

LAKE COUNTY PLANNING BOARD
September 14, 2011
Meeting Minutes

MEMBERS PRESENT: Bob Kormann, Lisa Dumontier, Harlan Gipe, Sigurd Jensen, Steve Rosso, John Fleming, Janet Camel, Brian Anderson, Jerry d'Aquin

STAFF PRESENT: Joel Nelson, LaDana Hintz, Lita Fonda

Bob Kormann called the meeting to order at 7:04pm.

Motion by John Fleming, and seconded by Lisa Dumontier, to approve the July 13, 2011 meeting minutes. Motion carried, 8 in favor (Bob Kormann, Lisa Dumontier, Sigurd Jensen, Steve Rosso, John Fleming, Janet Camel, Brian Anderson, Jerry d'Aquin) and 1 abstention (Harlan Gipe).

Bob described work session aims and format for Lake Mary Ronan zoning update. He pointed out the second main item on the agenda regarding the lakeshore update work session, and noted that the Board might not reach the second item, depending on the length of discussion on the first item. He covered the intent of the forum tonight. No decisions would be made tonight regarding Lake Mary Ronan zoning. There would be numerous meetings and opportunities to speak. The goal tonight was the open flow of ideas.

Bob covered the format that would be followed. For those making public comment, he instructed them to state their name and whether or not they resided in the zoning district. He highlighted that civility and politeness were expected. A time limit would not be imposed; he reminded speakers to respect that others would want time to comment as well. The meeting would end at 9:30 pm, and public comment would cease at 9:15 pm, if it were still in process.

LAKE MARY RONAN ZONING DISTRICT & REGULATIONS WORK SESSION

Joel Nelson presented the staff materials. He projected a display of the staff materials, attachments and handouts. (See attachments to minutes in the Sept. 2011 meeting file for staff packet and handouts.) He pointed out the handouts of letters received since the staff memo. He also pointed out and presented a handout regarding the process being initiated tonight. He showed the materials that had been set up on the Lake County website, which were those distributed to the Planning Board, and noted the page would be updated from time to time. He mentioned the posting requirements in the district could be challenging to meet, and that he did the best he could when posting previously for an application. He read the last page of the handout, which was a copy of [an unscanned] summary of an Attorney General's opinion from 1977 regarding protests.

Bob asked if the boundary description in section II on pg. 1 of the existing regulations was the original description of the land in the district. Was it the subsequent maps that did not jive? Joel affirmed that the maps didn't jive with the narrative description of the boundary. It was known we were dealing with Plum Creek's proposal to zone their land. Private parcels, which Joel

pointed to on a map, were not supposed to be included. He referred again to discrepancies in section 13 and in gov't lot 4 in section 12.

Steve referred to section 11. He asked about some lines in the drawing, and whether a specific lot was in. Joel said that lot was not in the zoning district. In section 13, Steve asked if Joel could point to the 40-acre squares that were described. Joel pointed out the NW quarter of the SW quarter. It seemed like it should have said the NE quarter of the SW quarter, which Joel also pointed out. Steve said that was the discrepancy in section 13, and Joel basically agreed.

Steve suggested Dayton school or the old Proctor school or maybe a Chief Cliff Fire Dept building might be available for a meeting close to the zoning district.

Joel continued to move through the regulations. Steve noted on pg. 2 regarding the Westside district that one of the comment letters suggested that on-lake properties would be averaged with off-lake properties when evaluating average densities. He asked for clarification in a case where a proposed subdivision included both lakefront and off-lake properties. Would the lakefront properties be evaluated by themselves to make sure that the average was 1 dwelling unit per 5 acres, and that they couldn't go to smaller than 1 dwelling unit per 5 acres by making off-lake properties large. Joel replied it would have to be on the lake to average the density out. Steve checked that you would only evaluate the properties on the lake and their average, and not include the off-lake properties when you were averaging. Joel said the acreage of the properties that abutted the lake would have to be 5 acres per lot per unit. That was also addressed by the density clustering. It did say the density requirements were not minimum lot size requirements. You could create lots smaller than 5 acres, but the if you start with the overall density of the subject parcel and propose a subdivision, you could create a bunch of 2 acre lots, and have a big lot that abutted the lake if it was larger, to meet the average density.

John asked about creating a lot that was on a parcel on a lake and then subsequently becoming not on the lake, divided from the lake by the smaller parcels.

Joel showed a preliminary plat that was subject of a public hearing in 2004. He didn't know exactly how it was filed, but a court set it aside. The plat showed lot 26 at 2.71 acres, and there was a series of lots that looked like they were in the 1.5-acre lot to 5-acre lot size or so, along the shores of Lake Mary Ronan. They were averaging density. He pointed to 84-acre and 15-acre tracts. He pointed out if they'd tied across the road so a larger lot was part of a lot abutting the lake, it would probably comply with the zoning, but they would have to obtain a variance to the subdivision regulations to allow for the easement to bisect the lot, so it would probably be a difficult subdivision to get approved. Mike Maddy said those weren't the facts. There was another lakeshore lot further down the subdivision in Plum Creek property. They didn't own it at that time. It was lakeshore. The back lot was not included in their density.

Joel continued with the regulations. He noted that language on wetlands, floodplains and administration would probably be beefed up to be consistent with other regulations and to be clear on how the regulations were administered. Steve assumed many changes would be made to these pages just to bring the regulations up to date with more recent work and regulations, and the Board would probably make comments on those items when draft regulations were received.

Joel finished going through the materials.

Bob requested that those who wanted to speak to go to the podium and put their name down on the sheet there. He directed people who wished to speak to raise their hand. The person who had the podium would have the floor. The Board and staff could ask questions, but he asked the public to limit their comments. Joel reminded that comments should be directed to the Board and not to engage in a discussion amongst the crowd. Bob reminded speaker to say if they were a landowner in the district.

Public comment opened:

MJ Snyder: She lived next door to the district. She wanted to discuss an ambiguity in the regulations regarding averaging density. There were two ways to look at the averaging. The language said the lot size was not a minimum as long as the general overall intent remained the same on averaging the size of the lots. She showed an example of a 50-acre parcel on the lake divided into ten 5-acre parcels. If one lot wasn't totally buildable for some reason, there was language in the Lake Mary Ronan regulations that says you can get a variance so it didn't have to be 5 acres exactly. She showed her example where one lot became 4 acres and another became 6. Within the parcel, the average was 5 acres. That was how she read the intent of the regulations. She moved to her second interpretation, cautioning that her drawing would be a little off. For the purposes of discussion, her drawing had an extra parcel along the shoreline, say a reed area, where nothing was buildable but it was along the shoreline. It was also a 50-acre parcel. There was also a 50-acre parcel down on the shoreline. She gave an example if a developer said they were going to set this aside as a park, where it wouldn't be built upon, and they granted a conservation easement. Because it was adjacent, as she showed on the diagram, they would now be dealing with 100 acres. If you said 5 acres per house, you came up with 20 houses, but they would go down on the parcel where the building was. You ended up with congestion, which was against the intent of the regulations for a rural area. Clustering was originally assumed for an area like a ski area, where you wanted a lot of open land and everything at the bottom of the hill so it was convenient. It didn't work in a rural area like Lake Mary Ronan where you had it crowded along the shoreline. This was a common way of looking at it, where you took the set-aside property and put it next to [inaudible], you put it together and divide by 5 acres to come up with 20 houses. Why did people think that was the way it worked? Previously when this came up, the County's answer was that, of 17 zones in the County, there were 4 zones where this was able to be done. Since they could do it there, why not do it at Lake Mary Ronan? If you went back to those regulations from the 4 zones, you discovered there was specific language to allow what they were doing. She gave an example from Finley Point, where density was established as an average density of x acres. Then on pg. 8, cluster development was allowed, but only if a green belt was incorporated. That wasn't very specific. If you went to Masumola, Upper West Shore or Stone Ridge, the three start out with the same paragraph with almost the exact same wording as in the Lake Mary Ronan zoning district: it wasn't an average, but it was within the intent. Then they had additional language that didn't make it into the regulations for Lake Mary Ronan. That additional language put out a formula with what percentage of the tract was left as open space. Based on that percentage, there would be an

increase in the density. She referred back to the diagram to explain further, on how they came up with a formula. That was fine, but you couldn't read that formula into the regulations where it didn't exist. To do that, baffled her. She referred back to her scenario. On an overall average, they did end up being 5 acres, if you included everything. The actual sites would be 2.5 acres. She noted that one of the proposals in the Maddy application was to change the shoreline lots to 2 acres instead of 5. Then you could end up with 1 acre or smaller shoreline lots, depending on how big the set-aside piece was. She didn't think that was intended or what the public wanted. The people she talked with didn't want the averaging to work that way. The averaging worked where something had to be adjusted because it wasn't buildable. To crowd it in to the shoreline to make more lots, smaller lots and increase profits was not what was intended.

Marji Wright: She lived at Lake Mary Ronan in Bitney Tracts. She and her husband lived there for 17 years. She was concerned about an apparent error. She referred to Mike Maddy's application and to David Wilson's letter. What they said about Bitney Tracts was kind of off the wall and was not correct. The lots in Bitney Tracts were over ½ acre each, with the possible exception of lots 20 through 23, which were not buildable lots. Mike Maddy said something about lakefront lots. Every lot on Sahinen Lane was a lakefront lot, with the exception of hers. She had a driveway that was 26' wide down to the lake, and the eastern half of 2 lots. These were through lots. It seemed misleading to her to say all lakefront lots were less than ½ acre, because they were not, unless she [inaudible] around her calculator. There were 4 properties that were 1.3 acres, and they would be built that way. They were very much controlled by what the septic regulations were. She thought they needed to clean up their information if they were going to use that as a standard. Secondly, she was concerned that attention didn't seem to be paid to the extremes of weather. They got more snow than most folks, and at times they had 1 to 2 inches of ice on their roads, driveways and sidewalks. It was extremely dangerous to even go out the door wearing ice cleats. When you looked at building on slopes, you might want to consider this. A few years ago, when the Jim Creek Fire blew up on the SW corner of the lake, she went out to clean up her patio. Her entire property was covered with ash, soot and junk that had blown in from the fire. She was right up against the state park. They didn't get a fire started that night, but if a fire started in that state park, with a prevailing wind from the west, a fire would be driven to the east. The roads around the lake would come together and crash into the people who would be coming up to put the fire out. Fire was an issue of hers, having grown up in a small community where her father was with the volunteer fire department. A greedy businessman violated rules. A fire broke out. Fire departments responded from a wide region. They brought out 163 dead people in a half hour. She asked them to consider that people drove Greyhound bus-size RV's pulling 20' trailers down that little county road, trying to get into the state park. They couldn't make the turn and went off the road, which was blocked for 20 minutes. What would happen in a fire? She referred to how fast fires moved in TX. If you overcrowd the place, and think a road around the lake would help, they would all be going to the same place and trying to get out the same exit. It was a serious issue. She referred to the other comment about trying to put more people on the lakefront because more people could enjoy it. She watched as jet skiers tried to overrun fishing boats, and as water skiers tried to get through fishing boats. The people trying to fish got upset about that. It seemed to her the more people you crammed on the lake, the more confrontation and safety issues you would have. Then you'd have to start controlling boat size and type of watercraft. Who would get to enjoy the lake? They would bring water toys, and if you brought 100 or 200 houses in there, you'd put 100 to

200 watercraft on the lake. They would compete for the same space. She thought that was an issue too. She offered to help explain the Bitney Tracts.

Bob Hanson: He lived at Lake Mary Ronan since his retirement more than 20 years ago. He was going to let those who had done research and with better knowledge regarding water quality, transportation and so forth speak to that. He wanted to refute an earlier comment regarding the business of an offset when Mike Maddy brought his last developmental project before the Board in 2005. The Planning director at that time, who now worked as a consultant for Maddy, admitted under questioning that besides those plots along the lake, a huge 90 acre or whatever size [lot] off the lake was used in the averaging out to make the 5-acre minimum for on the lake. You ended up with lots that were 2.5 [acres] or less. He had to dispute that. It did come up a number of different times at different public meetings. He wanted to point that out. He thought it was an underhanded tactic. It represented bad faith to him.

Gene Garrison: He owned Mountain Meadows Resort at Lake Mary Ronan on the east side of the lake. He wondered if Joel could summarize what he said in about 50 words or less.

Joel Nelson: He didn't think he could.

Gene Garrison: He handed it to MJ, Marji and Bob for bringing out very important points that needed to be considered in whatever the decision was. He had been at his place for 20 years, and had been through a subdivision review. It was a costly and time-consuming experience. His main concern was that the lot size be very adequate to accomplish the objectives. Eventually the lake would be developed. They needed to make sure it was done in an orderly manner. That's why people were here. The biggest concerns from his point of view were the water and the septic. The size of the lot had some bearing on that, which dealt with the water and the septic. As long as that was adequately handled, and the lot size—he would leave coming up with the appropriate size for the lots to someone else—should be made between the Planning Board and Mike Maddy. The property would be developed eventually, whether by Plum Creek or Mike Maddy or somebody else. The only thing that didn't change was change itself. It was coming, whether they liked it or not. Their main concern was to make sure it was done appropriately. He was glad to be able to speak at this level in the system of government. Here, they could put input in, and if [the County] or the Commissioners weren't listening, it was easy to replace them. He had a question. The property owners had one vote, and that concerned what?

Joel Nelson: If there was a protest to a resolution of intention adopted by the Commissioners to pass zoning.

Gene Garrison: He wasn't sure if he was even in the zone.

Unidentified speaker: He wasn't.

Gene Garrison: It still concerned him, because he lived in Lake County and at Lake Mary Ronan. The lake was a beautiful lake and they needed to keep it that way, but they couldn't just say, 'We've got ours and nobody else can come here.' They needed to assist their brothers and sisters in a way that was adequate to protect the lake. It was coming whether they wanted it or

not. As far as the fire department, Chief Cliff Fire Dept was on top of things there. Between them and the DNRC, they were pretty well covered. Once it's developed over there, that would be a prime concern, especially with fire coming off the other side of that mountain on the other side of the lake. The more people who were over there, the more danger there was. If that were developed, most of the people who would be there would have expensive pieces of property and would take care of it for the most part. At his place, he had his own 1000-gallon tank with a pumper than he made, just for that purpose. He was sure others would take care of it, but the fire department they had out there was very adequate. His other thought was they were debating what to do with this land so it was adequately taken care of and yet they were still likely to share it. He wondered what the Native Americans in the early days would have thought about what was coming. They needed to be thankful for what they did have, and make appropriate decisions.

Bob Larsson: He was the founder of the Christian Camp over in the corner of Lake Mary Ronan. He outlined some of the history of the camp. They obtained the lease in 1954 from the lumber company. Their dream persisted until today, and they hoped it would go for many years. It shaped people's lives. He attended a similar meeting to this one once before with the Planning commission. They went through the input and took a vote with the Planning committee. The vote was strongly in favor of not allowing a variance in the regulations. The decision was made by the County Commissioners, who ignored that decision. He wondered why these people came to spend this time if County Commissioners could just set it aside and do what they decided to do. Where was the input of the people to be considered? He wouldn't waste his time going to a meeting if he could be overridden that easily. He understood that if 40% of those who were residing at some time, using only that particular piece of ground, would protest this, then the Commissioners hands were tied. They couldn't approve something that 40% of those who were landowners in the area protested. He checked that was read a while ago.

Joel Nelson: He affirmed they discussed the protest procedures.

Bob Larsson: He thought the main thing they should know tonight was what the will of the people was. How many were landowners within the district under discussion and what was their will concerning it? He spoke for himself and his grandson, who was taking over for him. He mentioned he traveled widely, but his favorite spot was on Lake Mary Ronan. He read a lot of scientifically based letters saying that this lake was fragile. He remembered Jack Meuli saying at that other meeting that they'd drawn a bulls-eye on a spot that was precious to many people, and to be careful what you did with that. He considered Jack's judgment to be valuable. He believed people had a right to make a living and to use these things in a responsible way. The zoning requirements and stipulations were set up by the process of law to be reasonable. He saw no reason to be in favor of lessening those, and the protection that they had.

Ron Moon: He asked how the lake had handled the development that Bob Larsson had seen, from his perspective. He clarified by asking how the quality of the lake had survived.

Bob Larsson: He confirmed that his personal knowledge was being requested. He was still getting the same enjoyment. His children could catch fish since perch were introduced, which shouldn't have happened. The lake developed quite a bit. The studies that he saw were well

documented and indicated that it had gone down and could go farther. He was concerned about that. He believed they had to balance the rights of the property owner with the overall good for society. That's why they had the zoning requirements. He would be more interested in stiffening them than relaxing them.

Coral Dotson: She lived at Lake Mary Ronan. She was concerned about the lake. Her husband camped and fished there as a child. He told of how pure and pristine the lake was, with clear water. You didn't see that anymore. He remembered that there were only a few houses. Now they had a density on their section of the lake of possibly 100 or 150 lots, and the lake health was poor. It was threatened. If they developed more on that lake, they had to think about what would eventually happen to the lake. They would have more lots, which meant people would build houses and put in lawns. You use fertilizer and weed killer to have a nice lawn. That would leach into the lake either by rain or by going into the ground and seeping into it through the streams. She didn't know how much more the lake could take. It was getting worse. The lake was the greatest natural resource up there. If the lake died, they were in deep trouble. There would be no more camping, fishing or water sports. The resorts would close. The property values would be nothing. This concerned her greatly. Their primary responsibility, for the residents and the [County] was to make sure the lake remained healthy and viable. More density would be irresponsible. If you were going to rezone, she thought they should rezone by reversing what was there, until they could save the lake. They had to figure out a way to clean the lake up and bring it back and make it viable. At that point in time, maybe they would have figured out how to keep development from damaging it further. Right now, they didn't have that answer.

Ron Moon: He gathered from Coral Dotson's opinion that even with the existing development on the lake now, she still believed the lake was deteriorating in quality.

Coral Dotson: She affirmed. She thought they had to address the issue. They had cars and lawns and [inaudible] and she didn't think they should be in a rush to make it more dense.

Jim Grant: He and his wife Ann had a home on Lake Mary Ronan. They were in the zone. He wanted to do a power point presentation, and he was denied a request to put a program on the computer, which was paid for by taxpayers. He thought that was inappropriate. He handed out some materials. (See attachments to minutes in the Sept. 2011 meeting file for staff report.) He wanted to address Mike and Marlo Maddy's proposal to propose amendments to the Lake Mary Ronan zoning district regulations. He wanted to summarize the Lake Mary Ronan water quality, since he was directly involved with sampling that, and had been studying it for years and gathering data. He also wanted to address the updated 2008 recommendations that he and Ann had done for the County. They updated those with signatures from 60% of the zone members. More were coming in. He expected 80% would be signing that. That was to clarify the zoning regulations, take out the ambiguities and tighten the regulations for water quality purposes. He addresses the amendments proposed and the document submitted by Dave DeGrandpre. He showed locations on a map, and defined areas he referred to as South Shore and West Shore. That was mostly owned by Mike and Marlo Maddy. He referred to his handout. The proposal given was to eliminate the West Side subdistrict and combine with the East Side. The history was that was set up as two subdistricts for a good reason. Their primary purpose in eliminating

the west side subdistrict text was to help guide growth and development in an area and to maintain the rural character of the area. He talked about more slides. He questioned that this would maintain the rural character. There was a road going around, accessing Plum Creek, Forest Service and state land. Many people used that for recreational use: fishing, hunting, berry-picking, camping and 4-wheeling. In 2005, when Mike Maddy proposed another subdivision, the County Commissioners okayed that road. Mike Maddy at that time referred to locking a gate. Jim questioned that would keep the rural character of the area. He referred to misleading and false statement. The second proposal was to allow structures on slopes of 25% or greater. He explained that 25% was not 25 degrees. He showed 45 degrees, which was 100%. Twenty five percent was a quarter of that. There was a good reason that the entire zone was restricted at less than 25%. The quality of the water spoke to that. He read that the primary purpose of modifying the slope [inaudible] was to avoid ridge top development and associated visual impacts. It went on to say that the alternative and unintended consequences of slope limitations was for structures to be built on ridge tops with the sky as background and seen from the existing Lake Mary Ronan development. They lived on the other side of the lake. He referred to pictures. Mike Maddy didn't own skyline. He owned one ridge top at the west side of the lake. The backdrop was timber. This was Plum Creek and State. This was a false statement in his application. The proposed amendment would lead you to believe there were no buildable sites. He was looking back on his profits but not the expense of the rest of the people who enjoy the lake. There were plenty of buildable sites. Jim referred to more pictures. Roads normally followed benches, if they could, to avoid runoff and destruction gully and etcetera. Another picture looked down towards the lake, with 100% slope, 45 degrees, which was what a lot of the land was. The bench had all kinds of buildable space. It was off the shore and not as profitable. It was put that way for a reason. His home lay on an old roadbed. Plum Creek rerouted it. Mike Maddy had many options without going to the lakeshore and destroying the lake. Last spring he submitted a letter to the County after Mike Maddy's application. He noted that 10 of the 8 zoning criteria [Editor's note: 8 of 10?] addressed by Dave DeGrandpre were false or misleading statements. Jim had covered a couple of them and the rest were in that letter. He talked about water quality. He referred to the Lake Book, whose sponsors included Lake County, Flathead County, Forest Service, Fish Wildlife and Parks and Whitefish Lake Institute. He referred to another picture and talked about Yellow Bay with a 100-foot buffer strip as a recommendation. He referred to more pictures and talked about them. Fire came from the west and southwest. He hadn't seen water burn. He talked about a fuel reduction project and a mile that was cleared, after the Lake Book was put out. There were stumps and cleared brush right down to the shoreline. In 2010, there were some September algae blooms. It wasn't uncommon along the shoreline this time of year, but EPA said this was harmful algae bloom that would kill the lake. It wasn't supporting the fish and other aquatic life. The lake was threatened to 2006, and was now imperiled. This would kill it, and it was added nutrients caused from soil disturbance, and another thing was culture and cattle. Kudos to the lakeshore protection people who put in their draft that there would be no more cattle in Lake County on shorelines. That would help when they needed to clean it up. EPA said the big problem was the nutrients. He talked about more pictures. EPA documented the water quality and there was a lot of data on that. He gave a signed petition of the updated document that was signed by 12 people, property owners he contacted in person. He sent memos out with the document to be signed to most of the rest, which was in the low twenties, so this was close to 60% of the owners. Those he contacted by phone or person signed this, and he already had 60. He expected a number more to

come in. He wasn't going to try to guess why the Maddys purchased so much land where structures were not allowed to be built. These regulations were in place then. He wasn't against development. He and his wife wouldn't be there if there were no development. However, to change the regulations for their profit and to destroy Lake Mary Ronan would be neglecting your duties.

Gene Garrison: He amended his previous comment. He appreciated the input. He monitored the accumulation of scum along the lakeshore at his place for approximately 1 to 1 ½ weeks. At the end of that time, it was pretty much gone. He wasn't sure where it came from. He called Lake County about its status every day, and how far out and how deep it was along his campground. He was concerned. It was gone within a week and a half. As far as profit, all of those who lived there profited from being there. Material things were a result of profit. They would not have Polson if someone had not built the structures and made a profit or built the bridge out of tax moneys. There was a profit to be made by investing the tax dollars that brought the bridge into place. He referred to comments that those at Lake Mary Ronan and their predecessors were the contaminators of the dying lake. Lakes die, forests die, things change. The planet changes. It's the natural course of events. The lake was created by ranchers, by putting in an earthen dam. There was a puddle there at one time, probably a very large puddle. Thanks to the Meulis and others, they have a lake there. If the lake were being contaminated by us, would it not be appropriate to talk the Lake County Commissioners and the State legislators into banning all people on the lake? They all contributed to its destruction. It wasn't practical though. A lot of the comments weren't practical. Where was the science? If people weren't banned there, the way the program was set up, there were small lots along the lake. The further back from the lake, the bigger the lots were. Shouldn't it be the reverse of that? Something was wrong here. He recommended not going overboard or involving extremist-type thoughts. Handle it in a sensible way, make it happen, try to accommodate Mike Maddy, the lake and the rest of us here.

Ron Moon: He owned property there. He was working in North Dakota, and was reminded of a sign there that said something like 'Welcome to North Dakota. We don't do things around here the way you do them at home.' Most of the local ranchers and farmers couldn't drink their water or take a shower in it. They didn't complain too much. Those who got halfway decent royalty checks have moved on. Those who hadn't, set up campgrounds on their property and supplied water to the trailers through the well rig workers. He hoped this wasn't the way this got. The lake had been impacted and was impacted by the current use. There were no proposals to limit [inaudible] or to make a change on the lake that he was aware of. Had the State done official forms as far as what this impact of further development on the lake would cause? Why was that not involved in this conversation and in the zoning? It seemed to be very important to the issue at hand. He believed the value of the property around the lake came from the recreational value of the lake itself.

Ilene Kimball: She'd been a Lake Mary Ronan summer resident for 25 years, now full time resident. When they first bought their property twenty-five years ago, they had a biologist come to the lake and give them information about it. They were told then that in about 100 years, that lake would be filled in. It would be a marsh from the silt running down. They now wanted to know what impact [inaudible] that building and lumbering, running trucks of dirt, what created

that silt. There were scientific studies showing that the lake was getting filled in regardless of algae, fertilizers and all that. She could get them those reports. There were biologists that came down there. That lake was going to be filled in to be a marsh, and no one had to worry about profit, recreational use, fishing or [inaudible]. It was going to be gone. How would that hasten [the marsh]? Those 100 years would be 20 or 30 years. This was her concern. Besides progress and things changing, they were going to change this right out of having the lake. To some, change was good and people made money. She thought the building and roadwork for 100 or 200 homes might hasten that process. If people wanted, she could find that report from 25 years ago. She couldn't image that it had gotten better.

Bob Kormann: When they got to a point of actual subdivision review, there was a lot of science that went into this. He reminded them of the 2005 Northridge and the bald eagle nest. There was a lot of information about that. The quality of the lake was paramount. He queried if the reports came from DEQ on that.

Joel Nelson: DEQ would review a subdivision, but they wouldn't get something for sure from DEQ regarding zoning.

Bob K: They had a letter from FWP (MT Fish, Wildlife and Parks) that said John Vore would be involved. What other science? Would EPA be involved?

Joel N: At subdivision review?

Bob K: If they asked for a clarification for the quality of the lake or are they using just the science that's in existence now?

Joel N: The Planning Dept could request comment from different agencies for a subdivision. There wasn't really a requirement in the regulations that they got EPA-specific comments.

Joan Folwell: She and her husband had a cabin on the lake for 38 years. Regarding degradation on the lake, they've seen gradual changes. Regarding the algae, they were at their cabin last September when the algae bloom occurred. She had a scientific background and knew about the resources at Yellow Bay. She and Ray took a sample to Yellow Bay. Jim Kraft, a technician of many years there, automatically identified it as a combination of two different types of blue green algae. He told her that ordinarily this type of algae occurred in the spring. It was rare that it should occur in the fall. It was a result of high phosphorus levels, nutrient levels in the lake. They weren't there long enough to see it disappear, so that was for others to debate. If you talked with George Matthews at the DEQ (Department of Environmental Quality), he was working on a program that would accumulate the available data over time and make models that would tell you if you logged so many acres so close to the lake, what the result would be. If you put in a subdivision of so many houses, you could give the computer model the characteristics of the activity that would happen, and it would give you an answer as to what would happen to the conditions of the lake. You could talk to him yourself and ask when this kind of conclusion that could really help at this level would be available. So many of the questions that they all had could be answered.

James Baker: He was adjacent to the zone rather than in it. He was concerned when the question was asked if they had input into the science of this at this level, and Joel responded it wasn't usually considered in this level but at the subdivision review level. It seemed to him like that was the horse following the cart in one sense. He didn't see how the Planning Board could make recommendations about density and the zoning unless they had that information to begin with. He urged them to make a special request to get that science. Jim [Grant] tried to give what science he knew, and could give you more. That science was here, contrary to what was said. In the 9 years they've been at Lake Mary Ronan, they've seen it deteriorate. He probably contributed to that. He put phosphorus on his lawn and tried to get it 'nice', and should probably stop doing that. It was building up. If you read the reports, the lake was threatened, and now was almost eutrophic. The algae bloom last year was the worst seen on it, and probably did come from the logging operation across the lake. If you went by there, you could see the skid marks down to the lake and the runoff coming into the lake. He guessed that Lake Mary Ronan was probably the last lake in Lake County you could really save. There was Flathead Lake, which was a huge lake and had houses built all around it. Lake Mary Ronan could probably not take more building, if you looked at the science. He'd like to see it go the other direction: instead of from the proposed 5 acres to 2.5 acres, he wanted to see it go from 5 acres to 10 acres.

Joel N: He asked James Baker for clarification on what he said Joel had said.

James Baker: If he heard correctly, when the question was asked by Bob Kormann if there would be input from the EPA or anybody on this at this stage, Joel said that this was not usually part of this process. It was done in the subdivision.

Joel N: That they wouldn't obtain EPA comments, most likely, as part of the zoning review.

James B: That's what he thought Joel said. He found it sort of inappropriate that that process wasn't done. He didn't see how you could zone it without having those comments. If you said it was 2.5 acres and then suddenly at the subdivision review, how does that planning commission or subdivision review overcome that and say no, it's not 2.5 acres, it's got to be something else. If you changed it from 5 to 2.5 without having knowledge of what that impact would do when it came into the other subdivision review, it didn't seem logical. He didn't see why this commission couldn't ask for that. [Inaudible comments from the floor.] The lake wasn't very deep. The deepest point was probably about 50 feet. [49' was volunteered from the floor.] The average was around 35 or 36 feet.

Jerry d'Aquin: He asked if James Baker was saying to apply science now with the zoning regulations, before doing the subdivision, rather than afterwards.

James B: He affirmed. He thought if someone really looked at it, they would probably say it should be more stringent than less stringent.

Bob K: He reminded that public comment would be closed at 9:15.

Bob Larsson: He asked if 40% of the property owners wanted to protest, could they protest right now?

Joel N: There was nothing to protest at this point in time.

Bob Larsson: He wanted to protest whether or not the zoning law should be set aside for Mike Maddy. He understood that was why they were coming tonight: to express, or in a sense vote, for or against this.

Joel N: He checked that Bob Larsson was speaking to a protest of the Maddy application.

Bob Larsson: He affirmed.

Joel N: He asked if this was with or without the county-initiated updates.

Bob Larsson: He didn't understand. When this was put on, this was the issue that they were going to discuss. He thought that was the purpose of this meeting.

Joel N: They wanted input, but it needed to be kept in mind that the Maddy application was not the only thing that was going to be under consideration.

Bob Larsson: He asked why they didn't consider just the Maddy application.

Joel N: He asked if that would be in the context of the existing zoning regulations.

Bob Larsson: Mike Maddy applied for a variance, hadn't he?

Joel N: He answered no.

Bob Larsson: He might be wrong. He thought that was what it was.

Joel N: He clarified that Mike Maddy applied for text amendments and annexation of an 80-acre parcel into the district.

Bob Larsson: He stood corrected.

Bob Larsson: He thought Mike Maddy wanted to change the zoning. He didn't want the zoning changed. He hadn't heard much tonight to support changing it. He wanted some show to take to the Commissioners. He was still upset that they could wipe this out if they wanted to, unless 40% of the property owners were counted.

Joel N: He was also interested in what the public sentiment was in regards to the county-initiated updates and clarifications to the zoning. That's why he said they had to look at the Maddy application in the context of the existing zoning, and the fact that they will be updating the zoning as initiated by the County. That was what his 45 minutes of talking was about: explaining those issues and the process that's coming up.

Bob Larsson: He thought their input was more directed than that.

MJ Snyder: Since June, Joel mentioned in addition to these changes, [the County] wanted to make administrative changes. Whether or not [the attendees] agreed, they couldn't comment on those changes because they didn't know the specificity of what those administrative changes that he wanted to make.

Joel N: He said right. There would be a time and a place for comments on the proposed changes.

Public comment closed.

Bob thanked the public for coming, and reminded them that this was the first of numerous meetings. He encouraged the people in the district to come up with a meeting place in the district, which would be helpful to staff. He reminded the summer people that by state law if you weren't in attendance but wrote a letter it had to be included in the Board packets, so their voice was being heard if they wrote a letter and couldn't attend a meeting. The website would be updated. He thanked them again for their patience and respect. Meg McLaughlin mentioned that three times in this meeting she heard comments that there were no meeting spots closer to the area. She and her husband owned Lake Mary Ronan and Resort. She thought their dining room would be a great place to do that. She volunteered that for the moment.

LAKESHORE PROTECTION REGULATIONS DRAFT UPDATE:

Bob checked with Joel about the lakeshore regulations. He assumed that one of the things the Board might need to decide pertained to the agenda items for next month. Joel said the agenda wasn't set yet. It would take a couple of months to draft a proposal for an update for Lake Mary Ronan. Bob said if they didn't complete the lakeshore item tonight, which they probably wouldn't, then it would be on the agenda for next month. Joel thought there was enough in the definition section to continue it next month, if they were going to wrap up at 9:30. They might have something else for next month, but they weren't sure yet. Bob thought they could wait until next month to review the lakeshore item, or they could call a special meeting between now and next month, if it looked like next month's agenda would push the Board. Joel thought it would just be the lakeshore, and that the definitions would take a meeting. Bob checked with the Board, who murmured agreement for next month. Joel pointed out the handout from this evening with Tiffany Lyden's comments on the draft definitions, which would be interesting to read. He looked in the handout for a distributed schedule of what had been done so far, for lakeshore. Lita hadn't distributed this. She and Joel concluded it was updated on the website. Bob said they could get that for the Board for next month. Joel affirmed they could have it if they wanted it. He showed it to them on the web, and scrolled through. Once definitions were done, they had some administrative stuff and some new sections, like maybe a Best Management Practices section and maybe a Vegetation section, and a few other things where they've talked about incorporating. They were probably within 1 or 2 meetings of having a full document for a work session, then at least one or more work session on that full document, and a public hearing at some point. Bob speculated the Board could have something by early winter. Joel thought they could potentially have something to the Commissioners by then. He thought they had at least 3 more meetings, including next month, maybe more.

Jerry d'Aquin pointed out something from yesterday. He was part of the Invasive Species situation. He was asked to look at Eagle Bend. They told him that what he saw was benign. They found aquatic invasive species in Eagle Bend that spread a little bit up the river and also up next to where the condos were, just south of Bigfork. To the best of his knowledge, the Flathead Basin Conservation Commission was sitting on this information for 4 weeks, and nothing had been done. He sent out some information yesterday to a few people. FWP basically said no, aquatic invasive species were not their problem; they were the Dept. of Agriculture's problem. Right now, they had the first instance of a weed that was prolific and dangerous sitting in Flathead Lake. The people who were supposed to coordinate this were sitting somewhere but weren't doing anything about it. When [the Board] talked about weeds for the lakeshore regulations, there may be some things that they would want to add to ensure if something were found, something would be done. He was told the reason that nothing had been done was because there wasn't an action plan and people didn't know what to do. State law said it was illegal to transport the invasive species whether you knew it or not. To him, the simplest thing to do first was to close Eagle Bend Marina so nothing went in or out. Then you went after the other [inaudible]. He didn't think our representatives were doing what he thought they should be doing, from what they reported.

OTHER BUSINESS:

Bob asked for a quick clarification on what would happen next for Lake Mary Ronan. Joel said the next step was to start researching and updating draft regulations and maps. At some point he would be back to the Board with a draft. Bob asked about other meetings. Joel felt there was encouragement to have a meeting in the district or at least in the area. Board members highlighted and reiterated clearing up the map discrepancies. Joel reminded about some of the challenges. Board members commented on the confusion regarding updating the zoning regulations versus concerns on processing the Maddy application, and they discussed possibilities to reduce confusion. Joel reminded that the workshop regarding the discrepancies was intended to be part of tonight's meeting, to get public input on that kind of stuff. It could be broken into 3 general things: the discrepancies that needed to be fixed, the County-mandated updates and the Maddy application. Janet summarized that tonight reflected that people were concerned about the density and water quality on the lake. Board members touched on public input and looking for readily available scientific data, including data on septic systems in the areas, and that measures and conditions besides density could be looked at in the regulations to help protect water quality. Joel encouraged the Board to give him their suggestions.

Motion made by Steve Rosso, and seconded by John Fleming, to adjourn. Motion carried, all in favor. Meeting adjourned at 10:00 pm.