'have-nots' concerning the TDRs, that the public viewed the regulations as complicated & unwieldy, and that there seems to be a lack of comprehension about how the proposal works. She indicated that these were recommendations from the Steering Committee and that there were already provisions established within the three-mile radius to thwart abuse. Steve Hughes indicated that people get money for selling development rights, or they don't have to. TDRs give people a choice and that's what they are for.

Linda Kingsley requested a definition of growth areas.

[Unknown] said they need to look at what people want and if you want high density move to Denver. He said two questions need to be asked about the proposal – is it good for the land and is it good for the people. He encouraged low density for environmental quality. He didn't want to see this area become Lake Tahoe.

Joe Brooks spoke in opposition. Minutes were not taken as Pam Repnak was making copies of the changes for the audience

Joe Oliphant is displeased with the lack of a question/answer period. Wants to know the present density of all these areas & he wants simplicity and his questions answered.

Richard Erb from Moiese is concerned with omitting the TDRs– he would like to see them further defined and developed. He is concerned with land values without transfer development rights and feels farms will go out of business. He discussed fairness in regards to agriculture.

Tom Lund wants to change back to 5-acre density east of Fulkerson's lane because it only effects three parcels and he wants equity relative to surrounding parcels. His property is bordered by tribal and state land and his road will be paved next month. He will have access to two fire departments and questions the reasoning behind the change. He doesn't understand.

Linda Kingsley sells real estate and 80% of the people who call her want to divide their property and don't understand how to go about it now. She feels that this process will devalue property and that this may not be the best plan.

John Fleming stated that questions should have been asked prior to this meeting and that the public can call the planning department with their questions.

Nathan Pierson said that this plan eliminates the individual and called for a county-wide vote.

Rick Jore is opposed because of his philosophical ideals concerning the collective notion. He questioned how this is not affected by Article 2 of the Constitution.

Rio Liberty says this smacks of communism when he can't do what he wants to do with his own property. The Fulkerson changes devalue his property. Everything he's read takes away from his options and regular working people will be priced out of the market.

Cal Christian asked the rhetorical question if people wanted to see a building or trailer on every 10 or 20-acre piece of property in the county and is reminded of the Bitterroot. He suggested reinstating the TDRs and okay clustering.

Larry Richards says that this plan reinforces the property rights of individuals. One acre in the middle of nowhere is okay to preserve agricultural land - cluster. He doesn't think this plan will work. 20-acre versus 1-acre with open space - he wants to preserve the open vistas and agriculture. He stresses neatness in growth and suggests that 20-acre parcels tend to be neglected.

Zon Lloyd says this process is backwards and that individual rights are gone.

JoAnna Shelton supports growth near services and keeping open space. Wants TDRs as it reduces pressure to develop. She questioned enforcement.

Janet Camel is a Tribal Planner. Tribal poll indicates wilderness and preservation of natural resources is a priority on the reservation. The tribe wants no development in the wilderness and therefore need lower density on the outskirts. Concern about riparian/wildlife corridors is represented on the map. The Tribe has goals for residential development and she is confident with the present map as a foundation.

Harold Young encourages approval of the density map. He discussed cost of services versus public cost, and suggested that if you are opposed to taxes and inequity you should be in favor of this plan.

Tom Smith says this plan is a long overdue step in the right direction. Most people - opponents and proponents have the same goals and the question is how to realize them. If we don't act & protect our area now we will lose the things we wish to keep. Community assets have been left unprotected until now. The opponents are without an alternative - so if this isn't approved we'll have sprawl and

subdivision. He indicates a critical balance between public and private rights. He wants TDRs reinstated.

John Snyder is the Vice-President of the Swan Lakers. He says things have changed in this county since the 1960s and says back then light didn't travel so far. He says as an organization, the Swan Lakers are in overwhelming support of this plan.

Sue Laverty represents the Swan Sites Homeowners Association and is in support of guiding development. She is strongly in favor of this proposal.

Adrian Leighton is a professional forester. He's seen the fragmentation caused in the eastern U.S. from unchecked growth. He says thirty 1-acre subdivisions at the foot of the Mission Mountains is not good and that this plan is a good first step.

Jim Williams is the Regional Manager of the Montana Fish, Wildlife & Parks. He is thrilled with the density in the Ninepipes and Kicking Horse areas. He sees this project as striking a path for the future for balance and thanked the Planning Board.

Dave DeGrandpre strongly supports the density proposition because it puts the rules on the table and provided predictability. He says it's not perfect but will evolve over time and will be revolutionary for Montana. Concerning the Post Creek/Jocko/river corridor 40-acre buffers – properties that are in two densities will be more expensive for development. He recommends boundaries around property lines or text for administration/guidance. Page 8, table 3 may take away the option to cluster. If leave alone, page 9 the conservation bonus is 60% of land set aside, table 2 says 30% - it may be a typographical error. He supports the plan with an affirmative recommendation.

Dale Bicker is the Wildlife Manager for the Tribes. He balances wildlife and development and the resulting conflicts. He is concerned with diminishing wildlife habitat and recognizes that Lake County is rapidly changing – it's an encroachment of people in the evacuation of the city, and the people think it's the right thing to do.

Ryan Lipscomb asked how we want our landscape to look in the future. The Plan can evolve if it begins now. He wants sound land use and does not want TDRs because they violate the integrity of the plan. Cluster development changes the landscape and promotes changes so don't do TDRs.

Jack Meuli disagrees and wants TDRs. Clarence Brazil asked the reasoning behind changing the Fulkerson's density. Sue Shannon said for tribal wildlife habitat and wild land interface. Tom Lund clarified that there are two 80-acre parcels and one 150-acre parcel for a total of three parcels affected.

Bob Kormann addressed #13 & #14, the buffer strips. Sue Shannon said if it adjoins the creek it's in the buffer whether it's in or out of the zone. Bob Kormann asked if it was a good idea. Sue Shannon said not necessarily, but it is doable and recognizes the intent.

Steve Hughes wanted to know why the change in the bonus and Board discussion revolved around the incentive to cluster.

John Fleming wanted Sue Shannon's opinion on TDRs. Shannon responded that it's a good option for large landowners. Steve Hughes asked how, if he didn't see it in the plan, was he going to know it's an

option? Sue Shannon suggested through a variance process. General discussions found TDRs to be okay and that there didn't need to be an extra step in the procedure.

Forty-acre density was debated. Sue Shannon suggested no clustering in buffer zone. Lisa Dumontier provided the Board with information from the Tribal meeting. Sue Shannon suggested making the developer prove it's not a wildlife habitat for density. John Fleming reported being more comfortable with the map after further discussion with the Board and the public than he was when he walked into the room this evening.

Jack Meuli moved to not remove the TDR as originally written, Steve Hughes and Ken Miller seconded. Vote unanimous in favor.

Steve Hughes moved to remove the strikes on the percentages on the two tables and go back to the original numbers. Lisa Dumontier seconded. Vote 7-2 in favor with Clarence Brazil opposed and John Fleming abstaining.

Board members agreed to address the issues one by one as they are listed in the staff report.

Item #1: okay

Item #2: Jack Meuli questioned the reasoning for the change. Because of water. Okay

Sue Shannon said the first seven items were changed because of public comment.

Item #3: okay

Item #4: okay

Item #5: (forgot to put it on the last map) okay

Item #6: Commissioners changes and the Steering committee changed. Okay

Item #7: Cross out 7, okay.

Item #8: okay

Item #9: okay

Item #10: No, cross out this one because it's dealt with in #7. okay

Item #11: Fred Mueller moved to change to 5 acres in the box – the west ½ of Section 9. Lisa Dumontier seconded. Vote unanimous in favor.

Item #12: first part okay, second part okay

Item #13: problem, want to look at fee land maps. Okay

Bob Toelke related his grizzly bear story while out riding horses, could hear that thing growl forever.

Item #14: Jack Meuli suggested leaving it and revisiting it in one year. Okay

Item #15: okay

Item #16: one year review – okay

Item #17: error on map – ½ mile = 10 acres, shows 20 acres okay  
5 acres to 20 acres – okay

Item #18: okay

Item #19: section 4

Item #20: changed part of 20, add county-wide, remove specific, etc.

Item #21: discussion – okay

Item #22: get rid of it

Item #23: okay

Item #24: already changed – strike it.

Jack Meuli moved to approve the findings of fact, Fred Mueller seconded, vote unanimous in favor.

Fred Mueller moved to accept as amended, Ken Miller seconded, vote unanimous in favor.