

LAKE COUNTY PLANNING BOARD
July 14, 2010
Meeting Minutes

MEMBERS PRESENT: Bob Kormann, Lisa Dumontier, Fred Mueller, Steve Rosso, John Fleming, Brian Anderson, Sigurd Jensen (7:06)

STAFF PRESENT: Joel Nelson, LaDana Hintz, Tiffany Lyden, Lita Fonda

Bob Kormann called the meeting to order at 7:00pm.

Motion by Fred Mueller, and seconded by Steve Rosso, to approve the June 9, 2010 meeting minutes. Motion carried, 4 in favor (Bob Kormann, Fred Mueller, Steve Rosso, Brian Anderson) and 2 abstaining (Lisa Dumontier, John Fleming).

HIDDEN CANYON LOOKOUT MAJOR SUBDIVISION

Joel Nelson notes this item was continued from the June 9, 2010 meeting. There were items at the June meeting that the developer wished to further address based on staff recommendations, so a 30-day extension was requested and agreed to. The staff received additional information, which was sent to the Board members. Joel also referred to the meeting minutes from last meeting. He presented the memo with the attached additional information. (See attachments to minutes in the July '10 meeting file for staff report.)

Steve asked for clarification on how many variances were now required. Bob K referred to pg. 50 of the main report from last month. (See attachments to minutes in last month's (June '10) meeting file for main staff report for this continued item.) Joel explained that for variance #2, there were two roads, so it was broken into 2.A and 2.B. 2.A was for the main access road. 2.B was for the spur road for lots 4 through 6. Both variances were applicable. Variance #1 was still in, but it didn't apply to lot 6. Bob K summed there were 3 variances to vote on. Joel detailed that these were #1, #2.A and #2.B.

Bob K checked that these variances read basically the same as last month. Joel said the applicants changed the wording. They submitted two revised variance requests. One was a revised variance request for curve radii for the road accessing lots 4, 5 and 6, which is after the fire department letter in the July meeting memo. They did propose some mitigation efforts for the curve radius. These include increased road width (2'), design uses of super-elevation, either a guardrail or boulders and additional signage. This was for 2.B.

Steve asked if this was for the May 13 and May 12 letter from Carstens. Joel said it shouldn't be dated May 13. Attached to the memo there's a cover letter from Carstens (2 pages), a fire chief letter, and then there's a variance request wrongly dated May 13 but stamped 'received' on 6/24. Steve asked whether this particular variance request was 2.A or 2.B. Joel said the first one was 2.A. The next one was in regards to variance #1. They did propose to mitigate that variance to create no-build zones on the north side of the road on lots 8 and 10. It wasn't needed for lot 6. Steve asked if they could take the paragraph on pg. 50 of the main report and strike the last

sentence in variance request #1 that says lot 6 is partially bisected. Joel replied that would be appropriate.

Bob K asked about 2.B. Joel said 2.B hadn't changed [inaudible] the main access road. Bob K checked that in this month's report, they'd read variance 2.A and #1 into the minutes. They'd go back to the initial report on pg. 50 to read 2.B. Steve read from 2.A on pg. 50. That was the one with the main road. The new variance request in the memo refers to access for lots 4, 5 and 6. Bob B asked if they could just call that one the spur road. Steve checked that the letter received 6/24 erroneously dated 5/13 was really 2.B. Joel affirmed. Steve checked that changes for 2.B were the 2' width and the fact that they relaid out the road. Joel said they specifically proposed 4 mitigation strategies. John double-checked that the variance request letter from Marc in the memo after the Terry Gore fire letter was not referring to 2.A, since it said main access road design. Joel said this was for 2.B. John checked that the main access road was called Hidden Canyon Lookout Lane. Joel affirmed. Bob K asked Marc to shed light on this.

Marc Carstens said both roads required a reduced radius variance. At the first meeting they had a variance request in for the main road, which was known as variance 2.A. They authored a variance request known as 2.B for the stub road. The upshot of the redesign work from the June meeting was the variance for the stub road needed to be reauthored. The date of the document was incorrect, since he added mitigation to a previous document. Part of the rationalization for variance 2.B being appropriate was that it asked for nothing more than what 2.A had asked for. 2.A involved road design using software used by Long Engineering that could track fire trucks and heavy traffic on the road to prove the radius out and the other modifications. Marc didn't own the software. His civil engineer used software to develop the stub road. They had the same criteria as 2.A, which had been subject to the computer analysis by Long Engineering. That was why 2.A and 2.B were tied together. The same thing was being asked for different roads. 2.A had a more intensive analysis by Long Engineering that Carstens piggybacked on for 2.B. The 2.B radii were longer, and the same mitigation steps were proposed. 2.A and 2.B were separate roads with separate engineers, which might have been some of the confusion. The variance after Terry Gore's letter in the memo was 2.B. 2.B was reauthored whereas 2.A had not been touched. The last variance request, #1, was also reauthored with more mitigation. Bob K noted 2.A was recommended for approval. Bob B said they wanted 2.B to be identical.

Bob K highlighted the fire report and Terry Gore's last paragraph. He agreed. How could the higher fire hazard that was predicted to exist 5 to 10 years down the road be addressed? Joel said that fuel mitigation was in the covenants. He didn't think the Board could address beyond maintaining defensible spaces and so forth. Steve thought they had to count on the homeowners association to enforce their covenants in that regard. Marc wanted the earlier fire report removed from the record. In order to do so, he proposed to have a new fire management plan authored in conjunction with wildlife biologists and [inaudible] prior to final plat. He talked to Terry Gore about this. Some DNRC people visited Terry Gore the next day. They came away satisfied. The fire risk rating was as stated. In order to maintain that rating, a condition was offered so prior to final plat, a new fire management plan would be authored.

Marc Carstens spoke on behalf of the applicant. He offered to answer questions. He thought the synopsis in the staff memo was pretty good and outlined things well. Steve found variance 2B

interesting. It was reworked to mitigate curve radius problems. The radius on the new layout was 50'. He read mitigations for the curve radius. The main road had a 26' curve radius, but that variance hadn't been updated to include those same conditions. He suggested adding the mitigations to the variance for the main road. Marc thought the verbiage was there, although not as obvious. They had no problem making the mitigations consistent with A and B. Steve said he looked at road criteria on the Internet and thought the 10 mph speed made sense for this 50' radius. He suggested there be a 5 mph sign on the 26' radius. Marc said his engineer put it at about 8 mph. Steve thought it was important to have signage, especially when going downhill to leave the subdivision, so people would know to slow way down before getting to that corner. Marc thought that was a good point. They would arrange that.

Public comment opened: None. Public comment closed.

Motion made by Steve Rosso, and seconded by Lisa Dumontier, to approve variance #1 with the last sentence eliminated (where variance #1 pertained to lot 6). Motion carried, all in favor.

Motion made by Steve Rosso, and seconded by Fred Mueller, to approve variance #2A with a change to include mitigations described for variance #2B, with the exception of widening the finished road width by another 2'. Steve mentioned he width was already addressed so finished road width did not need to be increased by another two feet. The design should be checked to make sure super-elevation had been used. Guard rails and boulders that might be required, and speed and slope signage where needed for warning would be included. Motion carried, all in favor.

Motion made by Steve Rosso, and seconded by Lisa Dumontier, to approve variance #2B with the changes indicated in the 6/24/10 letter. Motion carried, all in favor.

Motion made by Fred Mueller, and seconded by Lisa Dumontier, to recommend approval of this subdivision with the changes the Board made and staff recommendations in the memo dated 7/8/10. Motion carried, all in favor.

LAKESHORE REGULATIONS UPDATES

Tiffany Lyden checked that the Board had the appropriate documents. (See attachments to minutes in the July '10 meeting file for draft updates, and see attachments to the minutes in the June '10 meeting file for current lakeshore regulations, index and general outline of lakeshore regulation update.)

She shared information about her background with water resources and lakes. She talked about steps taken so far for the lakeshore regulation update. John asked if realtors had been among those sent information about the update. Tiffany replied they had not. They could be. She just received a name from Joel for a government affairs person for ENDMAR. Bob asked about MLS. Joel thought it was the Northwest Montana Association of Realtors. Five people had responded so far to the information sent out. Tiffany showed what the website for the lakeshore regulation update would look like, including a schedule and drafts, as those develop.

Tiffany explained she contacted both the Tribe and Flathead County. She talked about comments back from Bailey Iott, whose letter was handed out. (See attachments to minutes in the July '10 meeting file for staff report.) Bailey's general comment was that things appeared to be consistent. Bailey could not comment on boathouses, since Flathead County did not allow them at all within the 20-foot lakeshore zone, nor did Flathead County address roads.

Tiffany addressed the draft sections that the Board received, and the recommended changes to date. New language in the drafts was underlined and deleted language was lined out.

She began with Section 1 General Provisions. Many of the changes were for clarification and consistency. Some items were moved around to achieve those ends. John asked if there were changes of substance in the thirteen items. Tiffany didn't think so. That was not the intent. She and John touched on an example of land slippage, which was reworded in terms of erosion.

Steve asked about the purpose in 1-3.A. He suggested specifically mentioning the overall economy of the County and its connection to lake quality. Bob K asked about purpose and 1-3.B. The phrasing referred to natural environment and that it could only be protected from detrimental land use. It inferred that spilling gas in the lake wasn't covered. Tiffany checked that the phrasing should address use on the water as well as the land. She checked that the Board wanted to give her concepts but that they didn't want her to flesh out actual language tonight. The Board confirmed. She checked that the Board welcomed the public contributing as they went through the drafts.

Tiffany moved to 1-4 Jurisdiction. The current regulations specified that a lake must have at least 150 acres to fall under these regulations. State law changed so this could drop as low as 20 acres if the Board chose. Flathead County regulated lakes down to 20 acres, and had a list of lakes they regulated. Tiffany highlighted 2 lakes in Lake County that were smaller than 150 acres that had some development: Horseshoe Lake and Loon Lake, in the Swan Lake area. She thought it might be helpful to send letters to the landowners on those lakes letting them know we were going through this process. She suggested extending an invitation to the landowners on those lakes about the regulations update to find out if they would like to entertain being included in the regulations. Fred thought this was a good idea. Mary Supan didn't think there were a lot of homeowners on those lakes. She was on Swan Lake, but those lakes were close to her.

Steve asked if it was worthwhile to ask the GIS Dept to come up with a list of the lakes in Lake County and their sizes. Then the Board could see more clearly the effect of dropping the acreage on how many lakes this would add, if the Board wanted to change the number of acres. Tiffany said the regulations didn't cover reservoirs like Kicking Horse. She didn't think there were many other lakes. Bob checked that the mountain lakes were generally Tribal. Tiffany mentioned Black Lake. Steve and Sigurd thought there was one homeowner in addition to the Tribe. Tiffany checked that the Board was okay with a letter being sent to the Loon Lake and Horseshoe Lake landowners. The Board sounded affirmative. Steve suggested comparing the size of Black Lake, and finding out who that landowner was. He mentioned there were landowners on Scaggs (sp?) Lake. Sigurd thought there were 2 landowners and a camp. Steve added this was up by Proctor.

Tiffany said the County attorney had been through some changes, and would go through more as the process continued.

Joyce T-Weaver had a question on jurisdiction. She was concerned that in 1-4.A, the City of Polson was excluded from the regulations, since the City had adopted them. There were only a couple of paragraphs in the Polson Development Code. They had a 50' setback, and docks and boathouses they would regulate. Where they didn't regulate they would turn to the lakeshore document. Joel didn't think the County could adopt regulations outside its jurisdiction. Joyce clarified the City would adopt the regulations, and the regulations excluded the City. Joel thought they would adopt the regulations with a different jurisdiction section. Steve thought the wording intended to say the County couldn't force these regulations on the City. Maybe it wasn't clear that the City was allowed to adopt them. It was up to the City of Polson whether to adopt these or not. Lisa checked with Joyce that she was saying some of the City's were more restrictive than the County. John checked that the City could not have less restrictive regulations than the County. Joyce said yes, and they would stick with the City regulations.

Tiffany moved to Section 3, with General Procedures. She mentioned section 2, which dealt with definitions, would be covered later, and noted some section numbers might change.

Bob K asked about section 3-1.C, which said the person who does OR authorizes work.... Did that mean both the contractor and homeowner were responsible? Tiffany affirmed. That was in the old language. Steve thought this should be 'and' rather than 'or' if they were both responsible. Tiffany said the intent was for both parties to be responsible. Bob K gave an example of a contractor leaving in the middle of a job. He thought Steve's point was well taken. He thought you couldn't just put 'and' in, though. Steve and Bob K agreed the wording should be looked at. Tiffany suggested looking at zoning regulations to see if language was available to borrow. Steve said occasionally owners had been brought in front of the Board for what was the contractor's fault. It might make sure the owners were reminded it was also their fault. Tiffany said she would check state law as well.

Tiffany moved to the section now labeled 3-5, about work requiring a permit. She combined the previously separate sections of work on the lake and work on the land. She viewed this list as somewhat fluid. As specific standards were reviewed, she would change the list if things changed. It reflected what was in the documents. A new item was swim rafts, which they would go over when the review reached docks.

Steve asked if the idea of revegetation was included for cases where someone bought a property where the former owner had lawn down to the water, and the new owner wanted to revegetate. Tiffany said this was not included currently. The Board should discuss this when they got to the vegetation section. She asked if a note to do so was sufficient for the moment, and Steve agreed.

Brian asked on 3-5.B17 if reconstruction of existing facilities included docks, redecking and so forth. He asked if neighbors would be calling. Tiffany thought this was covered in section 4. Lake County historically differed from Flathead County. Lake County always required a permit. Brian pointed to last week's storm. Some neighbors lost over half of their decking. Did they need to file and pay for a permit? Tiffany explained they were supposed to at present. Brian

thought that seemed excessive. When he previously had a wood dock, he had to replace boards every week. Tiffany said currently she talked with people who were planning to do maintenance. If it was a board or two, sometimes they wouldn't worry about the permit, but she did have a conversation with them about the materials they would be using. This was an important conversation to have. Sometimes people planned to use pressure-treated or painted materials. She liked having the requirement regarding maintenance in order to catch those things before they were in. She reported receiving a comment from Les Morgan of Hodges Marine, who requested they look at making the regulations more consistent with Flathead County, particularly with maintenance. In Flathead County, maintenance under a certain percentage did not require a permit. She would like to talk about this.

The fee schedule just changed. Previously, the minimum fee was for projects between 0 and \$10,000 were all at a \$250 fee. Brian said the old wooden docks took a lot of maintenance. If you didn't keep up with the structural stuff you could lose everything and then have to comply with the new regulations if the dock was previously grandfathered. He visualized dropping \$250 each time he had to fix his old wood dock. Tiffany explained that she worked with people to find out the cost of the project and whether a site visit would be required, and to give a more reasonable fee. She asked for Brian and the Board to think about what might be reasonable for when they reach the part about maintenance in the regulations. She flagged it so it could be adjusted depending on what the Board decided or recommended for the maintenance.

Lisa asked what the Tribe did. Tiffany thought they did the same as Flathead County. Lisa thought if the fees were too steep, people would try to get around the process. She agreed it was important to keep a hand in the materials being used. Tiffany described the fee now available for small projects. The fee was something like \$50. (Editors note: \$0 to \$500 projects have a \$75 fee now, and \$500 to \$5000 projects have a \$150 fee.)

Bob K asked about 3-5.B.8 on construction of boathouses and boat shelters whether a permit was needed for a shore station or if that was a boat shelter. Lisa said it was stricken in 3-5.B.13 and was in 3-5.B.7. Tiffany noted it was under docks, but maybe should be moved under boat-related kinds of things. Steve asked if shore station was a brand name for a boatlift. Tiffany thought it had become a general term, like Kleenex. She suggested using 'shore station/boat lift'.

Tiffany pointed out an addition of sewage pump-out facilities. It had come to attention that there weren't very many on the lake. When people construct marinas or common use facilities, it would be nice to encourage those pump-out facilities.

Tiffany noted on pg. 3 for C, the items were stricken since they were combined with the above section. Section 3-6 appeared new. These were things not allowed in the lakeshore protection zone. For the most part, the list took the things in the regulations that were buried in the language as not allowed, and put them up front.

Steve asked if there was a contradiction between 3-5.B.11, which included sewer lines, and 3-6.D, which mentioned sewer lines as not allowed. Tiffany agreed. New sewer lines were not allowed.

[Bob K?] asked how the sewage pump-out facilities worked. Did [a facility] get pumped out by a temporary line? Was a temporary line going to a pump truck different than one going to a sewer system? Tiffany asked how should it work. John thought 3-6.D was probably the correct one to avoid disturbance. Steve said the pump-out stations were applicable to commercial facilities. He thought it was important for the commercial facilities to provide a convenient place for people to get rid of the sewage from their boat so they don't get rid of it in the middle of the lake. They would need to allow some sort of sewer line or holding tank or something, possibly on a dock easily accessible and convenient for the boats, but certainly not allow someone to put a toilet out on the end of their dock. Tiffany thought items not allowed could include sewer lines or components except for sewage pump-out facilities.

Steve asked if there was a separate section to handle commercial marinas. Tiffany affirmed, and added there was a distinction between public use marinas and private use marinas. Steve thought the pump-out facilities should be specified just for the commercial facilities.

Bob K was curious about 3-6.K, which prohibited roads or driveways, except to serve boat ramps. Was there something in the regulations about concrete boat ramps? He thought concrete or blacktop surfaces were problematic, and allowed runoff to get into the lake. Tiffany said these were not good from a water quality standpoint. Joel said subdivision regulations did not allow them, but that would only apply to new subdivisions. Tiffany mentioned boat ramps would be discussed later today. Lake County currently allowed them. Flathead County and the Tribe tried to limit them if there was a public boat landing nearby, which made a lot of sense. She tried to follow the Tribe in her recommendation section. If there were someone to be consistent with, it would be the Tribe, given the joint jurisdiction on Flathead Lake. She thought the Tribe said no private boat ramps within 2 miles of a public boat ramp. Regarding the roads, if there was a boat ramp, it needed access. You couldn't just have a road and drive right down to the lake. Bob asked about maintenance on those. Tiffany replied these would be new things that would not be allowed.

Brian asked on 3-6.J about asphalt shingles. Most of the boat shelters were shingled. Tiffany said she had a note to speak with the BioStation and some others about that. She didn't know. People also did metal roofs. She asked Brian for his opinion. Brian thought it needed to be addressed one way or another.

Bob K asked about burning in 3-6.T and whether fire pits needed to be mentioned. Tiffany said the regulations and standards prohibit burning on the lakebed. It wasn't meant to prohibit small campfires of 3' x 3' or less. A number of people had a concrete pad up on the land with an enclosed fire pit. She thought the burning of waste was different than an enclosed campfire, and maybe that distinction should be made here.

For Y, with livestock and pasturing of animals, this also caused water quality concerns. Tiffany wasn't sure the 3 lakes under the regulations had [livestock]. Sigurd noted on some of the other lakes, there were livestock. Black Lake and Skaggs Lake were 100%. Someone mentioned grazing areas weren't fenced.

John asked what a gabion basket was (in 3-6.W). Tiffany explained this was a metal cage or box full of rocks. Someone might use one to retain a slope. Someone asked to use those as a retaining wall on the lake a couple years ago. The discussion about whether this was appropriate on Flathead Lake began then. She would like input on this question. Steve asked if the preferred alternative was plain grey concrete. Tiffany pointed out a section that will be reviewed later for retaining walls, rip rap, and reestablishing natural gravel beaches. There were other options available to landowners. She suggested there may be an instance where the Commissioners would grant a variance, where there was a really good reason to do that. Unlike some of the other regulations, the lakeshore regulations currently don't contain something that says if it's prohibited, a variance could not be issued.

Steve asked if crib docks with a certain design were still allowed. Tiffany said they had to be 50% open. Steve asked if gabion baskets were allowed if the basket was made of wood, then, but not of metal, since a crib dock was like a wooden box full of rocks. If it was purely for aesthetic value, then it needed to be decided if you were going to allow plain concrete walls.

Bob K mentioned livestock grazing and pasturing, since there were some on the South Shore. If they got sold, and the person continued to want to run cattle, would they be grandfathered in? Tiffany thought so, since this was an existing use. Bob asked if it changed when the property was sold. Tiffany didn't think so. She checked this was the 20' zone up from the water where cattle were in. Fred said yes. John asked if the Board looked at a subdivision with a creek going through it, were there restrictions on livestock access to the creek. Sigurd didn't believe there were. A setback was encouraged. More discussion ensued.

Tiffany pointed out 3-6.B on pump houses for discussion. The regulations didn't address them, and a lot of them were out there. She'd like more discussion with people who installed water lines. With the technology today, she didn't see a lot of new pump houses. She had that as a placeholder for now.

Bob K asked how people dealt with getting power to a boathouse in steep areas such as the west side of the end of Finley Point. Brian mentioned conduit line. Tiffany said this wasn't addressed. She added some docks have electricity.

Tiffany moved on to the next sections. Item 3-7 on Emergency Work was rearranged from the previous version to clarify it. She gave the example of a broken water line. This has only come up 2 or 3 times since she's been here. Bob K asked emergency work covered what Brian mentioned, with the example of a big storm that tore up a dock, and you were concerned about safety of guests who were coming. On pg. 5, Tiffany proposed moving the 'Variance' section into Administrative. It would require some hashing out, since it needed some major clarifications.

Next, the group moved to the section on boathouses, boat shelters and shore stations/boat lifts. The first page was the comparison Janet Camel requested at the last meeting. Tiffany asked the Board if the comparison sheet was helpful, and they quickly affirmed. She pointed out the combining of boathouses, boat shelters and shore stations. The pattern in the regulations was to describe policy and then standards. She found this very useful in speaking with landowners or

contractors to explain the purpose behind regulations. Boathouses were ‘land animals’, which extended human activity into the aquatic environment. She touched on potential impacts of boathouses. Some grandfathered boathouses extended over the water. What people built over the water today were called boat shelters. A boat shelter or shore station was open, and had a lesser impact than boathouses. ‘Open’ was covered in the definitions section.

Steve observed that C.1.a began with ‘boathouses are essentially land-based structures’, so possibly begin C.1.b might begin with ‘boat shelters and shore stations are essentially water-based’. If there was a question about a borderline enclosed boat shelter, this might help.

Tiffany said she rearranged items to clarify policy versus standards. Boathouses needed to be on land, with a 10’ setback from high water. Flathead County had them back 20’. Lake County did have a provision if a boathouse was large, 20’ or longer on any side, it needed to move out of the lakeshore protection zone. Since painted or treated lumber were not allowed in the lakeshore protection zone, sometimes people would move the boathouse outside the zone in order to do that. It seemed to be a good result.

Brian mentioned limitations due to steep slopes. Tiffany replied that one possibility to look at was that it could be 20’ out unless there was some physical limitation. Steve said if the distance was 20’, it would be outside the lakeshore protection zone, and they could say no boathouses. If they wanted to have an influence on boathouses, and be able to describe size, color of shingles, and so forth, they would need an option for putting them in the lakeshore protection zone or they’d have no say in this document. Tiffany said some zoning regulations, such as East Shore, Upper West Shore and Finley Point, reference the lakeshore regulations for the 50’ buffer. A boathouse at 30’ would follow the standards from the lakeshore regulations. If there weren’t standards for boathouses, somehow they would need to address this. Steve thought it was okay to have them in the lakeshore buffer in some applications. Brian thought having boathouses instead of boat shelters was a good thing. At least you had a 10’ buffer for the runoff of the roofs and the boats were at least 10’ off the lake instead of sitting on the water all the time. He liked the rail systems. They were out of the water and weren’t smashed in the boat stations.

Tiffany highlighted some clarifications in C.2.f (setback measurement), C.2.g (maximum height), C.2.j (stormwater), C.2.k (regarding excavation) and C.2.l (untreated wood). Steve asked if there were potential conflicts with the International Building Code, where that code might require treated lumber that would need to be addressed. Tiffany asked how he proposed to address that. He didn’t know. He thought maybe to allow an exception if the IBC required it. Otherwise you could go the other way and say you would exempt the builder and homeowner from following IBC. Staff explained the County didn’t deal with building codes. Steve said if the building code was in place to provide for the health and safety of the public, such as railings, and you say they can’t use materials required by the building code, what would that mean if someone fell off? Bob K thought the insurance company would dictate the railing. Steve asked if they would dictate following other portions of the building code to protect the longevity of the building. He didn’t know, but suggested there was a conflict there to think about. Maybe it would be okay to say in this particular case you couldn’t follow them.

Steve thought it would be interesting to go back through a few years of permitted boathouses and see if they used treated lumber against the foundation or against the ground. Brian thought it was different if treated wood was totally enclosed in the structure versus having the pressure treated out on the deck or on a railing, where there was a concern the chemicals would wash into the lake. Steve thought they might find that people have violated this without thinking about this. Joyce T-Weaver suggested that Tiffany could talk with Ron Melvin, the City building inspector. Brian mentioned the commercial building inspector form the State. There had been new boathouses and a new harbor project. Tiffany said those were permitted after the fact, and it was supposed to be untreated lumber. Brian thought the commercial guys must have something on that. Tiffany explained her hesitation on that was that a lot of people know they can't use pressure treated wood, and she didn't want to go in the reverse direction.

On C.2.m, Tiffany highlighted that permits would be required the first time for movable shore stations and docks, but not for the subsequent times.

Boat ramps and boat rails were the next handout for discussion. Tiffany thought E.1.b could be worded better. She touched on the standards and revisions there. John asked if she received a lot of boat ramp requests. She replied there weren't many. She estimated she received three. Bob checked that boat ramps had a negative impact on the lake. Tiffany thought this was probably so. Bob asked if it was out of the question to say that they didn't want private boat ramps. Tiffany wasn't sure. Fred referred to boat ramps that were put in as slabs and bolted together. He thought they might have less impact. They didn't seem to undercut. He thought they were better. Tiffany said this was at the Swan Lake campground landing. Fred thought it was the same at Lake Mary Ronan. He thought the solid ones got more erosion. John said he'd not seen one that wasn't cutting underneath. Fred said the others, with slots, didn't undercut. Tiffany said one private landowner put in something like this. Maybe it wasn't cost-prohibitive to do privately. Fred said the water moved through these. Steve said the rain didn't wash down the whole length of the ramp into the water. Fred said the water moved through sideways. In the other way, it filtered out of there.

Bob K asked what the Board thought of boat ramps. Did each person with a piece of lakeshore need to be able to put in a boat ramp? Were the boat ramps a negative impact on the lake? Brian thought they were a negative impact, but the public ramps might not keep up with everyone launching. At Yellow Bay, Blue Bay or the one on the back side of Woods Bay, there was nowhere to park for a good chunk on the weekends. John asked how many boat ramps there were on the lake. Brian thought there were probably 30 between Woods Bay and Yellow Bay. Steve thought boat ramps were a convenience. His neighbors had one from 30 years ago that got used twice a year. It seemed like people who were putting the boat in and out every time they used the boat would have a rail system. He thought this kind of rail system wasn't much more expensive than a concrete boat ramp. His comment was to evaluate if there was a reasonable alternative to boat ramps. He liked the idea that if a public one was within a couple of miles, they didn't need one. If a private boat ramp wasn't for a homeowners association or something like that, then a rail system or shore station or alternative should be considered.

Bob K said in Wisconsin and probably Minnesota, there were probably strict regulations about boat ramps. Tiffany said that by in large, they didn't see private boat ramps in Wisconsin. John

thought they were doing the right thing without radical change. The policy stated the boat ramps had the potential to increase sedimentation, and then [the regulations] acted accordingly by adding the 2-mile radius. He thought Tiffany was doing the right thing. Brian agreed that the wording pushed towards the rails. Bob K asked about her recommendation. Tiffany thought there might be a way to encourage. Bob K thought there might be a State standard when the State put in a boat ramp. Steve said the new one at West Shore State Park was a solid one. Lisa thought the one by Kwa Taq Nuk was solid. Tiffany mentioned that a boat landing should be permitted by both the Tribe and the County [on the reservation] except on a Tribal lot, the Tribe would permit. She would check with the State in terms of standards, and if there was a way to at least encourage this option, which was better than the solid concrete. Steve suggested calling the people at Yellow Bay. Tiffany said the boat ramps were bad for the lake in terms of interrupting the natural flow.

Brian asked about pulling out the construction specifics. What if someone poured a 2-inch slab without reinforcement? He suggested keeping the wording. Steve suggested that they reserve the right to require an engineered design. Brian thought this would lead to engineering on other things. Tiffany asked if these standards were current. Brian said there was lots of metal and so forth. Lisa suggested getting a recommendation from someone who knew about it, and leave it in.

Tiffany pointed to a photo with panels that she thought were good. Brian mentioned precast. Lisa said it was important for the lake with sanitation and strict changes. The regulations should require people to go with the least impact. Bob K suggested seeing what Lake Tahoe did. Lisa said typically money was not a huge issue. Why take the easy way out? Fred suggested seeing what Fish & Game recommended.

Tiffany said if they were going to allow boat ramps, to put in flexibility for allowing some of those that have less impact. Brian highlighted the plastic geo-grid system. It had much more pervious space. Lisa pointed out they weren't taking [ramps] away. They would have ramps, but those would have standards. Brian said in that respect, the standards for the roads to access that, for instance, would be something interesting to look at in the lakeshore area. Instead of dealing with concrete or gravel, do something like the geo-grid driving surfaces, which really absorb water.

Tiffany moved on to roads. There was no comparison sheet, since the Tribe's jurisdiction was in the lake, and Flathead County had nothing about roads. If new boat ramps were allowed, they would need roads to access those. She touched on the policy and standards. Asphalt road surfaces would not be allowed. Hard surfaced roads would incorporate some sort of drainage management or filtration system to remove some stuff before it got into the lake. Sometimes there were grates for drainage into, which could hold [the drainage] and put it somewhere else. Fred thought this would give the water a place to go besides straight down into the lake if it was extended up instead of having a hard road. Steve said what might be missing from the boat ramp section was some sort limit on the distance above the high water mark. If the ramp was allowed to extend, say 10 horizontal feet landward of the high water mark, then the road approach would not be allowed to be anything but gravel or pervious, with no concrete allowed since concrete would extend the ramp even farther landward. Tiffany summed that they could require pervious

roads. John thought that make sense. Tiffany said they could avoid filtration then. Brian thought filtration would have problems.

The next section was on buoys. Tiffany highlighted the policy and standards. The current regulations talk about buoys coming to the Planning Board for review. She asked if Bob K recalled reviewing a buoy placement. He did not. Steve offered some history. With Forest Sanderson (former Planner), buoys were allowed in the regulations, but approval was never granted. Forest thought they were dangerous. So there were no legal buoys. John asked if there were a distance that a boat was to be operated from shore. Brian thought there was just the wake. Steve mentioned a 200' distance in the state regulations, where if you were within 200 feet of the shore, then you'd have to be going at a speed such that you made no wake.

Unless the Board wanted to be involved in buoy placement, Tiffany recommended staff and Commissioners deal with this. She highlighted some points and changes in the section. She recommended the distance from a buoy to a moored boat could not be more than 20'. Discussion ensued on the 100' maximum distance. Steve said if you do the anchor at 100', it depended on the slope of the lakebed how far out you'd get from shore. If it was really steep you could be 10' from shore with a dangerous situation. Was that okay? A hundred feet traveling laterally may be 10' out. Tiffany said 100' would be the maximum. Brian checked that it was 100' horizontal feet, like docks were 50' horizontal feet. Steve summed this was straight up and then maybe across. Tiffany noted the 100' was for consistency with the Tribe and Flathead County. She didn't have a strong feeling on that, if they would rather keep it at that.

Steve thought the wording on H.2.g was confusing. Tiffany explained that a boat attached to a buoy couldn't go closer than 25' to a riparian boundary. Steve thought the wording in her explanation was clearer than the wording with the farthest swing.

H.2.m regarding a visible light on the boat at night was discussed. Tiffany noted this came from Flathead County. She didn't have a strong opinion, but it sounded like a good idea. Steve said those were general navigation rules for anchoring a boat. He didn't know how practical it was. He guessed that a lot of people with buoys on Flathead Lake were violating that when a boat was attached. Sigurd commented how many people wanted to look out and see lights? Steve thought if someone ran into a moored boat without a light there were federal and state navigation rules that a person would have violated, so we might not need a rule. Tiffany said some of these things would be difficult to enforce. She wasn't out there at night checking people's light. Brian thought they could just say people had to conform to the Coast Guard regulations or whatever standards there were for operating a boat at night.

Tiffany noted buoys were currently prohibited on Lake Mary Ronan and Swan Lake. She spoke with Jerry Kand (sp?) from the Swan Lakers, who said many buoys were on Swan Lake. She asked for comment. Mary Supan said a no wake zone was put in. She wasn't sure if those two were called buoys. Tiffany said they should probably add a distinction for mooring buoys. Mary said she heard there were buoys at the south end although she hadn't seen them. Steve could see where it was an enforcement issue. John asked if there were sailboats on the Swan. Mary heard there were some on the south end. Tiffany asked for input from the Swan Lakers if that was appropriate.

Tiffany broached the fence section. She pointed out some of the changes made. She had added that fences would be discouraged unless there were situations such as a residential property abutting a commercial property. Brian liked that. His neighbors were there for 1 week out of the year. He asked about the 50% open space on design, which was just on the lakeshore portion, and if that was a variance. She responded that was a requirement on the first 20 feet from high water mark. If the variance fell in a zoning district like Finley Point, the buffer would extend back to 50 feet. Fences in the lakeshore protection zone were controversial. Near Big Arm, someone put up a chain link fence in the 20' to the lake. She thought it might be helpful to entertain standards in the lakeshore protection zone that fences were only allowed when there was some sort of incompatible use or special circumstances. This followed Flathead County. She covered the other standards.

Steve referred to the permitted uses, non-permitted uses and conditional uses in the zoning regulations. Was it possible to have conditional uses for fences and boat ramps, to require a public hearing and public review where the neighbors would know? Tiffany said maybe. Lisa, Brian and Bob K thought this would be good. The group discussed this further. Bob K added no electric fences should be allowed.

Tiffany said they would continue with the lakeshore update at the next meeting.

OTHER BUSINESS

Bob announced that Joel was the new Planning Director.

Joel mentioned that next month, there would be the last first minor subdivision for the Board. With the new subdivision regulations, the Board appointed the staff to review first minor subdivisions on their behalf, and then these would go directly to the Commissioners. A major subdivision introduction for condominiumizing and additional lakeshore regulation update would also be addressed at the next meeting.

Motion made by Fred Mueller, and seconded by Lisa Dumontier, to adjourn. Motion carried, all in favor. Meeting adjourned at 9:40 pm.